

To access the ADA Compliant Version of this document contact selpa_office@pvusd.net



Pajaro Valley Unified
School District
Special Education Local
Plan Area

Procedural Handbook

This page intentionally left blank tech

INTRODUCTION

Students who are eligible to receive special education are guaranteed a free and appropriate public education (FAPE). Federal, state, and local mandates provide a vast array of requirements that special educators must follow when implementing the programs designed to provide students with FAPE. These mandates are extensive and often confusing

The intent of the Procedural Handbook is to provide a user-friendly resource manual for special educators and administrators that will guide special educators through the procedures for identification, referral, assessment, IEP development, and program placement of students in special education and related services

Legal citations are provided when applicable. Citations inserted at the end of a sentence refer specifically to that sentence. Citations found following a paragraph or section relate generally to that paragraph or section. The legal citations refer to various sources:

California Code of Regulations (C.C.R.; Title V regulations are cited as 5 C.C.R.)

California Education Code (E.C.)

Code of Federal Regulations (C.F.F.)

Individuals with Disabilities Education Law Report (IDELR)

Office of Civil Rights (OCR)

The handbook is reviewed annually and updated as needed. If questions arise that are not answered in this handbook, please contact your special education administrator for assistance. SELPA program specialists are also available for questions. Contact information for program specialists can be found on the PVUSD SELPA/Special Services webpage at www.pvusd.net/selpa.

SELPA-approved and required forms for developing the *Individualized Education Program* (IEP), *Individual Family Service Plan* (IFSP), and *Individual Service Plan* (ISP) can be found in the *Forms* section of the Procedural Handbook.

TABLE OF CONTENTS


- CHAPTER 1** The Role of the SELPA
Agency Responsibilities in Providing Special Education
SELPA Governance Structure
Whom to Contact About Special Education at PVUSD
- CHAPTER 2** Identification and Referral
Child Find
Pre-Referral Activities
Sources of Referrals
Written Referral
Notice of Procedural Safeguards
Flow Chart: Initial Referrals to Special Education
- CHAPTER 3** Response to Referral and Obtaining Parent Consent
Notice of Referral, Proposed Action, and Consent for Assessment
Assessment Plan
Definition of “Parent”
Surrogate Parents
Flowchart: Obtaining Parental Consent for Assessment
- CHAPTER 4** Assessment
Legal Requirements of the Assessment
Reassessment
Components of the Assessment Report
Eligibility Criteria
Flow Chart: Assessments and Reassessments
- CHAPTER 5** The IEP Team Meeting
Circumstances Requiring an IEP Team Meeting
Required Members of the IEP Team
Additional Members of the IEP Team
Excusing IEP Team Members
Responsibilities of the IEP Team
Notice of the IEP Team Meeting
Preparation for the IEP Team Meeting
Parent Participation in the IEP Team Meeting
Holding an IEP Team Meeting without Parent Attendance
Conducting the IEP Team Meeting
Flowchart: The IEP Team Process
- CHAPTER 6** Developing the IEP- Required Components
Required Components
Goals and Objectives/Benchmarks
Supplementary Aids and Services
-
- 

TABLE OF CONTENTS (CONTINUED)

- School Nurse Services
- Statewide Testing
- Transportation
- Extended School Year
- Prior Written Notice
- Consent for Implementation of the IEP

CHAPTER 7 Developing the IEP- Special Considerations
Policy Procedure for End of the Year Triennials
Policy Procedure for End of the Year Annuals
Amending the IEP
Behavior Intervention
Blind or Visually Impaired Students
Deaf and Hard-of-Hearing Students
Special Circumstance Individual Assistance
English Learners
Grades and Transcripts
IEP Notes
Interim Placements
Low Incidence Books, Materials, and Equipment Funds
Policies and Procedures for AAC Supports
Promotion and Retention
Suspension and Expulsion
Transition Planning
Timeline of Postsecondary Transition Planning and Services

CHAPTER 8 Placement and Services
Program Continuum
Instructional Settings
Direct Service or Consultation?
SELPA Guide: Procedures for Considering Change in Placement
Dismissal from One or More Programs or Services
Exit Criteria
Revocation of Consent

CHAPTER 9 Early Start, Part C
Purpose and Scope
Identification and Referral
Early Start Program Description
Assessment to Determine Eligibility
Assessment for Service Planning
Timeline for Completion of Evaluation and Assessment
Eligibility
Development of the IFSP
Transition Requirements for Early Intervention
Preschool Children (Age Three to Five) with Disabilities

- CHAPTER 10** Parentally Placed Private School Students
Background
Consultation
Identification, Referral, and Assessment
Free and Appropriate Public Education
Individual Service Plan
Private Preschool Students with Disabilities
Annual Notice of Availability of FAPE
- CHAPTER 11** Summary of Timelines
Initial Assessment and Development of the IEP
Implementation of the IEP
Interim Placements
Review of IEP
Reassessment and Development of a New IEP
Parent Request for an IEP Team Meeting
Request for Records
- CHAPTER 12** Student Records
Definition of Student Records
Confidentiality
Access to Student Records
Challenging Content of Student Records
Destruction of Student Records
- CHAPTER 13** Student Data
State Performance Goals and Indicators
Over-Identification and Disproportionality
Importance of Accurate Data
Electronic IEP Development/Local Student Database
- CHAPTER 14** Program Descriptions
LEA Responsibility to Hire Qualified Staff
Resource Specialist Program
Special Class-General Academics/Mild-Moderate
Specialized Academic Instruction-Life Skills (Ages 3-22)
Special Class-RISE Program
Specialized Academic Instruction/Autism (Ages 3-22)
Preschool Program
Special Class Deaf/Hard of Hearing
Early Start (Infant/Toddler) Program (under development)
Related and Support Services

APPENDIX

[Appendix A: Policies and Procedures for AAC Supports](#)
[Appendix B: Policy Procedure for End of the Year Triennials](#)
[Appendix C: Transportation Rubric](#)
[Appendix D & E: Enrollment Process](#)
[Appendix E: Chart for Virtual Academy Enrollment](#)
[Appendix F: Roles and Responsibilities for IEP Planning & Program Review](#)

Chapter 1: The Role of the SELPA

Special Education Local Plan Areas (SELPAs) were created by state legislation to assist in ensuring that districts and county offices of education provide a full continuum of programs and services to students with disabilities and that these programs and services are provided according to all legal mandates. Every district and county office of education belongs to a SELPA. The districts and county offices of education that belong to each SELPA are referred to as local education agencies (LEAs). **Pajaro Valley Unified School District (PVUSD) SELPA is a single district SELPA.** Each SELPA has an administrator and must have an assigned Administrative Unit (AU). The purpose of the AU is to provide support to the SELPA in areas such as office facilities, personnel services, and fiscal management. As the PVUSD SELPA is a single district SELPA it serves as its own AU.

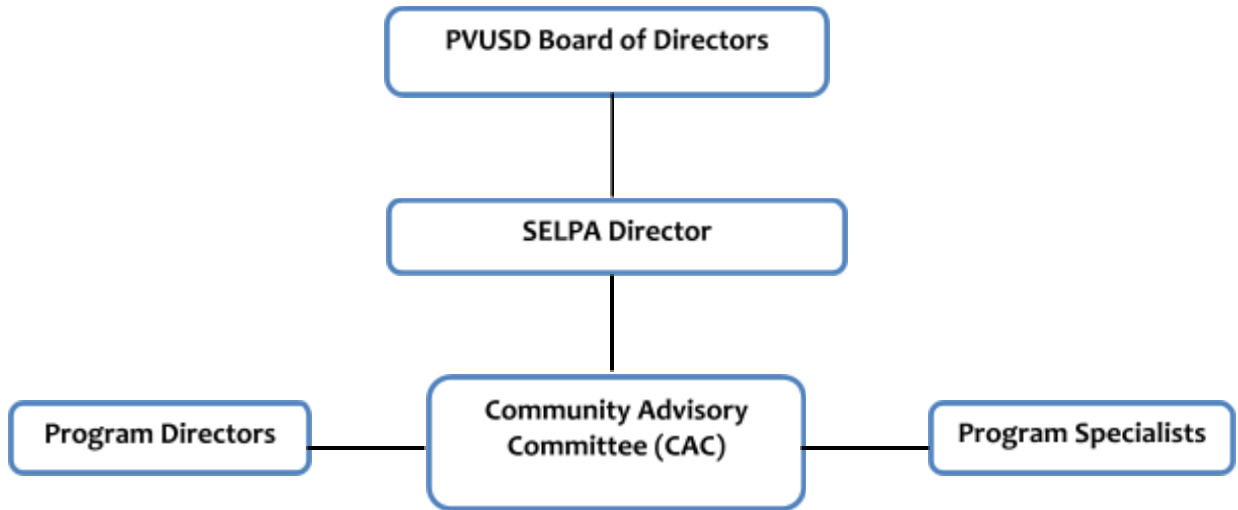
Confusion is often expressed about the differing roles of the federal and state governments, the SELPA, and the LEAs. The charts on the next few pages are provided to assist in defining and differentiating the roles of each of those agencies, outlining the governance structure of the SELPA (see the local plan for more detailed information), and suggesting who to call for help with specific types of issues.

AGENCY RESPONSIBILITIES IN PROVIDING SPECIAL EDUCATION

Federal/State Governments	SELPA's	LEAs
<ul style="list-style-type: none"> ● Enact legislation governing the provision of special education ● Determine the level of funding that will be provided ● Distribute funding to each SELPA ● Develop and implement systems for holding SELPA's and LEAs accountable for provision of appropriate special education programs 	<ul style="list-style-type: none"> ● Develop and maintain the local plan that designates the Administrative Unit, the SELPA governance structure, and identifies the systems, policies, and procedures that will be used to support the LEAs in meeting their legal requirements for providing special education programs and services ● Develop and maintain policies and inter-agency agreements necessary for implementing the local plan ● Ensure that appropriate programs/services are available for all children with disabilities within the SELPA ● Receive funding from federal and state sources and distributes to LEAs ● Facilitates completion of program reviews and evaluations ● Provide LEAs with consultation and support, as needed ● Provide appropriate staff development activities 	<p><u>School Districts</u></p> <ul style="list-style-type: none"> ● Engage in child-find activities for eligible students within the district ● Develop and operate district special education programs and services ● Hire and supervise special education teachers and specialists for district-operated programs ● Develop and implement an appropriate budget to support district special education programs ● Provide special education transportation as needed ● Respond to compliance and due process complaints ● Participate in program reviews and evaluations ● Enter into inter-agency agreements with the COE or other regional special education program, as needed



SELPA GOVERNANCE STRUCTURE



Community Advisory Committee (CAC)

The CAC reviews and provides input into the development of the local plan, recommends annual priorities to be addressed by the SELPA, and assists in parent education and awareness. The CAC includes parents, students, special education staff members, and community members appointed by district governing boards. The majority of members are parents of children with disabilities.

WHOM TO CONTACT ABOUT SPECIAL EDUCATION IN THE PVUSD

Whom To Call:	For Questions Related To:
Classroom Teacher	<ul style="list-style-type: none"> ● Daily curriculum and instruction ● Social/Behavioral Growth ● Grades and student progress ● Learning environment
School Psychologist	<ul style="list-style-type: none"> ● Referrals for special education services ● Assessment and reassessment of students for special education eligibility ● IEP development and implementation ● Social/behavioral/emotional needs of students
Site Principal	<ul style="list-style-type: none"> ● Supervision and evaluation of teachers and instructional assistants assigned to the school ● Policies and procedures related to school-wide curriculum and instruction ● Facilities, textbooks, classroom supplies and materials ● Issues previously addressed to classroom teacher or school psychologist that have not been resolved
SELPA Program Specialist	<ul style="list-style-type: none"> ● Appropriate special education placement and services for students ● Complex special education student issues that have not been resolved at the district level ● Special education curriculum development ● Appropriate instructional strategies and curriculum accommodations and modifications ● Compliance, due process, legislation ● Special education staff development
Special Education Program Directors	<ul style="list-style-type: none"> ● Development and operation of special education programs for the district ● Supervision and evaluation of special education itinerant staff ● Special education facilities issues ● Compliance, due process, legislation ● Issues previously addressed by site principal that have not been resolved
SELPA/Special Education Director	<ul style="list-style-type: none"> ● Issues previously addressed by site principal and/or special education administrator that have not been resolved evaluation of SELPA program specialists ● Special education funding
Superintendent	<ul style="list-style-type: none"> ● SELPA Local Plan Special Education policies, procedures, and interagency agreements Supervision and District funding and budget Compliance, due process, legislation Compliance, due process, legislation Supervision and evaluation of administrative staff

Chapter 2: Identification and Referral

CHILD FIND

Child find activities are the responsibility of each district and occur prior to a referral for special education services. These activities are designed to identify and locate individuals, birth through 21 years of age, including children not enrolled in public school programs as well as children who are homeless or wards of the state and reside in its' jurisdiction, including students who are advancing grade to grade even though they are suspected of being an individual with exceptional needs and in need of special education and related services. Child find activities also foster awareness and understanding on the part of educators, parents and other community members of the referral procedures for special education, the eligibility criteria, and the continuum of special education programs and services available. Child find activities inform educators, community agencies, and parents/guardians of their right to refer their child for a special education assessment to determine eligibility and the need for special education services.

(E.C. § 56300 and 56301)

Examples of child-find activities include:

1. Media announcements regarding availability of special education services, as well as feature articles and stories regarding special education programs and opportunities;
2. Development of Interagency Agreements that clearly define child find responsibilities of participating agencies (e.g., Santa Cruz County Children's Mental Health, Santa Cruz County Head Start, and California Children's Services);
3. Annual orientation/review for general education staff, provided by special education staff, regarding the referral procedures for special education, the eligibility criteria, and the continuum of special education programs and services available;
4. Disability/Ability Awareness activities provided to both general education staff and students that include simulation activities, speakers, literature review, and instructional videos; and
5. Information regarding the referral process for special education included in the annual Notice of Parent and Student Rights.

PRE-REFERRAL ACTIVITIES

A student shall be referred for special education and related services only after the resources of the general education program have been considered, and when appropriate, utilized. The student Success Team (SST) is the usual venue for ensuring that all appropriate general education resources have been attempted prior to referral including response to intervention. It is not mandatory, however, for a student to go through the SST process before being referred to special education if pre-referral interventions have been attempted

and can be documented. The SST or other appropriate staff will ensure and document that all appropriate general education resources have been exhausted before referring a student to special education.

(E.C. § 56303)

Examples of general education interventions prior to referral include the following:

1. Consultation with specialists and/or other staff;
2. Modification of the general program and/or accommodations for the student to facilitate access to core curriculum;
3. Utilization of general program resources, (e.g., counselors, Tier 1 and 2 supports, Title I resource programs; tutorials; English language development programs; migrant programs; reading interventions programs; 504 accommodation plans, summer school);
4. Parent/guardian conferences; and
5. Referral to appropriate community agencies.

SOURCES OF REFERRAL

Referrals to determine a student's eligibility and need for special education can come from a variety of sources including the following:

1. Student Success Team (SST);
2. Parent, guardian, educational representative, or surrogate parent;
3. School staff;
4. Public and private agencies;
5. Student;
6. Physicians and other medical professionals; or
7. Other community members.

WRITTEN REFERRAL

All referrals for special education and related services must be documented. When a parent makes a verbal referral, appropriate staff shall offer assistance to the parent to put the request in writing. All school staff referrals should also be in writing and should include a brief reason for the referral, documentation of the resources of the general education program that have been considered and/or utilized, and the results of the interventions implemented. This documentation, however, should not delay the timelines for completing the assessment plan or assessment.

(5 C.C.R. § 3021)

NOTICE OF PROCEDURAL SAFEGUARDS

Parents will be provided with a *Notice of Procedural Safeguards* (form available on SIRAS and pvusd.net and in appendix) upon:

1. Initial referral or parental request for evaluation and annually thereafter;
2. The first occurrence of the filing of a due process or compliance complaint;
3. When a decision is made to apply disciplinary action that constitutes a change in placement (suspension of more than 10 days or expulsion); and
4. Upon request by a parent or adult student.
(E.C. § 56301(d)(2))

FLOW CHART: INITIAL REFERRALS TO SPECIAL EDUCATION

New district wide process currently in Pilot. Will be added once adopted.

Chapter 3: Response to Referral and Obtaining Parent Consent

When a student has been referred for an initial assessment to determine his or her educational needs and possible eligibility, the completed *Referral for Special Education Assessment* is forwarded to the case manager who logs the referral and notifies the assessment team. A special education assessment file is initiated. Prior to conducting an initial assessment, the assessment team must determine that an assessment is appropriate and, if so, obtain written parental consent.

NOTICE OF REFERRAL, PROPOSED ACTION, AND CONSENT FOR ASSESSMENT

After receiving the referral, the assessment team must review it to determine that the resources of the general education program have been considered, and when appropriate, utilized (E.C. § 56303) and identify any areas of suspected disability. The assessment team must then complete the *Notice of Referral and Proposed Action* form to meet the requirements for prior written notice (E.C. § 56500.4(a)). If the proposed action is to conduct an assessment, the team must also complete the *Assessment Plan* form (E.C. § 56321(a)). If it is determined that an assessment is not appropriate, the *Notice of Referral and Proposed Action* form shall be accompanied by the *Explanation of Denied Request for Assessment* form. These forms, along with the *Notice of Procedural Safeguards* (E.C. § 56301(d)(2)) must be submitted to the parent for review and possible approval/consent within 15 days of receiving the written referral unless the parent agrees in writing to an extension. All forms mentioned in this section can be found in the online IEP management system, SIRAS.

No assessment shall be conducted unless the written consent of the parent is obtained prior to the assessment, except under certain circumstances. If the parent does not provide consent for an initial assessment, the district may request due process to override the lack of consent (E.C. § 56321(c)(2)).

ASSESSMENT PLAN

The proposed assessment plan must meet all of the following requirements:

1. Be written in language that is easily understood by the general public;
2. Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is clearly not feasible;
3. Explain the types of assessments to be conducted;
4. State that no IEP will result from the assessment without the consent of the parent;
5. A description of any recent assessments conducted, including any available independent educational evaluations and any assessment information the parent requests be considered; and

6. The student’s language proficiency in the primary language and in English.
(E.C. § 56321 and 5 C.F.R. § 3022)

DEFINITION OF “PARENT”

“Parent” means a natural or adoptive parent having legal custody of a child; an adult pupil (age 18 years or older) for whom no guardian or conservator has been appointed; a person acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives; a foster parent if the authority of a parent to make educational decisions on the child’s behalf has been specifically limited by court order. In certain circumstances, it is necessary for the district to appoint a surrogate parent. “Parent” does not include the state or any political subdivision of the government.

(26.5 Gov. Code § 7579.5(a))

SURROGATE PARENTS

Appointment

The district shall make reasonable efforts to ensure the appointment of a surrogate parent not more than 30 days after there is a determination by the district that the child needs a surrogate parent. Determination of need for a surrogate parent shall be made when one or more of the following circumstances occur:

1. The child is adjudicated a dependent or ward of the court either at the time of a referral of the child to the district for special education and related services or in cases where the child already has a valid IEP and the court has specifically limited the right of the parent or guardian to make educational decisions for the student, or the student has no responsible adult to represent him or her;
2. No parent for the child can be identified;
3. The local educational agency, after reasonable efforts, cannot discover the location of a parent; or
4. The child is an unaccompanied, homeless youth as defined in the federal McKinney-Vento Homeless Assistance Act.

A surrogate parent shall not be appointed for a child who has reached the age of majority unless the child has been declared incompetent by a court of law.

(26.5 Gov. Code § 7579.5(a)(1)-(3) and § 7579.6(a)-(b))

Selection

When appointing a surrogate parent, the district shall, as a first preference, select a relative caretaker, foster parent, or court appointed special advocate, if any of these individuals exist and is willing and able to serve. If none of these individuals is willing or able to act as a

surrogate parent, the district shall select the surrogate parent of its choice. If the child is moved from the home of the relative caretaker or foster parent who has been appointed as a surrogate parent, the district shall appoint another surrogate parent. As far as practical, a surrogate parent should be culturally sensitive to his or her assigned child.

An individual who has a conflict of interest in representing the child shall not be appointed as a surrogate parent. A "conflict of interest" means having any interests that might restrict or bias an individual's ability to advocate for all of the services required to ensure a free appropriate public education for an individual with exceptional needs.

Except for individuals who have a conflict of interest in representing the child, individuals who may serve as surrogate parents include, but are not limited to, foster care providers, retired teachers, social workers, and probation officers who are not employees of a public agency involved in the education or care of the child. The surrogate parent shall not be an employee of a public or private agency that is involved in the education or care of the child. If a conflict of interest arises subsequent to the appointment of the surrogate parent, the district shall terminate the appointment and appoint another surrogate parent.

Appointment of surrogate parents shall be documented through completion of the SELPA *Appointment of Surrogate Parent* form.

(26.5 Gov. Code § 7579.5(b), (e), (i), and (j))

Roles and Responsibilities

A surrogate parent shall serve as the child's parent, and have the same rights relative to the child's education that a parent would have. The surrogate parent may represent the child in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in all other matters relating to the provision of FAPE. This representation includes provision of written consent to the IEP, non-emergency medical services, mental health treatment services, and/or occupational or physical therapy services. He or she may sign any consent relating to IEP purposes. The surrogate parent is required to meet with the child at least one time.

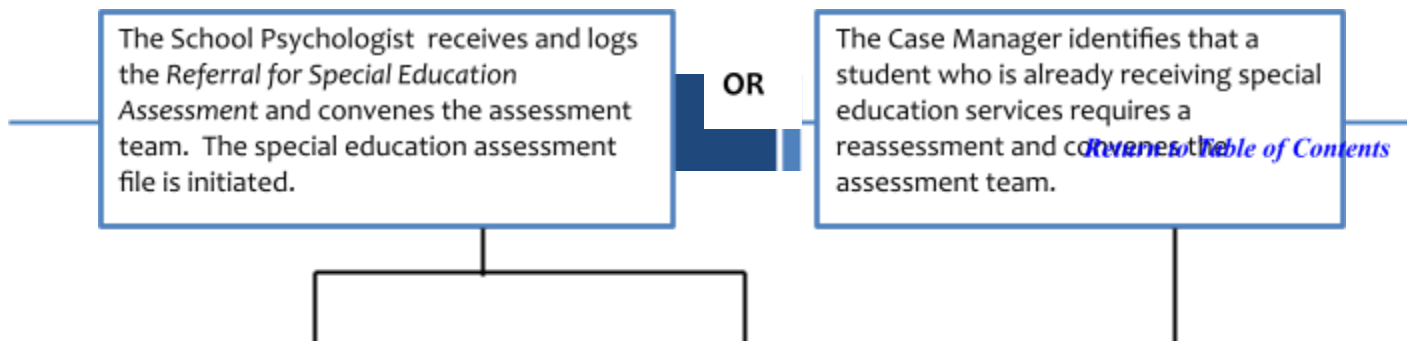
(26.5 Gov. Code § 7579.5(c)-(d))

Educational Representative

Nothing in this section shall be interpreted to prevent a parent or guardian of an individual with exceptional needs from designating another adult individual to represent the interests of the child for educational and related services. Parents can designate an educational representative for their child by completing the SELPA *Appointment of Educational Representative* form. This form can be found in our online IEP management system, SIRAS.

(26.5 Gov. Code § 7579.5(n))

FLOW CHART: OBTAINING PARENTAL CONSENT FOR ASSESSMENT



Note: The Case Manager also requests that the parent complete a health and developmental history and sign the *Parent Permission to Exchange Information*, when needed. The district identifies and appoints an appropriate surrogate parent, using the *Appointment of Surrogate Parent* form, if it is determined that the student requires a surrogate parent.

Chapter 4: Assessment

An individual assessment of the student's educational needs shall be conducted before any action is taken with respect to the initial establishment of an individual with exceptional

needs in special education. (E.C. § 56320) Reassessments must be conducted as specified by law.

LEGAL REQUIREMENTS OF THE ASSESSMENT

Once parental consent for the assessment has been obtained, the case manager shall distribute a copy of the signed *Assessment Plan* to all staff conducting the assessment. A “Notice of Procedural Safeguards” document must be provided to the parent upon request and at initial referral for the student for evaluation. Parent consent is not required before reviewing existing data as part of an assessment or reassessment.

