



Board Agenda Item #	IV K: Action Item
Date:	June 24, 2021
To:	Magnolia Board of Directors
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	Erdinc Acar, Chief Academic Officer Artis M. Callaham, Director, Special Education and Support Services
RE:	Special Education Compliance Guide

Proposed Board Motion

I move that the board approve the Special Education Uniform Compliance Guide for Magnolia Public Schools.

Introduction

- What services are being provided?
- Why is this contract/service needed? The compliance guide supports the onboarding, training and professional development of all SPED faculty and staff.
- Is this a school or organization wide implementation? Schoolwide Implementation

Background

History of the Project

- Although Magnolia has always had a strong SPED instructional program, we found the need to strengthen our processes and procedures to improve in our adherence to legal mandates, SELPA compliance and CDE requirements. We elected to work to implement systemic changes magnolia wide and put practices and tools in place to support each unique school in maintaining special education compliance and improving overall services and supports.
- Definition of Systemic Thinking / Systems thinking is a viewpoint that helps organizations view events and patterns in a new light—and respond to them in advanced ways. As a language, systems thinking has unique qualities that help organizations communicate about its many systems. Systems thinking emphasizes wholes rather than parts and stresses the role of interconnections—including the role we each play in the systems at work in our schools. It also emphasizes circular feedback rather than linear cause and effect (Pegasus Communications, 2009).
- Creating Systemic change in schools requires time and effort in order to see long term results. Our school programs at Magnolia are interdependent components forming a complex and unified whole, despite the uniqueness of each school.
- Systematic change is a long-term strategy that changes the organization’s culture and the attitudes and values of all stakeholders with the ongoing goal of reducing costs and enhancing quality.

- In an effort to sustain the systems we are creating Magnolia-wide, we have developed a SPED Uniform Compliance Guide policies and procedures to help our schools continue to engage in positive practices.
- The SPED Uniform Compliance Guide was developed and compiled in order to serve as a handbook for all SPED professionals at any MPS school to find the support needed in the areas of SPED Laws, SPED Compliance, Writing Legal IEP's, Hiring Effective Non Public Agencies, and providing guidance and support for effective SPED, 504 and GATE program implementation.

Analysis (If applicable)

- Were RFPs done? N/A
- What negotiations were made? N/A
- What is the research/comparison data? N/A

Budget Implications

The approval of this item will require that MPS incur the cost of editing by YM and C as well as the expense of printing for each MPS school site.

Exhibits (attachments):

- MPS SPED – Uniform Compliance Guide
- Appendix items



DRAFT

Uniform Compliance Guidelines for Special Education

A Step By Step Guide to Special Education Compliance for Charter Schools

The information contained in this compliance guide is collected from the following sources for the purpose of assisting public charter schools in servicing students with special needs.

- Americans with Disabilities Act and related laws and statutes (as indicated throughout)
- American Speech Language and Hearing Association
- Los Angeles Unified School District
- Los Angeles County Office of Education
- The El Dorado Special Education Local Plan Area
- The Board of Behavioral Sciences
- The U.S. Department of Education
- The California Department of Education

Table of Contents

PAGE WAS INTENTIONALLY LEFT BLANK	6
The First 5 Weeks of School...	7
August	7
Week 1-5	7
September	8
October	8
November	9
December	9
January	9
February	9
March	9
April	10
May	10
June	10
August	10
Special Education Training 101	11
Comprehensive Local Plan for Special Education	11
Elements of the Local Plan - (Rationale, all LEA's Must Align with a SELPA for SPED Monitoring, support and Guidance) This section is for informational purposes.	12
Identification and Evaluation of Individuals for Special Education	13
General Information	17
Special Education Legal Background	17
Overview of Special Education and Governing Laws	18
Developing the Individualized Education Program	21
IEP MEETINGS AT MAGNOLIA PUBLIC SCHOOLS	22
DETERMINING ELIGIBILITY	23
DETERMINING THE APPROPRIATE CURRICULUM OF INSTRUCTION	25
PREVIOUS GOAL ACHIEVEMENT	26
DETERMINING PRESENT LEVELS OF PERFORMANCE (PLPs)	26
ANNUAL GOALS AND OBJECTIVES	27
SUGGESTED VERBIAGE FOR TRANSITIONAL IEPs AT ALL LEVELS	29
PARTICIPATION IN STATE AND MPS - WIDE ASSESSMENTS	32
SERVICES AND SUPPORTS	33

EXTENDED SCHOOL YEAR	35
OFFER A FREE AND APPROPRIATE PUBLIC EDUCATION	38
PROCEDURES FOR RECESSING IEP MEETINGS	38
FACILITATE TIMELY (10 DAYS MAXIMUM) IMPLEMENTATION OF THE IEP AND COMPLIANT SPECIAL EDUCATION PROCEDURES.	38
GRADUATION OPTIONS	39
PURPOSE	39
HIGH SCHOOL DIPLOMA	39
HIGH SCHOOL DIPLOMA EQUIVALENCY ASSESSMENTS	40
CERTIFICATE OF COMPLETION	40
GRADUATION REQUIREMENTS FOR STUDENTS ATTENDING NONPUBLIC SCHOOLS	41
California Monitoring of Special Education	42
Data Identified Noncompliance	42
Significant Disproportionality	44
Comprehensive Review Process	45
PARENT RELATED INFORMATION	47
CHILD FIND/SEARCH AND SERVE	48
SCHOOL RESPONSIBILITIES	48
PROCEDURES FOR DISTRIBUTING REQUIRED “CHILD FIND” INFORMATION TO PARENTS	48
IDENTIFYING AND SERVING STUDENTS ENROLLING IN THE SCHOOL	49
REQUESTS FOR A SPECIAL EDUCATION ASSESSMENT	52
Achieving Success: Exiting Special Education Support - and Transitioning from High School	55
SPECIAL EDUCATION AND RELATED LAWS OVERVIEW	56
Educational Rights Overview	56
Enrollment in Special Education Program	57
Special Education Timelines	59
Special Education Program Implementation	64
MEETING THE NEEDS OF ALL STUDENTS	64
Multi-Tiered Systems of Support for overall Student Wellness and Achievement	68
Universally Designed Instruction	70
Educationally Related Mental Health Services (ERMHS)	76
Educationally Related Intensive Counseling Services (ERICCS)	76
Gifted and Talented Program Assessment	93

Non Public Agency	94
Requirements/ Expectations and Reasons for Dismissal	94
Principal’s NPA Compliance Checklist	94
General Information	94
These requirements are taken directly from the CDE website with regard to Non-Public agencies and their mandated responsibilities.	94
Certification Standards (California <i>Education Code</i> Section 56366 [d])	95
Master Contract (California <i>Education Code</i> Section 56366)	95
Individual Services Agreement (California <i>Education Code</i> Section 56366 [a][2A])	95
Staff Qualifications/Requirements (20 <i>United States Code</i> Section 7807 [23], California <i>Education Code</i> Section 56366.1 [n][1]; 5 <i>California Code of Regulations</i> Section 3051)	95
Staff Fingerprint Clearance Requirements (California <i>Education Code</i> Section 44237)	96
Tuberculosis Requirements (California Health and Safety Code sections 121525-121555)	96
Certification at All Sites (California <i>Education Code</i> Section 56366.1[c])	96
Causes for Suspension or Revocation of Certification (California <i>Education Code</i> Section 56366.4)	96
Compliance Monitoring of all Special Education Files, Psych, DIS and Academic Reports and Additional NPA Assurances	98
Master Contract (California <i>Education Code</i> Section 56366)	98
Individual Services Agreement (California <i>Education Code</i> Section 56366 [a][2A])	98
Staff Qualifications/Requirements (20 <i>United States Code</i> Section 7807 [23], California <i>Education Code</i> Section 56366.1 [n][1]; 5 <i>California Code of Regulations</i> Section 3051)	98
Consultant and Staff Accountability	98
English Learners and the Special Education Process	101
Environmental Language Survey, Interviews, and Observations	101
Interpreters	102
Assessment Materials	103
Special Education v. EL Services	105
The Provision of School Psychological Services to Bilingual Students	108
THE ROLE OF THE SCHOOL PSYCHOLOGIST	108
KEY COMPONENTS OF A LINGUISTICALLY APPROPRIATE IEP	109
Why write linguistically and culturally appropriate IEPs?	110
General Guidelines	110
ELs With LD	111
Writing Goals and Objectives to address	115
California English Language Development Standards	115

SAMPLE LINGUISTICALLY APPROPRIATE	116
IEP GOALS AND OBJECTIVES	116
504 Plan	120
SPED Service Providers and Outlined Duties	136
5 CCR §3051: Standards for Related Services and Staff Qualifications	136
5 CCR §3051.1 Language, Speech and Hearing Development and Remediation	136
§ 3051.2. Audiological Services	137
§ 3051.3. Orientation and Mobility Instruction	137
§ 3051.4. Instruction in the Home or Hospital	137
§ 3051.5. Adapted Physical Education for Individuals with Exceptional Needs	138
§ 3051.6. Physical and Occupational Therapy	139
§ 3051.7. Vision Services	139
§ 3051.75. Vision Therapy	140
§ 3051.8. Specialized Driver Training Instruction	140
§ 3051.9. Counseling and Guidance Services	140
§ 3051.10. Psychological Services Other Than Assessment and Development of the IEP	141
§ 3051.11. Parent Counseling and Training	142
§ 3051.12. Health and Nursing Services	142
§ 3051.13. Social Worker Services	145
§ 3051.14. Specially Designed Vocational Education and Career Development	146
§ 3051.15. Recreation Services	146
§ 3051.16. Specialized Services for Low-Incidence Disabilities	147
§ 3051.17. Services for Pupils with Chronic Illnesses or Acute Health Problems	147
§ 3051.18. Related Services for the Deaf and Hard of Hearing	148
§ 3051.19. Assistive Technology Service	148
§ 3051.20. Early Education Programs	149
§ 3051.21. Music Therapy	149
§ 3051.22. Transcription Services	149
§ 3051.23. Behavioral Intervention	150
§ 3051.24. Other Related Services	150
INTERVENTION: Protocol for Responding to Students at Risk for Suicide	151
A. Respond Immediately	151
B. Secure the Safety of the Student	151
C. Assess for Suicide Risk	151

D. Communicate with Parent/Guardian	152
G. Document All Actions	154
Common Acronyms Used in California Special Education	155
Glossary of Terms	158
References	167

PAGE WAS INTENTIONALLY LEFT BLANK

The First 5 Weeks of School...

(And the next 9 months following)

Follow these steps for a Successful and Compliant School Year

August

Week 1-5

Week 1

- Search and find the scholars in your school who have exceptional needs.
- Search the SIS System and CAL PADS
- Search Welligent/ SEIS student information systems
- Cumulative Folder Review- Follow-up with requests for records as needed
- Gain SEIS and/or Welligent Access for your Principal, Sped Admin, Coord., Specialist and DIS providers (SEIS via L. Morley or A. Callaham/ Welligent via one access)
- Send Procedural Rights and Safeguards home to all Parents, inclusive of (Uniform Complaint Procedures, 504 Plan and SPED brochures, MPS ADR Policy and all SELPA required information bulletins).
- Attend monthly SPED team meeting
- Complete Individual Service Agreements with the assistance of the Office Tech

Week 2

- Review your incoming IEP's/ 504 plans
- Hold an Informational meeting with your new parents of "high-needs" scholars
- Complete the "Strategies for Inclusion" protocol for each meeting, sign and put them in the scholar's cumulative records.
- [Link for Strategies for inclusion Document](#) Form for Completing SIM
[Link for Strategies for Inclusion Letter](#) Parent Letter for SIM
- Complete needs assessment document for PD's for the school year. [Link for "Magnolia Professional Development workshops"](#)
- Attend monthly SPED team meeting - Share best practices with the SPED team including Para's (Intervention Specialists)

Week 3

- Create a Master Calendar for Special Education (Includes: annuals, three years, accommodations, eligibilities and services)
- Complete Passports or SPED summaries for each student with an IEP or a 504 plan
 - Goals for each student
 - Eligibility
 - Accommodations for the classroom and for assessments
- Share best practices with the SPED team including Para's (Intervention Specialists)
- Sample [SPED Calendar](#)

Week 4

- Hold all 30 day IEP meetings (new to Magnolia or new to your SPED system, or sig. different program)

- Review and identify all 504 plans - Ensure that meetings are held at least once annually
- Complete assessments and meetings for any outstanding IEP's from the previous school year.
- COP Schools Complete your LAUSD Compliance Checklist/ All Schools review and Complete the Beginning of the year Compliance Checklist in Google Docs and submit to the Special Education Director updated with the accountability team by August 30th!
- Share best practices with the SPED team including Para's (Intervention Specialists)
- Review SEIS for testing accommodations for MAP's, IAB's and CAASP, Collaborate with testing coordinator.

Week 5

- Set up your display for parents to obtain SPED Rights, 504 Plan information, Title IX information including uniform complaint procedures. (Sent home in Week 1).
- Data collection of outcomes from prior school year, review to determine the most appropriate implementation plan.
- Implement and monitor faculty and student progress of inclusion programs.
- Share best practices with the SPED team including Paras (Intervention Specialists)
- Present SPED department information to all faculty/staff at your school sites during staff meetings or in-services
- Review graduation plans, transitional plans, complete Cal Pads documents for Juniors and Seniors

September

- Sped Coord. and Sped Specialists - Create your weekly schedule for student support and submit it to principals, deans as well as the Director of Sped
- Meet with each Gen Ed teacher to share passports and support plan
- Hold 30 day IEP's/ Schedule hold and complete IEP meetings for the month
- Send assessment plans for any 3 year due dates from Sept through Nov.
- Plan to participate in Weds morning "Go to Meetings" from 8:30 to 9am as need be.
- Review monthly compliance monitoring of DIS service logs, Sped Calendars, Service Schedules and Psych Assessment logs.
- Attend monthly SPED team meeting
- Adhere to any DINC errors if we have a compliance issue

October

- Complete IEP progress reports one week prior to the reporting period. All IEP goal sheets monitoring goal progression should accompany the school progress reports for each reporting period.
- Send assessment plans home 75 days before any upcoming 3 year due dates.
- Continue the "Child find" process. Monitor student progress and hold appropriate SSPT/ MTSS meetings for support.
- Continue to implement and monitor overall Specialized Academic Instructional program
- Attend monthly SPED team meeting
- Determine which students are slated for Gifted Assessment/ [Gate Documents](#)
- Disproportionality Self - Reviews Due if applicable

November

- Monthly reminder... Schedule, hold and complete all IEP meetings for the month.
- Send assessment plans home 75 days before any upcoming three year dates(i.e. any January due dates should be mailed).
- Review monthly compliance monitoring of DIS service logs, Sped Calendars, Service Schedules and Psych Assessment logs.
- Attend monthly SPED team meeting
- OLSAT Testing

December

- Complete IEP progress reports one week prior to the reporting period. All IEP goal sheets monitoring goal progression should accompany the school progress reports for each reporting period.
- Send assessment plans home 75 days before any upcoming 3 year due dates.
- Review monthly compliance monitoring of DIS service logs, SPED Calendars, Service Schedules and Psych Assessment logs.
- Complete Quarterly SPED Reports Due by December
- Quarterly SPED Personnel Reports Due [Sample of form](#)
- Attend monthly SPED team meeting - Share best practices with the SPED team including Paras (Intervention Specialists)
- Raven's Testing Completed by 15th
- Soft Deadline for CALPADS merger with SEIS and Welligent (COP 3 Schools checked in December by SELPA) (El Dorado Schools Checked Jan by SELPA and LACOE)

January

- Send assessment plans home 75 days before any upcoming 3 year due dates.
- Review monthly compliance monitoring of DIS service logs, Sped Calendars, Service Schedules and Psych Assessment logs.
- Attend monthly SPED team meeting
- Review Action Plan for PIR indicators if applicable

February

- Prep for SBAC assessments - Ensure that all scholars have been receiving testing accommodations for the school year
- Send assessment plans home 75 days before any upcoming 3 year due dates.
- Review monthly compliance monitoring of DIS service logs, Sped Calendars, Service Schedules and Psych Assessment logs.
- Attend monthly SPED team meeting

March

- Prep for SBAC assessments - Ensure that all scholars have been receiving testing accommodations for the school year - Coordinate with proctors and testing coordinators
- Send assessment plans home 75 days before any upcoming 3 year due dates.
- Review monthly compliance monitoring of DIS service logs, Sped Calendars, Service Schedules and Psych Assessment logs.
- Attend monthly SPED team meeting
- Quarterly SPED reports due [Sample Quarterly Report](#)

April

- Prep for SBAC assessments - Ensure that all scholars have been receiving testing accommodations for the school year
- Send assessment plans home 75 days before any upcoming 3 year due dates.
-
- Review monthly compliance monitoring of DIS service logs, SPED Calendars, Service Schedules and Psych Assessment logs.
- Attend monthly SPED team meeting
- Submit PIR Action Plans and Updated plans if applicable

May

- CALPADS documentation of SPED seniors who are and are not graduating/ PWN's should also be sent home at this time to have clear communication with parents.
- Check graduates/alumni persistence data. Contact alumni to update documentation for CALPADS
- Transition IEPs must be held for all transitioning scholars
- Complete IEP progress reports one week prior to the reporting period. All IEP goal sheets monitoring goal progression should accompany the school progress reports for each reporting period.
- Send assessment plans home 75 days before any upcoming 3 year due dates.
- Complete all assessment related IEPs this month.
- Submit Tracking Data for 2019 Graduates

June

- Quarterly SPED Reports due
- Quarterly SPED Personnel Reports Due
- Assign SPED Funding for the next school year
- CALPADS Documentation Deadlines for all SPED data
- Complete any outstanding IEP's
- Submit Fiscal Documentation of all STEPS, Low Incidence and SELPA grants or reimbursement of Legal Costs by 6/30/2020.
- Program Evaluations Complete (All SPED Team)
- Submit Strategic plan for next school year (Sped Director)
- Update list of students with exceptional needs who are returning
- Coordinate ESY and sped summer plans

August

- Review incoming IEP's for the following school year to determine the need for the following:
 - Strategies for inclusion meetings to adjust services as needed for FAPE
 - Determine the number of 30 day meetings needed/ divide 30 day responsibilities among the team to ensure support for timely completion.
- Begin developing SPED Calendars for the next school year.

Special Education Training 101

(All Principals, Teachers, SPED Teachers, School Psychologists and Administrators should review this section at least annually)

Comprehensive Local Plan for Special Education

Definitions

Free appropriate public education (FAPE) means special education and related services that are available to an eligible child at no charge to the parent or guardian, meet educational standards, and conform to the child's IEP. (20 U.S.C § 1401(9); 34 C.F.R. § 300.17.) The right to FAPE extends to students who are suspended or expelled or placed by the charter LEA in a nonpublic, nonsectarian school or residential placement. (34 CFR 300.17, 300.101, 300.104)

Full educational opportunities means that students with disabilities have the right to full educational opportunities to meet their unique needs, including access to a variety of educational programs and services available to non-disabled students. The State must have in effect policies and procedures to demonstrate that the State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (34 CFR 300.109)

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, shall be educated (including nonacademic and extracurricular activities and services) with students who are not disabled., (20 U.S.C. § 1412(a)(5), 34 CFR 300.107, 300.114, 300.117; Ed. Code § 56342, subd. (b).) Special classes, separate schooling, or other removal of students with disabilities from the general educational environment, shall occur only when the nature or severity of the disability is such that education in the general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Special education means instruction which is specially designed to meet the unique needs of students with disabilities whose educational needs cannot be met through modification of the regular instruction program and is provided at no cost to the parents. It also includes those related services that may be needed to assist students to benefit from specially designed instruction. Special education includes but is not limited to: regular education; resource specialist programs; designated instruction and services; special classes; nonpublic, nonsectarian schools; state special schools; specially designed instruction in settings other than classrooms; itinerant instruction in settings other than classrooms; and instruction using telecommunication, instruction in the home or instruction in hospitals or institutions. (Ed. Code, § 56361.)

Special education may include each of the following if the services otherwise meet the definition in the above paragraph: (Education Code 56031)

- Speech language pathology services, or any other designated instruction and service or related service, pursuant to Education Code 56363, if the service is considered special education rather than designated instruction and service or related service under state standards.
- Travel training
- Career technical education
- Transition services for students with disabilities in accordance with 34 CFR 300.43 if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education

Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students in the charter LEA. (34 CFR 300.39(b)(3))

Elements of the Local Plan - (Rationale, all LEA's Must Align with a SELPA for SPED Monitoring, support and Guidance) This section is for informational purposes.

Note: Education Code 56205 details the elements that must be included in the local plan developed by the special education local plan area (SELPA), including a requirement that the plan contain assurances of general compliance with Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the IDEA (20 USC 1400–1482), and the Americans with Disabilities Act (42 USC 12101–12213).

The special education local plan (SELPA) shall include, but not be limited to, the following:

- Assurances that policies, procedures, and programs, consistent with state law, regulation, and policy, are in effect as specified in Education Code 56205(a)(1-22) and in conformity with 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201.
- An annual budget plan and annual service plan adopted at a public hearing held by the SELPA. The local plan, annual budget plan, and annual service plan shall be written in language that is understandable to the general public.
- A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met.
- A description of a dispute resolution process
- Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205.
- A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303.

