

Procedural Guidance to IEP Teams

Adopted by OSC April 20, 2012
Revised, OSC, May 6, 2020

The Marin SELPA supports all districts in the provision of services for students' with disabilities. To that end the SELPA has been asked to provide guidance regarding policies in the following areas:

1. Clarification to the SELPA regarding the provision of an Assessment Plan within 15 days of referral for any proposed evaluation that includes a reason for assessment. 2---1---1.1
2. Provision of English Language proficiency testing for students whose home language is other than English. 10---2---1
3. Clarification that testing for English Language Proficiency is to be completed on an annual basis. 10---2---2
4. Clarification of IEP Team responsibilities relating to consideration of the results of testing to determine proficiency in English Language Development. 10---2---3
5. Clarification of the systematic process for referring potential students for special education evaluation. 1---1---2
6. Clarification and assurance that all services listed in the student's IEP are provided in accordance with the IEP. 4---1---3
7. Clarification and guidance relating to the provision of services in accordance with their IEP and to the maximum extent feasible based on "peer---reviewed" research. 4---1---12

1. Provision of Assessment Plans 2-1-1.1

Upon receipt of the written referral, an Assessment Planning Team (APT) shall convene and determine if the student has any suspected areas of disability, and provide the parent with an Assessment Plan (Consent to Assess and Prior Written Notice). The Assessment Plan must be provided to the parent within 15 calendar days. The APT may consist of the following participants: Administrator, School Psychologist, Special Education Teacher, Speech and Language Therapist, General Education Teacher, Parents, and Student.

Additional reference:

Within 15 calendar days of receipt of referral for special education, the APT shall provide the parents with the *Consent to Assess and Prior Written Notice*.

The exceptions to this timeline are as follows:

- The 15 days does not include days between the child's regular school sessions or days of vacation in excess of 5 school days. The 15-day time shall start again the day school reconvenes.
- If the referral is made 10 days or less prior to the end of the regular school year, the parent will be given the assessment plan within 10 days of the beginning of the next school year.
- Parent agrees in writing to an extension

2. Provision of English Language Proficiency Testing

A language assessment must be given to a child within the first 30 days of a child entering kindergarten or moving into the District for all students with a language other than English on the Home Language Survey. For preschool students receiving special education services, at the transition to Kindergarten IEP Team Meeting, it needs to be noted on the “English Language Development” portion of the IEP whether the student will take the ELPAC (with or without accommodations) or an alternate assessment. The LEA must administer a state adopted English Language Proficiency Assessments for California (ELPAC).

If the student cannot meaningfully take all or any portion of the ELPAC, the District must note on the IEP how the ELD level will be determined using an alternate assessment. The specific tool that will be used for each portion of the assessment will be specified on the IEP. It is recommended that the student’s case manager consult with the District’s Language Assessment Team to discuss the use of an alternate assessment. The IEP Team may use the "Alternative Assessment Decision Worksheet" form to assist in their decision.

If an alternate assessment is used, the student must be assessed in all areas, including, listening, speaking, reading, and writing.

The ELPAC or an alternate must be administered annually until the student is determined to be Fluent English Proficient. The LEA assesses all students identified as English learners annually using the English Language Proficiency Assessment (ELPAC) or an alternate to determine English language proficiency.

3. Clarification of English Language Proficiency Testing Annually 10-2-2

An assessment must be conducted within the first 30 days of a child entering kindergarten or moving into the District for all students with a language other than English on the Home Language Survey. For preschool students receiving special education services, at the transition to Kindergarten IEP Team Meeting, it needs to be noted on the “English Language Development” portion of the IEP whether the student will take the ELPAC (with or without accommodations) or an alternate assessment.

If the student cannot meaningfully take all or any portion of the ELPAC, the District must note on the IEP how the ELD level will be determined using an alternate assessment. The specific tool that will be used for each portion of the assessment will be specified on the IEP. It is recommended that the student’s case manager consult with the District’s Language Assessment Team to discuss the use of an alternate assessment. The IEP Team may use the "Alternative Assessment Decision Worksheet" form to assist in their decision.

If an alternate assessment is used, the student must be assessed in all areas, including, listening, speaking, reading, and writing.

The ELPAC or an alternate must be administered annually until the student is determined to be Fluent English Proficient.

Each district will develop a process for consideration of reclassification of Special Education students who are English Language Learners. The IEP Team will use the form “Reclassification of English Language Learners” to document the process.