All assessments shall be conducted by persons knowledgeable of the suspected disability, including assessment of students with suspected low incidence disabilities (E.C. § 56136) and shall be conducted by a multidisciplinary team, when appropriate. Special attention shall be given to each student’s unique educational needs, including the need for specialized services, materials, and equipment. Tests and other assessment materials must meet all the following requirements:

1. Are selected and administered so as not to be racially, culturally, or sexually discriminatory;
2. Are provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally, and functionally, unless it is not feasible to do so;
3. Are used for the purposes for which the assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist;
5. Include those that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
6. Intelligence tests are NOT administered to African-American students (Larry P. vs. Riles, 1979 and Larry P. Task Force Report of 1989); for these students, alternative assessments must be used in place of standardized tests designed to yield IQ scores; and
7. Are selected and administered to best ensure that a test administered to a student with impaired sensory, manual, or speaking skills produces test results that accurately reflect the student's aptitude, achievement level, or any other factors the test purports to measure and not the student's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.

(E.C. § 56320(a)-(d))

The student is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general ability, academic performance, communicative status, self-help, orientation and mobility

skills, career and vocational abilities and interests, and social, emotional, and behavioral status.

For all initial and triennial reviews, students shall have had a hearing and vision screening (5 C.C.R. § 3027) unless parent permission was denied and a health and developmental history is obtained.

In addition to assessing all areas related to the suspected disability, assessment should include reviewing the student's strengths; conducting an observation of the student in the classroom, or an age appropriate setting if the student is 3 to 5 years old; and reviewing and considering information provided by the parent, including any independent assessments.

No single measure or assessment is used as the sole criterion for determining whether a student is an individual with exceptional needs or determining an appropriate educational program for a student.

(E.C. § 56320(e)-(f))

Screening or observation by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an assessment for eligibility for special education and related services. A screening includes basic tests or procedures used for all children in a school, grade, or class. Mass screenings used in connection with child find activities are not considered evaluations and thus do not require prior parental notice and consent.

(E.C. § 56329(a)(3))

REASSESSMENT

A reassessment of the student shall be conducted not more frequently than once a year, unless the parent and district agree otherwise, and at least once every three years, unless the parent and district agree in writing that a reassessment is not necessary (E.C. §56381(a)(1)-(2)). The purpose of the reassessment is to determine if the student continues to be a student with exceptional needs and if so, whether additions or modifications to the IEP are needed to enable the student to meet his/her annual goals. A triennial reevaluation must be conducted on or before the calendar date that is three years from the initial IEP meeting or previous triennial IEP meeting. Additional data obtained through full standardized testing is often not necessary for reassessment. An assessment report containing all of the required components must be completed to document the data that was reviewed and continuing eligibility.

A student must be reassessed before determining that he or she is no longer a student with a disability except when termination of eligibility is due to graduation from secondary school

with a regular diploma, or to exceeding age eligibility under State law (E.C. § 63381(h)). In such cases, the district must provide the student with a summary of the child's academic achievement and functional performance including recommendations on how to assist the student in meeting the student's post-secondary goals (form *Summary of Academic Achievement RPT07*) (E.C. § 63381(i)(2)).

Prior to a student transitioning from preschool to kindergarten or first grade, an appropriate reevaluation should be conducted (E.C. § 56445(a)) to determine if the individual is still in need of special education and services. The reassessment procedures described above should be followed. As part of the reassessment, the IEP team must review the following:

1. Existing records and assessment data;
2. Current classroom performance;
3. Information provided by the parent; and
4. Teachers' and related service providers' observations.

(E.C. § 56381(b)(1))

If, following this review, it is believed that no additional assessment data are needed to determine continuing eligibility; the case manager shall document this determination in the *Notice of Referral and Proposed Action* and present it to the parents. In the *Notice of Referral and Proposed Action*, the parents are informed that they have the right to request additional assessment. If the parents agree with the IEP team's findings and do not request additional assessment data, no additional assessment data needs to be gathered. The *Notice of Referral and Proposed Action* must be given to the parents early enough to complete a full assessment, if parents request it, before the IEP meeting due date.

(E.C. § 56381(d))

If the IEP team determines that additional assessment data is needed or the parent requests additional data, the legal requirements for conducting assessments as outlined previously in this chapter must be followed.

Parent consent to conduct a reassessment is not required if the district can demonstrate that it has taken reasonable measures to obtain consent and the parent has failed to respond.

(34 C.F.R. § 300.300(c)(2))

COMPONENTS OF THE ASSESSMENT REPORT

The evaluation must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent. When conducting an initial evaluation, it's important to examine all areas of a child's functioning to determine not only if the child is a child with a disability, but also

determine the child's educational needs. This full and individual evaluation includes evaluating the child's (but not limited to):

- health
- vision and hearing
- social and emotional status
- general intelligence
- academic performance
- communicative statuses
- motor abilities
- behavior

(E.C. § 56327(a)-(h))

In addition to the required components listed above, the following are recommended for inclusion in the assessment report to document consideration by the assessment team:

1. A statement regarding the validity of the assessment and the tests used;
2. Information provided by the parent; and
3. An independent assessment, when provided by the parent.

Every assessment report, integrated and individual, must include all required components. Reports must be completed for all assessments, including reassessments where no additional assessment data is collected and assessments conducted for the purpose of obtaining additional information. Parents are provided a copy of the assessment report with documentation of how eligibility or non-eligibility was determined.

(E.C. § 56329(a)(3))

ELIGIBILITY CRITERIA

To qualify for special education and related services under the IDEA, Part B, a student must be between the ages of three and 21 years and be determined by the IEP team to meet the definition of one or more of the categories of disability specified under the IDEA (described below). Additionally, the student must require special education and related services as result of his disability or disabilities.

(E.C. § 56026(a)-(c)(3)-(4))

The implementing federal regulations for IDEA 2004 further state that a child shall not be determined to be a child with a disability if the “determinant factor” is a “lack of appropriate instruction in reading, including the essential components of reading instruction.

IDEA 2004 retained the previous law's exclusion from eligibility for determinant factors of limited English proficiency and other environmental factors, including poor instruction. Provisions in assessment materials and procedures used to assess a student with

limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs for special education.

Autism

Autism means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three, which adversely affects educational performance. Other characteristics often associated with autism include engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. A child who manifests the characteristics of autism after age three, that child could be diagnosed as having autism if the criteria in the above paragraph are satisfied. (34 CFR Sec. 300.8(c)(1)).

Emotional Disturbance

Emotional Disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: (A) An inability to learn which cannot be explained by intellectual, sensory, or health factors; (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (C) Inappropriate types of behavior or feelings under normal circumstances; (D) A general pervasive mood of unhappiness or depression; or (E) A tendency to develop physical symptoms or fears associated with personal or school problems. The term (ED) includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance. (34 CFR Sec. 300.8(c)(4))

Visual Impairment

Visually Impaired, including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children. (34 CFR Sec. 300.8(c)(13)).

Hearing Impairment (Deafness and Hard of Hearing)

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through learning, with or without amplification, which adversely affects educational performance. (34 CFR Sec. 300.8(c)(3) Hearing Impairment is a federal category of disability, which includes both hard of hearing and deaf individuals as defined above.

Hard of Hearing

Hard of Hearing means hearing impairment, whether permanent or fluctuating, that adversely affects a child's educational performance, but that is not included under the definition of deaf in this section.

Speech and Language Impairment

Speech or Language Impairment means a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(11))

Intellectual Disability

Intellectual Disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior, and manifested during the developmental period, that adversely affects a child's educational performance. (34 Code of Federal Regulations (CFR), Sec. 300.8(c)(6)).

Multiple Disabilities

Multiple Disabilities means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.) the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children. (34 CFR Sec. 300.8(c)(7)).

Other Health Impairment

Other Health Impairment means having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance. (34 CFR Part 300.8 (c) (9)).

Orthopedic Impairment

Orthopedic Impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures). (34 CFR Sec. 300.8(b)(6) Sec. 300.8(c)(8))

Specific Learning Disability

Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10)).

Traumatic Brain Injury

Traumatic Brain Injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, which adversely affects educational performance. The term applies to both open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, nor brain injuries induced by birth trauma. (34 CFR Sec. 300.8(c)(12)).

FLOW CHART: ASSESSMENTS AND REASSESSMENTS

Student requires an initial assessment to determine educational needs and possible eligibility for special education **OR** additional assessment data for a reassessment is required. Parental consent has been obtained.

The Case Manager must be provide a “Notice of Procedural Safeguards” document to the parent upon request of the parent or upon the initial referral of the student for evaluation. The CM notifies the multi-disciplinary assessment team members to begin their assessments. The team members shall include a general education teacher and other trained personnel knowledgeable in the area of suspected disability.

All assessments are conducted according to legal requirements including the selection of assessment materials, administration of assessments, and areas of assessment. Reassessments not requiring additional assessment data shall consist primarily of record reviews, student observations, and interviews.

Assessment reports, which must contain all required components, are written. Each assessor is responsible for completing his or her section of the report and submitting it to the case manager prior to the IEP meeting. Assessment reports must be completed regardless of whether additional assessment data was obtained.

The assessment must be completed and an IEP team convened to consider the results of the assessment within 60 calendar days of receiving parental consent for the assessment (see *Summary of Timelines* section of this handbook for exceptions for school recesses and holidays).

Chapter 5: The IEP Team Meeting

CIRCUMSTANCES REQUIRING AN IEP TEAM MEETING

IEP team meetings are required under a variety of situations. An IEP team meeting must be held:

1. When an initial or subsequent formal assessment has been conducted (including triennials) (E.C. § 56343(a));
2. When a student demonstrates a lack of anticipated progress (E.C. § 56343(b));
3. When a teacher requests a meeting to develop, review, or revise the IEP (E.C. § 56343(c));
4. When at least annually to review progress, goals, placement and related services, and supplementary aids and services and to make any revisions to the IEP (E.C. § 56343(d));
5. Within 30 days of receiving a request for a meeting from a parent to review and/or revise the IEP (E.C. § 56343.5);
6. Within 30 days of making an interim placement of a student transferring from a district outside of the SELPA into any special education program (E.C. § 56325(a)(1));
7. For any change of placement (34 C.F.R. § 300.16); and
8. When a manifestation determination must be made due to student discipline issues (20 U.S.C. 1415(k)(1)(E)(i)(I)).

REQUIRED MEMBERS OF THE IEP TEAM

Each meeting to develop, review or revise the IEP of an individual with exceptional needs shall be conducted by a team. The IEP team shall include all of the participants discussed below.

1. One or both of the student's **parents**, a representative selected by the parent, or both.
2. Not less than one **general education teacher** if the student is, or may be, participating in the regular education environment. If more than one general education teacher is providing instructional services to the student, one general education teacher may be designated by the district to represent the others. It is recommended that if only one general education teacher will be attending the meeting that the selected teacher is one that serves the student in a key area of the student's program.
3. Not less than one **special education teacher** of the student, or if appropriate, not less than one special education **provider** of the student.
4. A **district representative** who meets all of the following:

- a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of the district.
5. An **individual who can interpret the instructional implications of the assessment results**. This individual may already be a member of the team as described above in items 1 through 4.
6. **For students with suspected learning disabilities**, at least **one member** of the IEP team shall be **qualified to conduct individual diagnostic examinations** of children, such as a school psychologist or a speech-language pathologist. At least **one team member shall observe the student's academic performance and behavior** in the areas of difficulty in the student's learning environment, including the regular classroom setting. In the case of a child who is less than school aged or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

(E.C. § 56341(b)(1)-(5) and (c))

ADDITIONAL MEMBERS OF THE IEP TEAM

When appropriate, the team shall also include the following persons:

1. At the discretion of the parent, guardian, or the district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate. The party who invites the individual to be a member of the IEP team shall make the determination of whether the individual has knowledge or special expertise regarding the student.
2. The individual with exceptional needs.
3. To the extent appropriate, with the consent of the parents or a student who has reached the age of majority, the district shall invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
4. In the case of a child who was previously served as a toddler in an Early Start program (IDEA, Part C), an invitation to the initial individualized education program team meeting shall be sent to the Early Start service coordinator or other representative of the Early Start program.

(E.C. § 56341(b)(6)-(7); (d)(3); and (i))

EXCUSING IEP TEAM MEMBERS

IEP team members may be excused from attending a meeting, in whole or in part, provided that both the parent and the district agree and the parent's agreement is in writing, when:

1. The team member's area of the curriculum or related services is not being modified or discussed; or
2. The team member's area of the curriculum or related service is being discussed; however, the team member submits written input into the IEP development before the meeting.

(E.C. § 56341(f) and (g)(1)-(2))

When an IEP team member is to be excused, the name(s) of the excused member(s), as well as the parent's consent, must be documented on the *Notice of IEP Team Meeting*.

RESPONSIBILITIES OF THE IEP TEAM

The IEP team shall:

1. Review results of any assessments and identify areas of need;
2. Determine eligibility (initial and reassessments);
3. Determine present levels of academic achievement and functional performance for each area of identified need;
4. Develop goals and, if appropriate, short-term objectives or benchmarks for each area of identified need; and
5. Determine appropriate supports, placement, and related services.

(E.C. § 56342(a)(1)-(4) and 34 CFR 300.306(1))

*Please see appendices for specific roles and responsibilities for Psychologist and Case manager

The case manager convening a meeting of the IEP team is responsible for completing the *Notice of IEP Team Meeting* and providing it to the parent. The IEP team meeting shall be scheduled at a mutually agreed upon time and place. Parents shall receive notice of the IEP meeting early enough to ensure an opportunity to attend. It is recommended that the written notice be sent approximately two weeks prior to the meeting date. The notice of the meeting shall indicate the purpose, time, and location of the meeting and who shall be in attendance. The notice must also include a reminder to the parents of their right to bring other people to the meeting who have knowledge or special expertise regarding the individual with exceptional needs. For students transferring from an infant/toddler program to a preschool program, the notice must indicate the right to have the Early Start case coordinator attend. Beginning not later than the first IEP in effect when a student turns 16, the notice also must indicate that a purpose of the meeting will include consideration of the postsecondary goals and transition services for the student and that the district will invite the student and a representative of any agency that may be involved in providing transition services. If an IEP team meeting must be scheduled within a shorter time period, it is

recommended that the parents be contacted by phone to set a mutually agreeable date, time and location for the meeting. This phone contact should be logged and must be followed by sending the parents the written notice of meeting.

(34 C.F.R. 300.322(a)-(b) and E.C. § 56341.5)(c))

PREPARATION FOR THE IEP TEAM MEETING

The IEP meeting, while allowing time for presentation of assessment data, should concentrate on the development of the educational plan. Organization, advance planning, and effective meeting management can assist the team to stay focused on this goal and keep the time required to complete the meeting to the minimum.

The case manager is responsible for much of the pre-IEP meeting organization. This includes activities such as scheduling the meeting, notifying all team members of the scheduled meeting, arranging to hold the meeting in a comfortable location and collecting completed reports and other required IEP documents from team members prior to the meeting.

Prior to the IEP team meeting, the case manager should schedule an informal meeting with staff members involved in assessing and/or serving the student. This meeting will allow staff members to share assessment data, student progress, and perceptions about the student's educational needs.

PARENT PARTICIPATION IN THE IEP TEAM MEETING

Every attempt shall be made to engage parents to participate in each IEP meeting since they have the right to participate in all meetings relating to eligibility for special education and related services, recommendations for educational placement, and program planning. Parents also have the right to present information to the IEP team in person or through a representative.

(E.C. § 56341.5(a); E.C. § 56304(a); and E.C. 56341.1(f))

The Case Manager shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents with deafness or whose primary language is other than English. Parents whose primary language is not English are to receive written notices in their primary language. If this is not feasible, a translator is to read the written notices to parents.

HOLDING AN IEP TEAM MEETING WITHOUT PARENT ATTENDANCE

A meeting can be conducted without a parent in attendance if the case manager, or other district representative, is unable to convince the parent that he or she should attend in person or through a conference call (E.C. § 56341.5(h)). Prior to holding a meeting without the parent in attendance, there should be at least three attempts to convince the parent to

attend using at least two different means of contact. The case manager shall maintain a record of his/her attempts to arrange a mutually agreed upon time and place, including:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parent and any responses received; and
3. Detailed records of visits made to the home or place of employment of the parent and the results of those visits.
4. A *Parent Non-Attendance Letter* is available in SIRAS.

CONDUCTING THE IEP TEAM MEETING

The IEP Team meeting is convened and conducted within appropriate timelines (e.g., within 60 days of receiving consent for an assessment unless the parent agrees in writing to an extension using the *Timeline Extension Request* form, within three years of initial assessment or last triennial reevaluation, and within one year of last IEP). The case manager, or other designated individual, is responsible for facilitating the IEP team meeting. This includes introducing all team members, establishing rapport, explaining the purpose of the meeting, setting the agenda, and organizing the presentation of data. The *IEP Meeting Agenda* in this section is a useful reference for this purpose. Whenever the team anticipates that an IEP meeting will be particularly difficult, the appropriate district special education administrator should be notified.

A few minutes of preparation can increase the effectiveness of the meeting. Prior contact with the parent greatly reduces parental anxiety (and your own).

Location

It is important to hold the meeting in a comfortable and confidential setting. The most common and sometimes most productive place to meet with parents is in the student's classroom. This has a number of advantages:

1. Everyone feels comfortable because of the familiar surroundings;
2. Access to all necessary files, materials, etc.;
3. The classroom serves as a reminder of important behaviors a student has displayed; and
4. It sets the stage that the purpose of the meeting is the student's education.

Seating

The seating should be arranged so that all team members have a clear view of each other. Enough seats should be available for all participants. Seating should be spaced sufficiently to allow for comfort of all participants.

Introductions/Overview

Introductions and an overview are important to provide a working framework for the meeting. The facilitator reviews the format, beginning with a statement of the purpose of the meeting and desired outcomes. It is helpful to state the anticipated length of time that the meeting is to last. Team members should introduce themselves, explain their role, and describe the degree of contact they have had with the student. The parents should be reminded that their input is essential when discussing their child.

Organization

An agenda should be developed and followed allowing an ordered flow of information and presentation of documents. The facilitator is the overseer of the meeting, keeping the group focused on the agenda, monitoring the time, reading body language, etc. Sample agendas are available online, ask your program specialist for a template.

Sharing Information

The person who assessed or provides services in each area should address that area. If an assessment report has been developed, the report should be distributed and used as a point of reference. The facilitator generally introduces a topic and then turns it over to the appropriate specialist. Listed below are some suggestions for presenting material:

1. Approach the parents in a non-threatening manner, respect the parents' opinion and solicit their input;
2. Show interest in the student and describe the student's strengths;
3. Speak in a "lay person's" vocabulary and avoid using educational jargon;
4. Explain test acronyms (WISC, CELF), phrases (auditory discrimination, spatial organization), statistical terms (standard deviation, G.E., stanine, C.A.) and program or service types (LSH, RSP, SC);
5. Use test percentile scores, when possible, as they are often the least misinterpreted;
6. Each presenter should provide a graphic representation of his or her findings and/or provide a description of the test items and explanation of scores;
7. Be prepared to discuss expectations for the "average" or "typical" student in the various academic areas and contrast this with the student's work samples as a basis for discussion;
8. Provide specific descriptions about progress such as, "At the beginning of the year, he could do such and such and now he can do . . ." instead of non-descriptive generalizations such as, "He's made so much progress";
9. Do NOT blame the student if little or no progress has been made, instead explain that the program must be modified until the best method of teaching him or her is identified; and
10. Be alert to non-verbal body language.

Conclusion

At the end of the meeting, summarize the data presented and relate it to the purpose of the meeting. After the summary:

1. Review all paperwork to ensure completion;
2. Obtain signatures;
3. Distribute copies to the parents and all service providers; and
4. Thank everyone for his or her participation.

If, in the course of an IEP team meeting, unanticipated issues arise that cannot be resolved without the presence of the district special education administrator, the meeting should be stopped and reconvened at a later date when he or she can be in attendance.

FLOW CHART: THE IEP TEAM PROCESS

Due to one of the legally mandated circumstances, an IEP team meeting must be convened to develop or review and revise a student's IEP.

The case manager identifies all of the required members of the team; notifies the members of the need for a meeting; schedules the meeting with the parent at a mutually agreed upon date and time; and obtains parent signature on the *Notice of IEP Team Meeting*.

The IEP Team meeting is convened within appropriate timelines (e.g., within 60 days of receiving consent for an assessment unless the parent agrees in writing to an extension using the *Timeline Extension Request* form, within three years of initial assessment or last triennial reevaluation, and within one year of last IEP).

At the IEP team meeting, eligibility (initial and reassessment meetings only), areas of identified need, and present levels of academic achievement and functional performance are reviewed. Previous goals and objectives/benchmarks are reviewed (except for initial meetings) and new or revised goals and objectives/benchmarks are developed. Appropriate placement, services, and program supports are determined. The IEP document is completed and must include all required components. All IEP team signatures and parental consent are obtained. A copy of the IEP and assessment reports, if any, are provided to the parent and all service providers.

The case manager collects all required paperwork and submits it according to the established practice for the district.

Chapter 6: Developing the IEP – Required Components

The IEP is a written statement developed in a meeting of the individualized education program team. SELPA approved forms are required in order to ensure that all required components of the IEP are included in the document.

REQUIRED COMPONENTS

1. The present levels of the student's academic achievement and functional performance, including the following:
 - a. For a school-age child, how the student's disability affects the student's involvement and progress in the general curriculum; and
 - b. For a preschool-age child, as appropriate, how the disability affects the child's participation in appropriate activities.
2. Measurable annual goals that show a direct relationship to the results of any evaluations, the present levels of academic achievement and functional performance, and educational services to be provided. These goals should be designed to:
 - a. Enable the student to be involved in and progress in the general education curriculum; and
 - b. Meet each of the student's other educational needs that result from the student's disability.
3. A description of the manner in which the progress of the student toward meeting the annual goals will be measured and when periodic reports on the student's progress will be provided (such as through quarterly or other periodic reports, concurrent with the issuance of report cards).
4. The specific special educational instruction, related services, and supplementary aids and services, based upon peer reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:
 - a. Advance appropriately toward attaining the annual goals;
 - b. Be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
 - c. Be educated and participate with other students with disabilities and non-disabled students.
5. An explanation of the extent, if any, to which the student will not participate with non-disabled students in the general education class and extracurricular and nonacademic activities.
6. The individual modifications in the administration of state or district-wide assessments of student achievement that are needed for the student to participate in the assessment.

7. If the IEP team determines that the student will not participate in a particular state or district-wide assessment of student achievement (or part of an assessment), a statement of the following:
 - a. Why that assessment is not appropriate for the student;
 - b. How the student will be assessed and the reason that the alternative assessment is appropriate.
8. The projected date to begin the services and modifications described in the IEP, and the anticipated frequency, location, and duration of those services and modifications.

(E.C. § 56345 (a)(1)-(7))

GOALS AND OBJECTIVES/BENCHMARKS

Goals set the general direction for instruction and assist in determining specific strategies, experiences, and skills a student will need to increase his or her abilities. Goals must be directly related to the areas of identified need and the present levels of academic achievement and functional performance. Goals are also descriptions of what a student can reasonably be expected to accomplish within a 12-month period with the provision of special education services. Goals are NOT a guarantee of what will be achieved. When a goal is written it must be stated so that it is meaningful; in other words, it reflects a skill that is necessary for success in current and future environments. Goals are also useful in making decisions regarding a student's education. Monitoring the goal results in data that can be used to determine the effectiveness of the individual's education program and make appropriate changes to the IEP to help the student achieve optimum success.

Factors to Consider In Selecting Goals

The IEP team discusses present levels of academic achievement and functional performance as determined through formal and informal assessment data. Student areas of need are then identified and goals are selected for improving student achievement in those areas. Parents, the student, and general education teachers are essential participants when selecting goals. The number of goals depends on the student's needs. Prerequisite skills, immediate needs, and general applicability are all factors to consider when establishing priorities.

The IEP team must establish reasonably ambitious goals that can be achieved within a year. Goals must be based on California and District content standards and curriculum, whenever appropriate.

Writing the Goal

Goals must be written so that an individual who did not write them can use them to develop appropriate instructional plans and assess student progress. To ensure that the same intended outcome is communicated to anyone reading the goals, they should be written to include the elements described below:

Who

The student

Does What (Behavior)

The observable behavior that the student will engage in to demonstrate completion of the goal (e.g., Julie will read 100 words per minute)

When Given What (Conditions)

The environment, materials, equipment, prompts, etc. that the student will be provided to demonstrate the desired behavior (when given a fourth grade level passage); mention of specific instructional programs should be avoided (Lindamood-Bell, Earobics, Reading Mastery, SCERTS, etc.)