(Ed. Code § 56205 (a).)

A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment. (Ed. Code § 56206)

The local plan, annual budget plan, and annual service plan shall be written in language that is understandable to the general public. (Ed. Code § 56206(d))

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code § 56195.1 and 56195.7. (Ed. Code § 56195.8)

Identification and Evaluation of Individuals for Special Education

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303)

The Charter LEAs shall not determine that a student is eligible for special education if the dominant factor for finding eligibility is lack of appropriate instruction in reading, lack of instruction in mathematics, or limited English Proficiency (20 U.S.C. § 1414(b)(5); Ed. Code, § 56329, subd. (a)(2).)

All referrals for special education and related services from school staff shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student, and their effect. (5 CCR § 3021.)

Within 15 days of a referral for initial assessment the LEA shall provide the student's parent/guardian with a notice of parental rights and a written proposed assessment plan. The 15-day period does not include days between the student's regular school session or term, or days of school vacation in excess of five school days from the date of receipt of the referral.

The proposed assessment plan shall meet all of the following requirements: (Education Code 56321(b))

- Be in a language easily understood by the general public
- Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible
- Explain the types of assessment to be conducted
- State that no individualized education program (IEP) will result from the assessment without parent/guardian consent

Upon receiving the proposed assessment plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial assessment. The assessment may begin as soon as informed parental consent is received by the respective Charter LEA. The Charter LEA shall not interpret parent/guardian consent for initial assessment as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.505)

However, an individualized education program required as a result of an assessment of a pupil shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each Charter LEA's school calendar for each pupil for whom a referral has been made 30 days or less prior to the end of the regular school year. In the case of pupil school vacations, the 60-day time shall recommence on the date that pupil schooldays reconvene. A meeting to develop an initial individualized education program for the pupil shall be conducted within 30 days of a determination that the pupil needs special education and related services pursuant Section 300.323(c)(1) of Title 34 of the Code of Federal Regulations. (Education Code 56344)

If a parent/guardian refuses to consent to the initial evaluation or failed to respond to the request to provide consent, the Charter LEAs may pursue an evaluation by utilizing the mediation and due process procedures found at 20 USC § 1415 and in accordance with Education Code, sections 56501, subd. (a) (3), and 56506, subd. (e).) In the event that an authorized parent does not consent to an initial evaluation the Charter LEAs shall not be considered in violation of the requirement to provide FAPE. In addition, the Charter LEAs is not required to convene an IEP team meeting or to develop an IEP for that child. (20 USC § 1414(a)(1)(D)(ii)(I)&(II).

Informed parental consent means that the parent/guardian:

- Has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication
- Understands and agrees, in writing, to the assessment
- Understands that the granting of consent is voluntary on his/her part and may be revoked at any time
- (34 CFR § 300.500)

If the student is a ward of the state and is not residing with his/her parents/guardians, the Charter LEAs shall make reasonable efforts to obtain informed consent from the parent/guardian as defined in 20 USC, section 1401 for an initial evaluation to determine whether the student is a student with a disability. (20 USC § 1414(a)(1)(D)(iii)(I).

Note: Pursuant to Government Code 7579.5, when a student is a ward of the court, the charter LEA should appoint a surrogate parent only when the court has limited the rights of the parent/guardian to make educational decisions for his/her child and the student has no responsible adult, such as a foster parent, to represent him/her. Since Welfare and Institutions Code 361 and 726 require the juvenile court to appoint a responsible adult when the court limits parental rights, rarely will it be necessary for the Charter LEA to appoint a surrogate because that appointment would be superseded by the court's appointment of a responsible adult or foster parent.

Surrogate parent means an individual assigned to act as a surrogate for the parents/guardians when a parent cannot be identified or located with reasonable efforts. The surrogate parent may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual. (34 CFR 300.519; Education Code 56050)

The Charter LEAs shall not be required to obtain informed consent from the parent/guardian of a student for an initial evaluation to determine whether the student is a student with a disability if any of the following situations exists

- Despite reasonable efforts to do so, the Charter LEAs cannot discover the whereabouts of the parent/guardian of the student.
- The rights of the parent/guardian of the student have been terminated in accordance with California law.
- The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.
- (Education Code 56301; 20 USC 1414(a)(1)(D)(iii)(II)(aa)-(cc))

As part of the assessment plan, the parent/guardian shall receive written notice that:

- Upon completion of the administration of tests and other assessment materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code, section 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities as defined in Education Code, section 56026 and shall discuss the assessment, the educational

recommendations, and the reasons for these recommendations. A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent/guardian.

- In making a determination of eligibility, a pupil will not be determined to be an individual with exceptional needs if the determinant factor for the determination is:
 - A lack of appropriate instruction in reading
 - Lack of appropriate instruction in mathematics
 - Limited English proficiency OR
 - Otherwise does not meet eligibility criteria under 34 CFR 300.8
- If the parent/guardian disagrees with an assessment obtained by the Charter LEAs, the parent/guardian has the right to obtain, at public expense, an independent educational assessment of the student from qualified specialists, in accordance with 34 CFR §300.502.
- If the Charter LEAs observed the student in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to the independent educational assessment. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the Charter LEA's proposed placement and setting, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.
- The Charter LEAs may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent/guardian maintains the right for an independent educational assessment but not at public expense. If the parent/guardian obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the Charter LEAs with respect to the provision of a free appropriate public education to the student, and may be presented as evidence at a due process hearing regarding the student. If the Charter LEAs observed the student in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting, if any, proposed by the Charter LEAs, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing.
- If a parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the Charter LEAs shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by the parent/guardian, the student in the proposed placement. Any such observation shall only be of the student who is the subject of the observation and may not include the observation or assessment of any other student in the proposed placement unless that student's parent/guardian consents to the observation or assessment. The results of any observation or assessment of another student in violation of Education Code, section 56329(d) shall be inadmissible in any due process or judicial proceeding regarding the free appropriate public education of that other student.

(Education Code 56329; 34 CFR 300.502)

An IEP required as a result of an assessment shall be developed within a total time not to exceed 60 days from the date of the receipt of the parent/guardian's consent for assessment, unless the parent/guardian agrees to an extension in writing. The 60-day period does not include any days between the student's regular school sessions/terms, or days of school vacation in excess of five school days, (Ed Code § 56043(f)(1))

However, when a referral is made within 30 days of the end of the regular school year, an IEP required as a result of an assessment shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each district's school calendar. In the case of school vacations, the 60-day time shall recommence on the date that school reconvenes. (Ed. Code § 56344 (a).)

A meeting to develop an initial IEP for the pupil shall be conducted within 30 days of a determination that the pupil needs special education and related services. (Ed. Code §§ 56043(f)(2); 56344 (a).)

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reassessed to determine if they still need special education and services. The IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and support for these individuals. (Ed. Code § 56445)

General Information

Please adhere to the information within this manual and additional direction provided by the Director of Special Education and Support Services to avoid a violation of American Disabilities Act, Special Education and/or CDE Compliance Laws.

SPED is based on Federal and State Laws. Electing not to follow the guidelines will be a direct violation of what is legal and compliant with regard to special education laws and program implementation.

The core beliefs of the Special Education and Scholars Support Unit

- The needs of scholars come first in all of our work.
- Families are critical partners to MPS school success and we respect and engage this dynamic.
- Supporting classrooms is an essential component to everyone's success.
- Data collection and analysis is a critical tool to effective program and accountability indicators for program improvement, progress monitoring and academic excellence.

Please feel free to review the following laws for additional information with regard to Special Education and exceptional learners:

- Section 504 of the Rehabilitation Act of 1973
- Individuals with Disabilities Education Act (IDEA)
- Family Educational Rights and Privacy Act (FERPA)
- Every Student Succeeds Act (ESSA)
- Americans with Disabilities Act (ADA)
- California Education Code (Ed Code) 5600 et seq.

Special Education Legal Background

The Rehabilitation Act of 1973 (PL 93-112), amended in 1992, includes Section 504, which affirms the right of any student or adult who has a mental or physical impairment which inhibits a major life activity including learning; has a history of such an impairment; or is considered by a team of knowledgeable individuals to have such an impairment, from being discriminated against by any program or activity receiving federal financial assistance. This Act also requires that students be given a free appropriate public education in regular education classes, with necessary supplementary aids and services, if they are determined by a school team to be disabled under Section 504 or the Americans with Disabilities Act (ADA). Such eligibility may exist without concurrent eligibility for special education under the Individuals with Disabilities Education Act (IDEA).

The Rehabilitation Act was followed in 1975 by the passage of PL 94-142, the Education of Handicapped Act, which was changed in 1990 to the IDEA. This is the legislation that provides that all students who are eligible for special education must be provided with a free appropriate public education in the least restrictive environment.

The California Legislature implements the provisions of IDEA through the California Master Plan for Special Education. This plan was first implemented statewide in 1980 with the passage of Senate Bill 1870.

Some of the major areas covered by state and federal laws are the following:

- Child Find - Each public school system is responsible to find children with disabilities in its area
- Free Appropriate Public Education (FAPE) - Each public school system is responsible for ensuring that each child with disabilities is served appropriately, at no expense to the parent
- Least Restrictive Environment (LRE) - Each child is assured of his/her right of education with non-disabled peers to the maximum extent appropriate to the needs of both
- Due Process - The right of parent participation, and challenge, in all aspects of assessment, identification and placement is assured; involves mediation or administrative hearing procedures and complaint procedure in case of disputes
- Individualized Educational Planning (IEP) - The right of a child to an educational program designed to meet his/her individual needs and based on adequate assessment is assured. At age 14 to 16 this includes the development of an Individual Transition Plan (ITP) to provide for transition into the world of work.

These concepts have been reinforced and interpreted by a number of court cases since the passage of the law. The complexity of these rules and responsibilities has created the need for skilled and knowledgeable administrators who must understand the laws and apply them fairly. The SELPA Administrator is responsible for assuring that:

- All individuals with disabilities receive a free appropriate public education in the least restrictive environment.
- All regular education resources are considered and, where appropriate, utilized on a local or regional basis to meet the needs of students with disabilities.
- A system exists at the regional level for identification, assessment and placement of disabled students.
- A viable system for public education is functioning in the community, with broad participation and interaction involving parents and other agencies serving children and young adults.
- An annual compliance monitoring system implemented, that continues to assure non-compliant items that have been identified through Self Reviews, Verification Reviews, Focused Monitoring or Complaints have and continue to be rectified.

Overview of Special Education and Governing Laws

Significant changes have occurred in services and programs provided for children with exceptional needs in the public schools of California. These changes have stemmed from new laws and regulations at both the state and national levels, as well as from the spirit of fairness, balance and equality that characterize the public school system in America. New interpretations of existing laws by the courts have further modified and expanded the services required for exceptional students.

Previously, children with disabilities were identified only if their educational needs were obvious. Then, they tended to be placed into programs designed to serve children with similar disabilities in special schools or located separately on comprehensive school sites. Such categorical programs were usually effective in providing specialized services for the populations they served; but in many cases, expectations for these groups were inappropriate in relation to the students' actual potential.

Gradually, the community and public agencies have become aware that children with disabilities can be educated with their non-disabled peers, guaranteeing equal opportunities for all children... including children with disabilities.

This required the sharing of program resources, including transportation, through regional cooperation among public and non-public schools and non-educational agencies.

In the early 1970s, a simultaneous movement across the country resulted in the passage of important federal and state laws. The federal laws were PL 93-112 and PL 94-142. In 1987, PL 99-457 was passed which expanded services to preschool children. In response to these laws, legislation was passed in California which provides the legal foundation for a comprehensive plan in special education and requires local districts and agencies to establish SELPAs to address the needs of all children with disabilities.

These laws and regulations promote changes and procedures leading to such things as the following:

- Accountability
- Annual Reviews of Progress
- California Special Education Management Information System (CASEMIS/CALPADS) Reporting
- Career Training
- Community Involvement and Support
- Compliance Reviews
- Coordination of Resources Among Districts by Regions
- Desired Results Developmental Profile (DRDP) Assessment and Data Reporting
- Due Process Rights
- Educational Benefit
- Full Service to All Students with Disabilities
- Guaranteed Equality of Access
- Improved Self-Esteem for Children with Disabilities
- Increased Parent Participation
- Individualized Educational Programs (IEP)
- Less Restrictive Placements (LRE)
- Local Governance Systems
- Program Evaluation
- Quality Program Reviews
- Social Acceptance of Children with Disabilities
- Staff Development Programs
- State Performance Plan Indicator Data Collection
- Transition from School to Post Secondary Education and Employment

Today, as never before, parents, students and staff work together to make certain that the appropriate services are provided on an individualized basis for every child with a disability. The services are provided through the SELPAs. The Local Plan developed and maintained in each community by the people who live there, is the basis of these improvements and the foundation of services.

The following suggested guidelines are from one of our authorizers. This outlines “best practices” for responding to a parent request for Special Education Services.

- *INITIAL REQUESTS:*
 - *Respond to the written requests for an initial evaluation within 15 days of receipt*
 - *Send an assessment plan with a copy of the “[A Parent’s Guide to Special Education Services](#) Or [Including Procedural Rights and Safeguards](#) Spanish / [Procedural Rights and Safeguards](#) English*
 - *Hold a SSPT meeting per parent’s agreement within 15 days of receipt of the written referral. It should be noted: 1) SSPT meetings should not extend the 15 day timeline and 2) at the conclusion of the SSPT, parent has the right to:*
 - *Forgo the SSPT process for an assessment plan*
 - *Attempt general education interventions which should be documented using attachment C or D of [Bulletin 4140.2](#) / (Non LAUSD schools also comply)*
- *RE-EVALUATION REQUESTS:*
 - *Respond to the written requests for a re-evaluation within 15 days of receipt*
 - *The Charter School must grant a parent request for re-evaluation and send an assessment plan with a copy of the “[A Parent’s Guide to Special Education Services](#) (Including Procedural Rights and Safeguards)” unless a re-evaluation has occurred in the past calendar year. 34 CFR 300.303*

Developing the Individualized Education Program

IEP Checklist - What to do before an IEP Meeting:

https://docs.google.com/document/d/1__BB2uRBUotP7eLoIPlcO5hVpnhGmlhMVZjZ0LFYasc/edit?ts=5d5457e8#

Script to be Read AT the Beginning of EVERY IEP Meeting:

- An IEP Meeting is a collaborative process, and all participants will be provided the opportunity to ask questions and provide recommendations and suggestions.
- The IEP team has the authority and responsibility to design a program in which the child can derive meaningful benefit.
- The Draft IEP, behavior intervention plan, or assessment plan might change as a result of the IEP team's deliberations.
- The decision on related services and placement will occur during the IEP meeting, unless the team agrees that there is not sufficient information to make a placement determination.
- The team considers the family equal partners in the educational decision - making process.
- Any team member may propose an objective or goal in the IEP, even if it is not included in the Welligent goal bank.
- If you are tape recording this meeting, please let us know at this time. Any recorded information obtained outside of our recording policy, (i.e. 24 hours prior notification to the school or divulged at this moment) can not be used as evidence of any kind in the event of any formal or informal hearing or resolution meeting.
- COP 3 schools only... "If your child is a student who has a moderate to severe disability and was relocated from a Special Education Center to a General Education campus, you should be aware that there remains a continuum of placements available for consideration by the IEP team with respect to placement of your child, including Special Education Centers."

IEP Follow-up Checklist - What to do Following an IEP Meeting:

<https://docs.google.com/document/d/14xAhBSl2PCuKITZcXDJe7EGZ6PprGjSmivoFVCSyHX8/edit?ts=5d5457df#>

IEP MEETINGS AT MAGNOLIA PUBLIC SCHOOLS

The manner in which an IEP Meeting is conducted will have a significant impact on its effectiveness. The process should ensure that:

- The focus is on the student.
- All participants are viewed as having important contributions
- Communication is in a style and manner that is both understandable and respectful. (Use charts, graphs and PowerPoints when possible).
- The needs of the student guide the decisions made at the meeting.
- The decisions made can and will be implemented.
- Policy requirements are met and Sped LRE/ FAPE laws are followed.

The Meeting itself:

- Begin the meeting on time, or inform participants of any interference for not meeting on time.
- If the meeting is being recorded, advise everyone to speak loudly and take turns speaking.
- State the purpose of the meeting: Examples (Annual Review) “We are here to review the progress that (Student’s Name) has made since the last IEP meeting and to plan (his/her) Free and Appropriate Public education program for the next year.” Example (Initial IEP) “We are here to determine whether (student’s name) has a disability and requires special education and related services and if so, determine the appropriate services to meet (his/her) needs and support (him/her) in accessing the general education curriculum.”
- Introduce the participants and their roles.
- When an interpreter is used, clarify the roles and turn-taking procedures that are to be used (i.e., allow time for all communication to be completely interpreted; speak to the participants, not the interpreter; take turns talking; simultaneous interpretation will occur; or other specific interpreting procedures to be used).
- Distribute the proposed agenda and ask the participants if there are any additions or modifications.
- Changes should only be accepted if they are consistent with the purpose of the IEP meeting and supports FAPE.
- Offer parent(s) copies of Procedural Rights and Safeguards and document within the IEP that these have been provided. COP 3 Schools should also offer A Parent’s Guide To Special Education Services. All COP3 Schools, Provide the IEP and You, if a transition plan is being developed or reviewed, also provide the ITP and you. Review the content with the parents.
 - If the student has reached the age of 18, and we have informed the family at least 12 months prior; and the student has not been determined to be incompetent under State Law, all rights, roles, responsibilities and communication described in the Manual pertaining to the parent are conveyed to the student.
 - Ask if Parents/Guardians/adult-student understand their rights as described in the guide and or explained to them. If they have any questions, please summarize and check for understanding until the parents indicate they understand.
- Tell the team the proceedings and results are confidential and will be used for educational purposes only.
- If the student is in attendance, they may contribute to the meeting by discussing their educational strengths and concerns.

- Throughout the meeting invite parent/student comments and questions. Check for parent and student understanding. Make every effort to include parent suggestions and perspectives in the development of the support plan.
- Any Parent request and the IEP team’s response should be documented. If the IEP team decides not to implement a Parent request, the IEP must document what information was relied on to make the decision and what alternatives were considered.
- It is always helpful to invite the parents and student (if present) an opportunity to share their expectations and vision for the student’s future, including short and long-term plans.
- Beginning with the year that the student will turn 14 and each annual review thereafter, discuss Magnolia’s, and the State’s requirements for graduation. Discuss in an effort to determine whether the student will work toward a MPS Diploma, State Diploma or a Certificate of Completion.
 - Fully explain the following and solicit a clear understanding of the following:
 - The difference between a diploma and a certificate of completion.
 - The right of students to continue their education until age 22, unless they have earned a diploma.
 - The courses and credit requirements that must be satisfactorily completed for a diploma.
 - The criteria for receiving a certificate of completion.

DETERMINING ELIGIBILITY

In order for a student to be eligible for special education services the student must have a disability and a unique learning need that cannot be met through the general education program with appropriate accommodations and modifications. As a result, the student requires special education services to meet his/her unique learning needs as determined through assessment. The student is determined to be an Individual with Exceptional Needs (IWEN).

A student ceases to be eligible for special education if he/she no longer has a disability or a unique need requiring special education. A student may continue to have a disability, but if the student is able to adequately access the general education curriculum- meaning at grade and age expectancy, they may be determined “No Longer Eligible” for special education service.

*Note: An assessment of the student must be conducted before the IEP team can make this determination. A student may still require support in the form of a 504 plan in certain circumstances.

In determining eligibility, the IEP team should do the following:

- Discuss and consider assessment results.
- If the purpose of the IEP meeting is to determine initial or continuing eligibility or to consider terminating special education and related services, individuals knowledgeable about the assessment findings and who can interpret their instructional implications should give oral reports summarizing the findings from the assessment reports. This information should be communicated in clear, concrete language with minimal use of professional jargon. Encourage team members to ask for clarification if they do not understand what is being presented.
- Discuss the results from any independent educational evaluation(s) conducted by qualified examiners (See Initial Assessment, Reassessment and Independent Educational Evaluation). If the persons conducting the evaluations are present, ask them to summarize their findings. Note:

Summarize the team's consideration of the independent educational evaluation(s) on the IEP document in FAPE 2 Part 4, Additional Discussion (WELLIGENT) or in the notes section (SEIS).

- Determine whether the student has or continues to have one or more disabilities. When making this determination the IEP team should:
 - Discuss characteristics of the student that support the identification of a disability.
 - Answer the questions on the relevant certification forms for students when determining whether a student has a specific learning disability, emotional disturbance or speech or language impairment eligibility or when re-evaluating a student with these eligibility areas and complete the form.
 - Document the areas of disability that were discussed.
- Document the areas of disability considered by the IEP team for which the student did not meet eligibility requirements and the reasons why.
- Determine whether the student has a unique learning need that requires special education services. When making this determination the IEP team should:
 - For an initial IEP, develop and document a profile of the student's functioning, including present levels of educational performance, and the accommodations and modifications that have been tried with the student and their level of success.
 - Discuss whether the student's disability has or continues to have an adverse effect on his/her educational performance.
 - Determine whether the unique educational needs of the student are not primarily due to:
 - Environmental, cultural or economic factors.
 - Lack of instruction in math.
 - Lack of instruction in reading.
 - Limited English proficiency.
 - Social maladjustment.
 - Temporary physical disability.

