

Policy and Procedures for the Provision of Special Circumstance Assistance as a Related service

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Rationale

School districts within the Marin County SELPA collaborate to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Improvement Act (IDEIA 2004) and California laws and regulations describe a continuum of alternative placements to include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions (34C.F.R. § 300.115).

Both federal and state laws also contain provisions to ensure that children with disabilities are educated to the maximum extent possible with children who are not disabled, and that children are removed from the general education environment only when the nature and severity of the disability is such that education in the regular classroom cannot be satisfactorily achieved with the use of related services. These obligations ensure delivery of services in the "least restrictive environment."

When an Individualized Education Program (IEP) team is considering special circumstance support for a student, all aspects of the student's program must be considered with the intent of maximizing student independence within the framework of services identified on the student's IEP. The teacher(s) is responsible for the design and implementation of the student's program.

Factors for Consideration

A recommendation for Special Circumstance Assistance (SCA) as a related service is a significant programmatic decision and one that should only be made following a comprehensive discussion of other options that may be considered and clear documentation that communicates why other options were not appropriate. While some students may temporarily require SCA services to receive a free appropriate public education (FAPE), for other students, the provision of SCA services may be unnecessary and inappropriately intensive. Whenever SCA services are being considered by an IEP team for a student with special needs, the following shall be considered:

Personal Independence

First and foremost, an important goal for all special education students is to encourage, promote, and maximize independence. If not carefully monitored, special circumstance assistance can easily and unintentionally foster dependence. A student's total educational program must be carefully evaluated to determine where support is indicated. Natural support and existing staff support should be used whenever possible to promote the least restrictive environment.

The general categories to be considered for special circumstance assistance include:

- Health/Personal Care Issues
- Behavior
- Instruction
- Inclusion/Mainstreaming

Identification of a Related Service

California Education Code § 56363 defines related services as the following:

As used in this part, the term “designated instruction and services” means “related services” as that term is defined in Section 1401(26) of Title 20 of the United States Code and Section 300.34 of Title 34 of the Code of Federal Regulations. The term “related services” means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purpose only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identifications and assessment of disabling conditions in children.

IEP teams shall identify the need for related services based upon assessment, review of available data, and appropriate documentation. When the IEP includes special circumstance assistance as a related service, the following shall occur:

The IEP shall include the following statements:

- The related service is necessary to the student to benefit from his/her special education program;
- The related service will assist the student to:
 - Advance appropriately toward the annual goals;
 - Be involved in and progress in the general curriculum;
 - Participate in extracurricular and other nonacademic activities;
 - Be educated and participate with other students with and without disabilities; and
- A systematic, written plan to address how the SCA will be utilized/monitored; and
- A systematic, written plan to address how the SCA services will be reviewed and evaluated to determine the necessity of continuing special circumstance assistance services for the student.

The IEP shall include a statement of the frequency and duration for the services and modifications.

When the need for special circumstance assistance is driven by a student’s demonstration of significant maladaptive behaviors, the student’s IEP shall include a Behavior Intervention Plan (BIP). The BIP shall include language describing how and when additional personnel will be utilized to implement the plan and what attempts will be made to utilize/transition other available classroom resources and supports.

When the need for special circumstance assistance is driven by a student’s instructional needs, the student’s IEP shall include a written plan developed by a general and/or special education teacher specifying how the additional personnel will be utilized to support the teacher(s) in implementing the student’s IEP goal(s) and what attempts will be made to utilize/transition other available classroom resources and supports.

When the need for special circumstance assistance is driven by student's medical needs, the student's IEP shall include a Specialized Health Care Plan. The Specialized Health Care Plan shall include language describing how and when additional personnel will be utilized to implement the plan and when appropriate, what attempts will be made to utilize/transition other available classroom resources and supports.

IEP goal(s) shall be written to address the identified need(s) that are being addressed through the provision of the special circumstance assistance as a related service.

When special circumstance assistance is being considered for a student being served in a Marin County Office of Education (MCOE) program, a representative from the student's district shall be required to participate in the decision-making process of the IEP meeting.

Procedures

Special Circumstance Assistance (SCA) Evaluation Consideration

When the administrator/designee at the district believe SCA may be necessary for a student to meet his/her IEP goals, the *SCA Evaluation Consideration, SCA Rubric, Summary of SCA Rubric, and Review of IEP Goals* shall be completed to initiate this process. Additional supporting documentation may include the *Review of BIP* and a review of existing school records as appropriate, such as a Nurse's assessment, Health Plan, discipline records, independent assessments, etc.

When the parent makes a request for SCA as a related service, the district administrator /designee, or Special Education Director shall confer with the parent to clarify concerns. The district shall complete the *SCA Evaluation Consideration, SCA Rubric, Summary of SCA Rubric, and Review of IEP Goals* to gather additional information related to the parent's request. Additional supporting documentation may include the *Review of BIP* and a review of existing school records as appropriate, such as a Nurse's assessment, Health Plan, discipline records, independent assessments, etc. The district shall respond to the parent request within 15 calendar days consistent with California Education Code 56321.