At What Level (Mastery and Criteria)

The performance accuracy (mastery) that is needed (e.g., with 95% decoding accuracy) and how many times the mastery level must be observed (criteria) in order for the goal to be considered met (e.g., 4 out of 5 times)

As Measured By (Method of Evaluation)

How the student's progress towards meeting the goal will be evaluated (observation and charting, teacher-made test, daily work samples, etc.)

By When (Timeframe)

Specific point in time by when the goal will have been met (By April 15, 20XX)

A statement of the student's current or baseline ability to perform the element of the goal that will be used to measure progress must also be provided; for example, 1 out of 5 times (goal is 4 out of 5 times), 60% accuracy (goal is 95% accuracy), or 75 words per minute (goal is 100 words per minute).

Benchmarks and Short-Term Objectives

In addition to goals, benchmarks or short-term objectives must be established for students taking the California Alternative Assessment (CAA) to monitor progress towards each goal. Benchmarks are major milestones representing a task analysis of the goal. Short-term objectives are specific statements that include conditions, behavior, and criterion. They are intermediate steps between a student's present level of educational performance and the annual goal and are based on a logical breakdown of the major components of the annual goal. Both benchmarks and short-term objectives must be measurable and represent

progress toward the goal. They assist in setting the general direction to be taken by those who will implement the IEP and are the basis for developing a detailed instructional plan for the student. Annual goals and benchmarks or short-term objectives allow the IEP Team to monitor a student's progress, review and revise the instructional plan, and evaluate the appropriateness of his or her educational program. They are typically written to correspond to the school's regular reporting periods. All service providers should use the same reporting periods. Sample goals are provided below:

Sample Goal without Short-Term Objectives or Benchmarks

By February 3, 20XX, when provided with a writing prompt at his grade level, Jose will write at least a six-sentence paragraph using at least three different sentence types scoring 4/50 at least 4/5 times as measured by placement on teacher-made writing rubric (baseline: 1/5 times).

Sample Goal without Short-Term Objectives or Benchmarks

By June 30, 20XX, given sample passages of at least 200 words or more from high school level textbooks, Michelle will read grade level materials at an average rate of 100 wpm with 98% accuracy or better in 4/5 trials as measured by curriculum-based test (baseline: 75 WPM).

Sample Goal with Benchmarks

By April 15, 20XX, when escorted to the grocery store and given a shopping list with icons of needed items, Angelica will independently find all items on the list and take them to the register 100% of the time in 2/3 trials as measured by observation and charting (baseline: requires visual and verbal prompts).

Benchmarks:

1. By June, Angelica will independently find the appropriate grocery aisle.
2. By October, Angelica will independently place items in the shopping cart.
3. By January, Angelica will independently push the cart to the register.

Sample Goal with Short-Term Objectives

By February, 20XX, when given a teacher direction, Greg will orally count, read, and write whole numbers to 100 with 80% accuracy on 3 consecutive trials as measured by teacher-made test (baseline: numbers to 25).

Short-Term Objectives:

1. By June, 20XX, when given a teacher direction, Greg will orally count, read, and write, whole numbers to 50 with 80% accuracy on 3 consecutive trials as measured by teacher-made tests.
2. By November, 20XX, when given a teacher direction, Greg will orally count, read, and write whole numbers to 75 with at least 80% accuracy on 3 consecutive trials as measured by teacher-made tests.

SUPPLEMENTARY AIDS AND SERVICES

Supplementary aids and services must be provided when required to enable individuals with exceptional needs to progress towards their goals, be involved in and progress in general education, participate in extracurricular and nonacademic activities, and be educated to the maximum extent appropriate with non-disabled children. Supplementary aids and services include assistive technology devices, interventions, accommodations, program modifications, and supports to school personnel. The IEP must include frequency, location, and duration of each.

(E.C. § 56033.5; E.C. § 56341.1(b)(5) and (c); E.C. § 56345(a)(4))

Assistive Technology

The IEP team addresses whether the student requires these support in accessing and progressing in the curriculum. Please note that this is taken from the [CDE Assistive Technology Checklist](#) Examples include, but are not limited to:

Communication

Hearing

Position and Seating

Writing

Mechanics of Writing

Alternate Computer Access

Composing Written Material

Recreation and Leisure

Daily Living

Mobility

Environmental Control

Reading/ Study and Math

Reading

Learning/Studying

Math

Vision

Program Modifications and Instructional Accommodations

Program modifications are provided when any aspect of the content of the general education program must be altered for the student to benefit from instruction. Examples include:

1. Modified curriculum;
2. Provision of parallel curriculum; and
3. Reduction in the amount of material that must be mastered.

Instructional accommodations alter how instruction is provided but do not alter the content of the curriculum. Examples include, but are not limited to:

1. Extra time for completion of assignments;
2. Reduced length of assignment;
3. Provision of a "study buddy";
4. Provision of visual aids and modeling; and
5. Provision of written instructions, study guides, advance lesson outline, etc.

Supports for School Personnel

This term refers to the assistance that must be provided to school personnel in order to ensure that the student's IEP is implemented appropriately. Examples include:

1. Consultation with specialists;
2. Coaching from specialists;
3. Training in appropriate instructional techniques for the student's disability;
4. Provision of information necessary to understand the student's disability;
5. Provision of ability awareness activities; and
6. Provision of resource materials specific to meeting the instructional needs of the student.

SCHOOL NURSE SERVICES-Special Education

The goal of PVUSD nurse, Special Education, services is to provide accurate and timely evaluation of special education students to determine if there are medical conditions that may IMPACT academic performance or school participation, and to provide nursing care to decrease the effect of the medical condition on education.

INITIAL ASSESSMENTS AND TRIENNIAL ASSESSMENTS Please review guidelines below.

- A.** Education Code mandates that all initial assessments and triennial assessments require a health and development assessment so PVUSD nurses perform the assessment and determine the impact of the student's health upon their education and create the needed plan to reduce this effect.
1. Provide an approximately chronological schedule of triennial IEPs due to the school nurse assigned to the site by the end of the 3rd week of school.
 2. Inform the nurse when the assessment plan form is sent.
 3. Send with the permission to assess the *Pupil Health History* (in SIRAS) to the parent/guardian with the permission to assess. Review for completion, make a copy for yourself and give the original to the nurse. Inform the nurse of the expected date of the IEP so the nurse can attend. As there must be a health assessment for initials and triannuals, if the nurse determines that there are no significant health issues, an excusal form can be used for the nurse. The nurse will complete the present level section, page three of the assessment background, and the school nurse assessment form.
 - a. The case manager should provide summary information with translation as needed, and make sure the parent/guardian has contact information for the nurse if necessary. If new health issues arise during the meeting, please inform the nurse. If not previously obtained, signed consent and contact information for medical care providers may be requested at that time, using the correct release of information forms.
 4. If medical records are needed, the school nurse can advise the case manager or school psychologist as to which release to use. The release can go home with permission to assess form. The records will not be sent if the wrong release is used, and there are often very strict directions on how to complete the release. Lucille Packard is no longer accepting faxed forms, they can be mailed or emailed.
 5. School nurses assess vision and hearing (V & H) and review health concerns of parents and case managers for initial and triennial IEPs. Brief comments on health and lifestyle issues of note may be sent by the nurse for inclusion in the health section of the psychologist's report. If the student is due for a physical, dental, or vision exam, a referral will be written by the nurse, and if the nurse does not attend the IEP meeting, it may be provided for the case manager to give to the parent. A copy of the referral needs to be scanned into the document section of the IEP.
 6. The school nurse's presence at an IEP is needed if the student's health conditions meet one or more of the following conditions:
 - a. The student is medically complex and requires interventions or precautions during school.
 - b. Medical consultation has been, or will be requested from the physician to help determine appropriate placement and/or services.
 - c. Health concerns are newly identified and impacting attendance and/or school success.
 - d. The nurse can assist the parent/guardian in understanding, accepting, and/or managing educationally relevant health issues.

FOR ANNUAL IEPs Please review guidelines below.

- B. For annual IEPs, some students that have health issues or medical conditions affecting academic performance need a school nurse's input for IEP reports. Please refer to the guidelines below when referring for health UPDATE.
 1. Request assistance from the nurse with annual IEPs only if the student has a medical condition that is affecting academic performance/school participation. The case manager can look at the present level of performance or talk with the school nurse to confirm that there are no significant health issues. If there are current issues, it is imperative that the nurse be informed of the IEP date three weeks in advance.
 2. The case manager will send home the health update form at least 3 weeks before the IEP date. It is helpful to call the parent and ask them to complete the form and return it to school. This form is in SIRAS. Once the health form comes to school, the case manager makes a copy to keep and the original is given to the nurse.

This form has helpful information for the case manager as well as the nurse. The nurse will contact parents if there are questions or other needed information.

3. Vision and hearing: For an IEP, vision and hearing results are valid for a year, and need not be updated for an annual unless there are concerns. If updated results are needed, the school nurse will screen the child, and the nurse will need 2 weeks' notice prior to the IEP.
4. Once the school nurse has the health updated form, the present levels of performance health section will be completed prior to the IEP. If the case manager changes the present levels, they need to write their name below the information.

Revised Guidelines

1. Provide an approximately chronological schedule of triennial IEPs due to the school nurse assigned to the site by the end of the 3rd week of school. Add initials when the assessment plan is sent. Use the *IEP Assessment List* provided and keep a copy for your use. Give quarterly updates to the nurse.
2. Send the *Pupil Health History* (in SIRAS) to the parent/guardian with the permission to assess. Review for completion and check to see if responses correlate with known health issues either observed or in the student's records.
3. Multiple forms are not needed. Key information is student's name as entered in Synergy, date of birth (DOB) and locator info (classroom teacher/schedule), date IEP is due, identified health concerns, and verification of valid permission to assess. Write "IEP Team" on the health assessment line unless you have previously confirmed that the nurse will be writing a full report.
4. Notify the nurse when permission to assess is obtained, and include the expected date of the IEP. Send a copy of the *Pupil Health History* to the school nurse even if no medical conditions are checked. If none, in the IEP report under the health section the psychologist may write, "No health conditions noted by parent/guardian."

If medical conditions are identified by the student, parent, case manager, or psychologist, or if there are significant health concerns described in student records, notify the school at least 3 weeks before the IEP date. If medically complex, a longer timeline may be needed.

1. Make sure concerns are included on your *IEP Assessment List*.
2. Have a parent fill out the *Release of Health Information* (in SIRAS) with current provider information.
3. Send the *Pupil Health History* current contact information for the parent and *Release of Information* to the site's health assistant or directly to the nurse, depending on nurse preference.

Based on a review of information, the school nurse will determine which health conditions are educationally relevant and when a full report is needed. If no report is needed and the student requires V & H screening, the student will be screened if s/he has not been screened and passed in the last year, or if there are concerns. Results will be communicated by email to the case manager and psychologist for inclusion in the assessment section of the report. If deviations from normal are found, only for vision or hearing, findings and actions to be taken will be provided for that specific section of the psychologist's report. Brief comments on health and lifestyle issues of note may be sent by the nurse for inclusion in the health section of the psychologist's report. If the student is due for a physical, dental, or vision exam, a referral may be provided for the case manager to give to the parent.

The school nurse's presence at an IEP should be requested only if the student's health conditions meet one or more of the following conditions:

1. The student is medically complex and requires interventions or precautions during school.
2. Medical consultation has been, or will be requested from the physician to help determine appropriate placement and/or services.
3. Health concerns are newly identified and impacting attendance and/or school success.
4. The parent/guardian is having difficulty understanding, accepting, and/or managing educationally relevant health issues

If the school nurse has written a report or made a referral and is unable to attend, the case manager should provide summary information with translation as needed, and make sure the parent/guardian has contact information for the nurse if necessary. If new health issues arise during the meeting, please inform the nurse. If not previously obtained, signed consent and contact information for medical care providers may be requested at the time of the IEP meeting.

STATEWIDE TESTING

Students with IEPs must be included in statewide and district-wide assessment programs (20 U.S.C. § 1412(a)(16) and E.C. § 56385). There are several statewide assessment programs for which this requirement applies. IEP teams decide, on an individual basis, which tests or test versions each student will be administered.

Certain accommodations and modifications are allowed for state and district-wide standardized assessments. If a student is to be tested using an accommodation or modification it must be stated in the IEP (20 U.S.C. § 1412(a)(16) and E.C. § 56385(a)(6)). A copy of the [Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments](#) can be obtained on the California Department of Education website or by contacting the site testing coordinator. This matrix identifies the specific accommodations and modifications that are allowed for each test. Accommodations and modifications can only be used for statewide testing if those same accommodations and modifications have been identified in the IEP as required by the student as a regular part of his or her instruction. See the section in this chapter on *Supplementary Aids and Services* for more information about instructional accommodations and modifications.

SELPA approved IEP forms include a section for addressing statewide testing requirements. The descriptions provided below are intended to assist IEP teams through the process of determining how each student with a disability will participate in statewide testing.

Smarter Balanced Summative Assessments

Students in grades three through eight and grade eleven will take the [Smarter Balanced Summative Assessments for English language arts/literacy \(ELA\) and mathematics](#). These assessments are administered online. A student may be exempted from taking the Smarter Balanced assessments in the following three situations:

1. The student is taking the CAAs.
2. The student has been designated as an English learner and is within his or her first 12 months of enrollment in a U.S. school as of April 15 of the previous year. (This exemption applies only to the ELA portion of the Smarter Balanced Summative Assessment.)
3. The parent has expressed in writing that his or her student should be excluded from taking the summative assessments

California Alternative Assessment (CAA)

The [CAAs for ELA and mathematics](#) in grades three through eight and grade eleven are individually administered to students who have an individualized education program that indicates the use of an alternate assessment on statewide assessments. All eligible students are required to participate in these online assessments.

The [CAA for Science](#) can be administered beginning October 2019. These assessments are to be administered to eligible students in grades five and eight and once to each eligible student while that student is in high school. All students must take the science assessment by the end of grade twelve, but have the option of testing in grade ten or grade eleven. Only eligible students may participate in the administration of the CAAs.

California Spanish Assessment CSP

The [CSA](#) is intended for Spanish-speaking students in grades three through eight and high school to measure competency in Spanish language arts to provide student-level data in Spanish competency. These are optional tests that can be administered online. The operational assessment can be administered beginning January 14, 2020

California Spanish Assessment (CSA) for Spanish Language arts in grades 308

The CSA is an optional Language test in Spanish for students who are seeking a measure to recognize their Spanish-specific reading, writing mechanics, and listening skills, regardless of their current enrollment in Spanish instruction.

The CSA is aligned with the CCSS for ELA en Español. The State Board of Education adopted the CSA test blueprints in November 2017. The pilot test was administered in fall 2017, the field test will be administered in fall 2018, and the operational CSA will be administered in spring 2019. The CSA is a computer-based assessment that will be accessible to students with disabilities. It will include technology-enabled items as well as a machine-scored writing mechanics section

English Language Proficiency Assessments for California (ELPAC)

The ELPAC is a state mandated test that PVUSD/LEAs are required to administer to students whose home language is not English. The parent/guardian or adult student identifies the home language in the *Language Survey* section of the student enrollment application. This test will be administered annually. If any of the three questions are answered with a language other than English, the ELPAC test must be administered. The purpose of ELPAC is to identify students who are English Learners

in kindergarten through grade 12, to monitor their progress in learning English, and to document their English proficiency. Students with disabilities whose home language is not English must take either this test or an alternative language proficiency test. If an IEP team determines that an alternative assessment will be used, the IEP must document that decision; identify the alternative assessment, and the reason that an alternative test is required. The ELPAC is aligned with the 2012 California English Language Development Standards and consists of two separate ELP assessments: The Initial ELPAC and the Summative ELPAC.

Desired Results Developmental Profile (DRDP)

The Desired Results Developmental Profile (DRDP) assessment instrument is designed for teachers to observe, document, and reflect on the learning, development, and progress of children, birth through 12 years of age, who are enrolled in early care and education programs and before-and after-school programs. The assessment results are intended to be used by the teacher to plan curriculum for individual children and groups of children and to guide continuous program improvement.

The DRDP (2015) is based on the previous DRDP instruments. It includes refinements made over the past several years and new elements that are essential to quality early childhood education. The DRDP (2015) is made up of eight domains (approaches to learning–self regulation, social and emotional development, language and literacy development, English language development, cognition: math, cognition: science, physical development–health, history and social science, and visual and performing arts). The focus of each domain is on the acquisition of knowledge, skills, or behaviors that reflect each domain’s developmental constructs. It aligns with the CDE’s Early Learning and Development Foundations. All PVUSD students with IEPs are given the DRDP during the appropriate window.

TRANSPORTATION

Definition of Special Education Transportation

Special education transportation is defined in federal regulations (34 C.F.R. § 300.24) as a related service. As a related service, transportation must be provided if it is necessary for the student to benefit from special education instruction and to receive FAPE. There are two types of special education transportation defined in California Education Code.

1. “Special education transportation” is defined as, “The transportation of severely disabled special day class pupils, and orthopedically-impaired pupils who require a

- vehicle with a wheelchair lift, who received transportation in the prior fiscal year, as specified in their individualized education program" (E.C. 41850(d)).
2. "Home-to-school transportation" is defined as, "The transportation of individuals with exceptional needs as specified in their individualized education programs, who do not receive special education transportation as defined in subdivision (d)" (EC 41850(b)(5)).

Eligibility for Special Education Transportation

Based upon the education codes cited above, the IEP team must determine if a student meets one of the following criteria in order to be eligible to receive transportation as part of the IEP:

Transportation Rubric ([See Appendix A](#))

1. Has a severe disability and is enrolled in special day class for students with severe disabilities;
2. Has an orthopedic impairment and requires a vehicle with a wheelchair lift;
3. Has any special needs that cause problems in getting to school in the same manner as non-disabled students (e.g., health, behavioral, capacity to avoid dangerous situations);
4. Lives beyond a reasonable distance to his or her school and would not, without transportation, have access to appropriate special education instruction and related services at no cost;
5. Has other transportation needs such as mid-day trips to another site for occupational or physical therapy, mental health services, or community-based instruction.

Lunch of School Day, Related Services, Extra Curricular Events

It should be noted that the use of alternative starting times for all special education students at a site might lead to program compliance concerns. Students receiving special education and related services must be provided with an educational program in accordance with their IEP for at least the same length of time as the regular school day for their chronological peer group, unless otherwise stated in a student's IEP. In addition, there may be occasions where the needs of the student require receiving therapy or some other related service that cannot be provided during the "established" school day. If provisions for "early" or "late" transportation are made for students within the general education program due to extracurricular events, provisions for equal opportunity to these events for pupils with exceptional needs who require special transportation must also be made.

Participation of Transportation Staff in IEP Team Meetings

The case manager should invite transportation staff to participate in IEP team meetings when the student needs the use of adaptive or assistive equipment, when

school bus equipment is required to be modified, when the student exhibits severe behavioral difficulties and a behavior intervention plan is to be implemented on the bus, when the student is medically fragile and requires special assistance, or when the student has other unique needs.

Initiating, Changing, or Canceling Transportation Services

The district is responsible for establishing procedures for initiating, changing, or canceling special education transportation services. All services need to be requested on the [google form](#) located on the Special Services webpage. on These procedures must be designed to respond to the requested action in a timely manner in order to prevent denial of FAPE. Contact your program specialist when transportation questions arise and when students transfer from school to school.

Significant Health Issues

If a student who is eligible for special education transportation has significant health needs of which the bus driver needs to be aware (severe asthma, seizures, hemophilia, etc.), this will be noted on the transportation request. Appropriate health care professionals (e.g. school nurses) will submit an emergency protocol to the district's transportation department, if required, and the bus driver will be provided with a copy of the emergency protocol. In the event of a health emergency, the driver will follow the protocol established by the district.

Discipline

The district is responsible for establishing appropriate procedures for disciplining students receiving special education transportation who violate bus rules, particularly safety rules. If a student repeatedly violates bus rules, an IEP meeting should be held with parents, transportation personnel, site administrator, teachers and a representative from the district. During this meeting, if the student has a *Behavior Support Plan*, the team will review the plan and revise it as necessary. If the student does not have a *Behavior Support Plan*, the team will consider whether one is needed and, if so, develop the plan. Some suspension from the bus may be considered at this time.

There may be times when a student may be suspended from special education transportation services (E.C. § 48900-48900.7). Although a student with disabilities can be suspended from special education transportation services, the student cannot be denied transportation on a permanent basis; an alternative form of transportation must be provided if special education transportation is specified on the IEP (E.C. 48915.5(c)).

(Portions of this section are based upon the information provided in the *Special Education Transportation Guidelines* published by the California Department of Education.)

EXTENDED SCHOOL YEAR

ESY Extended School Year services are programs and services that assist the student in working toward the same goals and objectives that the student works on during the school year. ESY services are only provided for those areas on the current IEP where the student has demonstrated a) regression of skills during an extended school break and b) limited ability to benefit from reteaching of skills after an extended school break. Regression Loss of previously attained skills documented by a review of the IEP goals, due to an extended school break.

Rate of Recoupment: Length of time required to re-learn skills following an extended school break.

Regression and Recoupment: Some students have disabilities that are likely to continue indefinitely or for a prolonged period. In this situation, interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition.

1. At the start of the school year, with a review period equal to that of general education students, was the student unable to regain skills lost over the break that would otherwise be expected in view of the student's disabling condition?
2. Does this student display a loss of previously taught skills and an inability to regain those skills following interruptions in instruction during the regular school year, i.e., Thanksgiving break, Winter break, and Spring break?
3. Is the current student at a crucial stage in learning a skill(s), such that an interruption in school program might cause loss of a skill(s) that the student would not be able to re-learn in a reasonable period of time, in view of the student's disabling condition?
4. Is the student able to maintain the skills identified without Extended School Year?
5. Does the student require ESY to continue to achieve at the level of independence that is expected in view of the student's disabling condition?

(5 C.C.R. Section 3043.)

PRIOR WRITTEN NOTICE

IDEA requires prior written notice to parents whenever the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student (E.C. § 56500.4(a)). This notice creates a clear record of what, when, and why action was taken and can avoid future factual disputes between the parents and

the district. If written notice is not provided and a dispute leads to due process proceedings, it may be determined that the district denied the student a free and appropriate public education (FAPE) and must, therefore, provide such things as reimbursement to parents for private services and attorney's fees.

Elements of the Written Notice

Legal mandates specify that the content of the written notice must include:

1. A description of the action proposed or refused;
2. An explanation of the why the district proposes or refuses to take action;
3. A description of each assessment procedure, record, or report used as a basis for making the decision;
4. A description of other options the agency considered and why those options were rejected;
5. A description of other factors that are relevant to the decision; and
6. A statement of the availability of procedural safeguards and how to obtain a copy; and
7. Sources for parents to contact to obtain assistance in understanding the provisions of the law.

(E.C. §56500.4(b)(1)-(7))

Written Offer of Educational Placement

When the action being proposed or denied is an educational placement, the descriptions provided in the written notice should include, but not be limited to, the following specific information:

1. Type of placement or service (e.g. specialized academic instruction, occupational therapy);
2. The school site where the placement or service is located;
3. Provider/Agency (e.g., special education teacher/PVUSD, physical therapist/CCS);
4. Names and qualifications of personnel, if relevant;
5. The daily schedule, if relevant;
6. Special equipment to be provided; and
7. Any other features of special relevance to the student such as class size, peer tutoring, socialization groups, etc.

Providing the Notice

The notice may be given prior to or at the same time that the district requests the parents' consent to the action. Notice can be provided through any one or a combination of the following documents: on the IEP, in a separate written notice form, in a letter, and/or in any other clear written statement.

Multiple Offers

It is usually not recommended that the district offer more than one specific educational placement. Making a single offer gives the parents the benefit of professional judgment and demonstrates that the district has carefully thought through and selected a placement that will meet the unique and individual needs of the student.

CONSENT FOR IMPLEMENTATION OF THE IEP

Informed parental consent is required prior to initiation of initial special education services (E.C. § 56346(a)). If a parent refuses to provide such consent, the district shall not be considered to be in violation of the requirement to provide FAPE (E.C. § 56346(b)) and shall not request a due process to override the lack of consent (OSEP letter to Fulfrost, 2004).