Note: If the IEP team determines that the student's unique educational needs are primarily due to one or more of the above factors, then the team must conclude that the student is not eligible for special education.

- If it is determined that the student does not have a disability or no longer has a disability and thus is not eligible for special education, the IEP team may discuss other general education accommodations and modifications that might be beneficial.
- If it is determined that the student has a disability, but does not require or no longer requires special education to access his educational program, the IEP team should discuss whether the student is eligible for a Section 504 Plan.

Note: If it is determined that the student may be eligible for a Section 504 Plan, refer the student for the 504 evaluation process.

- o Identify the disability or disabilities for which the student is found eligible and which is the primary disability impacting learning. Document this disability on the Eligibility page of the IEP document.
 - o For COP 3 Schools, additionally document if a Student has a Low Incidence disability.
 - o For SEIS schools, if a student meets eligibility criteria for two categories, including, but not limited to a low incidence disability, a second disability may be listed.
- If it is determined that the student is not or is no longer eligible for special education services, check the “Does not meet eligibility criteria for Special Education Services” or “No Longer Eligible for Special Education Services” box on the IEP.
 - If it is determined that a student no longer requires special education, follow Welligent/ SEIS IEP system procedures for conducting an Exit IEP under the category of “No longer eligible for special education services.”
 - Document the decisions made above on the Eligibility page of the IEP. If it was determined the student is not or is no longer eligible for special education, the IEP meeting can be adjourned. If the student is determined to be eligible, proceed with the meeting.

DETERMINING THE APPROPRIATE CURRICULUM OF INSTRUCTION

Based on the assessment data, determine whether the student will participate in one or more of the following:

- The general education curriculum for his/her grade level.
- The general education curriculum using accommodations and/or modifications.
- A special education alternate curriculum.

Note: It is the responsibility of the IEP team to determine whether a student will participate in the general curriculum or alternate curriculum, which then determines which standards will be used to assist in developing appropriate goals. General education curriculum is the course of study for all students expected to meet diploma requirements. Alternate curriculum is the course of study for students who are working on alternate achievement standards and is designed for students with significant cognitive disabilities. Alternate achievement standards are aligned with and modified from general education grade level content standards.

The decision to recommend instruction using an alternate curriculum will impact a student’s educational outcomes from the point of the recommendation forward. As such, the decision to recommend a student be instructed using an alternate curriculum should only be made after appropriate information has been gathered and discussed by an IEP team. [COP3/See REF- 6275.0 Guidelines for Individualized Educational Program (IEP) Teams When Considering a Recommendation to Instruct a Student Using an Alternate Curriculum] or [SEIS/See El Dorado SELPA’s Guidelines for considering an Alternative Curriculum].

Note: * Providing a student a **modification** as opposed to an accommodation in an IEP does not automatically restrict the student(s) to an alternative curriculum or earning a certificate of completion.

PREVIOUS GOAL ACHIEVEMENT

If the student is receiving special education services, review all annual goals and objectives in the current IEP and determine whether the objectives under each goal have been met or not. All objectives have to be met in order for the goal to be met. For each goal that is not met, determine the reason(s) why and what might be done to better assist the student to meet the goal. Utilizing monitoring information, discuss the progress the student has or has not made. Discuss goal achievement or partial achievement as strengths; not achieved as areas of need.

Note: Prior to the IEP team, team members responsible for each goal should take needed measures to ensure they have current, detailed, and accurate information regarding the student's progress on the goal, as specifically described within the goal.

DETERMINING PRESENT LEVELS OF PERFORMANCE (PLPs)

Identify performance areas in which the student requires support based on his/her assessed unique needs and the assessment or monitoring information used to make that determination. This data provides the IEP team with the information necessary to individualize a student's educational program.

Examples of performance *areas* include: **health/development**; vision (including low vision); hearing; social, emotional and behavioral status; **general ability**; self-help; academic performance (e.g. reading, written language, math); orientation and mobility; language functions; motor abilities; and career and transition abilities. Present Levels of Performance should be data-driven and include the following:

·Information about results from multiple measures of assessment – Determination should not be made based on one person's assessment. A multi-disciplinary team should evaluate students ensuring that there is no bias and that results are a valid measurement of the child's performance.

- o Student strengths;
- o Areas of need; and
- o Impact of disability statement that identifies the disability, including how the disability impacts the student's involvement and progress in the general education curriculum.
- o Optional fourth Section "Suggestions" – description of what works for the student and accommodations that may benefit academic/behavioral support.

The PLPs can be written prior to the meeting in a narrative form but subject to revision by the IEP team. (Make sure to add parent observations and feedback related to each performance area.)

STUDENT STRENGTHS, document what the student can do. Establish a baseline performance level and be sure to include results of curriculum-based measures. Think about what standards the student has mastered and how the student performs on classroom and homework assignments. Establish baseline performance level by:

- Reviewing multiple assessment measures
- Identifying standards mastered
- Describing classroom academic performance
- Identifying non-academic strengths, such as positive behaviors or social emotional responses.

When discussing STUDENT NEEDS, be specific. Document areas of difficulty for the student. Indicate which standards need to be mastered. Describe the student's classroom performance. This information will enable the IEP team to develop an appropriate goal or determine appropriate accommodations, modifications or services for the student.

- Document areas of difficulty
- Determine standards that need to be mastered
- Describe classroom performance
- Identify specific skills that will be addressed in the following year, and document the student's current, objectively measurable baseline. (E.g. "Student is currently able to read 3 words per minute" NOT "Student reads slowly")
- ***Must clearly link to goal(s) and objectives selected***

IMPACT OF DISABILITY statement **MUST contain these THREE elements:**

- Name the disability
- Describe how the disability is manifested in the specific performance area
- State that the disability impacts the student's involvement and progress in the general education curriculum State the area of disability and describe how the disability impacts the student's academic skills specifically in that performance area and, as such, "impacts the student's involvement and progress in the general education curriculum".

In the event there is no impact of the student's disability on the specific performance area, no corresponding goal would be established and the impact of the disability statement might include the following language, "The student's disability does not impact student's involvement and progress in the general education curriculum for this performance area."

If it is determined by the IEP team that the instruction for the student will be aligned to the alternate curriculum, the impact of disability statement will include the following, "impacts the student's involvement and progress in the general education curriculum to such a degree that his instruction is based on alternate achievement standards using the alternate curriculum."

ANNUAL GOALS AND OBJECTIVES

For each performance area statement that identifies a student need, develop at least one annual goal. Annual goals represent the IEP team's estimate of what the student can reasonably be expected to achieve with specialized instruction or support during 12 months. Annual goals must be appropriately ambitious, measurable and include conditions that will enable the student to access the goal. The team should answer the question, "With specialized instruction or support what do we expect the student to know or do within a year". All academic goals must be aligned to the California Common Core State Standards.

Additionally:

- Goals developed for related service providers may also be aligned to the content standards.
- Stand-alone goals, goals that cannot be linked to content standards, may need to be developed in relevant performance, e.g. behavior, social emotional learning. Note: Most SEL goals are in the state standards.
- Develop specific, measurable, attainable, relevant, and time-bound goals with appropriate conditions and specific measurement terms to achieve the goal
 - o Goals for students who are far below grade level may reflect anticipated achievement of a prerequisite skills but should be paired with services for remediation of the achievement gap. Reading Foundational (RF) standards goals can be written below grade level to match the instructional needs of students; however, it is best practice to pair the out-of-grade level goal with a grade level goal that addresses reading comprehension.
 - o If a student has a moderate to severe disability and is not participating on the required course of study to attain a high school diploma, goals should be developed based upon alternate achievement standards aligned to the California State Content Standards.
 - o For students with visual impairments, goals should be developed that also address the critical skills they require to access the core curriculum, function independently, and participate meaningfully in educational activities as delineated in the Expanded Core Curriculum (ECC).

During the development of services, determine the type of general education, special education and related services providers who will be responsible for instructing the student in each of the goals. It is possible that more than one person may be responsible. For example, both the general and special education teachers may be providing instruction to ensure attainment of core curriculum IEP goals.

Explain how progress towards goal achievement will be reported to the parent.

Note: IEP goals must be aligned to state standards. Therefore, the use of results from multiple sources of data will allow the IEP team to identify the specific skills/achievement over time.

These MULTIPLE MEASURES or sources of data may include:

- Curriculum based measures (Teacher generated, criterion referenced)
- Diagnostic data (Standardized assessments, ELPAC)
- Curriculum based assessments (MAP Testing – following “scope and sequence”)
- Summative assessments (IAB’s, MAP Testing – MPS wide)
- Other student data sources (Student work-samples, portfolios)
- Parent and teacher/school personnel observation

Note: It is a legal requirement that parents of students with disabilities must be informed of progress and achievement toward IEP goals at least as often as report cards are issued for general education students. Personnel responsible for goals must document student progress towards IEP goals on the IEP Report of Progress and Achievement from Current IEP. Copies of the IEP Report(s) of Progress and Achievement must be provided to the parent or sent home with students when issuing report cards to all students.

- o If the student has been determined to be an English Learner (EL) identify appropriate English language development goals based upon the four domains: listening, speaking, reading, and writing to support the development of English proficiency. Appropriate goals must link to determined areas of need in the English Language Development (ELD) Present Level of Performance that is required for every EL student.
- o If the student is blind or visually impaired, the IEP team must determine if the student requires instruction in Braille and the use of Braille. The team must consider the findings from an assessment of the student's reading and writing skills, needs, appropriate reading and writing media, and the student's future need for instruction in Braille and the use of Braille. If the student requires instruction in Braille or the use of Braille, develop appropriate goals and objectives and document the need for Braille materials and equipment as appropriate.
- o If the student's behavior is impeding learning, a Behavior Intervention Plan should be developed. To do this, relevant data is utilized to identify antecedents to the behavior, a possible function of the behavior, and changes to the student's environment to support the development of more appropriate behaviors. This Behavior Intervention Plan should include the hypothesized function of the behavior and a Functionally Equivalent Replacement Behavior (FERB). The behavior goal should be developed based on the FERB.
- o If Tier I and II supports are in place and the behavior continues, the IEP team should consider a Functional Behavior Assessment (FBA). A Functional Behavior Assessment (FBA) is a systematic process of identifying and understanding behavior(s) that impede learning. Functional Behavior Assessment utilizes data collection (direct and indirect) to gather and analyze information about the student's behavior and accompanying environments in order to hypothesize the purpose or intent (function) of the target behavior and guide the development of function-based, positive antecedent-based, and consequence-based behavioral interventions.

Note: *If the IEP team determines that a FBA is needed, an assessment plan will have to be developed after the meeting and an IEP team meeting scheduled to consider the findings of the FBA. Complete as much of the current IEP meeting as possible, with the understanding that an amendment IEP meeting will be held once the FBA is completed.

SUGGESTED VERBIAGE FOR TRANSITIONAL IEPs AT ALL LEVELS

From Elementary to Middle School:

A comprehensive program includes:

- Suggestions for helping students form a realistic expectation of what middle school will be like
- Providing a positive and successful first impression
- Ensuring a successful introduction to the middle school experience
- School visitations and having Middle Students share with Elementary Students in an Assembly
- A summer bridge program to provide a less impactful experience for students to become acclimated to Middle School

Parents, too, have concerns and questions about their children's transition from elementary to middle school, so any transition program must include the extensive participation of parents.

A well-planned, systematic transition program involves all the stakeholders: students, school personnel, and parents. Here are some things to consider:

Incoming middle school students should be involved in a variety of activities preparing them for middle school. They should have the opportunity to meet middle school students and teachers in their elementary school. They should have the opportunity to visit the middle school in the spring and meet the staff and students, particularly their homeroom teacher and classmates. Educators in both the elementary and the middle school should provide activities for students that lessen their concerns, build their confidence, and reduce their anxiety.

Current middle school students also should be prepared for and included in orientation presentations -- through a leadership/student government class, a "buddy" system, or other planned ways.

School leaders should plan and provide for several events that involve students, teachers, and parents. These events should focus on providing a positive message about middle school, that it is safe and fun. They should also focus on providing information about the changes that early adolescents will be experiencing.

Elementary teachers, counselors, and other licensed staff members should be aware of the concerns of their students and the anxieties of moving into middle schools. They should be upbeat and reassuring -- and they should not use middle schools as a "threat" or misplaced motivational tool. They should know about the developmental issues, indeed, some of their students in the elementary schools will already be experiencing some of these changes.

Middle school teachers should be well versed in the developmental issues of their students. They also should be aware that students will experience anxieties associated with the change and they should begin before school starts to work to neutralize these anxieties. Visiting elementary schools in the spring, so the students know the teachers, and addressing any questions or concerns on the first day of the school year are two ways to facilitate this easing into the year.

Parents should attend the spring incoming parent night to meet homeroom teachers and begin to establish a relationship with the teachers.

Parents should attend school meetings to learn about the concerns and questions their children have and will have. They should talk with their children about the upcoming school year and emphasize the positive aspects of attending middle school. Parents should watch for signs of depression and be ready to address them.

Parents need to learn about young adolescents and their developmental issues and stages so that they will understand better this new and wonderful person with whom they live, and be able to interact with them in positive ways that build relationships.

From Middle School to High School:

In an effort to build resilience in our students, we need to provide support in a different way. When writing a transition IEP from Middle to high school, use verbiage that holds the students and parents accountable so that the way the students are supported changes, but does not become non-existent.

Work with your parents to provide opportunities for students to visit their high schools prior to the beginning of the school year.

Connect with your principals, deans and counselors prior to the beginning of school.

Students may be encouraged to follow the plan below for self advocacy:

- Get to know the people and places on your high school campus.
- Read everything you can from the high school including school newsletters and handbooks.
- Organize your days with a planner and keep a calendar that schedules time for homework, extracurricular activities, and fun, too!
- Get involved in student government, sports, clubs, and/or community organizations.
- Check out bulletin boards in your classrooms, on campus, and in the guidance office.
- Really listen to school announcements, classroom and assembly presentations, and attend college and career workshops.
- Make a four-year high school plan for yourself with the assistance of a parent/guardian and your school counselor.
- Talk with your teachers, counselor, or other staff when you have questions or problems.

DEVELOPING POST SECONDARY GOALS FOR STUDENTS 14 AND OLDER

o Postsecondary goals are required for all students with disabilities with an IEP, beginning at the first IEP that will be active when a student will turn 14 years of age.

o A measurable postsecondary goal is what the student wants and hopes for his or her future in terms of higher education or training, employment, and independent living. Although the student may have several postsecondary goals, the ITP is focused on what they can accomplish within two years after leaving after high school. The annual measurable goals in the IEP outline what schools will do to help the student during high school to achieve the long-term postsecondary goals (transition to adult living).

o Examples of post-secondary goals include:

- Education
 - Continuing or adult education
 - Attend community college
 - Attend a four-year college/university
 - Training/ Vocational training
 - · Apprenticeships
 - · Trade school
- Employment
 - · Competitive employment
 - · Self-employment
 - · Supported employment
 - · Volunteer work
 - · Work/activity program
- Independent Living Skills
 - · Independent living
 - · Semi-independent living
 - · Supported living

- · Living with family/relatives
- · Residential living
- · Mobility

Postsecondary goals must be developed in the following areas:

- Education or training / Employment / Independent living skills

Here are a few samples of free career inventories that can be used for your students 14 and up:

<https://careerwise.minnstate.edu/careers/clusterAssessment>

<https://www.careeronestop.org/ExploreCareers/Assessments/skills.aspx>

<https://www.yourfreecareertest.com/>

The following steps will assist the IEP team in documenting postsecondary goals.

- Step 1 of ITP – Assessment: Identify the assessments and report results of the assessments used to determine interests, strengths, preferences, and soft skills in education/training, employment, and independent living skills.
- Step 2 of ITP – Postsecondary Goals and Transition Activities: Postsecondary goals and transition activities: Education/Training: Write or select post-secondary goals and transition activities that align to both the student’s present levels of performance and their identified interests, strengths and preferences. Select a date prior to the next annual IEP by which the activities should be completed and determine which people/agencies will be responsible for supporting the student in completing each activity. Note that at least one person listed as responsible should be from the school site. For more information, consult with the College/ Career Counselors on your campus
- Step 3 of ITP – Course of study: A multiyear description of coursework to achieve the student’s desired postsecondary goals from the student’s current to anticipated exit year.
 - STANDARDS, ACCOMMODATIONS AND MODIFICATIONS
 - Connect families to the Department of Rehabilitation and/or regional center as appropriate

PARTICIPATION IN STATE AND MPS - WIDE ASSESSMENTS

Explain to parents, that students, in state identified grades, including students with disabilities, are required to participate in the Smarter Balanced Assessment Consortium. (SBAC). The SBAC system replaced the CA Assessment of Student Performance and Progress (CAASPP) and the Standardized Testing and Reporting (STAR) program. A small percentage of students with severe cognitive delays who are being educated in an alternate curriculum, may upon the determination by the IEP team, participate in the California Alternate Assessment (CAA). Students with disabilities must also participate in any MPS-wide student performance assessments or an

alternate assessment to assess the student's skills. Please educate all parents so that they understand that the academic progress of their youngsters may be evaluated using one of the two assessments. There should rarely if ever, be a need for a testing waiver. A disproportionate amount of waivers can result in a DINC error for the LEA.

Students may need accessibility tools or accommodations to access assessments. There are three different levels of support available on state and MPS assessments: universal tools, designated supports, and accommodations. For information on how to determine appropriate supports, reference SBAC Accessibility and Accommodations Guidelines for Smarter Balanced Assessments. Document the necessary accommodations in the IEP.

SERVICES AND SUPPORTS

Discuss the services that the student will need to reasonably achieve the goals and objectives that were developed, the rationale per the research that supports the recommended services to the extent practicable, and the most appropriate service providers, including general education teachers, special education teachers, least restrictive environment (LRE) facilitators, related services providers, etc. In order for an IEP team to recommend a special education or related service, the goals and objectives agreed to must justify the need for the service and provide the direction necessary to guide the providers' work with the student. In addition, for a student to receive a related service, an assessment, conducted by a qualified assessor, must have indicated the student's need for the service and that the services cannot be provided by a general or special education educator.

Services must be specifically documented within the IEP such that the offer of FAPE is clear and understandable to the parent. The following items must be clearly specified for each service:

- Whether the service will be provided as push-in or pull-out services. Note for COP3 schools: if a student is participating in a special day class or special day school placement, this will not necessarily be reflected in time out of general education.
- Whether the service will be provided individually or in group.
- Whether the service will be provided directly or through consultation with IEP team members
- The location of the service (e.g. regular education classroom, special classroom, virtual)
- The service provider (e.g. Charter School staff, non-public agency. The specific name of an agency or person should *not* be included)

If the service will be provided through a combination of multiple delivery methods, the IEP must detail how many minutes will be provided through each method.

If the IEP team is considering counseling as a related service, refer to the Counseling Services document Tier one and two emotional supports and their impact on the student's ability to regulate emotions, manage self-behaviors and build self-efficacy.

Beginning with the year that the student will turn 14, discuss whether there are any agencies currently or prospectively providing or paying for transition services (e.g. Department of Rehabilitation or Regional Center). If so, document this in the IEP along with whether the parent/guardian or student, if over age 18, gives permission to the MPS to invite these agencies to the next IEP in which transition services will be reviewed.

Discuss the amount of time that the student will require special education and related services. For related services providers, review the amount of time specified under each goal. Calculate on a weekly basis, the percentage of time the student is in school that he/she will be receiving special education and related services.

If necessary, discuss any additional support services that may be needed to support the student's special education and related services. This might include interpreters for deaf students, etc.

Discuss the type of physical education the student should receive. This includes regular physical education (with or without accommodations), specially designed physical education, and adapted physical education.

- Specially designed and adapted physical education (APE) can only be agreed to if an assessment has been conducted, the IEP team has found the student in need of this related service in order to benefit from special education services, and goals and objectives have been developed.
- Discuss any accommodations or modifications the student may require such as: extra time to dress or assistance with a locker, dressing with privacy, etc.

Discuss and document any supports for school staff that may be needed, including professional development and training.

Discuss and document if the student requires assistive technology, using information previously discussed by the team.

- Focus first on specific present levels of performance. Consider any assessment information presented. In addressing the student's need for assistive technology begin with low/no tech (i.e. graphic organizers, color coding, picture boards) to mid-level technology (calculator, books on tape) to higher-level technology (word processor, computers).
- If equipment is recommended, use descriptive terms, not brand names (i.e. tablet not "iPad"). Be sure that the need for assistive technology is documented in the student's present levels of performance, and that goals and objectives incorporate the assistive technology selected. See Assistive Technology and Low Incidence Programs section in this e-PPM for further information.
- If the IEP team determines that assistive technology services are necessary to permit a student to access needed technology or devices, a goal must be developed to support this service (e.g. a goal for increased use.)
- Note: Assistive Technology excludes surgically implanted medical devices or replacement of such devices.

Determine whether the student qualifies for low incidence services. The MPS can receive State funding to support the special equipment needs and services of students with low incidence disabilities: students with a visual impairment, students who are deaf or hard of hearing and students with a severe orthopedic impairment. Please note: * Autism is no longer considered a low-incidence eligibility.