When SCA is requested during an IEP meeting prior to a *SCA Evaluation Consideration* being completed, the procedures for requesting SCA shall be initiated at that time. The IEP meeting shall be completed and the district's consideration for SCA shall be indicated on the *Notes Page* of the IEP. The district shall respond to the request for SCA as related service within 15 calendar days consistent with California Education Code 56321

Once completed the *SCA Evaluation Consideration, Student SCA Rubric, Summary of SCA Rubric, and Review of IEP Goals* and other supporting documents, as appropriate, shall be submitted to the district's Director of Special Education.

Assessment Plan and Parental Consent

Following the review of existing student data contained within the *SCA Evaluation Consideration*, when the district has determined that an evaluation is necessary the district shall assign the SCA evaluation to appropriate staff who shall be responsible for drafting and submitting an Assessment Plan to the parent within 15 days of the district's receipt of the SCA referral. When the district has determined that a SCA evaluation is not necessary the district shall provide prior written notice consistent with California Education Code 56500.4.

SCA Evaluation

Parent/Teacher/Student Interviews

The district staff member(s) responsible for completing the SCA assessment shall complete the *SCA Teacher Interview* to further identify specific areas of concern. Additionally, the *SCA Parent Interview* and/or *SCA Student Interview* may also be completed, as appropriate.

Observational Evaluation

The district staff member(s) responsible for completing the SCA assessment shall conduct an evaluation using the *SCA Observation Evaluation*. The observation(s) shall identify and record strategies, materials, modifications, and/or accommodations currently in place to assist the student toward achieving IEP goals. Additionally, the district staff member(s) responsible for completing the SCA assessment may also complete the *SCA Review of Present Levels* and/or *Environmental Analysis* to gather additional information regarding the student's present levels and current needs.

SCA Evaluation Report

The district staff member(s) responsible for completing the SCA shall complete the *SCA Evaluation Report* utilizing all of the data collected during the referral process (*SCA Rubric, Review of IEP Goals, etc.*), interview(s), and observation(s).

SCA Evaluation Review

Following the receipt of parental consent to conduct a SCA evaluation, the IEP team shall review the results of the evaluation and recommendations at an IEP meeting within the applicable legal timeline. When an IEP team is considering SCA for a student, all aspects of the student's program shall be considered with the intent of maximizing student independence.

Periodic Reassessment of Need/Observational Review

The goal for all students with special needs is to encourage, promote, and maximize independence. Periodic observations and review of data may be required to assess the effectiveness of the provisions of additional assistance and adjust the level of support accordingly. The district may utilize the *Observational Review: Determination of Continued Need for SCA Services* when direct observation of the student is required to assist with the determination of continued need for SCA. The district shall conduct an observation(s) and complete the *Observational Review: Determination of Continued Need for SCA Services* following receipt of written parental consent to conduct an observation for the purposes of determining the appropriate levels of SCA support. An IEP meeting shall be held within the applicable legal timeline following the district's receipt of parental consent to conduct an assessment for the purposes of an *Observational Review*.

Annual Review

When a student receives SCA as a related service, the district shall conduct an evaluation to determine the continued need for a SCA in preparation for the next annual IEP meeting. The IEP team shall consider the student's progress on previous SCA IEP goals, present levels of educational performance, current needs, and independence when determining the appropriateness of SCA as a related service for the student.

Funding Options

Guiding Principles

- The hours of employment for the SCA shall be based on the student's identified needs as documented in the IEP;
- The employer of the SCA shall be responsible for all compliance/due process, liability, supervision and employee related compliance (e.g., fingerprinting, evaluation, etc.); and
- Training and staff development of the SCA shall be the shared responsibility of the student's District of Special Education Accountability (DSEA).

Fiscal Responsibility

The fiscal responsibility for SCA as a related service shall rest with the student's DSEA. The following three (3) methods shall be utilized by the student's DSEA to fulfill their fiscal obligation for the provision of SCA services:

- DSEA staff provides the SCA service as indicated in the student's IEP;
- DSEA contracts with a Non Public Agency (NPA) to provide SCA service as indicated in the student's IEP; or
- DSEA contracts with the Marin County Office of Education (MCOE) to provide the SCA as indicated in the student's IEP¹.

¹ When the MCOE is the agency responsible for the provision of SCA services the MCOE shall invoice the student's DOR two (2) times per year. Final decisions regarding employment shall rest with the MCOE. Given the ever evolving needs of a student, the MCOE shall be as flexible as possible when providing SCA services within the framework of California Education Code and fair labor practices. Under this framework the MCOE shall first give consideration to assigning temporary assistance, splitting the assignment across personnel, using a non-public agency (NPA), and finally establishing a permanent position.