Chapter 7: Developing the IEP – Special Considerations

AMENDING THE IEP

After completing and beginning implementation of an IEP, it is sometimes necessary to revise it to reflect a change that has been determined necessary for the student. When this occurs, an amendment (addendum) to the IEP can be developed. The entire IEP team may make changes to an IEP at an IEP team meeting. Alternately, if the parent and the district agree, the amendment may be developed without an IEP team meeting being convened.

(E.C. 56380.1(a)-(b))

If the parent consents to the change, the case manager (if no meeting is convened) or the IEP team (if a meeting is convened) completes an IEP amendment and attaches the IEP form(s) that have been revised. Copies of the IEP amendment must be provided to all parties maintaining a copy of the IEP that has been amended (e.g., parents, service providers, pupil files).

POLICY PROCEDURE FOR END OF THE YEAR TRIENNIALS

A reassessment of the student shall be conducted not more frequently than once a year, unless the parent and district agree otherwise, and at least once every three (3) years, unless the parent and district agree in writing that a reassessment is not necessary (E.C. 56381(a)(1)-(2)). The purpose of the reassessment is to determine if the student continues to be a student with exceptional needs and if so, whether additionally or modifications to the IEP are needed to enable the student to meet his/her annual goals. A triennial reevaluation must be conducted on or before the calendar date that is three years from the initial IEP meeting or previous triennial IEP meeting.

This policy is to address student needs when a triennial reassessment during a transition year, falls within the first 30 days of the school year. When this happens the sending team will complete the reassessment prior to the end of the school year. This will support the student's progress by having the team that has been working with the student complete the assessment and look at eligibility, goals, and modifications to the IEP prior to the student moving on.

If the assessment is not completed by the sending team they will be expected to work with the receiving team to complete the assessment the following year.

POLICY PROCEDURE FOR END OF THE YEAR ANNUALS

This policy is to address student needs when an annual IEP, during a transition year, falls within the first 30 days of the school year. When this happens the sending team will complete the annual IEP prior to the end of the school year. This will support the student progress by having the team that has been working with the student complete the annual IEP and look at progress, goals, and modifications to the IEP prior to the student moving on.

BEHAVIOR INTERVENTION

PVUSD SELPA believes that all students are individuals with unique needs who are capable of growth and change. This includes students whose behaviors are problematic and may need the assistance of specific interventions in order to be successful. The vast majority of behavioral difficulties can be prevented with implementation of appropriate classroom management techniques. For individual students who develop mild to moderate behavioral patterns that do not respond to typical classroom management strategies, behavioral goals and/or informal behavior plans are indicated. Students who exhibit serious behavioral concerns may require more formal intervention. Both informal and formal behavior intervention must be included in the IEP for students whose behavior impedes their learning or that of others (E.C. §56341.1(b)(1)).

Creating a Positive School and Classroom Environment

The most effective intervention is prevention. This level of intervention involves the use of effective instructional approaches and proactive classroom management systems. Interventions are either preventative or employ typical classroom techniques for encouraging and teaching appropriate behavior. The classroom teacher may need to seek the assistance of colleagues, administrators, mentor teachers, the school psychologist, behaviorist or a program specialist for assistance in developing a positive classroom environment.

Intervention

Creating a positive classroom environment promotes and encourages appropriate behavior for most students. Occasionally, however, a student may develop problematic behaviors. In this case, the IEP team must consider the use of behavioral interventions, supports, and strategies to address that behavior (E.C. 56341.1(b)(1)). The case manager consults with the school psychologist to determine if these behaviors are serious. If they are not serious but could become serious, behavioral goals may be written to assist students in learning more appropriate behaviors. If it is determined that the behaviors are serious, a *Behavior Intervention Plan* needs to be

developed. This plan is a working document and it must be revised as behavior changes. If the child continues to display challenging behavior with this support in place, a [referral for Behavior Services](#) should be generated to seek support from a Behaviorist. This referral form can be found on the PVUSD Special Services website.

Behavioral Goals

When an IEP team has identified behavior as an area of need (even though it may not yet be serious), legal mandates require that present levels of academic achievement and functional performance along with a corresponding goal be developed. The purpose of a behavioral goal is to achieve general positive behaviors, (e.g., turn in work, stay on task, etc.) or for reduction or elimination of problem behavior (e.g., hitting, getting out of seat, fighting at recess, etc.). Under IEP notes, consider describing the IEP team discussion as follows: “The IEP team has concluded that John does not yet demonstrate behavior that impedes his learning or that of others, however, the team believes that the identified behavior needs to be addressed to prevent it from becoming more serious. Two behavioral goals were added to the IEP and John’s progress in this area will be carefully monitored. In addition to the goals, the team should state in the notes of the IEP the design of the intervention utilized to address the behavior goal if it is not a Behavior Intervention Plan. Then note, “if necessary, a *Behavior Intervention Plan* will be developed in the future.”

Behavior Intervention Plan

Under the federal and state mandated “consideration of special factors if behavior impedes learning,” the IEP team is required to consider and select strategies, including positive behavioral interventions (supports) and strategies when behavior impedes learning. (This is irrespective of whether the behavior is a manifestation of disability. Selection of individual strategies in this process should be based on why the student is using the problem behavior, i.e., the function.)

Developing the Behavior Intervention Plan

When an IEP team is developing a Behavior Intervention Plan or interim behavior intervention plan, the following procedures should be followed:

1. The school psychologist or Behaviorist , in collaboration with the IEP team, gathers information through reviewing student records, conducting interviews, and conducting observations;
2. Using this information, the *Behavior Intervention Plan* is composed by IEP team members;
3. An IEP team meeting is held and the plan is finalized;
4. The plan is attached to the initial, annual, triennial, or amendment IEP as appropriate;

5. The plan is implemented and reviewed as agreed upon;
6. The plan is revised as necessary.

Functional Behavior Analysis

The term “Functional Behavior Analysis” (FBA) was first added to the IDEA in 1997 but was not defined. An FBA is generally understood to be a systematic observation of a student to determine antecedents and consequences of a behavior. An FBA is not required prior to the development and implementation of a *Behavior Intervention Plan* except when the behavior being addressed has been determined to be a manifestation of a disability and the student is in danger of receiving a change in placement (i.e., possible expulsion or suspensions beyond 10 days in a school year) (34 C.C.R. § 300.530(f)(1)). This FBA should be conducted by a School Psychologist and/or Behaviorist.

Response to Imminently Dangerous Behaviors-[Assembly Bill 2657](#)

Article 5.2. Restraint and Seclusion

49005.4. An educational provider may use seclusion or a behavioral restraint only to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot be immediately prevented by a response that is less restrictive.

49005.6. An educational provider shall avoid, whenever possible, the use of seclusion or behavioral restraint techniques.

49005.8. (a) An educational provider shall not do any of the following:

- (1) Use seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.
- (2) Use locked seclusion, unless it is in a facility otherwise licensed **or** permitted by state law to use a locked room.
- (3) Use a physical restraint technique that obstructs a pupil’s respiratory airway or impairs the pupil’s breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil’s back or places his or her body weight against the pupil’s torso or back.
- (4) Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil’s face.
- (5) Place a pupil in a facedown position with the pupil’s hands held or restrained

behind the pupil's back.

(6) Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the pupil or others.

(b) An educational provider shall keep constant, direct observation of a pupil who is in seclusion, which may be through observation of the pupil through a window, or another barrier, through which the educational provider is able to make direct eye contact with the pupil. The observation required pursuant to this subdivision shall not be through indirect means, including through a security camera or a closed-circuit television.

(c) An educational provider shall afford pupils who are restrained the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the pupil and others.

(d) If prone restraint techniques are used, a staff member shall observe the pupil for any signs of physical distress throughout the use of prone restraint. Whenever possible, the staff member monitoring the pupil shall not be involved in restraining the pupil.

For more information, please read [Assembly Bill 2657](#)

Approved De-escalation Training-Safety-Care

Safety-Care™ Behavioral Safety Training program provides the skills and competencies necessary to effectively prevent, minimize, and manage behavioral challenges with dignity, safety, and the possibility of change. Using the newest and most effective technologies from Applied Behavior Analysis (ABA) and Positive Behavior Interventions & Supports (PBIS), this Safety-Care program will provide your staff with strategies for not only preventing and managing behavioral challenges, but also to effectively teach replacement behaviors. Appropriate for individuals experiencing developmental, neurologic, psychiatric and other impairments, Safety-Care will result in a more positive reinforcement based approach, the development of new skills, and fewer restraints.

Goals of Safety-Care:

- Create a positive, supportive, and enriched physical and social environment
- Teach functional alternatives to challenging behavior
- Prevent behavioral crisis whenever possible
- Manage behavioral crises safely and therapeutically
- Minimize the intensity and duration of behavioral crisis
- Decrease the future likelihood of behavioral crisis.

Requirements to be a Certified Specialist (all employees):

- 5 1/2 - 12 hours of curriculum training (depending on level of certification)
- 100% accuracy on written exam
- Recertification annually

Reporting of Restraint and Seclusion

49006. (a) A local educational agency that meets the definition of a “local educational agency” specified in Section 300.28 of Title 34 of the Code of Federal Regulations shall collect and, no later than three months after the end of a school year, report to the department annually on the use of behavioral restraints and seclusion for pupils enrolled in or served by the local educational agency for all or part of the prior school year.

(b) The report required pursuant to subdivision (a) shall include all of the following information, disaggregated by race or ethnicity, and gender:

(1) The number of pupils subjected to mechanical restraint, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(2) The number of pupils subjected to physical restraint, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(3) The number of pupils subjected to seclusion, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(4) The number of times mechanical restraint was used on pupils, with separate counts for the number of times mechanical restraint was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(5) The number of times physical restraint was used on pupils, with separate counts for the number of times physical restraint was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(6) The number of times seclusion was used on pupils, with separate counts for the number of times seclusion was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

The LEA must report annually to the California Department of Education. To accurately report required information to the state, an online form has been developed for completing the [Behavior Incident Report](#).

For more information on response to behavior for individuals with exceptional needs, please reference this [Guide to Behavioral Terminology](#).

BLIND OR VISUALLY IMPAIRED STUDENTS

In making a determination of what constitutes an appropriate education to meet the unique needs of a blind or visually impaired student in the least restrictive environment, the IEP team shall consider the related services and program options that provide the student with an equal opportunity for educational access. The IEP team shall specifically address the visual needs of the student as discussed below:

1. The determination of the appropriate medium/media for the student in accordance with state guidelines; and
2. The provision of instruction in Braille and the use of Braille, unless the team determines after evaluation that Braille instruction or use of it is not appropriate for the student.

(E.C. § 56341.1(b)(3))

DEAF AND HARD-OF-HEARING STUDENTS

In making a determination of what constitutes an appropriate education to meet the unique needs of a deaf or hard-of-hearing student in the least restrictive environment, the IEP team shall consider the related services and program options that provide the student with an equal opportunity for communication access. The

IEP team shall specifically discuss the communication needs of the student as discussed below:

1. The student's primary language mode and language, which may include the use of spoken language with or without visual cues, or the use of sign language, or a combination of both;
2. The availability of a sufficient number of age, cognitive, and language peers of similar abilities that may be met by consolidating services into a local plan area-wide program or providing placement outside the SELPA;
3. Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language consistent with existing law regarding teacher-training requirements; and
4. Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities.

(E.C. § 56345(d)(1)-(4))

SPECIAL CIRCUMSTANCE INDIVIDUAL ASSISTANCE

Rationale for Policy and Guidelines

Designing and implementing special education service delivery models that meet the educational needs of students with a full range of disabilities is often a challenge for both principals and special education administrators. As more students with disabilities receive their education in general education classrooms, one strategy employed has been to hire and assign more paraprofessionals. A review of the research literature by Giangreco, Halvorsen, Doyle, and Broer (2004, p. 82-83) highlights the following concerns that have been found with this service delivery model:

- The least qualified group of staff members, paraprofessionals, sometimes have primary or extensive responsibilities for teaching students with the most complex learning characteristics.
- Special education paraprofessionals remain untrained or under-trained for their roles, which at times are questionable (e.g., making curricular decisions, planning lessons, designing adaptations, serving as a liaison with families).
- Similarly, many teachers and special educators untrained or under-trained to direct and supervise paraprofessionals; some remain hesitant to undertake this role.
- Inappropriate utilization or excessive proximity of paraprofessionals has been linked to inadvertent detrimental factors (e.g. dependence, interference with

- peer interactions, insular relationships, stigmatization, and provocation of behavior problems).
- Assignment of individual paraprofessionals has been linked to lower levels of teacher involvement with students who have disabilities, a key factor for successful inclusion in general education classrooms.
 - Shifting responsibilities to paraprofessionals may temporarily relieve certain types of pressures on general and special educators that delay attention to needed changes in schools such as: (a) improving classroom teacher ownership of students with disabilities; (b) addressing special educator working conditions (e.g., caseload, paperwork); or (c) building capacity within general education to design curriculum and instruction for mixed-ability groups that include students with disabilities.

Giangreco et al. (2010) contend that students with disabilities are best served when schools (a) provide appropriate supports for their existing paraprofessionals (e.g., respect, role clarification, orientation, training, supervision); (b) establish logical and equitable decision-making practices for the assignment and utilization of paraprofessionals; and (c) select individually appropriate alternatives designed to increase student access to instruction from qualified teachers and special educators, facilitate the development of peer interactions, and promote self-determination in inclusive classrooms. Giangreco, Edelman, Luiselli, and MacFarland (1997) found that (a) the absence of a decision-making process or lack of clarity regarding an existing process increases the potential for conflicts among the various stakeholders who are responsible for educating the same student and (b) this problem is exacerbated in the absence of a shared understanding about the principles and values upon which any decision-making process is based. These Policy and Guidelines for Special Circumstances Individual Assistance are designed to clarify decision-making processes and create a shared understanding of guiding principles.

Guiding Principles

1. Personal independence of the student needs to be the primary focus of any decision made by the Individualized Education Plan (IEP) team.
2. The continuum of services must be considered before making a final decision as to adding individual assistance.

3. A focus on the child *and his/her environment* is the primary consideration in determining the need for Special Circumstances Individual Assistance (SCIA) support.
4. Existing supports should be used to the maximum extent possible.
5. The Special Circumstances Individual Assistance (SCIA) Team Decision-Making Processes shall be used to determine the need for individual assistance, progress toward targeted goals, and continuing need for SCIA support. Staff members shall complete the SCIA Pre-Referral Activities Checklist *and all other required forms* in making the determination for SCIA support.
6. Determination of SCIA support is based on the student's need within the educational setting to assist in progress towards goals.
7. Implementation of the individual assistance must be based on IEP team determination and implemented as the IEP specifies.
8. For monitoring and accountability, the IEP team will periodically review the effectiveness of the SCIA. A systematic and thorough written plan needs to address what interventions will be implemented and how SCIA support will be monitored and/or appropriately faded. Fading supports when appropriate will assist the child in achieving maximum independence.
9. A *collaborative* multi-disciplinary team approach is utilized throughout the process.
10. Transition planning for students receiving SCIA support shall occur prior to and/or after each change in the student's educational environment to review the need for SCIA support and promote personal independence.

TEAM DECISION MAKING PROCESS

Team Decision-Making processes shall be used to determine initial and continuing need for SCIA support. While completing the entire process, the team may consist of the classroom teacher, parent, case manager, related service personnel, psychologist, site administrator, program specialist, special education administrator or designee, and/or other district personnel. For access to forms for SCIA referral, please contact your Program Specialist.

1. Referral Review: The Case Manager/Team will complete the following forms:
 - a. SCIA Referral (Step 1, Form 1)
 - b. Pre-referral Activities Checklist (Step 1, Form 2)
 - c. Student Needs for Additional Support Rubric (Step 1, Form 3)
 - d. 3x3 School Day Analysis Form (Step 1, Form 4)
 - e. Review of Behavior Intervention Plan and attach to referral packet.
 - f. Review of Progress on IEP Goals
 - g. Submit Referral to the Administrative Team

2. The Administrative team will review the referral and student's records, including:
 - a. Prior Assessment Report(s)
 - b. Prior and current IEP documents
 - c. Grades and Progress Reports
 - d. Health Records (if appropriate)
 - e. Discipline History (if appropriate)

And complete the following forms and submits to Program Administrator:

- f. Classroom Environment Observation
 - g. SCIA Teacher Interview Form
 - h. SCIA Parent Interview Form (if parents requested SCIA)
3. By collaborating with other team members, the Administrative Review Team determines if additional student observation is needed, and if so, the "Permission to Observe" form must be obtained by the referring team. The Administrative Review Team may determine that no additional data is needed for the team to make an informed decision. If this is the case, Steps 4 & 5 of the Team Decision-Making Process are omitted.
4. Student Observation
5. IEP Meeting is held to review observations and data and to amend IEP (if necessary)

If SCIA support is added, the Fade Plan Worksheet should be filled out. At subsequent IEP meetings, the team should complete the Review of the Success of SCIA

Support Form. If support is to be continued, the Fade Plan Worksheet should also be updated.

*To access the SCIA referral paperwork, please contact your program specialist or program director.

ENGLISH LEARNERS

When developing the IEP for a student who is an English learner (EL) special care must be taken to ensure the development of an IEP with linguistically appropriate goals, objectives, programs, and services (EC 56345(b)(2); 34 CFR 300.24(a)(2)(ii)).

For English learners, the IEP must address the language needs of the student. It should include the student's English proficiency level; linguistically appropriate goals and objectives; how English language development will be provided in areas of reading, oral language, and written language; the language of instruction appropriate to the level of the student's linguistic development; and the required instructional strategies appropriate for the student's language needs.

Determination of English Proficiency

All students (in kindergarten through grade twelve) whose primary language, based on the Home Language Survey (HLS), is not English, must take the ELPAC within 30 calendar days after they are enrolled in a California public school for the first time to determine if they are English learners. In addition, the ELPAC must be administered annually to identify English learners until they are reclassified as fluent English proficient (RFEP), based on the criteria for reclassification established by the school district in accordance with state law (E.C. § 52164.1(a)). This requirement applies to all students including those who are receiving special education and related services unless the IEP team establishes the need for an alternative English proficiency test. In determining how a student's English language proficiency will be assessed, the IEP team must review:

1. The appropriateness of administering the ELPAC with or without accommodations;
2. The possible need to use alternative assessments in one or more required domains (listening, speaking, writing, reading) as appropriate; and
3. If it is determined that alternative assessments are required, the IEP team must identify what those alternative assessments will be in each of the four domains and why they are needed.

Linguistically Appropriate Goals and Objectives

Linguistically appropriate goals and objectives (when needed) should be appropriate for the cognitive level and linguistic development of the student. Additionally, they should specifically state the language that will be used to accomplish the goal. Below are several examples of linguistically appropriate goals:

By (date), (student) will respond in English to literal questions with short phrases that may or may not be grammatically correct in 3 out of 4 trials with 80% accuracy as demonstrated through observation and informal teacher-made tests.

By (date), (student) will show increased reading comprehension in Spanish by responding correctly to 8 out of 10 oral or written questions about a story at the 4th grade level in 4 out of 5 daily homework assignments over the course of one week.

English Language Development

Students identified as English learners must receive English language development continuously until they are reclassified as fluent English proficient (RFEP). This requirement includes students who receive special education services. English language development may be provided in either general or special education. The IEP must specify in which setting the student will receive these services.

Instructional Strategies by Qualified teachers

Regardless of their disabilities, English learners must receive instructional services and strategies designed for non-native English speakers. Those services and strategies should be identified in the IEP, and delivered by a qualified teacher. Teachers must hold special education credentials as well as supplementary authorizations to provide English language development and primary language support (e.g. CLAD or BCLAD). The most common services and strategies include:

1. Comprehensible input in English (e.g., total physical response, natural approach, language experience approach, Specially Designed Academic Instruction in English [SDAIE], and English instruction at the student's proficiency level)
2. Primary language support (can be provided by a teacher, instructional assistant, volunteer, peer, etc.);
3. Primary language instruction; and
4. Cross-cultural training.

Reclassification

Reclassification criteria, pursuant to California Education Code (EC) 313(f) (accessible at: <https://bit.ly/2VNknSS>), have remained unchanged since the 2015–16 school year. LEAs continue to use the following four criteria to establish local reclassification policies and procedures:

1. Assessment of language proficiency using an objective assessment instrument;
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery;
3. Parental opinion and consultation; and

4. Comparison of the student's performance in basic skills against the performance of English proficient students of the same age to determine whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English.

(E.C. § 313(d)(1)-(4))

The IEP team should be involved in determining whether an EL student receiving special education and related services will be reclassified. The consideration of reclassification may be initiated by district staff or by parents. The IEP team should verify that all district criteria have been met. Parents must be consulted prior to reclassification and must be notified of a change in their child's classification. Multiple criteria must include ELPAC/VCCALP scores (or alternate proficiency assessments if identified on the IEP), comparison of pupil performance in basic skills, teacher evaluation, and parent opinion.

SELPA approved IEP forms include sections for addressing each of the requirements identified above. The California Department of Education is developing a guide to further assist IEP teams in addressing the needs of special education students who are also English learners

GRADES AND TRANSCRIPTS

Neither IDEA nor Section 504 of the Rehabilitation Act specifically addresses grades and transcripts. IDEA does, however, require accommodations and modifications as determined necessary by the IEP team for individual students (see the *Supplementary Aids and Services* section of this handbook in the chapter in *Chapter 6: Developing the IEP-Required Components* for further information regarding the difference between accommodations and modifications). Additionally, the IDEA requires that the district must provide progress updates and reports to the parents of students receiving special education and related services.

If a student has received an accommodation, there should be no reflection in the grade since an accommodation does not fundamentally alter or lower the standard or expectation of the course, standard, or test. If modifications have been made to the curriculum of any course, the student's grade may reflect that he or she received a modified curriculum, as long as the use of a modified curriculum is documented in the student's IEP. A student with disabilities may be given a pass/fail grade as long as participation in this grading system is voluntary and is available to all students. A report card should not state that a student is enrolled in special education and related services unless doing so would help the parent or guardian to understand the progress his or her child is making in specific classes, course content, or curriculum.

A student's transcripts may not indicate that the student has received special education and related services. The purpose of a transcript is to inform postsecondary institutions or prospective employers of an individual's academic credentials and achievements. Including

an indication of special education and related services does not address the individual's credentials or achievements, but it does single out the student as disabled and constitutes different treatment on the basis of a disability in violation of Section 504. A symbol or code may be used on a student's report card or transcript to indicate that he has had a modified curriculum; however, this type of coding should not be used solely for students with disabilities. The explanation of the symbol or code cannot indicate that the student has a disability or that the student is in special education.

(Letter to Hudler, OCR 2006, 47 IDELR 45)

IEP NOTES

Pajaro Valley Unified School District SELPA IEP forms are intended to provide for all required elements. IEP notes are not legally required, although it is best practice to have notes for an IEP meeting, and are part of PVUSD policy. There are to be used to document any part of the proposed or refused offer that is not included in any other part of the IEP. The notes provide evidence that the district provided prior written notice and was compliant in developing the IEP. Too much information recorded in the notes, however, can complicate and compromise the intent of the IEP team. The IEP notes should summarize the elements of the team discussion and agreements rather than provide a detailed written transcript of every conversation that is held as part of the meeting. You can find sample templates in the appendix. It is recommended that the following circumstances be documented in the IEP notes:

1. Agreement on the part of all IEP team members, including the parent, to excuse one or more team members who were expected to be in attendance and, therefore, were not previously excused through use of the *Notice of IEP Team Meeting* form;
2. Attempts to convince a parent that they should attend the IEP team meeting when a meeting is being held without parent participation because the parent could not be convinced to participate (a good practice is to try one more time to reach the parent by phone during the meeting so that the parent can participate by teleconference);
3. Efforts to persuade the student's parents to stay when they decide to leave the meeting (note time) and that the IEP team decided to continue with the meeting;
4. Which eligibility categories were considered and why the student was or was not found eligible in each category;
5. That the IEP team reviewed and discussed all assessment reports;
6. That the IEP team considered independent educational evaluation reports and whether team members agreed with the reports (team must consider but is not obligated to implement recommendations);
7. Any element of the student's goal progress and/or the offered placement and services that is too complex to fully document on other IEP pages;
8. Input and participation provided on the part of the parent;

9. Lack of participation on the part of the parent despite all attempts to solicit input, especially when the non-participation is due to direction from the parents' advocate or attorney;
10. Documents that are being attached to the IEP by parent request; and
11. Any placement or service that is being offered for a limited time only and is not intended to be part of any future "stay put" requirements.