The need for low incidence equipment and/or services is assessed by the classroom and/or special education teacher and appropriate related services professionals and determined by the IEP team.

The following are examples of the specialized equipment and/or services.

- Specialized communication instruction/equipment (i.e. Braille, American Sign Language, Fingerspelling, communication boards and/or communication devices)
- Specialized materials and equipment to access curriculum (i.e.Braille readers/writers, amplification devices, specialized computer hardware and/or software)
- Specialized transportation
- Specialized equipment/instruction to acquire daily living skills
- Assistance with personal needs
- Specialized career and vocational instruction

Document Additional Factors if the student qualifies for low incidence services.

Document the need for any low incidence specific instruction, accommodations, and /or equipment in the IEP as appropriate.

Note: Low Incidence services can only be agreed to if an assessment which should include a medical diagnosis related to the low incidence disability has been conducted, the IEP team has determined that low incidence service(s) are necessary for the student to benefit from special education services, and has developed appropriate low incidence goals and objectives. If the IEP team determines that a medical diagnosis is necessary, MPS must facilitate and fund a doctor’s visit for this purpose.

EXTENDED SCHOOL YEAR

Determine whether the student requires extended school year (ESY) services. ESY services are provided during the summer/intersession for a student who the IEP team determines will experience a loss of skills (regression) during the break from school that he/she will not recoup in a time frame comparable to typical students upon return to school. Most students regress during school breaks and recoup their lost skills within an expected period of time when school reconvenes. For a student to have a regression and recoupment problem, the IEP team must consider the student’s past performance and determine that the student is at risk of not recouping skills within the normally expected period of time. A student with severe disabilities may also be eligible for ESY services if he/she requires such services in order to attain critical skills that are essential to the progress of the student and lead to independent functioning and integration with nondisabled individuals.

PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

Explain the following: That the IEP team has the responsibility to determine the appropriate educational setting for the delivery of the services.

- The legal principle of “least restrictive environment” requires that to the maximum extent appropriate, students with disabilities should be educated with students who are not disabled.
- That placement in a special class or separate schooling should only occur when the nature or severity of the student’s disability is such that education in a general education class with appropriate accommodations, modifications, services and supports cannot be achieved satisfactorily.
- That the MPS provides a continuum of placement options that are listed from the least restrictive to the most restrictive.

- o Review the least restrictive to the most restrictive.
- o Explain that, consistent with the principle of serving the student in the “least restrictive environment”, consideration of the appropriate placement option for the student should begin with the general education classroom.
- o If the student will receive any special education services outside the general education classroom, the rationale must be considered and discussed by the IEP team and documented on the LRE Analysis page of the IEP.
- o Progressing through the continuum, discuss and document the placement options and whether the student’s goals and objectives, with the accommodations, modifications, services and supports previously agreed to can reasonably be met. If the team rejects a less restrictive option, it must consider and document why that option has been rejected.
- o Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student’s language and communication needs, opportunities for direct communications (without an interpreter) with peers and professional personnel in the student’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student’s language and communication mode.

If the behavior of the student is a factor in the placement decision the IEP team must address the following:

- o Ensure that school-wide and classroom behavioral expectations are defined, taught, reinforced, monitored and corrected by school site staff with fidelity.
- o What are the behavioral expectations in the student’s classroom(s)?
- o Has a collaborative team consisting of people with expertise and experience working with the student and his/her family been assembled to support the student by developing positive behavioral supports?
- o Do behavioral supports need to be developed for the student’s behaviors, which are not considered to be serious? If so, have the specific behavioral goals and objectives, consistent reinforcements and social skills to be taught, been written into the IEP? If not, add them.
- o Is the student demonstrating behaviors which interfere with daily learning? Has a Behavior Intervention Plan been developed that identifies the communicative intent of the behavior(s), the antecedent/environmental factors contributing to the behavior(s), social skills to be taught, goals and objectives and needed accommodations, modifications, services and supports?

If a Behavior Intervention Plan has not been developed, the IEP team should develop one.

- If the student demonstrates behavior that significantly interferes with the implementation of the student’s IEP goals and objectives, has a Functional Behavior Assessment (FBA) been conducted?
- If not, the IEP team should consider requesting a Functional Behavior Assessment before considering placement in a more restrictive environment.
- If the student has had a Functional Behavior Assessment, has a Behavioral Intervention Plan been developed by the IEP team? If not, the IEP team should consider developing one.

In considering the above be sure to identify and document on the IEP the following:

- o Previously effective means of addressing the behavior.
- o The team members involved in implementing the Behavior Intervention Plan.
- o The current classroom management practices that will be augmented.
- o The function-based, positive antecedent-based and consequence-based behavioral intervention and instructional strategies that will be employed.
- o The settings in which the Behavior Intervention Plan will be consistently used.
- o The acceptable interventions to ensure the safety of the student and others according to MPS standards.

Note: IEP teams should not agree to the placement of a student in a more restrictive environment, because of the student's behavior, until a Behavior Intervention Plan has been developed and implemented. When considering placement in the general education classroom the following must be addressed and documented on the IEP:

- What modifications or accommodations need to be provided by the general education teacher in order for the student to be involved in and progress in the general curriculum, be held to high achievement standards, appropriately interact with non-disabled peers in the classroom and activities outside of the classroom, including extracurricular activities?
- What specific services are necessary to support the general education teacher in providing the modifications or accommodations?
- What specific special education and related services need to be provided?

If the IEP team is considering placement outside of the general education classroom the following must be addressed and documented on the IEP:

IEP discussions regarding placement outside of the general education classroom should include MSA Principal or Director of Special Education and Support Services. If needed, recess the IEP meeting and reconvene with required team members.

If placement outside the general education classroom may be discussed, the IEP team should include a representative who can speak to alternate placements. If a contracted placement, such as a District SDP or NPS placement is considered, a representative of the placement should be included in the team meeting if possible.

- Identification of the general education courses and subjects to which the student will be assigned.
- How the general education teacher(s) and special education teacher(s) will collaborate to enable the student to maintain access to the general curriculum with any needed modifications and continue to develop meaningful relationships with peers.
- How the student will participate with non-disabled peers, socially and/or academically.
- How the collaborative team can use the student's strengths in providing instruction. A plan to support the student's movement to a less restrictive environment, including activities that will be conducted to

implement the plan. If the IEP team is considering a placement outside of the student's school of residence, the Least Restrictive Environment Analysis Checklist.

- Complete the LRE Analysis page as an IEP Team and refer to the LRE Flowchart on the analysis form for guidance.

OFFER A FREE AND APPROPRIATE PUBLIC EDUCATION

Review the services, curriculum, accommodations, modifications, supports, assistive technology and instructional setting that have been determined during the course of the IEP meeting to ensure consensus.

Ensure that all applicable sections of the IEP pages have been completed and reviewed with parent. Encourage the parent to ask questions if the offer is not clear.

Ensure that the offer of FAPE is a true Free and appropriate public education offered in the student's least restrictive environment. Ensure that all supports necessary for the student to access the general education curriculum are included in the offer/ IEP.

PROCEDURES FOR RECESSING IEP MEETINGS

In a situation where an IEP team meeting may not be concluded in one day and will be reconvened on another, parents have a right to receive a printed copy of the DRAFT or WORKSHEET of the IEP document. Explain that the official document outlining our offer of FAPE will be provided when the meeting continues and is completed.

When we recess a meeting, the reason for recessing the meeting must be documented and a projected reconvene date determined and documented.

Please review the Post IEP Checklist referenced above and complete all follow up actions following the IEP meeting.

FACILITATE TIMELY (10 DAYS MAXIMUM) IMPLEMENTATION OF THE IEP AND COMPLIANT SPECIAL EDUCATION PROCEDURES.

The school site Director/Principal is accountable for the implementation of the IEP. Immediately subsequent to the IEP meeting, the following procedures need to be addressed by the school administrator or the administrative designee (SPED Coordinator) to ensure timely implementation of the IEP and compliant special education procedures:

1. Complete the post IEP checklist and place document in green folder
2. Ensure that the passport for each student is completed and provided to general education teachers
3. Ensure the ISA is completed if the student receives services from a Non Public Agency
4. Ensure the student is identified as an IWEN in Illuminate and CALPADS
5. Analyze and share relevant compliance data with staff as appropriate
6. Monitor and Evaluate school wide systems and practices

GRADUATION OPTIONS

When should we consider offering a Certificate of Completion v.s. a State Diploma v.s. a coveted Magnolia Public Schools Diploma? This is the information adapted from El Dorado SELPA:

PURPOSE

This section guides Individualized Education Program (IEP) teams that are considering whether a student identified as eligible for special education services is working toward earning a high school diploma or a Certificate of Completion (COC). Students with disabilities and their parents/guardians should be given adequate notice of the requirements for the various high school graduation options available, and IEP teams should evaluate several factors before determining the appropriate graduation option. The graduation options available to students are determined by the local educational agency (LEA) board policies. For MPS, these options include:

- A regular high school diploma based on the state-mandated requirements
- Magnolia Public Schools diploma
- A certificate of completion

HIGH SCHOOL DIPLOMA

The term “regular high school diploma” is defined as a diploma fully aligned to grade-level standards. Students typically complete mandated academic courses and must earn a minimum grade point average to receive standard high school diploma. California Education Code 51225.3 defines the mandated high school courses needed to earn a regular high school diploma. The U.S. Department of Education’s Office of Special Education and Rehabilitation notes that the vast majority of students with disabilities should have access to the same high-quality academic coursework as all other students in the state. The IEP team determines which graduation option is most appropriate for the student, given the LEA/ options as determined by the governing board.

MPS offers both a regular high school diploma based on the state-mandated requirements; and a diploma based on A-G requirements that provide greater access to college and exceed the state’s minimum requirements. It should be noted that although LEAs cannot deny a student a standard high school diploma based on their disability, the student does not automatically obtain one because of their disability. Separately, some LEAs/districts have also chosen to provide a differentiated diploma option. While functionally equivalent to a standard high school diploma, a school’s governing board must also approve a differentiated diploma. This alternative could allow LEAs/districts a wider interpretation of how students demonstrate mastery towards the prescribed set of courses within the differentiated diploma option.

In addition, certain student groups must have the option to earn a diploma through California minimum graduation requirements. Under Cal Ed Code 51225.1, a student identified as homeless, foster youth, juvenile justice youth including former juvenile court student, a child of a military family, or a currently migratory child who transfer high schools after their second year, may graduate and earn a standard high school diploma by completing the minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional MPS requirements within four years of high school.

HIGH SCHOOL DIPLOMA EQUIVALENCY ASSESSMENTS

The California Department of Education has approved the use of three high school equivalency tests: the General Education Development Test (GED); High School Equivalency Test (HiSET); and Test Assessing Secondary Completion (TASC) for students 18 years old, and some 17 years old, to receive a California High School Equivalency Certificate.

Postsecondary institutions, such as the University of California (UC) and California State University (CSU) systems, will accept a high school equivalency test in place of a diploma. However, students must still meet specific coursework, grade point average, and ACT or SAT examination requirements.

Students at LEAs who are 16 years old or have been enrolled in the tenth grade for one academic year have the additional option to complete the California High School Proficiency Exam (CHSPE). The CHSPE consists of two sections: an English-language arts section and a mathematics section. Students who pass both sections of the CHSPE are issued a Certificate of Proficiency by the California State Board of Education. The CHSPE is the legal equivalent of a high school diploma in California, and a student who receives it may leave high school early, with verified parental approval. If a student with an IEP passes a high school equivalency test, the student is still eligible to receive educational placement and services under their IEP at the LEA until they meet the requirements of one of the graduation options offered.

CERTIFICATE OF COMPLETION

The COC option is available to students who cannot complete the requirements for a regular high school diploma that the LEA offers, even with supports and interventions. The COC option does not equal a regular high school diploma. The graduation option that the IEP team chooses shall be documented clearly as part of the Transition Plan, as well as marked on the IEP's offer of Free and Appropriate Public Education (FAPE)/Educational Settings page.

IEP teams can waive academic courses the student attempted prior to being identified as progressing towards a COC. Conversely, while a student is progressing towards a COC, IEP teams should convene to analyze factors preventing a student from successfully completing a required academic course. The IEP team should evaluate if the IEP goals, services, and supports are reasonably calculated, and if the student will receive further educational benefit through repeating a specific course. While students may have access to the general education curriculum, most students receiving a COC participate in California's Alternate Assessment testing system, which is documented on the IEP's Statewide Assessment page.

A student with a disability who has satisfied the following three requirements, but who has not satisfied the requirements for a diploma, may receive a COC:

- Satisfactory completion of a prescribed alternative course of study as identified on the student's IEP; or
- Satisfactory achievement of the student's IEP goals and objectives during high school as determined by the IEP team;
- Satisfactory high school attendance, participation in the instruction prescribed in the student's IEP, and achievement of the objectives stated in the transition plan.

Receipt of a certificate of completion does not impact a student's eligibility for special education services. A student may still continue to receive special education services until age 22 or until the student receives a regular high school diploma.

GRADUATION REQUIREMENTS FOR STUDENTS ATTENDING NONPUBLIC SCHOOLS

Students with disabilities attending nonpublic schools (NPS) must meet the same criteria for graduation as peers attending the LEA.. Work with nonpublic schools to determine the graduation eligibility for students with disabilities placed at nonpublic schools. The LEA evaluates the student's transcript to verify the student's eligibility for completion of courses leading to either a high school diploma or a COC. For more specific information regarding NPS, refer to the Special Education Local Plan Area (SELPA) NPS/Residential Treatment

Centers Guidelines located on the SELPA website at <http://bit.ly/nps-rtc-handbook>.

California Monitoring of Special Education

California Department of Education Special Education Division Monitoring Activities Summary

The Individuals with Disabilities Education Act and implementing regulations in Title 34 Code of Federal Regulations (CFR) section 300.600 requires the CDE to place primary focus of its monitoring activities on improving educational and functional results and outcomes, as well as ensuring compliance with IDEA requirements with an emphasis on those most closely related to improved results for students.

34 CFR 300.600(b) requires: (b) The primary focus of the State's monitoring activities must be on— (1) Improving educational results and functional outcomes for all children with disabilities; and (2) Ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

The CDE routinely monitors compliance with the provisions of the IDEA for every district, every year, through a comprehensive system of oversight. Monitoring activities are completed as part of an Annual Submission Process (ASP), which includes the following components:

- Data Identified Noncompliance (DINC) reviews
- Performance Indicator Review (PIR) Yielding Special Education Plans (SEP)
- Annual disproportionality calculations
- Fiscal review
- Review of annual budget and service plans
- Significant Disproportionality

In addition, the CDE conducts on-site Comprehensive Reviews for a select number of districts every year to provide focused, targeted technical assistance, and conducts Critical Incident Reviews when a serious issue arises that warrants immediate intervention and attention. When the CDE identifies noncompliance, it ensures that the noncompliance is corrected as soon as possible, and in no case later than one year after the noncompliance is identified.

The CDE ensures compliance with IDEA requirements most closely related to improving results for students by ensuring compliance with all provisions of the IDEA through its comprehensive system of oversight. The CDE believes that compliance is the foundation of an effective service delivery program. However, certain aspects of the CDE's system of oversight are specifically designed to provide a primary focus on improving educational and functional results and outcomes for students with disabilities.

Data Identified Noncompliance

The Office of Special Education Programs (OSEP) of the U.S. Department of Education requires that a state must examine data it receives through its data collections to determine if the data demonstrates noncompliance with the requirements of the Individuals with Disabilities Education Act (IDEA). If noncompliance is identified, the state must make a finding of noncompliance and require the LEA to make corrections using federally specified procedures (OSEP Memorandum 09-02, October 17, 2008). In order to carry out these requirements the Special Education Division (SED) at the California Department of Education (CDE) reviews and analyzes student level data submitted to the California Special Education Management Information System (CASEMIS/ CALPADS) for compliance with state and federal requirements. Specifically, the data is analyzed in relationship to three compliance indicators from the California State Performance Plan (SPP):

Indicator 11: One hundred percent of children were evaluated within 60 days of receiving parental consent for initial evaluation.

Indicator 12: One hundred percent of children referred by Part C prior to age three, who are found eligible for Part B, have an Individual Education Plan (IEP) developed and implemented by their third birthday

Indicator 13: One hundred percent of youth aged 16 and above have an IEP that includes the eight required elements of transition.

In addition, the CASEMIS/ CALPADS data is analyzed for compliance to the state and federal timeframe requirements for: Annual IEP meeting (once a year)

Triennial re-evaluation to determine the student's continued eligibility (every three years)

Review of Annual Service and Budget Plans

California Education Code (EC) Section 56205 requires the submission of Annual Budget and Service Plans that are adopted at public hearings held by the special education local plan area (SELPA). These plans must identify expected expenditures and include a description of services, the physical location of the services, and must demonstrate that all individuals with exceptional needs have access to services and instruction appropriate to meet their needs as specified in their individualized education program. Each SELPA Local Plan requires a budget plan component to be developed/updated annually. Each SELPA will adopt the Annual Budget Plan according to the governance and policy-making process established in their local plan. The completion of the process will be documented by evidence that a SELPA-level public hearing has been held to adopt the Annual Budget Plan. The Annual Budget Plan may be revised during any fiscal year according to the policymaking process established, pursuant to EC Section 56205 subparagraph (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of EC Section 56001 and EC Section 56195.9. The Annual Budget Plan shall identify expected expenditures for all items required by this part, which shall include, but not be limited to, the following: (A) Funds received in accordance with Chapter 7.2 (commencing with EC Section 56836) (B) Administrative costs of the plan (C) Special education services to pupils with severe disabilities and low-incidence disabilities (D) Special education services to pupils with nonsevere disabilities (E) Supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments (F) Regionalized operations and services and direct instructional support by program specialists in accordance with Article 6 (commencing with EC Section 56836.23) of Chapter 7.2 (G) The use of property taxes allocated to the SELPA pursuant to EC Section 2572 Notice of the SELPA-level public hearing shall be posted in each school at least 15 days prior to the public hearing. A copy of the Public Hearing Notice must be submitted with the Annual Budget Plan. Each SELPA Local Plan requires a service plan component to be developed/updated annually. Each SELPA will develop and adopt the Annual Service Plan according to the governance and policy-making process established in their local plan and includes a description of the full continuum of service options to be provided within the SELPA assuring access to appropriate instruction and services for all students with disabilities from birth to twenty-two years of age, including children with low-incidence disabilities.. The completion of the process will be documented by evidence that a SELPA-level public hearing has been held to adopt the Annual Service Plan.

Disproportionate representation

The following State Performance Plan Indicators are designed to collect data indicative of performance regarding the requirement to address disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

4 – Discipline Measures percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

9 – Disproportionality Overall Measures percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. 10 – Disproportionality by Disability Measures percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Each year, the CDE completes calculations to identify disproportionate representation of students by race, ethnic group, and disability in district special education programs throughout California using data from the California Special Education Management Information System (CASEMIS). Evaluations of the rates of suspensions and expulsions of students with disabilities are also performed. These calculations relate to the State Performance Plan Indicators 4b, 9, and 10 (above).

As a result of these calculations and preliminary determinations, the CDE will review the LEA’s special education policies and procedures and evaluate a sampling of student records when an LEA is deemed disproportionate. Items that are determined to be noncompliant during the student record reviews will be adopted by the CDE as findings of noncompliance and will require a second evaluation, referred to as a Prong Two record review, in which a second set of student records is evaluated subsequent to the first student record review. All findings of noncompliance will be corrected as soon as possible, and in no case later than one year after the noncompliance is identified. The results of the reviews provide further data utilized by the CDE to monitor performance regarding the requirement to address disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

Significant Disproportionality

Pursuant to 34 C.F.R. § 300.646, CDE is responsible for collecting and examining data to determine if significant disproportionality is occurring in local educational agencies (LEAs) in the state. CDE must look at data related to the over representation of students by race and ethnicity with respect to:

1) Identification as children with disabilities 2) Identification in various disability categories 3) Placement in educational settings 4) Disciplinary actions including suspension and expulsion

Disproportionality is a result of the over representation of a specific race or ethnicity in relationship to the overall general education and special education populations of the district and state. CDE uses the Alternate Risk Ratio and the E-formula to calculate disproportionality. Significant disproportionality is determined if the district has been identified as disproportionate for the same race or ethnicity in the current year and in two of the three previous years.

If an LEA is determined to be significantly disproportionate in any one of the four areas identified above, the CDE will:

Review the LEA's policies, procedures, and practices to ensure compliance with the requirements of the IDEA
Require the LEA to publicly report on any required revision of policies, procedures, and practices
Require the LEA to reserve 15 percent of its IDEA grant funds to provide comprehensive coordinated early intervening services to children in the LEA (including, but not exclusively for, those children in the groups that were identified as significantly disproportionate)

LEAs that are identified as significantly disproportionate in one or more areas **may not take advantage of the opportunity to reduce its Maintenance of Effort by 50 percent** should there be an increase in federal funds. When LEAs are notified by the CDE of their designation as significantly disproportionate, they are provided information that includes instructions for submitting policies, procedures, timelines, and practices for CDE review and instructions for revising as necessary, developing action and budget plans, fiscal documentation; and reporting.