To reclassify a student, the following steps must be followed:

1. District staff in charge of ELPAC testing (in collaboration with the Director of Special Education, as appropriate) will compile the ELPAC results of all special education students who have not met overall reclassification criteria. Data will be sorted by school site.
2. The IEP Team convenes. The team should include the district English Learner personnel. The parents need to be invited to ensure their input is considered.
3. In accordance with *EC* Section 313 (d), multiple measures must be used to reclassify EL students, including all four of the following criteria: Assessment of English proficiency ELPAC, Evaluation of performance in basic skills, such as the California Assessment of Student Performance and Progress (CAASP) for English language arts or the California Alternative Assessment (CAA), Teacher evaluation, and Parental opinion and consultation.
4. If the IEP Team agrees to recommend reclassification as Reclassified Fluent English Proficient (RFEP), student will be noted as an “RFEP” on the subsequent IEP, and the date of district reclassification noted. Once the student is reclassified, ELPAC or alternate testing is no longer required, nor are the sections of the IEP that address English Language Learners required.

5. Provision of a Systematic Process for Referral of Students for Special Education Evaluation 1-1-2

A District's obligation toward a specific child is triggered when there is a reason to suspect a disability and reason to suspect that special education or related services may be needed to address that disability. The threshold for suspecting a child has a disability is relatively low. The decision should be whether the child should be referred for an evaluation, not whether the child will actually qualify for services.

Anyone may refer a child, birth through 18 years old, for a special education evaluation. Parents, Student Study Teams, teachers, school staff members, doctors, agency staff, a student, or anyone else may refer a student. A student age 19---21 may not be referred for an initial special education evaluation, but may continue to need special education services if the student qualified for special education prior to turning 19 years old.

Educational performance is not limited to academics; the District must consider the social impact on the student. Child find applies even if the student is advancing from grade to grade.

Be aware of these warning signs: discipline or behavioral issues, attendance problems, and mental health issues such as anxiety and depression.

Parents are encouraged to put their referral in writing. If the parent orally requests an assessment, the District must offer assistance to put the referral into writing.

The District will document the referral in writing using the *Referral for Special Education Services* form.

6. Provision of Services in Accordance with the IEP 4-1-3

Related services means “transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.”

300.34(a) It also includes “other developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education.” Federal register, p. 46,569. Related services do not include medical devices that are surgically implanted nor the maintenance or replacement of the devices.

Within the Marin SELPA IEP pages, a statement(s) of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child is included. The purpose of this statement(s) is to help the student advance appropriately toward attaining the annual goals, be involved and progress in the general curriculum, participate in extracurricular and other nonacademic activities, and to be educated and participate with other children with disabilities and nondisabled children. Related services are identified in relation to how they will help the child achieve annual goals and participate in the general curriculum. These services are designed for both the student and support personnel, include the length of implementation, duration, frequency, as well as location of service.

Once the parent has been fully informed of what special education and related services are and which services are recommended based on the child’s needs, the parent must provide written consent for the LEA to provide special education and related services, in accordance with the student’s IEP.

Marin County public school districts shall in accordance with Federal Assurances adopted in 2007 ensure that an IEP is developed, reviewed and revised for each student with a disability who requires special education and related services in order to benefit from their IEP. The IEP will be reviewed on an annual basis. The services provided to the student will be in accordance with the student’s IEP. (Federal Assurance 4)

7. Services provided based on “peer-reviewed” research 4-1-12

Peer-reviewed research refers to “research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published.” Federal Register, 46, 664.

The SELPA assists the LEA special education personnel by providing continued educational opportunities (conferences, workshops, trainings) that focus on methodologies with peer-reviewed bases. The SELPA will make available, to the extent possible, methods of instruction that have shown to be effective based on peer-reviewed research and implement those programs/practices to help the child make progress toward annual goals.

Marin County SELPA IEP Contents Guidance identifies the required elements of an IEP. The statement regarding the special education related services identifies the need to use peer reviewed research to the maximum extent practicable.

- **Special education and related services.** The IEP must list the special education and related services, based on peer-reviewed research to the extent practicable, to be provided to the student. This includes supplementary aids and services, which are provided in regular education classes, other education-related settings, and extracurricular and nonacademic settings. It also includes changes to the program or supports for school personnel that will be provided for the student.