Listed below are examples of items that should NOT be in the IEP, including in the notes:

1. A particular methodology (unless the team believes the methodology is necessary in order for the student to receive FAPE);
2. Qualifications of providers unless necessary to demonstrate that the IEP meets the unique needs of the student (in this case, providing the information via a separate letter is usually recommended);
3. Repetition of information that is included in another portion of the IEP unless further detail is needed to fully explain the offer or agreement;
4. Statements such as, "the program being requested is too expensive", "all students at the student's school get one hour of speech support per week", "the student's behavior was so extreme that he will never be welcomed back into the classroom;" and
5. Reasons for parent refusal to consent to the IEP, if provided, and attempts made to address the parents' concerns.

The case manager should select an IEP team member as the scribe for any IEP notes. The scribe should be an employee and should not be the team facilitator, the parent, or the district's attorney. The notes should be written in a factual and neutral tone avoiding the use of inflammatory or accusatory language that may aggravate what may already be a contentious situation. Always proofread IEP notes prior to distributing copies of the IEP to be certain that they are accurate and are consistent with other portions of the IEP.

INTERIM PLACEMENT

Transfer of Student from a District outside the SELPA

Whenever a student with an active IEP transfers into PVUSD from a school district outside of the SELPA, the director of special education/designee shall ensure that the student is immediately provided an interim placement for a period not to exceed 30 days.

The interim placement must conform to the student's IEP, unless the parent or guardian agrees otherwise. The IEP implemented during the interim placement may be either the student's existing IEP, implemented to the extent possible within existing resources, or a new IEP developed in accordance with all required procedures for the development of an IEP.

The person assigned as case manager for the interim placement at each site is responsible for initiating and completing the process for interim placements and reviews.

Before the expiration of the 30-day period, the IEP team shall review the interim placement and make final recommendations regarding the ongoing appropriateness of the IEP. The following steps should be followed when a student moves into the district with an IEP from a previous district:

1. The psychologist/program specialist obtains information from the parent about the previous placement and reviews a copy of the IEP or contacts the previous school to confirm the placement and services;
2. The psychologist/program specialist completes an *Interim Placement* form and, if needed, also asks the parent to complete the *Parent Permission to Exchange Information* form;
3. The *Interim Placement* form is submitted to the appropriate administrator or designee for approval;
4. The student is enrolled in the appropriate program(s) and begins receiving services as stated on his or her IEP;
5. Records are requested by the case manager or the district special education office; and
6. Following receipt of the records and within 30 days of beginning the interim placement, the case manager schedules an IEP team meeting to review the IEP and, if necessary, to develop a new IEP. (E.C. § 56325(1))

Transfer of Student from a District outside the State

Whenever a student with an active IEP transfers into the district from an educational agency located outside the state, PVUSD shall provide the student with a FAPE, including services comparable to those described in the previously approved IEP, until the district conducts an assessment, if determined necessary by the district, and develops a new IEP, if appropriate. The interim placement, in this case, may exceed 30 days.

(E.C. § 56325(3))

Educationally Related Mental Health Services

Educationally Related Mental Health Services (EHRMS) are provided after assessments have determined that ERMHS are needed to support academic progress pursuant to an IEP. The purpose of ERMHS is to support adjustments related to education and academic functioning when educationally related mental health services have been deemed necessary for a student to benefit from his or her education. When ERMHS are added to a student's IEP, the student

may receive counseling and guidance or individual counseling, or both, depending upon team determination and based on need. These supports can at times help with increased academic performance and engagement in academic activities, improved attendance, and fewer disruptions of the learning environment.

If a student exhibits social, emotional, and/or behavioral concerns that begin to impact his or her ability to benefit from his or her special education, the site should attempt interventions prior to making a referral for an educationally related mental health services (ERMHS) assessment. Various interventions that will be employed prior to the referral may include:

- Development and Implementation of “Tier 2 or Tier 3” social/behavioral intervention
- Development and Implementation of Behavior Intervention Plan
- Triple P referral
- Social/Emotional Assessment
- Utilization of Community Resources
- On-site social emotional support (e.g. Kids Korner/PVPSA)

If the behavioral interventions implemented do not appear to reduce the social, emotional, and/or behavioral concerns to the extent that the student could benefit from his or her special education, then the school site psychologist and/or other team member will make a referral for ERMHS.

The referral will consist of a summary of pre-referral activities (including the frequency, duration, start date, IEP containing the services, the effect of the intervention). Copies of relevant student records, including: current psycho-educational assessment, any other relevant assessment, attendance and discipline records if notable. Upon the completion of the mental health assessment, the student’s IEP team will convene within 60 days to discuss the assessment results and any need to amend the student’s IEP to include educationally related mental health services.

LOW INCIDENCE BOOKS, MATERIALS, AND EQUIPMENT FUNDS

Funding Background

State funds are available to purchase, repair, and conduct inventory maintenance for specialized books, materials, and equipment as required for students who have a primary or secondary low incidence disability (e.g., deaf-blind, deaf, hard-of-hearing, severe orthopedic impairment, and/or visual impairment). Funds may be used for all students with a low incidence disability (0 through age 21). Purchasing specialized equipment and materials for infants with low incidence disabilities is also an allowable expenditure for Part C funds. It is permissible to “pool” funds to be used by one or more students with low incidence disabilities. There is no legal limit on the amount of funding for any particular student.

Use of Funds

Each item to be purchased needs to be specialized (i.e., relates to a need or needs resulting directly from the low incidence disability, as indicated in the comprehensive assessment in all areas related to the student's disability, including staff who are credentialed/knowledgeable of the low incidence disability area(s)). For example, large print or Braille books for students with visual impairments would qualify for funds while regular textbooks and workbooks would not. Bolsters and mats for young children should be a part of basic equipment and would not qualify, while specialized or adapted feeding and self-care equipment, needed by children because of their severe orthopedic impairments, would qualify.

Low incidence funds may NOT be used to:

1. Support staff development;
2. Purchase medical therapy units for California Children's Services;
3. Purchase medical equipment needed for providing specialized health care;
4. Construct or alter facilities; or
5. Supplant books, equipment, and materials that have been provided by other agencies or funding provided through the base program for general or special education students. For example, basic computers or other basic technology should not be purchased with low incidence funds unless it can be clearly demonstrated to fulfill a specialized function, format, or adaptation directly related to the student's low incidence disability.

Procedure for Requesting Funds

Low incidence funding will be considered for books, materials, and equipment according to the following procedure:

1. The IEP team, including a low incidence specialist (OI Specialist, VI Specialist, Deaf/HOH Specialist, Assistive Technology Specialist), identifies the student as having a low incidence disability, identifies on the IEP the specific items that the student will require as a result of the disability, and develops at least one related goal;
2. The student's case manager completes and submits the *Low Incidence Books, Materials, and Equipment Fund Request* form (see end of this section) to the Low Incidence Committee and attaches a copy of the relevant portions of the student's IEP including eligibility, present levels of performance, goal(s), and a statement indicating need for equipment being requested (if the requested equipment is for multiple students, IEPs for each student must be attached);
3. If approved, the Low Incidence Committee forwards the request to the special education director for final approval or denial;

4. If approved, the SELPA office completes and submits the purchase order;
5. Copies of the request indicating approval or denial and, if approved, copies of the purchase order are distributed to the case manager who completed the request;

If funds are exhausted in any given year and there are remaining requests, the Low Incidence Committee will consider using other funding options for the remainder of that year. The SELPA Director will then develop proposed priority criteria for the following year and submit the proposal to the Executive Committee for action.

Inventory

The SELPA office will develop and maintain an inventory of all equipment, materials, and supplies purchased with low incidence funds.

Redistribution of Unused Items

Unused special books, supplies, and equipment purchased with low incidence funds must be shared with neighboring SELPAs.

Obsolete Equipment

All obsolete equipment will be removed from the inventory and disposed of according to State and Federal laws and regulations.

(E.C. § 56836.22 and 2006-07 *Funding for Specialized Books, Material, and Equipment for Low Incidence Students*, California Department of Education)

POLICIES AND PROCEDURES FOR AAC SUPPORTS

Tier 1: Educators with Site SLP Consultation/ No Tech & Lite Tech Supports

- Teacher and classroom staff implement general classroom functional communication strategies on a daily basis such as visual schedules, First/Then cards, choice boards, activity specific visual supports, single switch communication devices, no tech/low-tech communication tools, PECS binders, communication books, etc.
- Site SLPs coordinate workshop and/or trainings for Life Skills teachers to support functional communication in the classroom annually
- AAC Specialists offer Functional Communication Interventions inservice to SLPs annually

Tier 2: Site SLP & AAC Consultation/ Mid Tech Solutions and Supports

- Educator and Site SLP identify students with Complex Communication Needs (CCN) whose participation may increase with the use of mid-tech tools such as static display communication devices or simple dynamic apps

- AAC Specialist offers guidance on potential tools to try in this tier
- Lending library is available to provide tools for trials
- iPad apps available through Mobile Device Management

Tier 3: Site SLP & AAC Collaboration/ High Tech Solutions and Supports

- Site SLP submit Request for Consultation with AAC Specialist to Program Director of AAC Program to begin collaboration process
- Work collaboratively to determine the need for a full AAC evaluation
- When AAC evaluation is recommended, collaborate with team to complete it
- Full team training with new SGD upon arrival
- AAC Techs provide direct support to students & staff with high-tech SGDs in classrooms
- AAC Specialist provide direct or indirect support to team as identified on IEP

PROMOTION AND RETENTION

Every school district and county office of education is required to develop and implement a policy for retention and promotion of students at various grade levels (E.C. § 48070.5). The purpose of this policy is to establish the standards to be used for determining promotion from one grade to the next.

Students Affected by Retention Policy

All students moving between grades two through five, between elementary and middle school, and between middle school and high school who are performing below the minimum levels of proficiency established by district policy are required to be retained. At the lower grades, retention is based largely on reading proficiency (E.C. § 48070.5(a)(1)-(5) and (b)). As students move upward, retention is based on proficiency in reading, English language arts, and mathematics (E.C. § 48070.5(c)).

Alternatives to Retention

Any student who is not meeting established proficiencies must be retained in accordance with the law. However, the regular teacher may provide a written statement indicating that retention is not the appropriate intervention. The written statement must contain the following information:

1. The reason retention is not appropriate; and
2. A recommendation for other interventions necessary to assist the student in attaining acceptable levels of academic achievement.

If the teacher's recommendation to promote is contingent upon the student's participation in a summer program, the student must be reassessed at the end of the summer program and the decision to retain or promote must be reevaluated at that time.

(E.C. § 48070.5(d))

Parent Notification

In the grades noted above, students who are at risk of retention are to be identified and parents notified as early as possible during the school year (E.C. § 48070.5(g)). At the time of such notification, identification of opportunities for remediation of deficits also must be provided to students and parents (E.C. § 48070.5(h)).

Opportunities for Remediation

Students in grades two through nine who are retained must be provided with the opportunity for supplemental instruction and such instruction is to take place outside of school hours. Parents may decline to have their students participate (E.C. § 48070.5)(h)).

Role of the IEP Team

Special education students are subject to the district-wide policy on retention and promotion. IEP teams are required, however, to specify needed program modifications in each student's IEP (see the *Supplementary Aids and Services* section in *Developing the IEP-Required Components* in Chapter 6 of this handbook for more information). Individual promotion standards may be developed as a program modification when the IEP team determines that they are necessary to meet the student's unique needs.

For a student for whom retention seems likely, an IEP team meeting should be conducted early in the school year to determine the appropriateness of current placement, services, aids, and interventions; to discuss whether individual promotion standards should be developed; and to revise the IEP if needed. If an individual promotion standard is developed, it should include the criteria for promotion that will be used and how the student's achievement will be demonstrated.

An IEP form has been developed to assist IEP teams in making decisions about retention and should be included in the developed IEP (see the *Forms* chapter for further information).

SUSPENSION AND EXPULSION

Removals Not Considered a Change in Placement

School personnel may suspend a student who has an IEP as long as the removal does not constitute a change in placement. Removals that do not constitute a change in placement are days of suspension that total 10 or fewer consecutive school days within the school year

and additional removals for separate incidents of not more than 10 consecutive days in the same school year, provided that a pattern is not evident.

(34 C.F.R. § 300.530(b)(1))

Removals Considered a Change in Placement

Prior to disciplinary action of a student who has an IEP that may constitute a change in placement (i.e., expulsion, suspension of more than ten consecutive school days within the school year, more than ten cumulative school days within the school year, or any number of school days within the school year that constitutes a pattern), school personnel must:

1. Notify the student's parents on the date the decision is made to take disciplinary action; and
2. Convene an IEP team meeting within 10 school days of any decision to take disciplinary action that may change the placement of a student with an IEP.

(34 C.F.R. § 300.530(e) and (h))

A pattern should be considered present when:

1. The days of suspension total more than 10 cumulative school days in a year;
2. The student's behavior is substantially similar to previous incidents that resulted in suspension;
3. The length of each suspension is significant;
4. The total amount of time that the student has been suspended is significant; or
5. There is close proximity between the dates of the suspensions.

(34 C.F.R. § 300.536(a)(1)(2))

IEP Team Meeting

The parent/guardian of the student must be notified of the IEP team meeting and must be invited to attend. The notice of the IEP team meeting is typically given to the parents by the case manager at a meeting called and facilitated by the site administrator to notify the parents of the behavior incident and the proposed disciplinary action. A *Notice of Procedural Safeguards* is to be included with the meeting notification. If the parent does not attend the meeting, the case manager should contact the parent by other means in order to provide the notice.

In preparation for the IEP team meeting, the school psychologist will facilitate collection of pertinent data by reviewing student records; conducting interviews with the student, parents, and staff; and conducting classroom observations, when possible. These data are

summarized in a written report and discussed at the IEP team meeting. The purpose of the IEP team meeting is to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to the student's disability;
2. The direct result of the district's failure to implement the IEP; and
3. A manifestation of the student's disability (considered to be the case if either of the two previous items is found to be true).

If the IEP team determines that the behavior was a manifestation of the student's behavior, the team must also review and revise or develop a *Behavioral Support Plan* or a BIP (must be based upon a FAA), as appropriate.

(34 C.F.R. § 300.530(e)(1)-(2) and (f)(1))

IEP forms have been developed for documenting the decision of the IEP team. The parent and student are not required to consent to the IEP for action to proceed, nor is parental consent required as a condition of a final decision to expel.

Moving Forward Following the IEP Team Meeting

If it is determined that the student's behavior **was not** a manifestation of his or her disability and that the student's IEP was being implemented at the time of the alleged misconduct (or the behavior was not the direct result of a failure to implement the IEP), school personnel may apply disciplinary procedures to the student in the same manner and for the same duration as those same procedures are applied to students without disabilities.

If a student is being considered for expulsion, a copy of the IEP is submitted to the site administrator for inclusion in the expulsion packet.

(34 C.F.R. § 300.530(c))

If it is determined that the student's behavior **was** a manifestation of his or her disability or that the student's IEP was not being implemented and that the alleged misbehavior was the direct result of that failure, the student shall **not** be subject to the disciplinary procedures being considered. The IEP team shall return the student to the placement from which he or she was removed unless the parent and the district agree to change the placement. Additionally, if the IEP team determined that the IEP was not being implemented, it must take immediate steps to remedy that deficiency.

(34 C.F.R. § 300.530(f)(2) and (e)(3))

Required Educational Services during Periods of Suspension/Expulsion

The district is only required to provide educational services to students with disabilities who have been suspended for 10 days or less in the school year, if it provides services to students without disabilities who are similarly suspended. Beginning on the 11th day of suspension and/or during a student's period of expulsion, educational services must be provided. Those services must enable the student to:

1. Continue to participate in the general education curriculum;
2. Continue to receive IEP services and modifications determined by the team; and
3. Receive services/support designed to address and prevent recurrence of misbehavior.

These services may be provided in an interim alternative education setting with parent consent. The student's IEP team determines the appropriate alternative educational setting for these services.

(34 C.F.R. § 300.530(b)(2), (d)(1)-(3), (c), (c)(5), and § 300.531)

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student has engaged in any of the following behaviors while at school, on school premises, or at a school function under the jurisdiction of PVUSD:

1. Carries a weapon or possesses a weapon at school;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance;;
3. Has inflicted serious bodily injury upon another person.

(34 C.F.R. § 300.530(g)(1)-(3))

Protections for Students Not Currently Determined Eligible for Special Education

Students who have not been determined to be eligible for special education and related services may assert any of the protections related to disciplinary action as specified above if the district had knowledge that the student had a disability before the behavior that precipitated the disciplinary action occurred. Such knowledge is deemed present when:

1. The student's parent has expressed concerns in writing to school staff that the student is in need of special education and related services and/or requested an assessment;
2. The student's teacher, or other school personnel, has expressed specific concerns about the student's behavior directly to supervisory personnel of the district; or

3. There is a current written referral to special education.

The district would not be deemed to have knowledge that the student had a disability if the parent has not allowed an assessment of the student, has refused services, or if the student has previously been evaluated and found ineligible for special education and related services.

(34 C.F.R. § 300.534(b) (1)-(3))

If the student does not meet any of the three criteria above, the parent may still request an assessment. If that occurs, an assessment, if determined appropriate, must be conducted in an expedited manner. Until the assessment is completed, the student remains in the educational placement determined by school authorities (including suspension or expulsion) without educational services. If found eligible, special education and related services must be provided and the procedures listed above for disciplinary action must be followed.

(34 C.F.R. § 300.534(d)(2))

Suspension from Bus Transportation

A suspension from school bus transportation is regarded as a suspension from school if failure to provide transportation prohibits the special education student from receiving the services specified in the IEP. A student with an IEP who is excluded from school bus transportation is entitled to an alternative form of transportation to school at no cost to the parent or student.

(E.C. 48915.5(c))

Appeals

If the parent/guardian disagrees with the decision of the IEP team in reference to the manifestation determination or interim alternative educational setting, he or she may appeal the decision by requesting a due process hearing. PVUSD may request a due process hearing if it believes that maintaining a student, whose behavior has been determined to be a manifestation of his or her disability, in his or her current placement is substantially likely to result in injury to the student or others, and parents will not consent to an alternate placement. In either case, the administrator and/or case manager should ensure that the parent receives a copy of the *Notice of Procedural Safeguards* and information about how to file for a due process hearing.

If the parent requests a due process hearing, the district must arrange to convene a resolution session within seven days of receiving notice of the due process complaint unless the parent and the district agree, in writing, to waive the resolution session. If not resolved through a resolution session or mediation, a due process hearing will occur in an expedited

manner and a decision will be rendered within 30 days of the date that the request for a due process hearing is filed.

When an appeal has been made, the student must remain in the interim alternative educational setting pending the decision of a hearing judge; or until the expiration of the 45 day time period in the case of a student who has engaged in behavior involving weapons, drugs, or serious bodily injury as described above.

(34 C.F.R. § 300.532 and § 300.533)

Readmission of an Expelled Student with Disabilities

Readmission procedures for a student with disabilities are the same as those for all students. Upon the student's readmission, an IEP team meeting shall be convened to determine whether a new IEP needs to be established.

Involvement of Law Enforcement Authorities

IDEA does not prohibit a school or district from reporting a crime committed by a student with disabilities to the appropriate law enforcement authorities. Further, IDEA does not prohibit law enforcement and judicial authorities from applying the law to crimes committed by a student with disabilities. If such action takes place and the student is arrested or cited, the district must ensure that special education and discipline records are transmitted to the authorities to whom the crime was reported to the extent permitted by the Family Educational Rights and Privacy Act.

(34 C.F.R. § 300.535)

TRANSITION PLANNING

Transition Services (For Students 16 and Older)

Beginning not later than the first IEP to be in effect when the student is 16, and updated annually thereafter, the IEP shall describe transition services (E.C. § 56345(a)(8)). The term "transition services" means a coordinated set of activities for an individual with exceptional needs that:

1. Is results-oriented and focused on improving the academic and functional achievement of the student to facilitate the movement from school to postsecondary activities (including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation); and
2. Is based upon the individual needs of the student, taking into account the strengths, preferences, development of employment and other post-school adult living

objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

(E.C. § 56345.1(a))

Transition services may be special education, if provided as specially designed instruction, or may be a related service, if required to assist a student to benefit from special education. If a participating agency other than the district fails to provide transition services identified in the IEP, the district shall convene the IEP team to identify alternative strategies to meet the transition service needs of the student.

(E.C. § 56345.1 (b)-(c))

Transition services are documented in the IEP and must include:

1. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, when appropriate, independent living skills;
2. Transition services, including courses of study, needed by the student to reach these goals; and
3. Beginning not later than one year before the student reaches the age of majority, a statement that the student has been informed of the student's rights that will transfer to him or her upon reaching the age of majority.

(E.C. § 56345(a)(8)(A)-(B))

Information addressing required transition services is documented in the IEP using the SELPA-approved *Transition Plan* form.

Other Transition Services

For students ages five to 22, there are two other times when a transition plan is developed. One is for the student who is transitioning into a general class program in a public school from a special class or a nonpublic, nonsectarian school for any part of the school day. In either of these cases, the individualized education program should include a description of the activities provided to:

1. Integrate the student into the general education program indicating the nature of each activity, and the time spent on the activity each day or week; and
2. Support the transition of the student from the special education program into the general education program.

(E.C. § 56345(b)(4)(A)-(B))

The second instance when a transition plan is developed is for the special education student who is transitioning from preschool to kindergarten or first grade. It is the intent of the legislature that gains made in a preschool special education program are not lost by too rapid a removal of individualized programs and support for these individuals. As part of the transition process, a means of monitoring the continued success of the student shall be identified by the IEP team for those children who are determined to be eligible for less intensive special education programs. As part of the transition process, the present performance levels and learning style of the student should be noted by the IEP team and be made available to the assigned general education teacher upon the student's enrollment in kindergarten or first grade, as the case may be.

(E.C. § 56445(a)-(d))



TIMELINE OF POSTSECONDARY TRANSITION PLANNING AND SERVICES

Grade	Activity
Eight	Identify interests and learning style; practice self-advocacy skills; develop communication skills; develop independent living skills, as needed, within the home, community, and workplace
Nine	Continue to identify interests; assess aptitudes; continue with self-advocacy and communication skills; create course of study; continue to develop independent living skills, as needed, within the home, community, and workplace; identify postsecondary goal(s); begin with career or job exploration; determine whether pursuing graduation with a diploma or a certificate
Ten	Review interests, aptitudes, postsecondary goals, and course of study, revise as necessary; continue with career or job exploration; continue with self-advocacy and communication skills; continue to develop independent living skills, as needed, within the home, community, and workplace; identify and establish appropriate agency linkages; explore options for postsecondary education and training; practice applying and interviewing for jobs, as appropriate; evaluate graduation status; review determination regarding whether pursuing graduation with a diploma or a certificate, revise as appropriate
Eleven	Review interests, aptitudes, postsecondary goals, and course of study, revise as necessary; continue with career or job exploration; continue with self-advocacy and communication skills; continue to develop independent living skills, as needed, within the home, community, and workplace; continue to identify and establish appropriate agency linkages; continue to explore options for postsecondary education and training; continue to practice applying and interviewing for jobs, as appropriate; begin work experience or technical training, as appropriate; evaluate graduation status; review determination regarding whether pursuing graduation with a diploma or a certificate, revise as appropriate
Twelve	Review interests, aptitudes, postsecondary goals, and course of study, revise as necessary; continue with career or job exploration; continue with self-advocacy and communication skills; continue to develop independent living skills, as needed, within the home, community, and workplace; continue to identify and establish appropriate agency linkages; continue to practice applying and interviewing for jobs, as appropriate; apply to postsecondary education/training if necessary; continue with work experience or technical training as appropriate; complete graduation requirements; develop and provide student with summary of performance upon graduation
Postsecondary (As appropriate)	Review interests, aptitudes, postsecondary goals, and course of study, revise as necessary; continue with career or job exploration; continue with self-advocacy and communication skills; continue to develop independent living skills, as needed, within the home, community, and workplace; continue to identify and establish appropriate agency linkages; continue to practice applying and interviewing for jobs, as appropriate; continue with work experience or technical training, as appropriate, including off-campus; develop and provide student with summary of performance upon exceeding age of eligibility (22 years)



Chapter 8: Placement and Services

PROGRAM CONTINUUM

Each SELPA must ensure that a continuum of program options is available to meet the needs of students eligible for special education and related services (E.C. § 56360). The intensity of placement and services varies greatly depending upon the severity of each student's disability. This chapter provides summary information about the continuum of services available to students in the PVUSD SELPA.