Performance Indicator Review Process (Revised to Special Education Plans)

Beginning in 2014-15, the CDE began to implement the PIR process, which evaluates a LEA's performance on the following performance measures and State Performance Plan Indicators (SPPI): SPPI 1: Graduation Rate
SPPI 2: Dropout Rate
SPPI 4a: Suspension and Expulsion
SPPI 5: Least Restrictive Environment
SPPI 8: Parent Involvement

In 2014-15, only LEAs that were scheduled for Special Education Self-reviews that year and had one or more performance indicator values that did not meet the targets established statewide for 2012-13 and did not demonstrate improvement from the prior year (2011-12) participated in the PIR process. In 2015-16, only LEAs that were scheduled for Special Education Self-reviews that year and had one or more performance indicator values that did not meet the targets established statewide for 2014-15 and did not demonstrate improvement from the prior year (2013-14) participated in the PIR process. Beginning in 2016-17, every LEA will participate in the PIR selection process annually. Participating LEAs did not meet the established targets. LEAs that participate are required to submit: 1) a Special Education Program Improvement Assurances Form and 2) a plan developed and adopted by the LEA that includes activities to improve performance in the target indicator areas. The purpose of the improvement plan is to engage both general education and special education LEA staff in an effort to build LEA capacity to improve the educational performance and functional outcomes for students with disabilities.

In addition, the CDE is evaluating additional performance measures as part of the PIR, including SSPI 3: Statewide Assessments and SSPI 14: Post-school Outcomes. As a method of ensuring compliance with those IDEA requirements most closely related to improving results for students, the CDE will institute a review of applicable policies and procedures, as well as student file reviews. The CDE will select the student files to be reviewed and will conduct the review of those files. The CDE will report findings of noncompliance to the LEA and will ensure that findings of noncompliance identified through these reviews are corrected by the LEA as soon as possible, and in no case later than one year after the noncompliance is identified. Reviews of student files and policies and procedures are completed for those LEAs that have not met the target for a particular indicator for the third consecutive year

[Comprehensive Review Process](#)

The purpose of the Comprehensive Review (CR) is: To ensure that LEAs are providing appropriate supervision and monitoring for special education programs and services To provide information to the CDE regarding key compliance questions To provide effective general supervision to LEAs in accordance with the obligations imposed on the CDE under the IDEA in accordance with the State Performance Plan (SPP) and as required by Title 34 Code of Federal Regulations Section 300.600 Each year, a select number of LEAs are selected for participation in the CR process, which consists of a record review and may include a thorough, on-site, CDE-led review of the LEAs' special education and related services delivery program. The CR is based on a monitoring plan that is developed by CDE staff from parent input, SPP indicator data, and compliance history information. The monitoring plan provides focus and direction, and acts as a strategic plan for the CR. The primary CR monitoring activities include student record reviews (focusing on procedural compliance, educational benefit, and IEP implementation), policy and procedure reviews, interviews, and a SELPA governance review. The CDE works in partnership with the LEA to complete the CR. Follow-up reviews are completed after the CR is conducted to ensure that the district has resolved non-compliance issues identified by the CR and is 100 percent compliant in subsequent records review.

The Educational Benefit process is employed as part of the student records review during the CR. The Educational Benefit process reviews student IEPs over multiple years in a way that exceeds simple verification of compliance with law, and evaluates whether IEP revisions are effectively designed to support each student's educational progress. During the Educational Benefit review, three years of IEP information is analyzed with the first year including an initial IEP or triennial assessment IEP. The relationship of assessments compared to identified goals and services is analyzed and compared from year to year. CDE staff participating in the Educational Benefit review make judgments about the adequacy of the effort to ensure that there was reasonable calculation that the IEP would result in educational benefit for the student.

The Educational Benefit review process ensures that the focus of student record reviews is not only compliance, but on the efforts documented to improve the educational and/or functional results of students with disabilities.

The CR process also includes conducting interviews with teachers and LEA staff to further ascertain the adequacy and effectiveness of the special education program. Interview questions are tailored to each LEA after the CDE conducts a comprehensive analysis of data that may inform potential areas for inquiry. Interview questions may be designed to address questions raised by an examination of the LEA's demographic data, assessment data, Least Restrictive Environment Data, discipline data, etc.

PARENT RELATED INFORMATION

Procedural safeguards are an integral part of IDEA's requirements. They represent guarantees for parents and their child with disabilities, as well as offer both school and parents a variety of options for resolving any disagreements, these some of these safeguards include:

- parent access to student records,
- parent rights to ask that those records be amended,
- parent rights to participate in groups and meetings where decisions are made about their child's education,
- parent notification requirements (prior written notice and the procedural safeguards notice), and
- selected other safeguards (e.g., independent educational evaluation, surrogate parents, age of majority).

- The right of parents to receive a complete explanation of all the procedural safeguards available under IDEA and the procedures for presenting complaints
- Confidentiality and the right of parents to inspect and review the educational records of their child
- The right of parents to participate in meetings related to the identification, evaluation, and placement of their child, and the provision of FAPE (a free appropriate public education) to their child
- The right of parents to obtain an independent educational evaluation (IEE) of their child
- The right of parents to receive "prior written notice" on matters relating to the identification, evaluation, or placement of their child, and the provision of FAPE to their child
- The right of parents to give or deny their consent before the school may take certain action with respect to their child
- The right of parents to disagree with decisions made by the school system on those issues
- The right of parents and schools to use IDEA's mechanisms for resolving disputes, including the right to appeal determinations.

*These are not the only procedural safeguards under IDEA, but they are the most relevant to the majority of parents.

CHILD FIND/SEARCH AND SERVE

All schools are required to have procedures in place for identifying children who have or are suspected of having a disability and needing special education and related services. These procedures are commonly referred to as “search and serve” or “child find.”

Principal’s Child Find Compliance Checklist

- ___ **Ensure CALPADS is reviewed to determine all scholars who have exceptional needs**
- ___ **Ensure Welligent and SEIS have all scholars with IEP’s uploaded in the systems**
- ___ **Provide the SPED informational packets to all general and sped families as determined appropriate**
- ___ **Ensure that any scholar needing a 30 day IEP has been identified and a Strategies for Inclusion of Services contract meeting has been held by the end of the first two weeks of school so we have evidence that the parents understand our programs are full inclusion.**

SCHOOL RESPONSIBILITIES

The school’s responsibilities for search and serve apply to the families and scholars attending and enrolling in the school. The COP 3 Schools have access to the following brochures to provide to parents. Students under LAUSD and EL DORADO SELPA’s must provide the parents with their rights and the schools’ responsibilities as well. The documents are located on SEIS.

There are three search and serve responsibilities that each school must implement:

1. All COP 3 schools must distribute the “*Are You Puzzled by Your Child’s Special Needs?*” brochure to every scholar to take home at the beginning of each school year. SEIS Schools should down-load Procedural Rights and Safeguards from the SEIS system and send it home.
2. Students with disabilities, requiring special services, enrolling in the school are identified and promptly provided the appropriate services.
3. There is a process in place, understood by all staff members, for referring scholars who may require special services.

PROCEDURES FOR DISTRIBUTING REQUIRED “CHILD FIND” INFORMATION TO PARENTS

Federal and State laws require the District to annually notify all scholars and their parents about the availability of and information on special education and related services.

All COP 3 schools are required to send home the “*Are You Puzzled by Your Child’s Special Needs?*” brochure annually at the beginning of the school year and available to parents and staff members upon request. The brochure is available in the following languages:

- Armenian
- English
- Russian
- Tagalog

- Chinese
- Korean
- Spanish
- Vietnamese

Also required to be sent home annually at the beginning of the school year is the *MPS Parent-Student Handbook*, the *MPS Alternative Dispute Resolution Policy* and the *Section 504 Brochure*.

In addition, the following publications and forms must be maintained in the school office and made available to parents and staff upon request:

- Student Enrollment Form
- Request for Special Education Assessment Form
- *A Parent’s Guide to Special Education Services (Including Procedural Rights and Safeguards) SEIS and Welligent*
- *The IEP and You – Welligent/ COP 3*
- *The ITP and You – Welligent/ COP 3*
- *Uniform Complaint Procedures (UCP)*

Schools must also prominently display the Uniform Complaint Procedures (UCP) poster that provides parents information about where to call if they have complaints concerning special education.

School staff should be prepared to assist parents in completing forms and answering questions they may have. When appropriate, refer the parent to the Magnolia Public School’s Complaint Response Team Director, Dr. Brenda Lopez.

Note: The term “parent”, used throughout policies and procedures manual includes:

- Any person having legal custody of the child;
- A person acting in place of a parent such as a grandparent or stepparent with whom the child lives;
- A person designated by the parent to represent the interests of the scholar.
- Note: In such cases the school should attempt to obtain the designation from the parent in writing including the scope of the representation. If it cannot be obtained, in writing, document the reason why and the means by which the designation was obtained;
- A foster parent, if the natural parent’s authority to make educational decisions has been limited by court order and the foster parent has an ongoing long-term relationship with the scholar, is willing to assume the role of parent in educational decision-making, and has no interest that would conflict with the interest of the scholar;
- A surrogate parent appointed for the scholar who is a ward of the State or for a scholar whose parents are unknown or unavailable;
- A scholar, who has reached the age of 18, for whom no guardian or conservator has been appointed.

IDENTIFYING AND SERVING STUDENTS ENROLLING IN THE SCHOOL

All schools are responsible for having procedures in place to identify and promptly serve scholars, who require or may need special services, when they enroll in the school. The mechanism for implementing the procedures is the

LEA's Student Enrollment Form that must be completed by parents at the time they are enrolling their child. Special Services asks the following five questions:

- Did the scholar receive special education services at his/her previous school?
- Did the scholar have an Individualized Education Program (IEP) at his/her previous school?
- Did the scholar have a Section 504 Plan at his/her previous school?
- Does the scholar have difficulties that interfere with his/her ability to go to school or learn?
- Has this scholar been identified for Gifted and Talented Educational services (GATE)?

Office personnel have the responsibility to assist parents, if necessary, answer the questions and ensure that all questions are answered. If the scholar has an IEP please refer to the SPED Coordinator

It is important that office personnel and administrator/designees familiarize themselves with the Magnolia Public Schools [Strategies for Inclusion form](#) and their duties to ensure that scholars who require special services are identified and promptly provided appropriate school programs and services.

Please ensure the following procedures are followed as applicable:

- View the active IEP in the Welligent/SEIS IEP system when the scholar has an IEP from a previous school. Once a scholar has enrolled in the school, the IEP will transfer in the Welligent/SEIS system and will be viewable to the new school of enrollment. If you are new to either SEIS or Welligent, we may need to reach out to the SELPA's to ensure that the information has been transferred over.
- Provide the parent the Parent Request/Reasonable Accommodations form and maintain the completed form in the scholar's special education folder. This form can be found in the *Documents* section of the Welligent/SEIS IEP systems. On this form, the parent identifies if any accommodations are needed (by the parent) to access the IEP meeting, such as an oral interpreter, wheelchair access, etc.
- Review the IEP document and provide the scholar the programs and services specified.
- Note: If the IEP is out of date or no longer appropriate, still implement it but hold an IEP team meeting as soon as possible (within thirty calendar days of scholar's enrollment).
- Review the IEP document and provide the scholar the programs and services specified if the scholar enrolled with an IEP from another school district. Hold a review IEP team meeting within thirty calendar days of scholar's enrollment.
- Implement a scholar's existing 504 plan, if available, or hold a meeting to develop a 504 plan.
- Take the specified actions without delay when the parents have indicated that the scholar has difficulties that interfere with his/her ability to go to school or learn.
- Enter all appropriate information into the scholar information system for scholars who have an existing IEP.
- If the scholar is transferring from another school district, promptly obtain the IEP and any other records from the previous district.
- If the scholar is transferring from another MPS school site and there are no changes in the service provision, at the new site then a 30 day meeting is not necessary.

- If a scholar has begun the assessment process in another school district and then transfers to MPS, MPS and the other district are responsible for expeditiously coordinating and completing the evaluation within legal timelines.
- If a scholar is transferring from another MPS school level, there should have been a transitioning IEP meeting from the previous MPS school site.
- If a scholar transfers to MPS with an IEP from another LEA in California, MPS will provide comparable services in consultation with the parents pending an MPS review IEP team meeting. MPS will conduct a review IEP team meeting within 30 calendar days of the scholar's enrollment to determine recommendations for special education services.
- If a scholar transfers into MPS from another state within a school year, MPS will provide comparable services, in consultation with the parents, until a new evaluation is conducted, if necessary, and a new IEP is developed in an IEP team meeting.
- If a scholar transfers into MPS from another LEA or state between school years (over the summer), the IEP team must adopt or develop an IEP that offers the Student FAPE. Although these will often constitute comparable services, this is not legally required.

REQUESTS FOR A SPECIAL EDUCATION ASSESSMENT

Any person who believes that a scholar has or may have a disability and requires special education and related services may make a formal request for a special education assessment. The request must (eventually) be in writing and entered on the *Request for a Special Education Assessment Form* which can be located in the *Documents* section of Welligent/SEIS.

If a parent submits a letter making the request, transfer the information on to a Request for Special Education Assessment Form. If the request is made verbally, the school shall assist the requestor in putting the request in writing. Once a written request for a special education assessment has been received, the administrator/ designee has 15 days to develop and provide the parents with a special education assessment plan.

Please consider the following, within 15 Calendar Days of a request for a special education assessment the school must:

1. Contact the parent and assemble a coordination of services/ SSPT/ or MTSS team.
 - a. This team **MUST** have a general education representative, a special education representative, the school psychologist, an administrator and the parent.
 - b. The team **MUST** document the concerns of the parent at this meeting. Prior to the meeting, the team should have reviewed the scholars' academic and behavioral records. Please document any interventions, accommodations (i.e. CELT, ELPAC scores, SBAC scores, natural work samples etc.)
 - c. At this meeting the team will determine whether or not a special education evaluation is necessary if the Student is suspected of having a disability which may require special education and related services.
 - i. If a Parent makes the initial referral for special education evaluation, MPS must initiate the assessment process and provide an assessment plan, unless Parent voluntarily withdraws their request in writing *and* the school does not have reason to suspect that the student may be a student with a disability. 5 CCR 3021
 - ii. If the Parent agrees to postpone the assessment, assist them in putting their decision in writing. Be sure it is signed and dated. Attach the document to the Request Form and note the decision and date on the Referral Details section on the Welligent/IEP system. Scan and upload all correspondences to the Welligent IEP system. If you are not on Welligent, please provide the documents to the Director, Student Services to upload the documents on Evalulogix.

Note: If appropriate, an internal request for a special education assessment may be denied. School staff referrals shall be written and include (a) a brief reason for the referral and (2) documentation of the resources of the regular education program that have been considered, modified, and where appropriate, the results of intervention. The administrator/designee may discuss with the requestor accommodations or modifications that can be made in the general education program to assist the scholar's progress in the general education curriculum. A meeting of the

Student Support and Progress Team (SSPT), involving the requestor, can be utilized to design the accommodations or modifications but may not delay the MPS's legal obligation to provide the requestor with a timely response. The SSPT may agree to postpone the special education assessment until the accommodations or modifications have been implemented and the results evaluated.

Note: If the SSPT does not agree to postpone the assessment, the assessment plan must be generated and provided to the parents within 15 days from the date the initial request for assessment was received by the school.

Administrator/designees should take the following actions to ensure that requests for a special education assessment are managed properly and within legal timelines:

- Copies of the Request for A Special Education Assessment Form are to be uploaded to the Welligent/Evalulogix Systems and responsible personnel notified. All school staff should be knowledgeable about the referral process and how to access the forms.
- Provide the appropriate forms to parents, staff and others upon request.
- On an individual basis, assist the person making the request to complete the form(s) by providing information or clarification as necessary.
- If a request for a special education assessment is made by a parent/guardian, the administrator/designee must do the following:
 - If the request is made through a letter, the information must be transferred to the Request Form. Also, provide the parent with a copy of the Parent Request/Reasonable Accommodation form and maintain the completed copy in the scholar's special education folder.
 - When the signed and dated Request Form is received, review Section B and fill in the remaining portion of Section E.
 - The date that a request letter or form is received must be entered in the Referral Details section on the Welligent/SEIS IEP system.
 - A Special Education Assessment Plan must be developed and provided to the parent within 15 calendar days of receipt of the written request.
 - When appropriate, discuss with the parent accommodations or modifications that can be made to the general education program and whether they want to delay the assessment until the modifications have been implemented and evaluated (see procedure above).
- If a request for a special education assessment is made by a staff member the administrator/designee must do the following:

When a staff member requests a copy of the request form, discuss with them information outlined above. They must list the prior accommodations or modifications that have been considered and, where appropriate,

implemented to help the scholar. However, failure to include this documentation shall not delay the time-lines for completing the assessment plan or assessment. The SSPT should consider accommodations or modifications that may be made to assist the Student either while the assessment is pending or instead of conducting the assessment at the present time. The SSPT must follow the procedure described above.

- Enter the date that the Request Form was received on the Referral Details section on the Welligent/SEIS IEP system.
- Inform the parent/guardian that a request for a special education assessment has been made and that they will receive a Special Education Assessment Plan for their review and possible approval.
- Ensure that the assessment plan is completed and provided to the parent/guardian within 15 calendar days of receipt of the written request.

Achieving Success: Exiting Special Education Support - and Transitioning from High School

Beginning with the first IEP, the ultimate goal is to teach students to utilize tools and internalize methods of learning so they no longer require special education accommodations and services. To be independent lifelong learners.

Information to be considered prior to removing a child from an IEP:

When is a child not needing services? When they are significantly closing the education gap, developing self-advocacy and coping mechanisms to the point where the student doesn't need an IEP. This should be our goal. Eligibility criteria must be considered in determining this decision. A full-comprehensive assessment must take place prior to any determination to exit a student from special education. The decision is based on solid data and a track record of academic success for a determined period of time. Keep in mind that the school district "may not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability" {34 CFR § 300.304(b)(2)}

The type of intervention, accommodations and progress monitoring that has taken place while the IEP was still being implemented, should be fully documented and share with the entire IEP team prior to making a determination.

For those students who require special education services until they complete high school, the process of exiting high school is one of the biggest life transitions students will face. Planning for their exit begins formally at age 14 in the Individualized Transition Plan (ITP) portion of the IEP, which the team writes in conjunction with the student to determine their plans for the first two years out of high school. Prior to students exiting high school and entering the postsecondary world, they are provided with linkages to appropriate outside agencies which could include the Department of Rehabilitation, Regional Center, Independent Living Center, and/or the services for students with disabilities office at the college they attend. Throughout high school, the transition teacher meets regularly with all students with disabilities and provides lessons and runs grant-funded student work programs. Seniors in high school meet at least quarterly with the transition teacher, who checks in with students regarding their post-secondary plans and assists them with pre-employment skills, self-determination skills, applying for community college or other training programs, and other needed transition skills.

SPECIAL EDUCATION AND RELATED LAWS OVERVIEW

Please adhere to the information within this manual and additional direction provided by the Director of Special Education and Support Services to avoid a violation of American Disabilities Act, Special Education and/or CDE Compliance Laws.

Educational Rights Overview

- Assembly Bill 124 (Chapter 605, Statutes of 2011) Assembly Bill 124 (Chapter 605, Statutes of 2011) requires the State Board of Education approve standards for English language development for pupils whose primary language is a language other than English. These standards shall be comparable in rigor and specificity to the standards for English language arts adopted.
- Section 504 of the Rehabilitation Act of 1973 Section **504** of the Rehabilitation Act is a federal civil rights **law** that prohibits discrimination against individuals with disabilities. Compliance is not optional. When Schools Punish Sick Children Who Miss School. Public schools are required by **law** to accommodate the health needs of scholars.
- Individuals with Disabilities Education Act (IDEA) Following are the six major principles of the IDEA, focusing on scholars' rights and the responsibilities of public schools to children with disabilities.
 - Free Appropriate Public Education. ...
 - Appropriate Evaluation. ...
 - Individualized Education Plan. ...
 - Least Restrictive Environment. ...
 - Parent Participation. ...
 - Procedural Safeguards.
- Family Educational Rights and Privacy Act (FERPA) California privacy of school records laws adhere to the federal standards set forth by the Family Educational Records Protection Act (FERPA), which guarantees free parental access to scholar school records. California has not passed laws that go beyond FERPA protections, as some other states have.
- Americans with Disabilities Act (ADA) ADA prohibits discrimination almost everywhere and overlaps with other laws. The ADA is far-reaching. ... ADA works in tandem with other education laws affecting children with learning and attention issues, such as Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA).

The law is clear: Every child in this country who has a disability — no matter the nature of the disability — has the right to a public education at no cost to their families. Schools must try to meet the individual needs of each child with disabilities by providing special education and related services.

The federal law that gives children with disabilities from birth to age 22 (and sometimes beyond, depending on the student's birthday) the right to a free and appropriate education is called the Individuals with Disabilities Education

Act (IDEA). Free means at no cost to the families. Appropriate means that the educational services must be individually designed to meet each child's unique needs.

The unique and individually designed education plan that is written for a child with a disability is called an Individualized Education Program (IEP). (For children younger than age 3, the plan is called an Individualized Family Service Plan (IFSP).) These plans are developed by the team of professionals working with the child in partnership with the child's family.