See Appendix B for Board Policy and Course of Study

General Education

To the maximum extent appropriate, children with disabilities shall be educated with children who are not disabled, and removal of children with disabilities from the regular educational environment will occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (AB 602, Chapter 854, Statutes of 1997, Section 66(a)(5)(A)).

The general education teacher will receive a copy of the "IEP at a Glance", goals or accommodations to follow when an individual with exceptional needs is included in their classroom. This will support the general education teachers understanding of accommodations, modifications and behavioral needs. The case manager for every student that is included will send out the "IEP at a Glance" within three weeks of the start of each school year, and after every IEP is finalized. Case managers can also meet with the general education teachers for more complex cases and go over the "IEP at a Glance" to ensure understanding and compliance with the IEP. (Please do not use any site-created documentation for this purpose - only the SIRAS "IEP at a Glance").

Specialized Academic Instruction

Resource Specialist Program (RSP)

Typically, students with mild disabilities can successfully access and benefit from the general education curriculum with the support of accommodations and specific skills instruction. These students are assigned to general education for the majority of the school day and receive specialized instruction for a portion of the school day from a resource specialist within the general education classroom and/or in a separate classroom.

Inclusion and Learning Center Models

Students with Mild to Moderate disabilities who are able to achieve their IEP goals and objectives within a general education classroom for the majority of the school day with the

support of special education staff should be provided education in the Least Restrictive Environment. Oftentimes, this is in a general education setting.

Special Classes

Students may need specialized instruction for a majority of the day in a self-contained special class on either an integrated or isolated site to accommodate their special needs. The focus of these classes varies depending on the needs of the students. Classes include, but are not limited to, the following curricular focuses:

1. General education curriculum with modifications;
2. Alternative life skills curriculum;
3. Therapeutic interventions for students with significant emotional disabilities;
4. Specialized curriculum for students with communication and social skill deficits;
5. Specialized curriculum for students with autism; and
6. Specialized curriculum for students with low incidence disabilities.

Related Services

Related services, also known as designated instructional services (DIS) shall be available when they are necessary for the student to benefit from his or her special education program. Students may receive any one or a combination of related services. These services are usually provided by district staff, but when determined necessary by the IEP team, may be provided through contract with a nonpublic agency (NPA). Related services include, but are not limited to, the following most common services:

1. Speech and language therapy;
2. Adapted physical education;
3. Occupational therapy;
4. Health and nursing services;
5. Itinerant vision services;
6. Orientation and mobility;
7. Itinerant hearing impaired services; and
8. Psychological counseling;
9. Behavior services.

State Special Schools

Some students who are visually impaired, deaf, or hard-of-hearing may require a special school such as those operated by the state. These schools may be considered by the IEP team when it has been determined that no appropriate placement is available within the SELPA.

INSTRUCTIONAL SETTINGS

Most students, regardless of their placement and services, will be served in a public or private school setting. Some students, however, may require instruction in alternative settings such as community-based instruction, vocational training, and work experience. Students who are ill for more than 10 school days may need to receive services in a home or hospital setting, as ordered by a physician or psychiatrist. Adjudicated students will require services provided in juvenile hall or other youth authority settings. When appropriate, long-distance learning through telecommunication may also be an option.

DIRECT SERVICE OR CONSULTATION

When developing the IEP, it is important to understand the difference between direct service, consultation, and collaboration. This is especially true for related services (also known as designated instruction and services or DIS). Direct service and consultation are both delivery models, whereas collaboration is one method often used in providing consultation.

Direct Service

For a service to be considered a "direct" service to the student, it must be:

1. Individual, small group, or "push in" instruction;
2. Provided through face-to-face interaction with the student;
3. In a regular and ongoing manner; and
4. Based upon specific IEP goals and objectives that are monitored and up-dated through data collection.

Direct services are listed on the special education and related services page of the IEP.

Consultation as a Direct Related Service

Consultation can, when provided directly to the student and adults simultaneously, meet the definition of direct service as specified above. This typically occurs when a specialist is providing instruction to classroom teachers and other staff members in the use of modifications, specialized equipment, computer hardware/software, or specialized techniques and programs and the student is included in the instruction. As with other direct services, this type of consultation is listed on the special education and related services page of the IEP and goals (with benchmarks or short-term objectives, if appropriate) are required. Special education services provided within the general education classroom are included in the calculation of the percentage of the student's time spent in general education.

Consultation as a Support to School Personnel

In most cases, consultation is considered a support to school personnel. In this type of consultation, there is little to no direct contact with the student. Examples of this type of consultation include:

1. Training in appropriate instructional accommodations, modifications, instructional strategies;
2. Provision of information necessary to understand the student's disability and abilities;
3. Provision of resource materials specific to meeting the instructional needs of the student; and
4. Regular meetings of the instructional staff.

When a specialist is providing this type of consultation, specific goals and objectives are not required and the service is listed as a support to school personnel. Supports to school personnel are not included in the calculation of percentage of time spent in special education.

Exception: When a student receives consultation that does not involve direct instruction to the student and it is the only service provided on the IEP (e.g., low incidence services), the service must be listed on the special education and related services page of the IEP and have related goals and objectives.



SELPA GUIDE: PROCEDURES FOR CONSIDERING CHANGE IN SERVICES AND/OR PLACEMENT

CONCERNS ABOUT STUDENT PROGRESS

When a student is not making adequate progress towards his or her IEP goals, the case manager and the school psychologist will work together to take the following actions:

1. Use the *IEP Program Review Worksheet* to summarize information; know about the student's program and progress, evaluate whether all appropriate interventions have been attempted, and to consider additional services and/or change in placement (including one of the state schools or an out-of-district school) should be considered. Ask your Program Specialist for access to this document.

EXPLORATIONS OF OPTIONS

After meeting with the site team the program specialist meets with the appropriate special services program director to discuss placement options and identify the appropriate option.

If the student is being considered for placement in a program that is located on another school site, an informal meeting will be scheduled and held between the sending and receiving special education teams (site administrators or designees will be invited).

PREPARATION FOR THE IEP TEAM MEETING

An IEP team meeting is scheduled, all the involved parties are notified and the following actions will occur:

1. If the change involves moving the student to another school, the special education team from the school being considered for receiving the student will be invited to the IEP meeting; Sending school completes IEP paperwork and organization of meeting
2. Program Specialist or Site team will work with transportation if needed and will determine start date in new program
3. Arrange for a visit to the proposed program if requested by the parent.
4. Site team and/or Program Specialist will support the parent with all registration at the new school if needed.

IEP TEAM MEETING

The team meeting is held to finalize development of goals, placement, and services, and start dates for new services and/or placement. The sending team completes and submits the IEP packet to student records including notification of any transportation needs.

DISMISSAL FROM ONE OR MORE PROGRAMS OR SERVICES

Students who are still eligible for and in need of special education and related services are sometimes dismissed from a particular program or service but continue to receive support from other special education programs and services. This happens most frequently with related services. Following an assessment, the IEP team should consider dismissal from a related service if one or more of the following applies:

1. The student's abilities in the area supported by the related service are now commensurate with his or her overall development; and
2. The area of previously identified need supported by the related service no longer affects educational performance;
3. The student's behavior interferes with meaningful participation in the related service, despite attempts to resolve the interference (such as changes to the mode of service, focus of service, setting of service, etc.), and the IEP team believes that the service is not required in order for the student to receive FAPE (see section under *Exit Criteria* regarding excessive absences and/or nonparticipation).
4. The student has reached a plateau in his or her progress in the area supported by the related service and the team believes that the student's needs in this area can be addressed in a less restrictive environment or an alternative placement;

It is often helpful, when initiating a related service, to provide information to the parent regarding the criteria that will be used to determine when the service will be discontinued.

EXIT CRITERIA

A student will be exited from special education and related services when services are no longer needed due to one of the following reasons:

1. Following an assessment, it is determined that the student no longer meet the criteria specified in any of the 13 qualifying areas;
2. Following an assessment, it is determined that the student's needs can be met within the general education program with or without accommodations;
3. The student has exceeded age eligibility.

(E.C. § 56001(h) and § 56381(h))

When a student is exited to general education, a plan to facilitate the student's transition to a less restrictive environment will be developed, including a plan to assist the receiving teacher.

Exceeding Age Eligibility

Students are no longer eligible for special education and are exited when they graduate from high school with a regular high school diploma or reach the age of 22 years (E.C. §

56026(c)(2)-(4)). It is not necessary to conduct an assessment for students exiting under these circumstances, but the IEP team must provide the student with a summary of his or her academic achievement and functional performance (*Summary of Achievement RPT07*) including recommendations on how to assist the student in meeting his or her post-secondary goals (E.C. § 56381(c)(1)-(2)).

Any student who becomes 22 years of age during the months of January to June, inclusive, while receiving special education and related services may continue his or her participation in the program for the remainder of the current school year, including any extended school year program. If the student becomes 22 years of age in July, August, or September, he or she may not begin a new school year unless the student is in a year-round school program and is completing his IEP in a term that extends into the new school year, in which case the student may complete that term. Any student who becomes 22 years of age during the months of October, November, or December, while receiving special education and related services, shall be exited from the program on December 31 of the current school year, unless the student would otherwise complete his or her IEP at the end of the current school year.

(E.C. § 56026(c)(4)(A)-(C))

PVUSD may not develop an IEP that extends these eligibility dates, and in no event may a pupil be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the student has not met his or her goals or objectives (E.C. § 56026(c)(4)(D)).

Extensive Absences

Students should not be exited from special education and related services based solely upon extensive absences or lack of participation. In cases of chronic and severe absence or nonparticipation that continues after documented normal school site interventions and other procedures to improve attendance have been unsuccessful, the IEP team shall convene a meeting to review additional strategies that can be implemented to improve attendance or participation and implement those that are identified as potentially helpful.

If, after all reasonable interventions have been attempted, the IEP team determines that the student's needs could be met in general education, the team should consider exiting the student. If, on the other hand, the IEP team determines that the student continues to require special education and related services, the district must request a due process hearing unless the parent revokes consent for all special education and related services in writing.

The same procedures are used when considering whether to dismiss a student from a particular program or service while continuing to serve the students in other special education programs and/or services.

REVOCAION OF CONSENT

If, at any time subsequent to the initial provision of special education and related services, the parent of a child or student who has reached 18 years of age revokes consent in writing for the continued provision of special education and related services, the district:

1. May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
2. May not request mediation or due process in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and
4. Is not required to convene an IEP team meeting or develop an IEP for further provision of special education and related services.

(34 CFR § 300.300(b)(4)(i)-(iv))

The provision of prior written notice and discontinuation of special education and related services must occur in a timely manner, usually within no more than two weeks from the date that the written revocation of consent was received.

Chapter 9: Early Start, Part C

Early Start services, as outlined in IDEA, Part C, ensure early intervention services to children with disabilities, age birth through three years old, and their families, in a coordinated family-centered manner. Two lead agencies are responsible for these services: the California Department of Education (CDE) and the California Department of Developmental Services (DDS). Other agencies such as the Family Resource Network, Public Health, Social Services and Head Start collaborate with these lead agencies to meet the needs of eligible children and their families.

Within the PVUSD SELPA, the district provides services to eligible children through the Early Start Program: Santa Cruz Office of Education (SCOE), Pajaro Valley Unified School District (PVUSD) and San Andreas Regional Center (SARC). An interagency agreement has been developed between PVUSD SELPA and the San Andreas Regional Center. This agreement outlines the process that is used by the involved agencies for identifying, referring, assessing, and servicing eligible children. A copy of this agreement can be obtained by contacting the PVUSD SELPA.

PURPOSE AND SCOPE

The PVUSD SELPA, and the San Andreas Regional Center (SARC) will actively and systematically seek out all children with disabilities from birth to age five to refer, assess and determine eligibility for special education services.

An Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) will be developed by a multidisciplinary team to identify the child's needs and plan appropriate services for the child and the family. The PVUSD SELPA will work cooperatively with the SARC and other appropriate public agencies to provide all necessary services.

IDENTIFICATION AND REFERRAL

Child find activities may include:

1. Assigning liaisons to local hospitals and hospitals with neonatal intensive care units;
2. Contacting local parent organizations and support groups;
3. Distributing early intervention materials to agencies and individuals providing medical, social and educational services in the community;
4. Community-wide health and developmental screening;
5. Producing and distributing public service announcements;
6. Producing pamphlets, brochures and other written communication; and,

7. Making presentations to local professional groups, philanthropic organizations and other organizations established to inform and/or to serve culturally diverse populations.

Per newly authorized IDEA Part C, requires referral as soon as possible, but in no case more than seven days, after the child has been identified.

PVUSD and SARC shall coordinate local child find activities with each other and other public agencies.

Primary referral sources include, but are not limited to, hospitals, including prenatal and postnatal care facilities, physicians, parents, child care programs, public health facilities, other social services agencies and other health care providers.

SARC and PVUSD shall inform primary referral sources of the following:

1. Eligibility criteria for early intervention services;
2. Types of early intervention services available through the Early Start Program;
3. Contact persons and telephone numbers for regional centers and districts; and,
4. Federal requirement that a referral shall be made to the regional center or district within two (2) working days of identification of an infant or toddler, who is in need of early intervention services.

The SARC and SELPA that receives an oral or written referral for early intervention services shall ensure that:

1. The date of the referral is documented in the infant's or toddler's record;
2. A service coordinator is assigned; and,
3. Written notice is provided and consent is requested. (17 CCR 52040, 52060)

EARLY START PROGRAM DESCRIPTION

The Early Start Program (ESP) is a collaboration between the San Andreas Regional Center (SARC) and the Pajaro Valley Unified School District SELPA. The ESP, through PVUSD or private infant programs contracted by SARC, shall include services specifically designed to meet the unique needs of infants, from birth to three years of age, and their families. The primary purpose of an early education program is to enhance the development of the infant in the context of his or her family. To meet this purpose, the program shall focus upon both the infant *and* his or her family, and may include home visits, group services, family involvement, and/or parent education activities. Services shall be provided in the natural (home, community) environment whenever possible.

Early Start Programs shall include, as program options, home-based services and group services.

Early Start is a year round program, continuous services to meet the needs of the child. IDEA Part C 20 USC 1432 SEC, 632. (4) Early Intervention Services.

Education is payer of last resort for Solely Low Incidence (SLI) and is responsible for providing a year round program (Title 17 Regulations, Section Home-based and group services will be provided through a transdisciplinary team consisting of the parent and a group of professionals from various disciplines.

The frequency of home-based services shall be weekly, bi-weekly or monthly, depending on the needs of the infant and the family.

Early education services may also be provided through both home visits and group settings with other infants. The frequency of group services shall not exceed three hours a day for up to, and including, three days a week, and shall be determined on the basis of the needs of the infant and the family.

Parent involvement/education activities are provided in conjunction with home based and group services. (EC 56424-56426.2)

ASSESSMENT TO DETERMINE ELIGIBILITY

Each infant or toddler referred for evaluation for early intervention services shall have a timely, comprehensive, multidisciplinary evaluation of his or her needs and level of functioning in order to determine eligibility.

The determination of eligibility for an infant or toddler shall be made by qualified personnel of PVUSD as per *Memo of Understanding* and contract between PVUSD SELPA and SARC. The determination shall be made with the participation of the multidisciplinary team including the parent. Evaluation and assessment shall be based on informed clinical opinion and include:

1. A review of pertinent records related to the infant or toddler's health status and medical history provided by qualified health professionals, who have evaluated or assessed the child.
2. Information obtained from parental observation and report.
3. Evaluation by qualified personnel of the child's level of functioning in each of the following areas:
 - a. cognitive development
 - b. physical and motor development, including vision and hearing
 - c. communication development

- d. social or emotional development
- e. adaptive development
- 4. No single procedure shall be used as the sole criterion for determining a child's eligibility.
- 5. Standardized tests or instruments may be used as part of the evaluation. If such tests are used they shall be selected to ensure that, when administered to an infant or toddler with impaired sensory, motor or speaking skills, the tests produce results that accurately reflect the infant's or toddler's aptitude, developmental level, or any other factors the test purports to measure. The test should not factor in the infant's or toddler's impaired sensory, motor or speaking skills unless those skills are the factors the test purports to measure. The tests must be validated for the specific purpose for which they are used.
- 6. Procedures and materials for evaluation and assessment of infants and toddlers shall be selected and administered so as not to be racially or culturally discriminatory.
- 7. Infants or toddlers with solely low incidence disabilities shall be evaluated and assessed by qualified personnel of PVUSD, whose professional preparation, license or credential authorization are specific to the suspected disability.
- 8. Regional Centers, LEAs and multidisciplinary teams shall not presume or determine eligibility, including eligibility for medical services provided through the Department of Health Services, for any other state or local government program or service when conducting evaluations or assessments of an infant or toddler or their family. (17 CCR 52082; GC 95016)

ASSESSMENT FOR SERVICE PLANNING

Assessment for service planning for eligible infants or toddlers shall identify all of the following:

- 1. The child's unique strengths and needs in each of the above areas.
- 2. Early intervention and other services appropriate to meet the needs.
- 3. The resources, priorities and concerns of the family and the support and services necessary to enhance the family's capacity to meet the developmental needs of an infant or toddler with a disability.

Assessment must be based on a multidisciplinary approach with the involvement of two or more separate disciplines or professions and with respect to:

- 1. Evaluation of the child and assessments of the child and family, may include one individual who is qualified in more than one discipline or profession;

2. The IFSP Team in §303.340 must include the involvement of the parent, and two or more individuals from separate disciplines or professions, and one of these individuals must be the service coordinator (consistent with §303.343(a)(1)(iv)).

Assessment for service planning shall be based on age appropriate methods and procedures that may include any of the following:

1. A review of information related to the child's health status and medical history provided by qualified health professionals, who have evaluated or assessed the child.
2. Developmental observations by qualified personnel and the parent.
3. Other procedures used by qualified personnel to determine the presence of a developmental delay, established risk conditions, or high risk for a developmental disability.
4. Standardized tests or instruments.

Assessments of family resources, priorities and concerns related to enhancing the development of the infant or toddler shall be voluntary on the part of the family. The family assessment shall:

1. Be conducted by qualified personnel trained to utilize appropriate methods and procedures;
2. Voluntary on part of each family member participating;
3. Be based on information provided by the family through a personal interview and an assessment tool;
4. Incorporate the family's description of its resources, priorities and concerns related to enhancing the development of the child; and
5. Be conducted in the language of the family's choice or other mode of communication unless it is not feasible to do so.

Evaluations and assessments for service planning shall be conducted in natural environments whenever possible. (17 CCR 52086)

TIMELINE FOR COMPLETION OF EVALUATION AND ASSESSMENT

The evaluation and assessment for eligibility for each child shall be completed within 45 days of the date that the SARC or PVUSD received the referral.

IDEA, Part C establishes two circumstances in which 45 day timeline would not apply:
Child or parent is unavailable due to exceptional family circumstances; or
Parent has not provided consent despite documented repeated attempts

The PVUSD SELPA is responsible for receiving and acting on referrals 12 months of the year. There is no longer a break in the timelines between terms as was previously allowed by the Education Code.

In the event of exceptional circumstances, which make it impossible to complete the initial evaluation and assessment for eligibility within 45 days of receiving a referral, the service coordinator shall inform the parents and document the reasons for the delay. In such cases, an interim IFSP will be developed and the services agreed upon will be implemented. The interim IFSP will include the name of the service coordinator and timelines for completing assessments. (17 CCR 52086)

ELIGIBILITY

The term “eligible infant or toddler with a disability” means infants and toddlers from birth through two years of age, for whom a need for early intervention services is documented by means of assessment and evaluation and who meet one of the following criteria:

1. Infants and toddlers with developmental delays, as measured by appropriate diagnostic instruments or procedures in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development; or
2. Infants and toddlers who have an established risk condition that must be of known etiology (causation) or with established harmful developmental consequences; certified as having a high probability of resulting in developmental delays; and diagnosed by a “qualified personnel” who is recognized by, or part of, a multidisciplinary team , including parents.

The developmental delay must meet certain thresholds:

If the child is *under 24 months*, the delay must be at least 33% in one developmental area;

If the child is *over 24 months*, the delay must be 50% in one developmental area or 33% in two areas; The age of the child at the time of initial referral will be the age for consideration of eligibility if standardized, normed or criterion referenced instruments are used as part of the evaluation, a significant difference between a child’s current level of functioning and the expected level of development for his or her age shall be established when the child’s age equivalent score falls one third below age expectations. (17 CCR 52022; GC 95014)

DEVELOPMENT OF THE IFSP

An initial IFSP shall be developed by the SARC and/or PVUSD for each eligible infant or toddler, within 45 days of the receipt, by either the regional center or PVUSD, of the oral or

written referral. A periodic review of the IFSP shall be conducted every six months or more frequently if service needs change, or if the parent requests such a review. All IFSP meetings shall be conducted in settings and at times or by means that are reasonably convenient to the parent and in the language of parent's choice unless it is clearly not feasible to do so.

Meeting arrangements shall be made in collaboration with the parent. A written notice of meeting shall be provided to the parent and other members of the multidisciplinary team in a timely manner to ensure attendance at the IFSP meeting.

Each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

1. The parent of the infant or toddler;
2. The service coordinator; and,
3. The person(s) who conducted the evaluations or assessments.

If requested by the parent, each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

1. Other family members
2. An advocate or person outside of the family.
3. Each IFSP meeting shall include persons who will be providing services to the infant or toddler and family as appropriate. (17 CCR 52102, 52104)

Contents of the IFSP

The IFSP must be in writing and contain:

1. A statement of the infant's or toddler's present levels of development in the following areas:
 - a. physical development,
 - b. cognitive development,
 - c. communication development,
 - d. social or emotional development, and
 - e. adaptive development.
2. A statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability.
3. A statement of the measurable results or outcomes including pre-literacy and language skills, as developmentally appropriate for the child to be achieved, and the criteria, procedures, and timelines used to determine the degree to which progress

toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary.

4. A statement of specific early intervention services based on peer-reviewed research (to the extent practicable), that are necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services.
5. Length means the length of time the service is provided during each session of that service (such as an hour or other specified time period); and
6. Duration means projecting when a given service will no longer be provided (such as when the child is expected to achieve the results or outcomes in his or her IFSP).

IFSP Ed. Code Guidelines for Services

Ed. Code 56426.1: Home-based (only) early education services

The frequency of home-based services shall be once or twice a week, depending on the needs of the infant and the family.

Ed. Code 56426.2: Early education services... shall be provided through both home visits and group settings with other infants, with or without the parent.

Home-based and group services shall include, but not limited to:

Frequency of group services shall not exceed three hours a day for up to, and including, three days a week, and shall be determined on the basis of the needs of the infant and the family.

The frequency of home visits provided in conjunction with group services shall range from one to eight visits per month

Ed. Code 65426.4.: Family involvement activities

The frequency of family involvement activities shall be at least once a month. Participation by families in family involvement activities shall be voluntary.

7. A statement of the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment.

Natural environments means settings that are natural or typical for a same-aged infant or toddler without a disability, may include the home or community settings, and must be consistent with the provisions of §303.126.

“The determination of the appropriate setting for providing early intervention services to an infant or toddler with a disability, including any justification for not providing a particular early intervention service in the natural environment for that infant or toddler with a disability and service, must be--

- a. Made by the IFSP Team (which includes the parent and other team members);

- b. Consistent with the provisions in §§ 303.13(a)(8), 303.26, and 303.126; and
- c. Based on the child's outcomes that are identified ...”
8. The projected dates for initiation of services and the anticipated duration of the services.
9. “With implementation of the Early Start Program, the LEA infant programs were uniformly funded to add an additional 20 days of service to the regular 180-day school year for a total of 200 funded days spread across 12 months, which is considered the year-round program.” (1.20 Early Start Program Evaluation-Final Report)
10. When dually eligible, the service provider will be a SARC social worker. If the eligibility is a solely low incidence, the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's family needs (or who is otherwise qualified to carry out all applicable responsibilities), will be responsible for the implementation of the plan and coordination with other agencies and persons.
11. For those children served by both the regional center and PVUSD, if it is determined that a child requires EI services year around, the regional center should fund services during the school breaks.
12. The steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

The responsibilities of the Service Coordinator include:

- the coordination of early intervention services and other services that the child needs or is being provided;
- conducting referral and other activities;
- ensuring the timely provision of services; and
- conducting follow-up activities to determine that appropriate Part C services are being provided.

The contents of the IFSP must be fully explained to the parents and informed written consent from the parents must be obtained before early intervention services can be provided. If the parents do not provide consent with respect to a particular early intervention service, then the only early intervention service to which consent is obtained shall be provided. (17 CCR 52106)

Review of the IFSP

The IFSP shall be evaluated once a year and the family must be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs). The IFSP team will review the degree to which progress toward achieving the outcome is made and document all modifications and revisions of the outcomes or services as necessary. (17 CCR 52102)

TRANSITION REQUIREMENTS FOR EARLY INTERVENTION

An **Early Start Transition Timeline chart** and **Early Start Preschool Referral Caseload List** with a handy date calculator website address, is included in the materials section at the end of this chapter to assist with transition planning.

Additionally, the **Preschool Referral & Information Packet**, **Transition Planning IFSP Conference Meeting Invitation** and **Transition Guide** forms are available [here](#).

All Early Start children are “potentially eligible” for special education and related services at age three therefore, all children must be referred to Part B service. To ensure a smooth transition for toddlers receiving early intervention services to preschool or other appropriate services, the following requirements must be met:

1. The families of such toddlers will be included in the transition plans.
2. At 2 years 6 months of age, the service coordinator will notify PVUSD via the **Preschool Referral & Information Packet**, and the parent using the **Transition Planning IFSP Conference Meeting Invitation** that the child will shortly reach the age of eligibility for preschool services. Please note that **Preschool Referral & Information Packet** is considered a referral to Part B.
3. Confirmation that child find information about the child has been transmitted to the LEA and, with parental consent, transmission of additional information needed by the LEA to ensure continuity of services from the Part C program to the Part B program. This referral should include a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP. Additionally, include the identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child during the Transition Planning IFSP Conference. Parents and families will be notified of this meeting via the **Transition Planning IFSP Conference Invitation** form.

At the Transition Planning Meeting, the family will be informed of the transition process and be informed of their options regarding what information is shared with PVUSD as described in the **Transition Guide**.

4. The District of Residence will hold an IEP meeting before the third birthday that ensures a smooth and effective transition to a preschool program so that the child is in his/her preschool program on his/her third birthday. The IFSP transition planning meeting will be convened with the service coordinator, the family and the LEA no fewer than 90 days (and at the discretion of all parties, up to 6 months) before the child is eligible for the preschool services. The purpose of the meeting is to discuss the transition steps and timelines, dates for transition activities and any such services that the child may receive.

5. In the case of a child who may not be eligible for preschool services, with the approval of the family, reasonable efforts will be made to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services. (17 CCR 52112; EC 56426.9)
6. An invitation to the initial IEP team meeting shall, at the request of the parent, be sent to the service coordinator or other representatives of the early education or early intervention system to assist with the smooth transition of services.

PRESCHOOL CHILDREN (AGE THREE TO FIVE) WITH DISABILITIES

Identification and Referral

Preschool children ages three to five with disabilities will be identified through:

1. Child Find activities listed in previous sections.
2. Direct referrals from parents, preschools, physicians, members of the community, and Kindergarten teachers.
3. Children who are in transition from the Early Start Program.

Children who have been participating in the Early Start Program and are eligible to participate in preschool programs will experience a smooth transition to preschool programs in the LEA. Representatives of the LEA will participate in all transition planning conferences to ensure a smooth transition.

Evaluation and Assessment

Assessment procedures, as described in Chapter 1 are applicable to preschool children from three to five years of age.

The assessments will be conducted by a trans- disciplinary team including early childhood specialists, speech and language pathologists, school psychologists and other professional professionals as appropriate.

The team will use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist in determining whether the child has a disability.

Special attention will be given to:

1. Assessing children with developmentally appropriate assessments.
2. Assessing children in natural environments.
3. Assessing children to identify participation in appropriate preschool activities.

4. Involving preschool personnel in observing and assessing children.

When standardized tests are considered invalid for children between the ages of three and five years, alternative means will be utilized (e.g. scales, instruments, observations, and interviews) shall be used as specified in the *Assessment Plan*. (EC 56441.11, 56441.6, 56426.6)

Eligibility

The special education eligibility criteria listed in Chapter 1 shall apply to preschool children, between the ages of three and five years.

1. A preschool child qualifies as a child who needs early childhood special education services if the child meets the following criteria is identified as having one of the following disabling conditions, or an established medical disability:
 - a. autism
 - b. deaf-blindness
 - c. deafness
 - d. hearing impairment
 - e. intellectual disability
 - f. multiple disabilities
 - g. orthopedic impairment
 - h. emotional disturbance
 - i. specific learning disability
 - j. speech or language impairment in one or more of voice, fluency, language and articulation
 - k. traumatic brain injury
 - l. visual impairment
 - m. established medical disability
2. Needs specifically designed instruction or services
3. Has needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an IEP team.

A child is not eligible for special education and related services if the child does not otherwise meet the eligibility criteria and his or her educational needs are due primarily to:

1. Unfamiliarity with the English language;
2. Temporary physical disabilities;
3. Social maladjustment; or,

4. Environmental, cultural, or economic factors.

Established medical disability is defined as a disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education and services (EC 56441.11, 56440, 56333-56339; 5 CCR 3030, 3031)

Individualized Education Program

The requirements for developing, implementing, and reviewing IEPs described in the PVUSD Special Education Procedural Handbook are applicable to preschool children, ages three to five.

An early education program for preschool children with disabilities shall include specially designed instruction and related services to meet the unique needs of preschool children and their families. To meet this purpose, the program focuses on the young child and his or her family and shall include both individual and small group services, which shall be available in a variety of typical age-appropriate environments for young children, including the home, and shall include opportunities for active parent involvement.

A preschool teacher, who has observed the child in an appropriate preschool environment, will be a member of the IEP team.

The IEPs of preschool children will describe how the disability affects the child's participation in appropriate activities. (EC 56441.2)

Services for Preschool Children with Disabilities

Services for preschool children with disabilities and their families shall be provided in coordination with other state and local agencies.

Services will be provided at public expense, under public supervision and without cost to the parents.

Early education services for preschool children may be provided to individuals or small groups and shall include:

1. Observing and monitoring the child's behavior and development in his or her environment.
2. Presenting activities that are developmentally appropriate for the preschool child and are specially designed, based on the child's exceptional needs, to enhance the child's development. Those activities shall be developed to conform to the child's IEP and shall be developed so that they do not conflict with his or her medical needs.

3. Interacting and consulting with the family members, regular preschool teachers, and other service providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's IEP in the appropriate setting, and necessary to reinforce the expansion of his or her skills in order to promote the child's educational development. These interactions and consultations may include family involvement activities.
4. Assisting parents to seek and coordinate other services in their community that may be provided to their child by various agencies.
5. Providing opportunities for young children to participate in play and exploration activities, to develop self-esteem, and to develop pre-academic skills.
6. Providing access to various developmentally appropriate equipment and specialized materials.
7. Providing related services that include parent counseling and training to help parents understand the special needs of their children and their children's development.

Appropriate settings for these services include any of the following:

1. The regular public or private nonsectarian preschool program;
2. The child development center or family day care home;
3. The child's regular environment, that may include the home;
4. A special site where preschool programs for both children with disabilities and children who are not disabled, are located close to each other and have an opportunity to share resources and program;
5. Special education preschool program, with children, who are not disabled, attending and participating, for all or part of the program; or,
6. A public school setting which provides an age-appropriate environment, materials, and services.

Early education services shall be provided by a transdisciplinary team. Responsibilities of early education staff shall include consultation with regular preschool program providers, consultation with other specialists, assessment services, and direct services.

Services may be provided by any of the following methods:

1. Directly by the LEA.
2. Through an interagency agreement between a local educational agency and another public agency;

3. Through a contract with another public agency;
4. Through a contract with a nonpublic, nonsectarian school or nonpublic, nonsectarian agency; or
5. Through a contract with a nonsectarian hospital. (EC 56441.3, 56441.4, 56441.8)

Instructional Adult-to-Child Ratio

Appropriate instructional adult-to-child ratios for the group services shall be dependent on the needs of the child.

Appropriate instructional adult-to-child ratios for group services shall be dependent on the needs of the child. However, because of the unique needs of individuals with exceptional needs between the ages of three and five years, inclusive, who require special education and related services, the number of children per instructional adult shall be less than ratios set forth in subsection (b) of Section 18204 of Title 5 of the California Code of Regulations, as it read on May 1, 1987, for young children in a regular preschool program. Group services provided to individuals with exceptional needs between the ages of three and five years, inclusive, identified as severely disabled pursuant to Section 56030.5 shall not exceed an instructional adult-to-child ratio of one to five. (EC 56441.5)

Transition from Preschool to Kindergarten

As the preschool age child approaches the age to enter elementary school environment, the child's preparation is geared toward readiness for kindergarten and later school success.

Prior to transitioning a child with disabilities from a preschool program to kindergarten, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services. (EC 5644)



Chapter 10: Parentally Placed Private School Students

BACKGROUND

Private school children with disabilities are children ages 3-22 who are eligible for special education and related services and are voluntarily enrolled by their parents in private schools or facilities that meet the definition of “elementary” or “secondary” school (E.C. § 56170). Private school children with disabilities do not have individual rights to receive some or all of the special education services that they would receive if enrolled in a public (or publicly funded) program (20 U.S.C. § 1412(a)(10)(A)(ii) and E.C. § 56174.5(a)).

A school district is not required to pay for the cost of special education and related services of a child with a disability at a private school or facility if it makes FAPE available and the parents elect to place their child in a private school. Pursuant to federal and state laws and regulations, however, each district must spend a proportionate share of federal state grant funds allocated under Part B to provide special education and related services to students with disabilities who are eligible for special education services and are enrolled in private schools located within the district boundaries (20 U.S.C. § 1412(a)(10)(A) and E.C. § 56173).

Provision of these special education and related services to private schools will be limited to those services selected by PVUSD following consultation with private school representatives and representatives of parents of parental placed private school children with disabilities (20 U.S.C. § 1412(a)(10)(A)(iii) and E.C. 56174.5(b)).

CONSULTATION

The district shall consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for these children, regarding:

1. The child-find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
2. The determination of the proportionate amount of federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated;
3. The consultation process among the local educational agency, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with

- disabilities identified through the child-find process can meaningfully participate in special education and related services;
4. How, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of the types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
 5. How, if the district disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the district shall provide to the private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.

When timely and meaningful consultation as described above has occurred, the district shall obtain a written affirmation signed by the representatives of participating private schools, and if such representatives do not provide such affirmation within a reasonable period of time, the district shall forward the documentation of the consultation process to the CDE.

(E.C. § 56172(b)-(c) and 20 U.S.C. § 1412(a)(10)(A)(iii))

IDENTIFICATION, REFERRAL, AND ASSESSMENT

PVUSD is required to locate, identify, and assess any student who may need special education. Child-find activities for students enrolled in private schools must be comparable to those undertaken for students enrolled in public schools. The procedures outlined previously for identification, referral, and assessment shall be followed when considering parentally placed private school students for special education eligibility. The district within which the private school is located is responsible for these activities. If the district that will be conducting the assessment is other than the student's district of residence, that district will request permission from the parent to exchange information with the district of residence in order to facilitate communication between the two districts regarding the assessment and subsequent activities. The district of location and the district of residence may enter into an agreement that, with written parental consent, allows the district of residence to collaborate with the district of location in the initial evaluation or to conduct the initial evaluation.

(E.C. § 56171 and 20 U.S.C. § 1412(a)(10)(A)(ii))

FREE AND APPROPRIATE PUBLIC EDUCATION

The district that conducted the assessment must convene a meeting to determine eligibility for special education and related services (20 U.S.C. § 1412(a)(10)(A)(ii) and E.C. § 56171). Representatives from the student's district of residence shall be invited to participate in this meeting. If the parents express an interest in enrolling their eligible child in a public or publicly funded program, the student's district of residence must provide an offer of FAPE through the development of an IEP (*Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools*, Office of Special Education and Rehabilitative Services, January 1, 2007, 47 IDELR 197, Questions E-2). An offer of FAPE is not necessary if the parent does not express an interest in public school enrollment. Following parent consent and enrollment of the student in the public school, the district will implement the developed IEP.

INDIVIDUAL SERVICE PLAN

If the parents agree that a FAPE was made available to their child, but decline public placement, the district within which the private school is located will document the parents' agreement that FAPE was offered and develop an *Individual Service Plan* (ISP). To the extent appropriate, the ISP must be developed in accordance with IEP requirements.

The parent, a private school representative, appropriate assessors and service providers, the student, as appropriate, and others as determined necessary are to be in attendance at the ISP meeting. The ISP will describe the specific services and the location at which they will be provided to the student.

If a private school child with disabilities remains in a private school placement in subsequent years, the district of service will contact the child's parents annually to schedule an ISP team meeting to review the child's ISP. Additionally, the district within which the private school is located will conduct reevaluations of a private school child with a disability if conditions warrant re-evaluation or if the child's parents or teacher requests a re-evaluation, but at least once every three years following the procedures outlined in the *Assessment* section (Chapter 4) of this handbook.

(20 U.S.C. § 1412(a)(10)(A))

A SELPA approved ISP form has been developed for this purpose (see the *Forms* chapter for further information). Students receiving services through an ISP must be entered into the SELPA student database. The plan type for each student must be coded as either plan type "20" (ISP) or "70" (eligible-no IEP/IFSP/ISP, private school placement).

PRIVATE PRESCHOOL STUDENTS WITH DISABILITIES

Children between the ages of three and five years, inclusive, are considered to be preschoolers. Parentally placed private school children with disabilities in this age range are only eligible to receive services through an ISP if the private school within which the child is enrolled meets the legal definition of an elementary school. In California, an elementary school is defined as a public school offering instruction for any grades K-8. All other children within this age range who are found eligible for and in need of special education shall be provided with services as defined in the IEP.

(34 C.F.R. § 300.13; §300.23; and §300.25)

ANNUAL NOTICE OF AVAILABILITY OF FAPE

One year after an eligible private school child has been determined eligible, and annually thereafter, the district of residence will notify the student's parents in writing of the student's ongoing eligibility and of the continuing availability of FAPE. Included in the notice will be a statement informing the parent that the district will develop an IEP if the parents express an interest in returning their child to a public (or publicly funded) program.



Chapter 11: Summary of Timelines

It is of utmost importance that IEP teams follow legally mandated timelines for assessment, development of the IEP, implementation of the IEP, and others. The state holds each SELPA responsible for ensuring that timelines are followed. Any determination of noncompliance may result in sanctions imposed against the district. This summary of timelines is provided for the convenience of IEP team members.

INITIAL ASSESSMENT AND DEVELOPMENT OF THE IEP

Notice of Referral and Proposed Action/Assessment Plan

The *Notice of Referral and Proposed Action* form, along with the *Assessment Plan* or the written *Explanation of Denied Request for Assessment*, as appropriate, must be developed and given to the parent within 15 calendar days of receiving the written referral for assessment unless the parent agrees, in writing, to an extension. This does not count the days between the students' regular school sessions/terms in excess of five school days that begin within the 15-day period from the date of receipt of the referral. If the referral is received 10 days or less prior to the end of the regular school year, the *Prior Written Notice* form, along with the *Assessment Plan* or the written *Explanation of Refused Assessment*, as appropriate, must be developed and given to the parent within 10 days after the commencement of the subsequent school year. (E.C. § 56321)(a))

Notice of IEP Meeting

Parents must be notified of IEP meetings early enough to ensure the opportunity for them to participate (E.C. § 56341.5)(b)).

Individual Education Plan (IEP)

An IEP required as a result of an assessment of a student shall be developed within a total time not to exceed 60 days, not counting the days between the student's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the parent's written consent for assessment, unless the parent agrees, in writing, to an extension. In the case of pupil school vacations, the 60-day time shall recommence on the date that pupil school days reconvene.

(E.C. § 56302.1(a) and § 56344(a))

The 60-day time period does not apply if either of the following occurs:

1. A student transfers into a school within PVUSD after the relevant time period has commenced in the previous LEA but prior to a determination of whether the child is an individual with exceptional needs and if the district is making

- sufficient progress to ensure a prompt completion of the assessment provided that the parent and the district agree to a specific date by which the assessment shall be completed; and
2. The parent of a child repeatedly fails or refuses to produce the child for the assessment.

(E.C. § 56302.1(b))

IMPLEMENTATION OF THE IEP

A student's IEP shall be implemented as soon as possible following the individualized education program meeting (5 C.C.R. § 3040(a)).

INTERIM PLACEMENTS

Whenever a student transfers into a school district from a district in another SELPA, an administrator must provide an interim placement not to exceed 30 calendar days. The IEP team must review the placement before the expiration of the 30-day period.

(E.C. § 56325(a)-(c))

REVIEW OF IEP

At least annually, the student's IEP shall be reviewed. This first annual review should be held within one year of the date of the initial IEP meeting. The second annual review should be held within one year of the first annual review, etc. If an annual review is late, the second annual review should occur within two years of the date of the initial IEP meeting. An IEP meeting scheduled to amend an IEP should not be considered an annual review. The date originally scheduled for the annual review remains the same.

(E.C. § 46343(a) and § 56380(a)(1)-(2) and (b))

REASSESSMENT AND DEVELOPMENT OF A NEW IEP

A reassessment of the student shall be conducted not more frequently than once a year, unless the district and parent agree otherwise and at least once every three years unless the district and parent agree in writing that a reassessment is not necessary. A reassessment shall be conducted more frequently if conditions warrant or if the student's parents or teacher requests a new assessment.

(E.C. § 56381(a)(1)-(2))

Notice of Referral and Proposed Action/Assessment Plan

The *Prior Written Notice* and the *Assessment Plan*, if appropriate, must be given to the parents early enough to obtain consent and complete the assessment before the date of the IEP meeting to review the reassessment.

Notice of IEP Meeting

Parents must be notified of IEP meetings early enough to ensure the opportunity for them to participate (E.C. § 56341.5)(b).

PARENT REQUEST FOR AN IEP TEAM MEETING

A meeting of an IEP team requested by a parent to review an IEP shall be held within 30 calendar days, not counting days in July and August, from the date of receipt of the parent's written request (E.C. § 56343.5).

REQUEST FOR RECORDS

The parent shall have the right and opportunity to examine all school records of the child and to receive copies within five calendar days after a request is made by the parent, either orally or in writing.



Chapter 12: Student Records

DEFINITION OF STUDENT RECORDS

Student records include any information related to an identifiable student (other than directory information). Student records do not include informal notes about a student that a school district employee keeps for private use and does not reveal to any other person except a substitute teacher.

(E.C. § 49061(b))

All student records are classified as mandatory permanent, mandatory interim, or permitted. Mandatory permanent student records include directory information, enrollment and exit dates, transcripts, etc. Most special education student records are classified as mandatory interim records while some are classified as permitted student records. Regulations governing access, transfer, and destruction of records vary according to their classification.

Mandatory Interim

The following documents are classified as mandatory interim:

1. Expulsion orders and reasons;
2. Log or record identifying persons requesting information from the record (excluding authorized school personnel);
3. Health information;
4. Participation in special education programs including required tests, case studies, authorizations and actions necessary to establish eligibility for admission or discharge;
5. Speech/language records;
6. Progress slips and/or notices required by Education Code;
7. Parental restrictions regarding access to directory information or related stipulations;
8. Parent or adult student rejoinders to challenged records and to disciplinary action;
9. Parent authorization or prohibitions of student participation in specific programs; and
10. Results of standardized tests within preceding three years.

(5 C.C.R. § 432(b)(2))

Permitted

The documents below are classified as permitted:

1. Objective counselor/teacher ratings;
 2. Disciplinary notices and data;
 3. Verified reports of relevant behavior patterns;
 4. Standardized test results older than 3 years; and
 5. Supplementary attendance records.
- (5 C.C.R. § 432(b)(3))

CONFIDENTIALITY

PVUSD must protect the confidentiality of all special education student records. The following procedures should be followed:

1. Student records are maintained at the PVUSD SELPA District Office;
2. Maintain for public inspection a current list of names and positions of those employees who have routine access to student files;
3. Maintain an access log in each student's file that is open to the inspection of a parent and school officials; the log must contain the name of the requesting party, the legitimate interest of the party, the date of access, and the purpose;
4. Maintain a record indicating when records have been requested and forwarded to other agencies.

(E.C. § 49064)

ACCESS TO STUDENT RECORDS

Access means a personal inspection and review of a record, an accurate copy of a record, or an oral description or communication of a record. Those granted access are prohibited from releasing information to another person or agency without written permission from the parent or legal guardian (if the student is 18 or older, the right of consent belongs to the student unless a conservator has been appointed). State and federal laws provide for access to records as outlined below.

(E.C. § 49061(e))

Parent Access

Parents of current and formerly enrolled students have the absolute right to access all pupil records related to their child that are maintained by the school district. They must be notified, in writing, of their rights to inspect and review the school records of their students. This notification must be provided at the time of initial enrollment and annually thereafter. Schools shall take reasonable steps to ensure parents and guardians are properly notified in English and in their home language. Notice should

contain the following specific information:

1. The types of records and information contained therein;
2. The position of the official responsible for the maintenance of each type of record;
3. The location of the log or record required to be maintained;
4. Criteria used by the district to define “school officials and employees” and in determining “legitimate educational interest;”
5. The policies of the district for reviewing and expunging records;
6. The right of the parent to access student records;
7. The procedures for challenging the content of student records;
8. The cost, if any, charged to the parent for reproducing copies of records;
9. The categories of information that the institution has designated as directory information;
10. Any other rights stated in the California Education Code and the right to file a complaint with the Department of Health, Education and Welfare (HEW);
11. Notice of all locations where copies of the policies and procedures regarding the General Education Provisions Act and confidential student records may be obtained; and
12. The right to inspect and review also includes responses to reasonable requests.

(E.C. § 49069 § and 49063)

Parents may request explanations and interpretations of the records and the rights to have a representative inspect and review the records. The parent must make the request in writing. Access in the format requested by the parent must be provided within 5 days of the request. The request is given to a certificated staff member who interprets the records where necessary. Even though records from physicians may be stamped “Confidential” or a psychologist’s report contains sensitive or potentially upsetting information, the parent or eligible student has full rights of access.

Mandatory Access

The individuals and/or agencies listed below must be provided with access to pupil records without written parent consent:

1. Natural parents, adoptive parents or legal guardian of students younger than age 18 or dependent student age 18 or older (within 5 days of request);
2. Parents of a pupil 18 years of age or older who is a dependent;
3. A pupil 16 years of age or older or having completed the 10th grade who requests access;
4. School officials and employees for legitimate educational purposes;
5. School Attendance Review Board (SARB) members;

6. Other public schools (California) where student has enrolled or intends to enroll (a copy of the key records should be retained when these transfers occur including, at a minimum, student's last full IEP and related amendments and last full psycho-educational assessment);
7. Federal, state, and county officials for program audit or compliance;
8. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (the judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes and a school district releasing pupil information to a judge or probation officer shall inform or provide written notification to the parent or guardian of the pupil within 24 hours of the release of the information);
9. A prosecuting agency for consideration against a parent or guardian for failure to comply with the Compulsory Education Law;
10. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation;
11. Any county placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or enrollment of a pupil;
12. A designated peace officer, upon his or her request, specific to the transfer of a particular student's records to another school, public or private, within any state, for the purpose of a kidnap investigation only; and
13. Those so authorized in compliance with a court order.

(E.C. § 49068; § 49076(a); § 49076.5(a)-(b); and § 49077))

Permitted Access

The individuals and/or agencies from the list below may be permitted access to pupil records without written parental consent:

1. Appropriate persons in an emergency if necessary to protect the health or safety of the student or others;
2. Agencies or organizations in connection with students applying for financial aid but only as may be necessary to determine the eligibility of the pupil for financial aid, the amount of the financial aid, and the conditions that will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid;
3. County elections official, for the purpose of identifying pupils eligible to register to vote, and for conducting programs to offer pupils an opportunity to register to vote;
4. Accrediting associations;

5. Organizations conducting studies on behalf of the district for the purpose of developing, validating, or administering predictive tests; administering student aid programs; and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of pupils or their parents by persons other than representatives of the organizations and the information will be destroyed when no longer needed for the purpose for which it is obtained;
6. Private schools or out-of-state schools (to mandatory interim and permitted student records);
7. Any person or agency authorized by parent or guardian with custody, or students at least 18 years of age or emancipated (parental consent should include a signed and dated document specifying the nature of the information to be released and the purpose for which the information is to be released);
8. Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll (requesting district shall notify the parent of his right to receive a copy and to a hearing to challenge the content; a copy of the key records should be retained when these transfers occur including, at a minimum, student's last full IEP and related amendments and last full psycho-educational assessment).