If needed, children with disabilities can receive related services at no cost to their family. Related services are the supports, services, therapies or interventions that may be given to help children learn. Related services are written into a child's IEP or IFSP.

The law also says that a child with disabilities must be educated in the least restrictive environment (LRE). This means that, to the greatest extent appropriate, the child should be in classes with non-disabled children and go to schools in his neighborhood. The law also says that, whenever possible, children with disabilities should be in the same general education classes they would have attended if they had not been classified as having a disability.

The law continues to recognize the valuable role that parents play in their child's education. In the latest update of the law, the term parent is expanded to include an adoptive or foster parent, guardian, or individual legally responsible for the child. In addition, the revised law provides more opportunities for early and simple ways to resolve disagreements between home and school. The legislation clearly supports the idea that parents or other adults legally responsible for the child have to be kept informed and have meaningful opportunities to be involved in their child's educational process.

[Enrollment in Special Education Program](#)

Whenever a pupil with an IEP (signed by parent/guardian/adult scholar) transfers into an LEA, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents to the extent possible within existing resources, for a period not to exceed 30 days, by which time the local education agency shall adopt the previously approved individualized education program or shall develop, adopt, and implement a new individualized education program that is consistent with federal and state law (EC 56325(a)(1)).

The new LEA does have an obligation to implement the scholar's last IEP, but the new placement does not have to exactly replicate the prior placement (*Mrs. S. ex rel G. v. Vashon Island Sch. Dist.* 337 F.3d 1115 (9th Cir. 2003)). If the scholar's goals can be met in a less restrictive environment (i.e., LEA program versus nonpublic school), and the parent/guardian agrees, the LEA can convene an IEP meeting to offer this alternative.

Most scholars moving into the LEA live with their parents.

Parent means:

- A biological or adoptive parent unless the biological or adoptive parent does not have legal
- authority to make educational decisions for the child;

- A guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child;
- An individual acting in place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives; or
- An individual who is legally responsible for the child's welfare if the authority of the biological or adoptive parent to make educational decisions on the child's behalf has been specifically limited by court order (i.e., a court appointed surrogate advocate [CASA], a surrogate parent or a foster parent).

Special Education Timelines

Special Education Timelines for California

Issue	Timeline	Citation
Special Eligibility	ages 3-5	EC 56026(c)(2)
	ages 5-18	EC 56026(c)(3)
	ages 19-21	EC 56026(c)(4)
Termination of Special Services	If scholar's 22nd birthday is between January and June may continue through remainder of fiscal year	EC 56026(c)(4)(A)
	If scholar's 22nd birthday is in July, August, or September of new fiscal year will not be allowed to begin a new fiscal year	EC 56026(c)(4)(B)
	If scholar's 22nd birthday is during October, November, or December, scholar shall be terminated from program on December 31 of current fiscal year, unless scholar would otherwise complete his or her IEP at the end of the current fiscal year.	EC 56026(c)(4)(C)
Proposed assessment plan	Student graduates from high school with regular high school diploma.	EC 56026.1(a)
	District must develop within 15 calendar days of referral for assessment*, unless parent or guardian agrees in writing to an extension	EC 56043(a)
	Parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision	EC 56043(b)

Initial IEP meeting once parent consent for assessment received	within 60 days	EC 56043(c)
Review of IEP program	not less frequently than annually	EC56043(d), 56343(d), 56380(a)(1)
Parental notification of IEP meeting	early enough to ensure an opportunity to attend 10 Days for California Schools	EC 56302.1(e), EC 56341.5(b)
IEP required as a result of an assessment	within total time not to exceed 60 calendar days from receipt of written consent for assessment*, unless parent or guardian agrees in writing to an extension	EC 56043(f)(1), EC 56344(a)
Meeting to develop IEP once determined child needs additional special education and related services	within 30 days	EC 56043(f)(2), EC 56344(a)
Implementation of post secondary goals and transition	no later than first IEP program to be in effect when the pupil is 16	EC 56043(g)(1)
Notification of scholar's acquisition of education rights	no later than one year before the pupil reaches the age of 18 years.	EC 56043(g)(3)
Statement of transition services	beginning at age 16 or younger	EC 56043(h), EC 56345(a)(8)
Implementation of IEP	as soon as possible following the IEP team meeting	EC 56043(i), 5 CCR 3040(a)
Reassessment of pupil	not more frequently than once a year and at least once every three years, unless parent and district/LEA agree in writing, that reassessment is unnecessary.	EC 56043(k), EC 56381(a)(2)

When parent requests an “emergency” IEP meeting	within 30 days from the date of the receipt of written request.	EC 56043(l), EC 56343.5
Implementation of IEP after transfer to new district in same SELPA	Without delay	EC 56043(m)(2), EC 56325(a)(2)
Adoption of prior IEP or implement new IEP after a transfer within the state to a new district and new SELPA	within 30 days of transfer	EC 56325(a)(1)
Records request by parent – oral or written and before any meeting regarding IEP or any hearing or resolution session	Within 5 working/business days	EC 56043(n), EC 56504
Records request from district/LEA where scholar has enrolled	within 5 working/business days after receipt of records	EC 56043(o), 5 CCR 3024(a)
CDE investigation of complaint and issue written decision	60 days after complaint is filed	EC 56043(p)
Schedule pre-hearing mediation	within 15 days of receipt by Superintendent of request for mediation	EC 56043(q), EC 56500.3(e)
Pre-hearing mediation	within 30 days after request	EC56043(q), EC 56500.3(e)
Bringing of Due Process Claim	within 2 years of date party knew or should have known of facts underlying basis for request	EC56043 (r), EC 56505(l)

Raising issue of Due Process Request is insufficient within 15 days of receipt of DPH request EC 56502(d)(1)

Hearing Officer determination of sufficiency of Due Process Request within 5 days of receipt of notice of insufficient Due Process Request EC 56502(d)(1)

Hold and render decision on due process hearing within 45 calendar days after the expiration of the 30 days of receipt of due process hearing request EC 56043(s), EC 56505(f)(3)

Notice of attorney representation in due process hearing at least 10 calendar days prior to hearing EC 56043(t), EC 56507(a)

Notice of issues and proposed resolution in due process hearing at least 10 calendar days prior to hearing EC56043(u), EC 56505(e)(6)

Copies of documents to be presented at hearing and list of witnesses and general areas of testimony at least 5 days prior to hearing EC 56043 (v), EC 56505(e)(7), EC 56505.1(f)

File an appeal to a due process hearing decision within 90 days of receipt of hearing decision EC 56043(w)

Review of IEP when there is a residential placement every 6 months EC 56043(x), GC 7572(c)(2)

EC = California Education Code

CCR = California Code of Regulations, Title 5

GC = California Government Code

CDE = California Department of Education Code

*Does not include calendar days between the pupil’s regular school session or terms or calendar days of school vacation in excess of five school days.

The following list covers the areas of disabilities that are options for writing an Individualized Educational Program (IEP).

The disability categories and enrollment breakdown in California for individuals (newborn through twenty-two years of age) who received special education services in 2017–18 are as follows:

- Autism: 112,318
- Deaf-blindness: 115
- Deafness: 3,242
- Emotional disturbance: 24,936
- Hard of hearing: 10,633
- Intellectual disabilities: 43,855
- Multiple disabilities: 7,161
- Orthopedic impairment: 10,453
- Other health impairment: 97,426
- Specific learning disability: 297,468
- Speech or language impairment: 161,485
- Traumatic brain injury: 1,618
- Visual impairment: 3,487

Special Education Program Implementation

What does SPED look like at Magnolia Public Schools

Continuum of Services

This section was developed by our technical writing team to describe the programs being implemented at Magnolia Public Schools. Although a program is required of each LEA, the LEA's may utilize the specific interventions, strategies and programs as you choose. This includes any additional programs or electing not to use some of the strategies listed. However, we all need to ensure that we are meeting the needs of ALL scholars and following the continuum of services when doing so.

MEETING THE NEEDS OF ALL STUDENTS

Magnolia Public Schools utilizes MTSS as a systemic, continuous improvement framework in which data-based problem-solving and decision making is practiced across all levels of the educational system for supporting scholars. The framework of MTSS utilizes high quality evidence-based instruction, intervention, and assessment practices to ensure that every scholar receives the appropriate level of support to be successful. A Multi-Tiered System of Supports to align academic standards and behavioral expectations, in order to accelerate the performance of every scholar to achieve and/or exceed proficiency.

Magnolia Public Schools quickly identifies low-achieving scholars through frequent benchmark assessment and review of individual scholar data. Students who are achieving substantially below grade level are identified through multiple measure assessments including MAP Tests, sample Smarter Balanced questions, Accelerated Reader & Accelerated Math tests and teacher-designed tests.

Magnolia Public Schools utilizes data and progress monitoring to determine best practices to support scholar achievement. Teachers and scholar stakeholders are invited to meet with teachers to discuss possible intervention methods and learn how they can participate in helping with their child's education. Parent-teacher meetings at the Charter School are followed by home visits as needed.

The Dedicated Time Intervention Model that is written into the schedule for the MPS program is a flexible intervention that can be used with a variety of curriculum and varying schedules. The Principal idea in Dedicated Time is that a school intentionally builds consistent math and ELA intervention time into the entire school schedule.

Various implementations are possible with the Dedicated Time Intervention Model. Implementation strategies may include:

- Intervention block every day or 2-3 times per week (a scholar may have reading intervention on one day and math on the next)
- Intervention/Enrichment computer tutorials where the teacher can tutor selected scholars
- Specialist, instructional assistant, and volunteer support during intervention time
- Divide scholars up by need and send to different teaching team members for support during intervention

blocks

During intervention teachers use educational materials that provide review, re-teach and enrichment programs. McGraw Hill's publisher resources, ALEKS, Curriculum Associates' Ready Common Core program, Kuta software, Khan Academy, Accelerated Reader and Accelerated Math program, Achieve3000, and Buckle Down allow teachers to monitor the progress of scholars who are achieving below grade level and provide software generated tests and personalized instructional materials based on CCSS and areas of growth.

Tiered intervention implementation is outlined below. Student progress is closely monitored through a well-integrated system of instruction and intervention guided by scholar assessment data.

Intervention Cycle and Process

MPS uses the following to inform, monitor, and implement response to intervention strategies:

- Historical scholar data
- Data related to SBAC results and Spring NWEA MAP data from previous year
- Diagnostic data
- Fall NWEA MAP
- Progress monitoring
- Grades
- SBAC Interim Data
- SBAC Interim Block Assessment
- SBAC Interim Comprehensive Assessment
- Spring MAP
- Winter MAP (optional)

Tier 1: High- quality instruction, progress monitoring, differentiated learning, group interventions, classroom accommodations

The RTI process begins at Tier I with high quality instruction and universal screening of all children within the general education setting. Through the use of formative assessments such as the MAP test, schools establish a baseline to identify scholars who need additional support and struggling learners are provided classroom accommodations and differentiated instruction to meet their needs. Within Tier I, a scholar may receive the following supports:

- Adaptive programming in McGraw Hill's ALEKS and StudySync
- Khan Academy
- BrainPOP ESL
- Discovery Education
- MyOn
- National Geographic
- 1:1 laptops
- Advisory/SSR

The length of time in Tier I interventions may vary, but generally do not exceed 8 weeks. During that time, schools will continue to evaluate scholar progress based on interim data such as Smarter Balanced Interim Block Exams, Comprehensive exams, and classroom assessments. At the end of this period, scholars showing significant progress are exited from interventions, while those needing more intensive supports are moved to Tier 2. A scholar success team is gathered to determine intensive support.

Tier 2: Targeted Interventions

Students not making adequate progress with Tier 1 interventions are matched with more intensive academic and/or behavioral support based on their needs. These services are provided by general education teachers, math and literacy coaches, and special education teachers. In small groups and within the general classroom setting, scholars may access:

- Power Classes (Math and English)
- Co-taught classes
- Push-in support
- Before and after school tutoring
- SSR/Advisory (see Course Description above)

Students receiving Tier 2 interventions may require a longer period of monitoring, however, it does not typically exceed a semester. Students who do not demonstrate progress are moved into Tier 3. While scholars who have shown significant progress are placed into Tier 1.

Tier 3: Intensive Interventions and Evaluation

In Tier 3 of the MPS's RTI program, scholars receive individualized, intensive interventions that target specific skill deficiencies that include:

- All Tier 2 interventions
- Push-in and Pull-out support: Education Specialists, Intervention Teachers, and Literacy Coaches provide push-in and pull-out support in core classes to learners receiving Tier 3 interventions. Support providers assist teachers in creating accommodations and differentiated learning experiences so that all scholars may access class materials. If it is deemed that scholars would benefit from further individualized support, they are pulled out for more intensive instruction.
- Study Skills classes: Study Skills courses are taught by Education Specialists as an elective course for scholars in need of additional support in note taking, organization, exam preparation, assignment completion, and time management.
- Instructional aides in the classroom: Instructional Aides support teachers with instruction by working individually with scholars, assisting in stations, clarifying instructions, and reteaching. IA's also provide behavioral support and reinforce the school's Positive Behavior Interventions and Support ("PBIS").
- Saturday School: Students assigned to Saturday School work with teachers on foundational skills related to their coursework.
- Learning Center: The Learning Center or Resource Classroom is designated as a space for both Special Education and General Education scholars to receive academic support from Education Specialists and Instructional Coaches. Students can complete assignments, test in small settings, use computers, and work with

their peers on group assignments.

If the Student Success Team believes further intervention is necessary, then the scholar may be referred to special education or 504 services.

While Tier 3 scholars may access a variety of academic supports before and after school including tutoring, Saturday school, and teacher coaching, the majority of interventions are given throughout the school day to ensure that scholars receive the full benefits of their individualized instruction. Services in the learning center, push-in and pull-out assistance, instructional aides, and study skills classes are all provided to scholars during the school day.

Equitable Access to the Curriculum

MPS utilizes an instructional program that emphasizes equitable access to the curriculum for all learners, including scholars with disabilities. These include:

Co-Teaching/Push-in/Pull-out Support- MPS supports its exceptional populations by utilizing multiple methods of providing special education services. MPS fosters an inclusive model of education. As such, Professional Development in the area of co-teaching allows teachers to grow their ability to educate and service scholars of varying abilities. In order to effectively implement a co-teaching model, special education and general education teachers are given time to co-plan and develop lessons so that scholars are provided appropriate supports and accommodations. Students who require additional assistance, receive services in a push-in or pull-out model where they receive more individualized attention.

Additionally, the digital formatting of our McGraw Hill curriculum allows teachers to collaborate on unit and lesson plans to ensure that all scholars' accommodations and needs are being addressed. This system is setup such that all scholars attend every class. The Special Education teacher and various paraprofessionals provide instructional support within the general education setting. This allows for all scholar groups to be supported while participating in the least restrictive environment throughout the day.

Embedded Supports- In addition to the on-site staff coordinated by the Special Education and/or RTI Coordinator, MPS contracts with an outside service provider to support children's learning needs, such as intervention specialists, speech and language therapists, and occupational therapists who work with teachers to provide the least restrictive and most accessible learning environment. Special education aides work directly in the classroom, providing customized support to scholars throughout the day, and are valuable members of the team.

Differentiated Instruction- Teachers at MPS deliver a curriculum that is tailored to each scholar's interests and needs. This support includes accommodations, use of technology, and data-informed decisions, such as utilizing Lexile reading scores and bringing technology into the classroom.

MPS is utilizing a Specialized Academic Instructional program format to provide additional, more concentrated support to scholars with exceptional needs. The instruction is provided in core academic blocks for the scholars

with the most academic need. For the subsequent Students with special needs, the instruction will be delivered using co-teaching, pull out and push in models.

Multi-Tiered Systems of Support for overall Student Wellness and Achievement



ALL MEANS ALL

Since MTSS is a framework that brings together both RtI² and PBIS and aligns their supports to serve the whole child, it also relies on data gathering through universal screening, data-driven decision making, and problem solving teams, and focuses on content standards. MTSS aligns the entire system of initiatives, supports, and resources, and implements continuous improvement processes throughout the system. Magnolia Public Schools has subscribed to the support of the whole child using Universal Supports, targeted and intensive interventions to support academic, social emotional and behavioral functioning.

Social Emotional Learning

The Five (5) competencies of Social Emotional Learning

1. Self Awareness - The ability to accurately recognize one's own emotions, thoughts, and values, and how they influence behavior. The ability to accurately assess one's strengths and limitations, with a well-grounded sense of confidence, optimism, and a 'growth mindset'.

Goal: to empower our scholars to be able to identify emotions, recognize their strengths and areas for growth, and develop a sense of self-confidence. Several standards for the arts exhibit self-awareness in their artistic thinking processes, as well as in evaluation of the artistic performance/presentation.

2. Self Management - The ability to successfully regulate one's emotions, thoughts, and behaviors in different situations. Effectively managing stress, controlling impulses, and motivating oneself. The ability to set and work toward personal and academic goals.

Goal: To empower students to work, either individually or collaboratively, towards a performance or presentation goal.

3. Social Awareness - The ability to take the perspective of and empathize with others, including those from diverse backgrounds and cultures. The ability to understand social and ethical norms for behavior and to recognize family, school and community resources and supports.

Goal: Anchor Standard 10, “Relate artistic ideas and works with societal, cultural, and historical context to deepen understanding.”

4. Relationship Skills - The ability to establish and maintain healthy and rewarding relationships with diverse individuals and groups. The ability to communicate clearly, listen well, cooperate with others, resist inappropriate social pressure, negotiate conflict constructively, and seek and offer help when needed.

Goal: To have students participate in various types of different art-forms are ensemble-based: performing in a band or choir, being part of a dance ensemble, putting on a play, developing a collaborative work of art.

5. Responsible Decision Making -The ability to make constructive choices about personal behavior and social interactions based on ethical standards, safety concerns, and social norms. The realistic evaluation of consequences of various actions, and a consideration of the well-being of oneself and others.

There is power in art and our scholars are being taught to take responsibility seriously.

Universally Designed Instruction

Universal Design for Learning Guidelines

Provide multiple means of [Engagement](#)

Affective Networks - The "WHY" of learning

Access

Provide options for [Recruiting Interest](#)

- [Optimize individual choice and autonomy](#)
- [Optimize relevance, value, and authenticity](#)
- [Minimize threats and distractions](#)

Build

Provide options for [Sustaining Effort & Persistence](#)

- [Heighten salience of goals and objectives](#)
- [Vary demands and resources to optimize challenge](#)
- [Foster collaboration and community](#)
- [Increase mastery-oriented feedback](#)

Internalize

Provide options for [Self Regulation](#)

- [Promote expectations and beliefs that optimize motivation \(checkpoint9.1\)](#)
- [Facilitate personal coping skills and strategies \(checkpoint9.2\)](#)
- [Develop self-assessment and reflection \(checkpoint9.3\)](#)

Provide multiple means of [Representation](#)

Recognition Networks The "WHAT" of learning

Provide options for [Perception](#)

- [Offer ways of customizing the display of information](#)
- [Offer alternatives for auditory information](#)
- [Offer alternatives for visual information](#)

Provide options for [Language & Symbols](#)

- [Clarify vocabulary and symbols](#)
- [Clarify syntax and structure](#)
- [Support decoding of text, mathematical notation, and symbols](#)
- [Promote understanding across languages](#)
- [Illustrate through multiple media](#)

Provide options for [Comprehension](#)

- [Activate or supply background knowledge](#)
- [Highlight patterns, critical features, big ideas, and relationships](#)
- [Guide information processing and visualization](#)
- [Maximize transfer and generalization](#)

Provide multiple means of [Action & Expression](#)

Strategic Networks The "HOW" of learning

Provide options for [Physical Action](#)

- [Vary the methods for response and navigation](#)
- [Optimize access to tools and assistive technologies](#)

Provide options for **[Expression & Communication](#)**

- [Use multiple media for communication](#)
- [Use multiple tools for construction and composition](#)
- [Build fluencies with graduated levels of support for practice and performance](#)

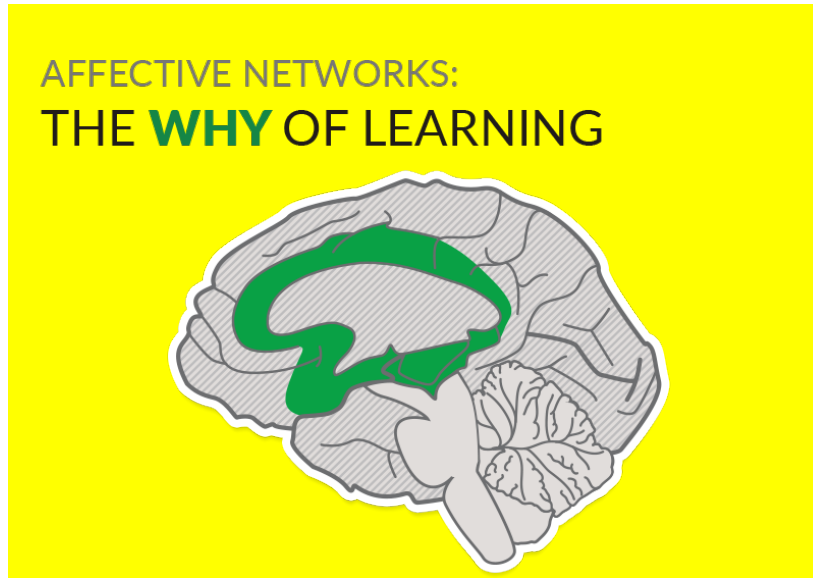
Provide options for [Executive Functions](#)

- [Guide appropriate goal-setting](#)
- [Support planning and strategy development](#)
- [Facilitate managing information and resources](#)
- [Enhance capacity for monitoring progress](#)

Ultimate Goal

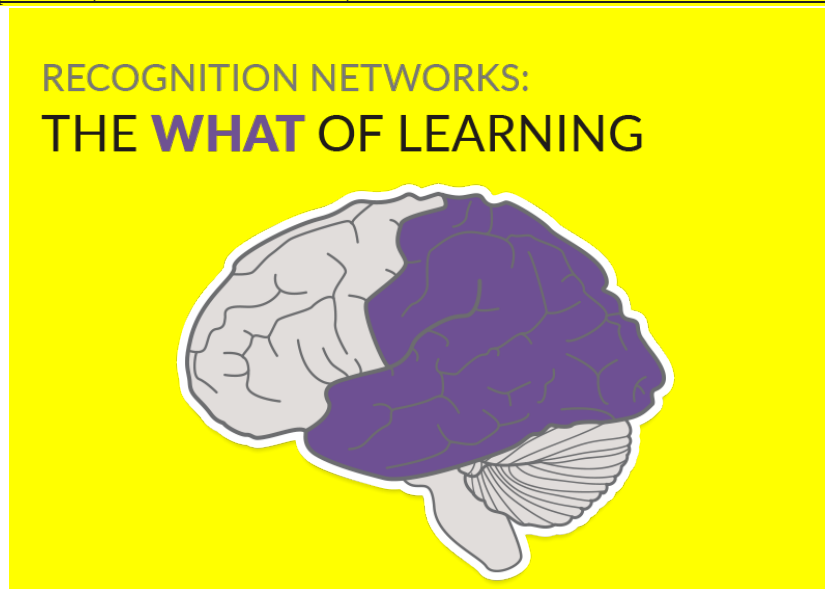
Support and Develop Expert Learners who are...

- Purposeful & Motivated
- Resourceful & Knowledgeable
- Strategic & Goal-Directed



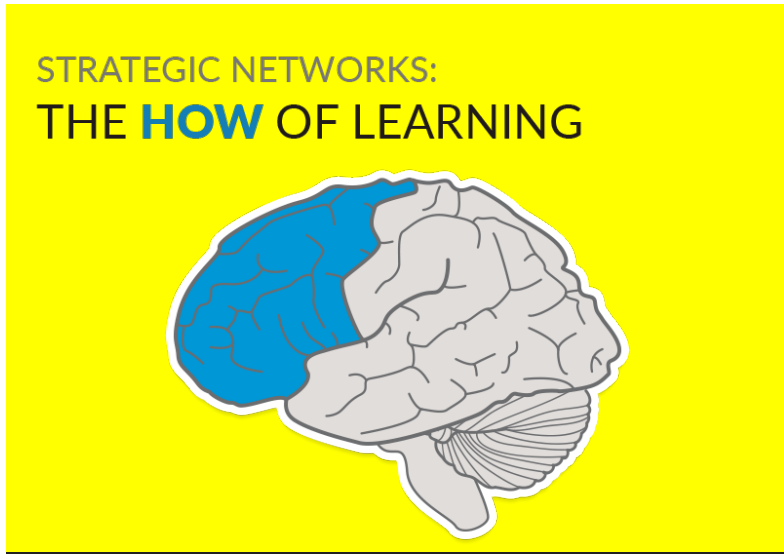
Engagement

For purposeful, motivated learners, stimulate interest and motivation for learning.



Representation

For resourceful, knowledgeable learners, present information and content in different ways.



Action & Expression

For strategic, goal-directed learners, differentiate the ways that students can express what they know.

What Do School Psych's Do Anyway?

School Psychologists Work With Students To:

- Provide counseling, instruction, and mentoring for those struggling with academic, social, emotional, and behavioral problems
- Increase achievement by assessing barriers to learning and determining the best instructional strategies to improve learning
- Promote wellness and resilience by reinforcing communication and social skills, problem solving, anger management, self-regulation, self-determination, and optimism
- Enhance understanding and acceptance of diverse cultures and backgrounds

School Psychologists Work With Students and Their Families To:

- Identify and address learning and behavior problems that interfere with school success
- Evaluate eligibility for special education services (within a multidisciplinary team)
- Support students' social, emotional, and behavioral health
- Teach parenting skills and enhance home-school collaboration
- Make referrals and help coordinate community support services

School Psychologists Work With Teachers To:

- Identify and resolve academic barriers to learning
- Design and implement student progress monitoring systems

- Design and implement academic and behavioral interventions
- Support effective individualized instruction
- Create positive classroom environments
- Motivate all students to engage in learning

School Psychologists Work With Administrators To:

- Collect and analyze data related to school improvement, student outcomes, and accountability requirements
- Implement school-wide prevention programs that help maintain positive school climates conducive to learning
- Promote school policies and practices that ensure the safety of all students by reducing school violence, bullying, and harassment
- Respond to crises by providing leadership, direct services, and coordination with needed community services
- Design, implement, and garner support for comprehensive school mental health programming

School Psychologists Work With Community Providers To:

- Coordinate the delivery of services to students and their families in and outside of school
- Help students transition to and from school and community learning environments, such as residential treatment or juvenile justice programs

WHERE SCHOOL PSYCHOLOGISTS WORK

The majority of school psychologists work in schools. However, they can practice in a variety of settings including:

- Public and charter schools
- School-based health and mental health centers

HOW DO SCHOOL PSYCHOLOGISTS MAKE A DIFFERENCE IN SCHOOLS?

All children and adolescents face problems from time to time. They may:

- Feel afraid to go to school
- Have difficulty organizing their time efficiently
- Lack effective study skills
- Fall behind in their school work
- Lack self-discipline
- Worry about family matters such as divorce and death
- Feel depressed or anxious
- Experiment with drugs and alcohol
- Think about suicide
- Worry about their sexuality
- Face difficult situations, such as applying to college, getting a job, or quitting school

· Question their aptitudes and abilities

School psychologists help children, parents, teachers, and members of the community understand and resolve these concerns. Following are examples of how school psychologists make a difference.

Helping Students With Learning Problems

Tommy's parents were concerned about his difficulty reading and writing. They feared that he would fall behind and lose confidence in himself. In school the teacher noticed that Tommy often struggled to understand what he was reading and often needed the help of his classmates to do related written work. After observing Tommy, consulting with his teacher, and gathering specific information about his skills, the school psychologist collaborated with his parents and teachers to develop a plan to improve his reading and writing. The plan worked, and Tommy's reading, writing, and confidence as a learner improved.

Helping Students Cope With Family and Life Stressors

The teacher noticed that Carla, an able student, had stopped participating in class discussions and had difficulty paying attention. The school psychologist was asked to explore why Carla's behavior had changed so much. After discovering that Carla's parents were divorcing, the school psychologist provided counseling for Carla and gave her parents suggestions for this difficult time. Carla's behavior and emotional wellbeing improved, and she felt more secure about her relationship with her parents.

Helping Students With Behavior Problems Learn New Ways to Respond

David was a high school student who often skipped class and got into fights with others. He acted out in class and had been suspended from school on various occasions. After establishing a relationship with David, the school psychologist taught him simple techniques to relax, recognize his needs, and to control his aggressive behavior. David's mother and his teacher worked together on a plan designed by the school psychologist to establish limits, recognize David's escalating tension, and improve communication. David's relationships with peers and adults improved and he began to make steady progress towards graduation.

Educationally Related Mental Health Services (ERMHS)

Educationally Related Intensive Counseling Services (ERICS)

Definition:

Educationally Related Mental Health Services (ERMHS) (also known interchangeably as Educationally Related Intensive Counseling Services (ERICS)) describe a range of support services provided to and/or on behalf of a student with an Individualized Education Program (IEP). If deemed necessary following a targeted assessment, the purpose of these services is to allow a student with mental health needs to access and benefit from his or her education. While private counseling may address a wide variety of mental health needs, ERMHS/ ERICS are intended to specifically support skills required for the student to access the educational environment.

School psychologists have a crucial role in the ERMHS decision-making process due to expertise and experience in assessment, mental health, areas of disability and subsequent impact on learning. Despite expertise in these areas, successfully navigating the breadth and complexities of the ERMHS/ERICS process can prove challenging. Therefore, this Frequently Asked Questions (FAQ) document was developed with the goal of providing school psychologists, and other IEP team members, with the information needed to competently and confidently respond to the most frequently asked ERMHS related questions in order to make meaningful student-centered recommendations.

Topics explored include: general information, referral, assessment, report writing, service recommendations, goal writing, service provision, and discontinuing services. Guidance provided in this document is based on federal and state law, current case law and best practice recommendations. This FAQ is intended to supplement the ERMHS Program Guidelines, which include additional guidance on Response to Instruction and Intervention (RtI2)

Multi-Tiered System of Supports (MTSS)², types of tiered supports, assessment, services and placement. For more information on these topics, refer to the ERMHS/ERICS Program Guidelines which can be located on the Charter SELPA website. For funding-related questions, please refer to the ERMHS/ERICS Funding Guidelines document found within the Business Services section of the Charter SELPA website (www.charterselpa.org).

GENERAL INFORMATION

Q1. What are Educationally Related Mental Health Services (ERMHS)?

A1. ERMHS describes a range of related services provided to and/or on behalf of a student with an Individualized Education Program (IEP). Educationally Related Mental Health Services include individual counseling, counseling and guidance, psychological services, social work services and parent counseling/training. If deemed necessary following a targeted assessment, the purpose of ERMHS are to allow a student with ongoing mental health needs to access and benefit from his or her education. While private counseling may address a wide variety of mental health needs, ERMHS are intended to specifically support skills required for the student to access the educational environment. A complete list of ERMHS services and descriptions are listed below in the Services section of this FAQ.

Q2. When did schools become required to provide ERMHS?

A2. In 1984, Assembly Bill 3632 statutorily required a partnership between school districts and county mental health agencies to deliver mental health services to students with IEPs. In 2011, the California legislature passed Assembly Bill 114, which repealed the state mandate on special education and county mental health agencies. As a result of this legislation and in accordance with the Individuals with Disabilities Education Act (IDEA, 2004), Local Educational Agencies (LEAs) are solely responsible for ensuring that students with disabilities receive special education and ERMHS in order to meet their individualized needs.

Q3. What is the school psychologist's role in ERMHS?

A3. Mental health interventions and competencies are an integral part of school psychologists' extensive graduate training, equipping school psychologists with the preparation and expertise to provide educationally related mental health support within the school setting (CASP, 2012). The Pupil Personnel Services (PPS) credential with a specialization in School Psychology and California Education Code permit school psychologists to provide and coordinate related counseling services in schools. These services include direct assessment and services provided to the student, as well as indirect consultation (EC §49424). Due to a breadth and depth of knowledge related to development, learning, assessment, mental health and consultation, school psychologists are deemed highly qualified to provide and/or support in the provision of ERMHS. More information on additional personnel qualified to provide ERMHS services are listed in the Services section of this document.

Q4. I didn't receive training on ERMHS assessments and services in my graduate school program. What should I do?

A4. School psychologists trained prior to AB114 (2011) or in states other than California may not have obtained training specifically aligned with ERMHS terminology. However, fundamental aspects of school psychology training programs such as assessment, mental health, educational counseling, learning, consultation and intervention appropriately inform ERMHS-related practices. Additionally, components of an ERMHS assessment mirror the process of assessing social-emotional needs within a comprehensive psycho-educational assessment. For additional information on ERMHS assessment, services, or how to connect your professional training with ERMHS procedures, consider the following:

- Collaborate with school psychologist colleagues experienced in the area of ERMHS.
- Review and/or utilize the EDCOE Charter SELPA ERMHS Report Template found in the SEIS Document Library.
- Attend ERMHS training provided by the EDCOE Charter SELPA (available in the Online Professional Learning catalog located at <http://charterselpa.org/professional-learningcatalog/>).
- Review the EDCOE Charter SELPA ERMHS Program Guidelines document (located at <http://charterselpa.org/program-support/>). (These resources may also be used by LAUSD schools).
- Join state-specific school psychology organizations such as the California Association of School Psychologists (CASP) to access other professionals, archived resources and ongoing training opportunities.
- Connect with your graduate program for additional guidance or professional development opportunities.

REFERRAL

Q5. When should a referral for ERMHS assessment be initiated?

A5. A referral for ERMHS assessment should be initiated any time it is suspected that social emotional and/or mental health need(s) may impact access to the educational environment and cannot be adequately supported through the general program. Although not an exhaustive list, an ERMHS assessment may be warranted when a student:

- Exhibits maladaptive or atypical behaviors, or displays a significant change in behavior that negatively impacts educational performance
- Exhibits social-emotional needs that cannot be addressed by the current educational program
- Is accessing general education counseling for a “short-term” need and has not made progress or ongoing counseling is required
- Displays ongoing school refusal
- Engages in self-harm, expresses suicidal ideation or attempts to end his or her life
- Has been diagnosed with a mental health disorder and parent/guardian provides documentation requesting a school-based assessment and service
- Is hospitalized for mental health related need
- A referral may also be initiated whenever additional services or a change of placement are being considered due to mental health or if a parent, legal guardian or adult student requests assessment for ERMHS.

It should be noted that a separate ERMHS assessment may not be required if a comprehensive evaluation was recently completed within an approximately six-month timeframe which include interviews, observations, and social emotional rating scales that can determine ERMHS eligibility and services. This is most often the case following comprehensive assessment for Emotional Disturbance (ED).

Q6. What is the difference between a referral for ERMHS and a referral to assess for Emotional Disturbance (ED)?

A6. The purpose of an ERMHS assessment is to determine need for ERMHS specifically and does not determine special education eligibility. Alternatively, a comprehensive psychoeducational assessment for ED can both determine ED eligibility and a recommendation for ERMHS, as long as the elements required for both ED eligibility and ERMHS recommendation are included. Therefore, depending on the level of student need, an IEP team may move forward with a referral for both a psycho-educational evaluation to assess ED as an area of suspected disability as well as determining need for ERMHS services. If this is the case, the case manager should ensure that both reasons for referral are indicated in the Prior Written Notice (PWN) section of the Assessment Plan (AP) in SEIS prior to obtaining parental consent.

Q7. Should a student be referred for ERMHS assessment to support short-term needs?

A7. A student with an IEP may access short-term counseling through the general education program to address a temporary need such as a natural disaster, death of a loved one, parental divorce or a break-up with a significant other. Although short-term trauma or grief may be addressed through general education supports without an ERMHS assessment, progress should be closely monitored during this time. If progress is not made and/or

continued counseling is required it is recommended that the IEP team refer for an ERMHS assessment to further investigate social-emotional needs and determine if ERMHS are warranted as a function of the IEP.

Q8. Should all pre-referral interventions be exhausted before recommending an ERMHS assessment?

A8. Although pre-referral interventions are encouraged, the use of pre-referral interventions as part of a Response to Instruction and Intervention (RtI2) 1 or Multi-Tiered System of Supports (MTSS)2 process does not diminish a LEA's obligation under the IDEA to obtain parental consent and evaluate a student in a timely manner. For that reason, it is generally not acceptable for a team to wait several months to conduct an evaluation or to seek parental consent for an evaluation if an additional area of need or eligibility is suspected. Therefore, when a student is referred for an ERMHS assessment it is recommended that the IEP team carefully consider the referral to avoid delaying assessment and potential services based solely on access and response to pre-referral interventions.

Q9. What if a parent/guardian provides an independent report as part of their referral?

A9. If a parent or guardian provides an independent report which indicates social-emotional and/or mental health needs, it is recommended that an IEP meeting be held to review parent concerns, results of the independent assessment, and determine whether ERMHS assessment is warranted. Although independent medical reports and records should be considered by the IEP team, they do not equate to immediate eligibility for ERMHS. For example, some students may experience mental health disorders that are managed independently and therefore do not manifest in the school setting. Therefore, despite the presence of a clinical mental health diagnosis, an ERMHS assessment must still be completed to examine if and/or how a student's documented mental health disorder impacts his or her ability to access the educational environment. This ensures that appropriate school-based services are provided.

It is also recommended that the school obtain a signed Exchange of Information to allow the assessor to discuss the student's medical and mental health needs as they relate to the educational setting. The ERMHS assessment report may include relevant information provided by the clinical and/or independent assessor in the "background" or "health" sections of the ERMHS report, as appropriate. Although independent medical reports may be provided by the parent/guardian as reviewed above, LEAs are not required to seek medical input prior to determining need for ERMHS services. Should a school request medical diagnosis, they incur financial responsibility for the medical evaluation. As a reminder, medication cannot be considered a mitigating factor when determining whether a student qualifies for IEP services. Assessments are also required to discontinue ERMHS services. Please see the "Discontinuing Services" section of this FAQ for additional information.

ASSESSMENT

Q10. What is the purpose of an ERMHS assessment?

A10. The purpose of the ERMHS assessment is to examine areas of social-emotional need and determine whether educationally related mental health services are required in order for the student to access his or her education. If needed, ERMHS assessment data informs the implementation of meaningful effective and evidence-based interventions. Assessment data collected during the assessment is used to update present levels, determine eligibility for ERMHS services, write ERMHS goals and make an informed recommendation to the IEP regarding the appropriate frequency and duration of services. It should be noted that final recommendations regarding services will be made by the IEP team.

Q11. Is an assessment required to initiate ERMHS?

A11. Yes. Schools must assess and serve students' educationally related mental health needs through the same process as other identified educational needs. As is the case with any other related service (i.e. speech, OT, APE, etc.), an assessment must be completed to both initiate and discontinue ERMHS (Cal. Ed. Code §56320).

Q12. The IEP team is in agreement that a student requires counseling. Can we add the service to the IEP without assessment? Can it be added without assessment if the student is already receiving counseling through the general education program?

A12. Schools must assess and serve students' educationally related mental health needs through the same process as other identified educational needs, therefore assessment is required to initiate ERMHS services. However, information regarding progress while receiving short-term general education counseling services may be incorporated into the "Background Information" section of the ERMHS assessment and report. The IEP team may also document in IEP notes if a student is participating in counseling through the general education program while the assessment is being conducted.

Q13. Is an ERMHS assessment still required if a student has been hospitalized or is in crisis?

A13. Yes. Although the overall process remains the same, it is recommended that the team consider expediting assessment in a crisis situation. The team should also consider whether interim mental health support is required during this time. Reports and/or information provided as a result of a hospitalization should also be taken into account when discussing area(s) of need. It is also recommended that the school obtain a signed Exchange of Information to allow the assessor to discuss the student's medical and mental health needs as they relate to the educational setting.

For more information on incorporating independent reports into an ERMHS assessment, please refer to the Question 9 above. For more information on steps to follow if a student with an IEP is hospitalized to support mental health needs, please refer to Question 37 of this FAQ document. For more information on steps to follow if a student without an IEP is hospitalized due to mental health concerns, please refer to the Continuum of Placement: Psychiatric Hospitalizations for students with/without IEPs in the IEP Services, Goals and Continuum of Placement section of the ERMHS Program Guidelines. The ERMHS Program Guidelines can be located on the Charter SELPA website (charterselpa.org) in the Resources section of the Program Support page.

Q14. The student already has social-emotional goals but hasn't been receiving ERMHS. Do we need to complete an assessment before adding an ERMHS service?

A14. If an IEP is in agreement that a goal is being adequately met through an existing service (i.e. self-regulation goal being met through a Behavior Intervention Plan (BIP) and Behavior Intervention Service (BIS)), then additional assessment for ERMHS may not be required.

However, if an assessment was not completed in order to develop the current goal, the student is not making progress, and/or an initial referral for ERMHS has been made, then an assessment must be completed before adding an ERMHS service.

Q15. Who can conduct an ERMHS assessment?

A15. According to federal regulations, ERMHS assessments must be performed by "trained and knowledgeable personnel" capable of "obtaining, integrating, and interpreting information about child behavior and conditions

relating to learning”. Assessments must identify all needs “whether or not commonly linked to the disability category in which the child has been classified” (34 C.F.R. § 300.304).

Under AB 114 (2011), several sections of Chapter 26.5 of the California Government Code were amended or repealed including those allowing qualified mental health professionals other than school psychologists to conduct mental health assessments of students with disabilities for purposes of providing students with a free appropriate public education. California Education Code 56320(a)(3) further states that: “Before any action is taken with respect to the initial placement of an individual with exceptional needs in special education instruction, an individual assessment of the pupil’s educational needs shall be conducted, by qualified persons, in accordance with requirements including, but not limited to, all of the following... (3) 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.”

Therefore, ERMHS assessments must be completed by a school psychologist due to Cal Ed code guidance related to administering tests of emotional functioning as well as expertise and experience in assessment, mental health, areas of disability and impact on learning.

Q16. Does the ERMHS assessment need to be a separate, stand-alone assessment?