(E.C. § 49076(b))

CHALLENGING CONTENT OF STUDENT RECORDS

After inspection or review, parents may submit a written request to remove or correct written records that are alleged to be:

1. Inaccurate;
2. Unsubstantiated personal conclusion or inference;
3. Conclusion or inference outside the observer's area of competence;
4. Not based on personal observation with time and place of observation noted;
5. Misleading; and/or
6. A violation of a student's privacy or other rights.

The superintendent or designee has 30 days from receipt of the request to meet with the parent and certificated employee who recorded the information in question (if still employed at school). The superintendent or designee must decide whether to sustain or deny the allegations. The parent has 30 days to appeal the decision to the governing board of the school district (or hearing panel established by the governing board). The governing board's decision is final. If the decision at either level is not in favor of the parent, the parent has the right to submit a written objection as part of the student's record.

(E.C. § 49070(a)-(c))

DESTRUCTION OF STUDENT RECORDS

Mandatory interim student records may be classified as disposable after determining that their usefulness has ceased or after the student has left the district. Destruction shall be after the third year in which they are deemed disposable. Permitted student records may be maintained for as long as they have an appropriate educational purpose. They may be destroyed when their usefulness ceases. The method of destruction shall assure that records are not available to possible public inspection in the process of destruction. The typically used method is shredding.

(5 C.C.R. § 437)



Chapter 13: Student Data

STATE PERFORMANCE GOALS AND INDICATORS

State Performance Plan: The State Performance Plan (SPP) is a six year plan submitted to the U.S. Department of Education, Office of Special Education Programs (OSEP) by the California Department of Education (CDE). The current SPP spans Federal Fiscal Years (FFY) 2013-2018. This document will be updated once the new SPP is made available.

CASEMIS to CALPADS Transition: State Performance Plan (SPP) indicator data collected through the 2018-2019 school year is pulled from both the California Special Education Management Information System (CASEMIS) and California Longitudinal Pupil Achievement Data System (CALPADS). Therefore, fields from both systems are currently included in this document. In order to streamline data collection and support programmatic efforts to include students with disabilities in the general education environment to a greater extent, the CASEMIS system is currently being phased out and its data will be integrated into the CALPADS system. Full implementation of this transition is expected to occur in the 2019-2020 school year, which will impact the Data Field names and/or reporting periods currently utilized for SPP Indicators. This document will be updated to reflect the changes during the 2019-2020 school year. Although Data Field names may change in preparation for the CASEMIS to CALPADS transition, the current version of this document will continue to serve as a helpful tool for interpreting the 2018-2019 Annual Performance Report (APR).

State Performance Plan: An Overview The Individuals with Disabilities Education Act (IDEA) requires that the US Department of Education, Office of Special Education Programs (OSEP) monitor states' implementation of IDEA. In order to do so, each state is required to develop and submit a State Performance Plan (SPP). The State Performance Plan is a six-year plan that includes 17 measures referred to as indicators. The indicators are determined by OSEP and are related to either IDEA compliance or student performance. Within the SPP, the state must set rigorous and measurable annual targets for each of the 17 indicators. States must report their progress in relation to these targets in an annual update referred to as the Annual Performance Report (APR)

1. **Graduation Rate**

Performance on this indicator is measured by the percentage of special education students in 12th grade who graduated with a diploma.

2. **Drop-out rate**

Performance on this indicator is measured by the percentage of students in 7th grade and higher who exit special education by dropping out of school.

3. **Statewide Assessment**
Performance on this indicator is measured by whether at least 95% of students in special education participate in statewide assessments and the percentage of students who meet district targets in each subject.
4. **Discipline Rate: Overall**
4b. Discipline Rate by Race/Ethnicity
Performance on this indicator is measured by whether the percentage of special education students who are expelled or suspended for more than ten days is disproportionate to the general population, both overall and by race/ethnicity.
5. **Least Restrictive Environment**
Performance on this indicator is measured by the amount of time that students, between the ages 6 and 22 years, receive special education and related services in settings apart from their non-disabled peers.
6. **Preschool Least Restrictive Environment**
Performance on this indicator is measured by the percentage of preschool children who receive their special education and related services in regular early childhood programs.
7. **Preschool Outcomes**
Performance on this indicator is measured based upon a calculation of the progress made by preschool children in special education.
8. **Parent Involvement**
Performance on this indicator is measured by the percentage of parents of children receiving special education and related services report that schools facilitated their involvement as a means of improving services and results.
9. **Disproportionate Representation Overall**
Performance on this indicator is measured by whether the percentage of students receiving special education and related services is disproportionate to the percentage of the general population over all.
10. **Disproportionate Representation by Race/Ethnicity**
Performance on this indicator is measured by whether the percentage of students receiving special education and related services is disproportionate to the percentage of the general population by race/ethnicity.

10. **Disproportionate Representation by Disability**
Performance on this indicator is measured by whether the percentage of students receiving special education and related services is disproportionate to the percentage of the general population by disability.
11. **Timely Eligibility Evaluation**
Performance on this indicator is measured by the percentage of students whose eligibility for special education was determined within 60 days of receipt of parental consent for evaluation (target is 100%).
12. **Timely Transition from Part C to B Transition**
Performance on this indicator is measured by the percentage of students aged 3 years who received special education under IDEA-Part C and transferred to IDEA-Part B, and had an IEP developed before their third birthday (target is 100%).
13. **Secondary Transition Goals and Services**
Performance on this indicator is measured by the percentage of students aged sixteen years and above whose IEPs includes coordinated and measurable postsecondary goals and transition services (target is 100%).
14. **Post-school Outcomes**
Performance on this indicator is measured by the percentage of students who are competitively employed, enrolled in postsecondary school, or both, within one year of leaving high school.
15. **Resolution Sessions**
16. **Mediation**
17. **State Systemic Improvement Plan**

Indicators 1, 2, 3, 4a, 5, 6, 7, 8,14, 15 and 16 are considered performance indicators while the others are considered compliance indicators. Sanctions are applied to the district when it does not meet the established targets for compliance indicators.

Indicator 17 is neither a performance nor compliance indicator.

Much of the data used to complete the APR is derived from each SELPA's CALPADS submissions. Some information is gathered through review of other sources of data. If an analysis of this data indicates any areas of noncompliance, corrective action must be undertaken at the state and/or local level.

PVUSD is responsible for complying with these requirements and participating in the review, revision, and implementation of changes to policies, procedures, and practices related to identified problems.



OVER-IDENTIFICATION AND DISPROPORTIONALITY

Services in the SELPA include review and analysis of LEA CASEMIS Data, including the collection and examination of data regarding the over/under representation of racially, ethnically, linguistically and culturally diverse students to determine whether an imbalance exists within the LEA. Correction of these problems may be carried out through the following means: 1. Provision of training and technical assistance as necessary to clarify compliant practices with appropriate LEA staff; 2. Assistance with correction of non-compliant procedures or practices identified through state and local compliance complaint investigations; 3. Regular meeting with district superintendents/Operations Committees; 4. Individual consultation with LEA administrative staff. In cases where the identified problem persists following implementation of such steps as outlined above, the LEA superintendent shall be notified regarding the issue.

IMPORTANCE OF ACCURATE DATA

The district is held accountable for compliance with state and federal laws related to providing special education services. For that reason, it is imperative that the data reported through CALPADS is as accurate as possible. To do so requires that each IEP team and the district establish and maintain a system of reviewing incoming IEPs to ensure that they are accurate and complete and to ensure correct data entry. Doing so will also allow the district to have positive outcomes during state program reviews and to successfully address individual student complaints.

ELECTRONIC IEP DEVELOPMENT/LOCAL STUDENT DATABASE

The Pajaro Valley Unified School District SELPA has a contract with SIRAS to maintain an integrated student data and web-based IEP system that will:

1. Significantly reduce compliance issues;
2. Reduce the hours that special educators must spend in developing IEPs and related paperwork;
3. Allow teachers and service providers to spend more time with students;
4. Reduce redundancy of data entry;
5. Facilitate easier case management;
6. Provide accurate data for state reporting; and

The PVUSD SELPA has had this system fully operational since October 2018

Chapter 14: Program Descriptions

LEA RESPONSIBILITY TO HIRE QUALIFIED STAFF:

All programs are instructed by appropriately credential and/or qualified staff who meet federal and state certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing special education or related services. In the absence of such requirements in federal and state law or regulation, including the standard contained in the California Business and Professional Code and the scope of practice as defined by the licensing or credentialing body, or the state laws or regulations that permit student teacher intern leading to a graduate degree at an accredited or approved college or university. Pajaro Valley Unified School District follows the hiring hierarchy for qualified professionals as outlined in Education Code 44225.7.

RESOURCE SPECIALIST PROGRAM

Overview Guidelines for Program Instruction

The resource specialist program is designed primarily to serve students with mild disabilities whose IEP teams have determined that they can successfully access and participate in the general education program for a majority of the school day but who require curriculum accommodations and specialized instruction for a portion of the day. This may be provided to the student through consultation with the student, parent, and general education staff; direct instructional services to the student within the general education classroom; and/or, direct instruction to the student using a "pull-out" approach. The primary goal is to return the student to full-time enrollment in the general education program without any special education support. Students graduating high school while receiving support through a resource specialist program typically graduate with a diploma. A resource specialist must possess a credential authorizing instruction of students with mild to moderate disabilities. Related services are available for students as identified on each IEP.

SPECIAL CLASS-GENERAL ACADEMICS/MILD-MODERATE

Overview

These classes are primarily designed for students with mild to moderate disabilities whose IEP teams have determined that they require specialized instruction for a majority of the school day and are able to benefit from instruction in a modified general education curriculum using alternative instructional strategies. The primary goal is to return the students to a less restrictive educational setting. Students graduating high school while enrolled in this type of special class may graduate with a

diploma or a certificate as identified on the student's IEP. A teacher with a credential authorizing instruction of students with mild to moderate disabilities and, typically, one instructional assistant are assigned to each class. Additional instructional assistants are provided as determined necessary to implement developed IEPs and maintain the safety of students and staff. The recommended caseload is 10-12 students at the preschool level, 12 students at the elementary and middle school level, and 12-15 students at the high school level. Related services are available for students as identified on each IEP.

SPECIALIZED ACADEMIC INSTRUCTION-LIFE SKILLS (Ages 3-22)

Overview

These classes are designed primarily for students with moderate to severe disabilities whose IEP teams have determined that they require specialized instruction for the majority of their school day using an alternative curriculum that focuses on life skills and functional academics. This curriculum is based upon state-approved standards. The curriculum is organized into five domains. The Functional domain focuses on the basic academic skills students need in order to live independently within society (e.g., counting, using money, telling time, and letter-sound correspondence). The goals of the Domestic Domain relate to life skills such as teeth brushing, dressing, cooking, and home maintenance. The Community Domain includes skills students need to function safely within the community (e.g. understanding safety signs/traffic signals, asking for directions, riding a city bus, and ordering from a menu). The Vocational Domain includes skills students need to successfully obtain and keep a job. The final domain, Recreation & Leisure, focuses on guiding students to enjoy and participate in group activities while demonstrating socially appropriate behaviors and participating in socially appropriate interactions. Students enrolled in these classes earn a high school certificate and typically go on to participate in our post-secondary program. A teacher with a credential authorizing instruction of students with moderate to severe disabilities and at least two instructional assistants are assigned to each class. Additional instructional assistants are provided as determined necessary to implement developed IEPs and maintain the safety of students and staff. The recommended caseload is 8-14 students depending upon age-level and unique make-up of each class. Related services are available for students as identified on each IEP.

SPECIAL CLASS-RISE Program (Reaching Individual Success and Excellence)

Overview

Therapeutic intervention classes are primarily designed to serve students with emotional disturbances or other disabilities who are also experiencing significant emotional issues and whose IEP teams have determined the need for an intensive

therapeutic environment in order to derive benefit from their educational program. The main focus is on developing and maintaining appropriate emotional and social behavior. Students are provided with instruction in the general education core curriculum using appropriate accommodations and modifications. The primary goal is to return the students to full-time enrollment in the general education program. Students graduating high school while enrolled in this type of special class may graduate either with a diploma or a certificate as identified on the student's IEP. A teacher with a credential authorizing instruction of students with emotional disabilities and Behavior Technicians are typically assigned to each class. Additional instructional assistants are provided as determined necessary to implement the developed IEPs and maintain the safety of students and staff. Each program has the additional support of Licensed Therapist and a Board Certified Behavior Analyst. Other therapeutic support personnel may be assigned as appropriate and needed. Classes generally serve from six to twelve students, depending upon age level and unique make-up of each class. Related services are available for students as identified on each IEP

SPECIALIZED ACADEMIC INSTRUCTION/AUTISM (Ages 3-12)

Overview

These classes are designed for students with autism who also have significant social/communication skill deficits, emotional regulation issues, and/or developmental delays, and whose IEP teams have determined that the student requires instruction specifically designed for children with autism. This program provides intensive intervention within a self-contained class for the majority of the school day. The curriculum is typically based upon state-approved standards-based alternative curriculum guides. Instructional methodologies are selected for each student based upon evidence-based best practice recommendations. Family involvement is considered an integral component of the program. The primary goal of these classes is to prepare students to function effectively in home, school, community, and work environments. A teacher with a credential authorizing instruction of students with mild to moderate or moderate to severe disabilities and behavioral technicians are assigned to each class. Additional behavioral technicians are provided as determined necessary to implement developed IEPs and maintain the safety of students and staff. The recommended caseload is 8-10 students depending upon age-level and unique make-up of each class. Related services are available for students as identified on each IEP. A Board Certified Behavior Analyst is assigned to support the implementation of Evidence Based Practices for Autism. Within the Autism program, there are three levels of classroom support including Highly Structured, Structured and Full Inclusion. The Highly Structured programs serve students with the highest level of behavioral, communication, social and academic need. The Structured level program serves students utilizing the core curriculum with modifications. The students in the Full

Inclusion program are in general education for the majority of the day with supplementary support.

PRESCHOOL PROGRAM

The Pajaro Valley Unified School District provides services to all individuals with exceptional needs between the ages of three and five years, inclusive, who are identified by the district as requiring special education and services, as defined by the Board of Education. Alternative instructional setting may include, but are not limited to, state preschool programs and the child's home.

All special education facilities operated by PVUSD and serving individuals between the ages of three and five years meet all applicable standards relating to fire, health, sanitation, and building safety.

Programs provided for individuals between the ages of three and five years provide special education and related services within the typical environment appropriate for young children, and include active parent involvement, and do the following:

1. Significantly reduce the potential impact of any disabling conditions.
2. Produce substantial gains in physical development, cognitive development, language and speech development, psychosocial development, and self-help skills development.
3. Help prevent the development of secondary disabling conditions.
4. Reduce family stresses.
5. Reduce societal dependency and institutionalization.
6. Reduce the need for special class placement in special education programs once a child reaches school age.
7. Save substantial costs to society and our schools.

Services provided to preschool children with exceptional needs and their families are provided in coordination with other state and local agencies. As the preschool child approaches the age to enter an elementary school environment, the child's preparation shall be geared toward a readiness for kindergarten and later school success.

The program for preschool students is specially designed to meet the unique needs of preschool children and their families. To meet this purpose, the program focus is on the young child and his or her family and includes both individual and small group services which are available in a variety of typical age-appropriate environments for young children and include opportunities for active parent involvement.



Early education services for preschool children are provided to individuals or small groups and shall include:

1. Observing and monitoring the child's behavior and development in his or her environment.
2. Presenting activities that are developmentally appropriate for the preschool child and are specially designed, based on the child's development, to enhance the child's development. Those activities shall be developed to conform to the child's individualized education program and shall be developed so that they do not conflict with his or her medical needs.
3. Interacting and consulting with the family members, regular preschool teachers, and other service providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's individualized education program in the appropriate setting and necessary to reinforce the expansion of his or her skills in order to promote the child's educational development. These interactions and consultations may include family involvement activities.
4. Assisting parents to seek and coordinate other services in their community that may be provided to their child by various agencies.
5. Providing opportunities for young children to participate in play and exploration activities, to develop self esteem, and to develop pre-academic skills.
6. Providing access to various developmentally appropriate equipment and specialized materials.
7. Providing related services that include parent counseling and training to help parents understand the special needs of their children and their children's development.

Appropriate settings for preschool services may include any of the following:

1. The regular public or private nonsectarian preschool program.
2. The child development center or family day care home.
3. The child's regular environment that may include the home.
4. A special site where preschool programs for both children with disabilities and children who are not disabled are located close to each other and have an opportunity to share resources and programming.
5. A special education preschool program with children who are not disabled attending and participating for all or part of the program.
6. A public school setting which provides an age appropriate environment, materials, and services, as defined by the superintendent.

Early education services for preschool children are provided through a transdisciplinary team approach of professionals. Responsibilities of early education

program staff shall include consultation with regular preschool program providers, consultation with other specialists, assessment services, and direct services.

SPECIAL CLASS-DEAF/HARD-OF-HEARING

Students who have a learning impairment that significantly interferes with their academic achievement are served in center based programs in preschool, elementary, and middle school settings.

A teacher with a credential authorizing instruction of deaf/HOH students, a team of instructional assistants and interpreter tutors, implement the IEPs, support students in mainstream classes and maintain amplification equipment. Related services are available for students as identified on each IEP.

EARLY START (INFANT/TODDLER) PROGRAM

The Early Start Program (ESP) is a collaboration between the San Andreas Regional Center (SARC) and the Pajaro Valley Unified School District SELPA. The ESP, through PVUSD or private infant programs contracted by SARC, shall include services specifically designed to meet the unique needs of infants, from birth to three years of age, and their families. The primary purpose of an early education program is to enhance the development of the infant in the context of his or her family. To meet this purpose, the program shall focus upon both the infant *and* his or her family, and may include home visits, group services, family involvement, and/or parent education activities. Services shall be provided in the natural (home, community) environment whenever possible.

Early Start Programs shall include, as program options, home-based services and group services.

Early Start is a year round program, continuous services to meet the needs of the child. IDEA Part C 20 USC 1432 SEC, 632. (4) Early Intervention Services.

Education is payer of last resort for Solely Low Incidence (SLI) and is responsible for providing a year round program (Title 17 Regulations, Section Home-based and group services will be provided through a transdisciplinary team consisting of the parent and a group of professionals from various disciplines.

The frequency of home-based services shall be weekly, bi-weekly or monthly, depending on the needs of the infant and the family.

Early education services may also be provided through both home visits and group settings with other infants. The frequency of group services shall not exceed three

hours a day for up to, and including, three days a week, and shall be determined on the basis of the needs of the infant and the family.

Parent involvement/education activities are provided in conjunction with home based and group services. (EC 56424-56426.2)

RELATED AND SUPPORT SERVICES

A wide variety of related and support services are available to students who are eligible for special education. The IEP team determines the specific services that each student requires. Described below are the most frequently needed services.

Speech, Language, and Communication Therapy

For students with speech, language, or hearing disabilities, specialized support and/or instruction is sometimes a necessary component of their regular or special education curriculum. This may be provided through consultation with the student, parent, and school staff; direct instructional services to the student within the regular or special class; and/or, direct instruction to the student using a “pull-out” approach. The primary goal is to maximize the student's ability to be a successful communicator within their current and future school, home, and work environments. The Speech Therapist average caseload is 55 students.

Adapted Physical Education

For students with medical conditions, gross motor delays, or emotional disabilities, specialized support and/or instruction is sometimes necessary as part of their special education program. This may be provided through consultation with the student, parent, and school staff; direct instructional services to the student within the regular or special class; and/or, direct instruction to the student using a "pull-out" approach. The primary goal is to maximize the student's ability to develop and maintain physical fitness and recreation/leisure skills that can be applied within the student's current and future environments. Each APE specialist has a credential authorizing instruction in the areas of adapted physical education. The recommended caseload for this program is approximately 45-55 students.

Behavioral Intervention

Students who are enrolled in special education sometimes have significant behavioral needs. When an IEP team determines that a student may require a behavior intervention plan, a school psychologist is provided to assist in developing the plan and to train and consult with teachers and classified support staff in implementing the plan. If the child continues to display challenging behavior with this support in place, a

[referral for Behavior Services](#) should be generated to seek support from a Behaviorist. This referral form can be found on the PVUSD Special Services website.

Low Incidence Itinerant Support (OI, VH, DHOH)

Students who have orthopedic, visual or hearing disabilities (OI, VH, and DHOH) are provided with support services from appropriate specialists as determined by their IEPs. These services are generally provided using a consultation or collaboration model. The primary goal is to maximize the student's ability to access and benefit from their educational program. Each low incidence specialist has a credential authorizing instruction in his or her area of specialty. The recommended caseload for these programs ranges from 10 to 30 students depending upon the specific population served.

Educationally Related Mental Health Services

Educationally Related Mental Health Services (EHRMS) are provided after assessments have determined that ERMHS are needed to support academic progress pursuant to an IEP. The purpose of ERMHS is to support adjustments related to education and academic functioning when educationally related mental health services have been deemed necessary for a student to benefit from his or her education. When ERMHS are added to a student's IEP, the student may receive counseling and guidance or individual counseling, or both, depending upon team determination and based on need. These supports can at times help with increased academic performance and engagement in academic activities, improved attendance, and fewer disruptions of the learning environment.

Occupational Therapy (Educationally Necessary)

Students with varying disabilities leading to difficulty in the areas of fine and gross motor skills, visual-motor integration and organization, sensory integration, and visual perception may require specialized support and/or instruction in order to benefit from their educational program. This may be provided through consultation with the teacher and parent, monitoring of the student's progress, or direct service to the student. Each student may receive each type of service over time depending on his or her current level of need. The primary goal is to maximize the student's ability to access and benefit from their educational program. Each occupational therapist is licensed. The recommended caseload for an occupational therapist is approximately 20-35 students.

Educationally Related Occupational and Physical Therapy

§ 3051.6. Physical and Occupational Therapy

(1) Occupational or physical therapists shall provide services based upon the recommendation of the IEP team. Physical therapy and occupational therapy services for infants are limited by Education Code section 56426.6. Physical therapy services may not exceed the services specified in the Business and Professions Code section 2620. Occupational therapy services may not exceed the services specified in the Business and Professions Code section 2570.2(k).

(2) The district, SELPA, or county office shall assure that the therapist has available safe and appropriate equipment.

(b) Individuals providing physical or occupational therapy shall be qualified.

(1) Physical therapy shall be provided only by personnel who possess a valid license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs.

(2) Occupational therapy shall be provided only by personnel who possess a license in occupational therapy issued by a licensing agency within the Department of Consumer Affairs. Services provided by a Certified Occupational Therapist Assistant shall be supervised by a registered occupational therapist in accordance with professional standards outlined by the American Occupational Therapy Association.

Occupational and Physical Therapy (Medically Required)

California Children's Services (CCS) provides occupational and physical therapy to special education students who are medically eligible. Qualification is determined through a referral and assessment process.

School Nurse

School Nurses are available to assist students, parents, and staff when a student is in need of specialized health care. They also conduct follow-up with physicians, perform health screenings, and monitor immunization schedules. School nurses provide information, consultation, training, and liaison services with outside agencies.

School Psychologists

School Psychologists are often the first contact for parents, teachers, and others who are concerned about a student's progress. They are involved in a variety of activities related to supporting students who have been identified as "at risk". Examples of the many duties they are responsible for are: participation in pre-referral interventions, coordination of the assessment team; conducting psycho-educational assessments;

developing and participating in IEP meetings; providing individual and group counseling; facilitation of referrals to outside agencies for significant emotional/social/behavioral problems; and consultation with students, parents, and staff in the areas of cognitive development, learning style, emotional/social/behavioral development, strategies and developing behavior interventions.



Appendix

A: [Policies and Procedures for AAC Supports](#)

B: [Policy Procedure for End of the Year Triennials](#)

C: [Transportation Rubric](#)

D: [Enrollment Process for Students with IEPs to Virtual Academy \(Independent Study\)](#)

E: [Flow Chart- Virtual Academy Enrollment for Students with Disabilities](#)

F: [Roles and Responsibilities for IEP Planning and Program Review](#)