A16. No. Although an ERMHS assessment can stand alone if the referral occurs outside of the initial, triennial or other psycho-educational assessment process, the required components of an ERMHS assessment may also be included within an initial, triennial or other psychoeducational evaluation to assess additional areas of suspected disability. If the ERMHS assessment will be included within an initial, triennial or supplemental assessment, ensure that the social-emotional box is checked on the assessment plan and all reasons for referral, including ERMHS assessment, are included in the corresponding Prior Written Notice (PWN). Also specifically list “ERMHS” under “Other” to indicate that the assessment goes beyond typical social-emotional assessment even when not completed as a stand-alone assessment.

Q17. How should the Assessment Plan (AP) be written for an ERMHS assessment?

A17. If completing a stand-alone ERMHS assessment, select “Other” as the assessment type and manually enter “Educationally Related Mental Health Services Assessment”. Complete the Prior Written Notice (PWN) portion to reflect the reason for the referral, options considered and description of the evaluation procedures used in deciding to propose the assessment (what data informed this referral?). Then, check the Social Emotional/Behavior box and enter the examiner title (see below).

If completing as part of an initial, triennial or supplementary assessment, ensure that the Social-Emotional/Behavior box is checked, the examiner title is included, and all reasons for referral/assessment are included in the corresponding PWN. To ensure the parent is fully informed regarding all areas of assessment, the team may select “Other” in addition to the assessment type and manually enter “Educationally Related Mental Health Services Assessment”.

Q18. I discovered ERMHS-related concerns while completing an initial or triennial assessment. Do I need to send home another assessment plan and initiate a separate 60-day timeline to assess for ERMHS?

A18. If the social-emotional box was checked on the original Assessment Plan (AP), you may proceed with assessing social-emotional needs and make a subsequent recommendation for ERMHS services, as long as all components of an ERMHS assessment are present. As a best practice recommendation and to ensure full parental consent, you may send home an amended or new PWN/AP with the “Other” and “Educationally Related Mental Health Services Assessment” boxes completed under Assessment Type. Add any updated information to the PWN section and request parent initial or signature to acknowledge.

If the social-emotional box was not checked on the original AP, the preferred option would be to send home an amended AP with an updated PWN and social-emotional box checked for parent signature and complete within your existing timeline. If there is not enough time remaining in your existing timeline to comprehensively complete the social-emotional/ ERMHS portion of your assessment, you may send a separate AP which subsequently initiates a new 60-day timeline for the additional assessment. It is strongly recommended that the amended or new AP be sent immediately upon identifying an additional area of social-emotional need in order to begin ERMHS assessment as soon as possible. It is not recommended that teams wait until the original 60-day timeline is complete and the IEP is held to recommend additional assessment, as doing so may unnecessarily delay the assessment and subsequently delay access to ERMHS.

Q19. What should be included in an ERMHS assessment?

A19. Assessments must use a “variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child” (34 C.F.R. §300.304(b)(1)). More specifically, a comprehensive ERMHS assessment must include but should not be limited to:

- • Relevant background information
- • Relevant health and educational history, including history of interventions and response
- • Review of previous psycho-educational assessment results
- • Student, teacher and parent/guardian interview
- • Student observation and data collection
- • Broadband assessments (i.e. Behavioral Assessment System for Children (BASC), Child Behavior Checklist, Clinical Assessment of Behavior (Bracken), Reynolds Adolescent Psychopathology Scale (APS))
- • Narrowband assessments in areas of suspected or identified need (i.e. Children’s Depression Inventory (CDI), Reynolds Depression Scale (RCDS), Revised Children’s Manifest Anxiety Scale (RCMAS), Reynolds Adolescent Depression Scale (RADS)).

When completing interviews and rating scales, it is recommended that information be gathered from multiple parties including the student, parent(s)/guardian(s), teacher(s), and other staff with knowledge of the student. Obtaining information from multiple sources provides a comprehensive sample of experiences, observations and interactions within both academic and social contexts. As stated above, information gathered directly from the student via interview and/or rating scale is incredibly valuable and should be completed to the extent possible as appropriate based on the student’s age and developmental level.

Observations across multiple days in various settings are also imperative to rule out responses or behaviors specifically related to non-preferred tasks, subjects, transitions, instructors, or peer groups. Finally, data collected

over time is essential to understanding whether social-emotional challenges are ongoing or short-term and situationally related, both of which should be supported, albeit differently.

For additional guidance on assessment and report writing, please refer to the EDCOE Charter SELPA ERMHS Report Template found in the SEIS Document Library and/or the ERMHS guidelines document on the EDCOE Charter SELPA website.

Q20. Do I have to rule out Emotional Disturbance (ED) when assessing for ERMHS?

A20. Ruling out ED is not required in all cases; however, it is recommended that the IEP team discuss whether assessment for ED is warranted based on the referral and mental health concerns. It is also recommended that discussion regarding consideration of additional areas of eligibility (such as ED) be included in IEP notes. If the IEP team is unsure whether assessment for ED is warranted, then it may be determined that ED is an area of suspected disability and therefore should be assessed. The assessment for both ED eligibility and ERMHS services can occur concurrently and be presented in the same report. This assessment and report would be considered a “psycho-educational and ERMHS assessment” and must be completed by a credentialed school psychologist. Additional psychoeducational assessment for ED may not be required in the following circumstances:

- If the student has recently been assessed for ED and found ineligible,
- If the referral for ERMHS is clearly related to the student’s current disability and ED is not suspected, and/or
- The team can provide data as to why assessment for ED is inappropriate.

Regardless of final decisions regarding assessment, it is recommended that the IEP team discussion regarding additional areas of disability be clearly documented in IEP notes and/or on the Assessment Plan (AP)/Prior Written Notice (PWN).

REPORT AND RECOMMENDATIONS

Q21. What is included in a defensible ERMHS report? Does the EDCOE Charter SELPA offer an ERMHS report template?

A22. In order to write a legally defensible and meaningful ERMHS report, ensure that all elements of a comprehensive ERMHS assessment are included (listed above in the Assessment section of this document) and presented in an accessible and student-centered manner. To support the development of defensible ERMHS assessments and reports, the EDCOE Charter SELPA has created a template located in the SEIS Document Library. Recommendations found within the template align with federal and state law which requires that language used in written reports be accessible to all IEP members, particularly parents and guardians, in order to support meaningful participation in the IEP process. With that in mind, the template is not intended to be used as a sample report but rather as a tool to assist in ensuring all key components are included.

The ERMHS report template, as well as other templates located in the SEIS Document Library, are intended to provide school psychologists with a legally defensible base from which to build a reader-friendly, student-centered assessment report. For this reason, bulleted guidelines are included in red in lieu of sample narrative language. These are included to prompt the school psychologist to add the data and/or narrative and should be removed prior to presenting the report to the team. Additionally, not all sections of the report are required; therefore, removal of sections may be necessary based on the reason for referral.

Q22. Under what circumstances are ERMHS recommended?

A22. It is the responsibility of the assessor to make an informed recommendation regarding the need for ERMHS services for IEP team consideration based on assessment results. ERMHS services may be recommended if assessment results indicate social-emotional/mental health needs which impede the student's ability to access his or her educational program to a degree requiring educationally related mental health services. Goals and services are then recommended based on areas of identified need. ERMHS assessment results may also indicate need for Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP), regardless of ERMHS eligibility.

As a reminder, per AB 114, eligibility for related services such as ERMHS is not contingent on a particular disabling condition and should be determined based on an assessment that reveals an individualized need for the service.

Q23. What factors should be considered when making a recommendation for Educationally Related Mental Health Services?

A23. It is recommended that answers to the following are clearly articulated within the summary and recommendations section of the ERMHS report and supported with data from the assessment:

- • What are the student's identified strengths?
- • How can these strengths be reinforced and utilized to support areas of need?
- • What are the student's identified areas of social-emotional need?
- • In which settings were social-emotional needs present and how did they manifest?
- • How do social-emotional needs impact access to the educational environment and/or create barriers to accessing FAPE?
- • What social-emotional skill(s) does the student require in order to access FAPE?
- • Can needs be supported through the general program, supplementary supports, accommodations for IEP services?

o If the answer is no and ERMHS services are required to support and/or obtain social emotional skills related to areas of need, qualification for ERMHS services are recommended.

- • Based on assessment results, are ERMHS services recommended?
- o If yes, in which areas of need are goals recommended?
- o If yes, what type of services are recommended?
- o It is important to have a recommendation of frequency and duration prepared for IEP team consideration based on assessment results; however frequency and duration will be determined by the student's level of need, rate of learning and number of goals will be the final determination of the IEP team.
- • Does the student require accommodations or supplementary behavioral planning in order to access FAPE?

Q24. Can the ERMHS assessment recommend general education counseling instead of a related service as part of the IEP?

A24. If assessment results determine that a student requires counseling in order to access FAPE, it is recommended that those services be offered as a function of the IEP and not solely as an intervention through the general education program.

GOAL WRITING AND PROGRESS MONITORING

Q25. Can I write the goals if I am not the one providing the ERMHS service?

A25. Either the individual who has completed an assessment or the provider may write goals, however, it is recommended that both professionals collaborate to ensure that meaningful and attainable goals are developed, implemented and monitored by persons responsible as determined by the IEP team and indicated on the goal page. It is recommended that goals be written at the time which ERMHS services are recommended and based on identified areas of need.

Q26. A student is eligible for ERMHS, but already has a BIP and behavioral goal. Can the ERMHS provider focus on the existing goal only?

A26. Although an ERMHS provider may support a behavioral goal, it is not recommended that ERMHS services solely support a pre-existing behavioral goal. Rather, it is best practice to include a goal which focuses on the social-emotional skill required to both support student behavior and allow access to FAPE.

Q27. What are some tips for writing ERMHS goals?

A27. ERMHS goals must be written to address area(s) of need as indicated by assessment results and included in present levels of performance. Although use of benchmarks or short-term objectives is not required, it is recommended that they be used to address the strategy or process of implementation.

Tip: Be specific and action oriented when describing how a student will utilize a new skill. For example, consider the behavioral statement “Joe will stop calling out”. This statement describes only the absence of behavior and therefore is not action-oriented. What skill will Joe learn and utilize in order to stop calling out? What is Joe expected to do instead? This statement may be replaced with:

“Joe will utilize a learned strategy (i.e. raise his hand, stand, or write on a post-it) instead of calling out”.

Similarly, consider replacing: “Sue will stop leaving class when frustrated” with “When frustrated, Sue will utilize predetermined supports (e.g. help cards, break cards, timer and reinforcement system) in order to request help or take a break instead of leaving class”.

Due to the fluid and occasionally elusive nature of social-emotional skills, ERMHS goals can feel challenging to write in a specific, strategic and measurable manner. Although the previous examples are not complete goals, they are intended to illustrate how one may reformat the conditions and observable behavior components of a goal with an increasingly specific, action-oriented and skill based approach.

Below are additional tips and questions to consider in ERMHS goal development:

- • How does the student’s mental health needs and/or behavior manifest educationally?
- • How is the student’s learning and school performance impacted?
- • How are the student’s relationships and social involvement impacted?
- • What is the skill deficit?
- • What does the student need to learn to utilize the new skill and subsequent positive behavior?

Write specific and data-based baselines, which can be taken directly from present levels of performance. If ERMHS goals are based directly on assessment data and well-written present levels, they will be measurable and attainable.

Q28. Is it required that parents receive progress monitoring updates on ERMHS goals?

A28. Progress on ERMHS goals is monitored by the provider and/or case manager. Progress reports must be provided at intervals consistent with other non-ERMHS goals. Goals are reviewed by the provider at annual IEPs and updated accordingly. Reminder: Ensure goals are measurable and that valid and consistent measures are used when progress monitoring.

Q29. What if the student is not meeting his or her goals?

A29. If no or limited progress is made, do not continue an ineffective goal or intervention. Instead, adjust goals and/or services as needed to increase likelihood of goal attainment and allow educational benefit. Services may be adjusted based on goal progress yet assessment is required to discontinue services.

SERVICES

Q30. Which services are considered Educationally Related Mental Health Services?

A30. The California Special Education Management Information System (CASEMIS) code service descriptions are used to delineate the specific type of service being provided to a student (500 codes). These include Individual Counseling (510), Counseling and Guidance (515), Parent Counseling (520), Social Work Services (525) and Psychological Services (530).

Although Behavior Intervention Services (BIS, 535) is not considered an ERMHS service in isolation, BIS may be considered an ERMHS related service only if paired with another ERMHS service (i.e. BIS and counseling and guidance). A comprehensive description of each service is listed below:

Individual Counseling (510) refers to one-to-one counseling, provided by a qualified individual pursuant to an IEP:

1. Counseling may focus on such student aspects as education, career, personal, or be with parents or staff members on learning problems or guidance programs for students.

2. These services are expected to supplement the regular guidance and counseling program. Counseling and Guidance (515) refers to counseling in a group setting, provided by a qualified individual pursuant to an IEP:

1. Group counseling is typically social skills development, but may focus on such student aspects as education, career, personal, or be with parents or staff members on learning problems or guidance programs for students.

2. IEP required group counseling is expected to supplement the regular guidance and counseling program.

3. Guidance services include interpersonal, intrapersonal, or family interventions, performed in an individual or group setting by a qualified individual pursuant to an IEP.

4. Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students supervised by staff credentialed to serve special education students.

These services are expected to supplement the regular guidance and counseling program. Parent Counseling and Training (520) may include:

- Assisting parents in understanding their child's special needs.
- Providing parents with information about child development.
- IEP required parent counseling is intended to supplement the regular guidance and counseling program.
- Social Work Services (525), provided by a qualified individual pursuant to an IEP, include, but are not limited to:
 - Preparing a social or developmental history of a child with a disability.
 - Group and individual counseling with the child and family.
 - Working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school.
 - Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program. Social work services are expected to supplement the regular guidance and counseling program.

Psychological services (530) may include:

- Counseling provided to an individual with exceptional needs by a credentialed or licensed psychologist or other qualified personnel.
- Consultative services to parents, pupils, teachers, and other school personnel.
- Planning and implementing a program of psychological counseling for individuals with exceptional needs and parents.
- Assisting in developing positive behavioral intervention strategies. This term does not include assessment services or IEP development.

Q31. Which credentials are required to provide ERMHS?

A31. According to the California Association of School Psychologists (CASPs): "Although school psychologists employed within their LEA are the preferable choice to provide counseling as a related service, there are other professionals who may be able to provide these services".

Services may be provided by a qualified intern under the direct supervision of an individual who holds the appropriate credential authorization (5 CCR §3051 *et. seq.*).

The authorization of a school psychologist intern or school counselor intern to provide ERMHS services is not explicitly stated in educational code and therefore is not asterisked in the chart above. It is recommended that LEAs review the authorizations included within the California Commission on Teacher Credentialing (CTC) internship credential to ensure that the holder is approved to provide counseling services under the direct supervision of a similarly credentialed staff member. It is also recommended that LEAs consider the intern's program requirements, course of study and level of training prior to initiating services with students who receive ERMHS. As a reminder, CTC requires that school psychologist interns are supervised by a credentialed school psychologist with the equivalent of at least two (2) years of full-time experience as a school psychologist. For more information on school psychologist intern or school counselor intern credentials, please refer to the Pupil Personnel Services

School Counseling, School Psychology, School Social Work, and Child Welfare and Attendance Program Standards found on the CTC website at: www.ctc.ca.gov.

In the event that a school is contracting for assessment and services, it is important to note that a school does not have to use the same person or agency to both assess and provide services.

Q32. How are the type and frequency of services determined?

A32. The type and frequency of services are determined by calculating the frequency and duration of services required to allow the student to make meaningful progress on goals in the Least Restrictive Environment (LRE). In order to explore this further, CASP provided the following guidance in an ERMHS position paper:

“The needs of students in any arena are multi-faceted and often can be viewed along a continuum of intensity of need. This is true for the social emotional needs in particular. Not all students who have been identified as needing educationally related social emotional counseling support will require the same modality, frequency or duration of service.

Research has highlighted that “outcomes for children and adolescents with social emotional challenges can be greatly enhanced through interventions that (a) are sustained, flexible, positive, collaborative, culturally appropriate, and regularly evaluated: (b) are built on the strengths of the students and their families: and (c) address academic as well as social behavioral deficits (Bullock and Gable, 2006). As such, it is essential that the IEP team identify the specific needs, develop appropriate goals, and specify the services that may meet those goals. (<http://www.casonline.org/pdfs/position-papers/ERMHS-final.pdf>)

Q33. What if a student refuses to receive ERMHS?

A33. Student refusal does not absolve the LEA of the obligation to offer ERMHS services if needed for the student to access FAPE. If a student is refusing to access services, do not discontinue services based solely on student refusal to access. Instead, consider the following:

- • Discuss the refusal with the student and work to find a mutually agreeable resolution.
- • Increase rapport building opportunities to build trust and relationship prior to engaging in full counseling sessions.
- • Change the location, environment or manner in which services are provided.
- • Consider whether concurrent behavioral intervention is required.
- • Consider change in service provider if needed.
- • Convene an IEP meeting to discuss refusal, current areas of social-emotional needs and document next steps to allow access to services.

Q34. What if a parent/guardian refuses to consent to ERMHS?

A34. If a parent refuses to consent to ERMHS, the following steps should be considered in order to obtain parental consent:

- • Explore parent concerns and options for alleviating those concerns through considerations such as further explanation of ERMHS as it relates to the educational setting or increased collaboration with parents.

- Review assessment results and areas of need to illustrate why ERMHS are recommended for the student to access his/her educational program.
- Request a SELPA facilitated IEP to support resolution.
- Contact your SELPA program specialist for further collaboration and guidance.
- If the parent continues to refuse ERMHS and data indicates that refusal to consent will result in an inability to provide FAPE, Due Process procedures afforded to both schools and parents may be initiated. Please contact your administrator, SELPA program specialist and/or legal counsel for additional consultation if considering this option.

If a parent/guardian refuses to consent to ERMHS due to the student's participation in private counseling, it should be noted that participation in private therapy or counseling does not absolve a school of their responsibility to offer ERMHS assessment and services, if warranted to allow access to FAPE. Therefore, it is recommended that the IEP team maintain the offer of ERMHS and that the steps above be attempted in order to meet resolution.

Q35. Can ERMHS be provided outside of school hours?

A35. To allow students to access education and practice ERMHS goals in the educational setting, it is suggested that the ERMHS services be provided at school during the course of the school day. Although schools are not mandated to provide services outside of the school day, if an IEP Team determines that ERMHS services are required outside of the school day, the rationale should be clearly documented in the IEP. Additionally, teams must consider the following:

- Transportation: How will the student get to and from services? How will transportation costs be covered?
- Missed services: If a student misses a service due to lack of transportation or refusal, how will that missed session be documented and made-up?
- Documentation: If a school chooses to offer services outside of the school day, documentation should clearly illustrate how it was determined that services provided outside of the school day are necessary to allow the student to progress on his or her goals.

Q36. Can a student receive ERMHS if they're already receiving private counseling outside of school?

A36. Yes. Private therapy and educationally related mental health services serve different purposes and therefore can be provided concurrently. The focus of ERMHS services should be based solely on supporting the student to gain the skills required to access their educational environment. With that said, it may be beneficial for private and school based service providers to have an exchange of information signed to increase collaboration, alignment of interventions and supports, and subsequent generalization of new skills. As a reminder, a student's participation in private therapy or counseling does not absolve a school of their responsibility to offer ERMHS assessment and services if warranted to allow access to FAPE.

Q37. What if a student with an IEP is hospitalized to support mental health needs?

A37. If a student with an IEP is hospitalized due to mental health concerns including self-harm and suicidal ideation, follow the steps below:

1. Determine if reports or discharge paperwork are available from the hospitalization. If so, request access from the parent (or medical professional if exchange of information has been signed) in order to review reports.
2. Request that an exchange of information be signed between appropriate school and hospital personnel.
3. If the student does not currently receive ERMHS, offer an assessment plan for ERMHS
4. Determine whether the hospitalization indicates new area(s) of suspected disability that have not been assessed, specifically Emotional Disturbance. Propose an assessment plan if appropriate.
5. If the student currently receives ERMHS, consider whether additional assessment is needed and/or if services should be adjusted.
6. Convene an IEP to consider the following:
7. Update present levels, as appropriate.
8. Assist staff in better understanding the student's current levels of need
9. Determine if updated goals are required
10. Discuss whether adjustments are needed to current supports and services.
11. Discuss whether a Functional Behavior Assessment (FBA) and/or Behavior Intervention Plan (BIP) revision are needed. If there is currently no BIP in place, discuss whether an FBA is warranted to further assess behavior and guide development of a BIP.
12. Support in planning for the transition back to school and whether additional supports, staff communication and/or a safety plan for the student and staff may be required.

DISCONTINUING SERVICES

Q38. What if a student is chronically absent and is therefore not benefitting from ERMHS? Can services be discontinued under these circumstances?

A38. It is not recommended that ERMHS be discontinued due to chronic absenteeism. Alternatively, chronic absenteeism may indicate increased need for assessment and/or services, including ERMHS. Failure to address frequent absences of students who qualify for special education may result in a denial of FAPE. Therefore, if a student with an IEP is chronically absent or is suspected that absences are impacting the student's access to FAPE, it is recommended that an IEP team meeting be convened as soon as possible to accomplish the following:

- Collaborate with the parent(s)/guardian(s) to explore potential cause(s) of absences.
- Discuss whether absences are related to the area of disability.
- E.g. school avoidance related to anxiety, depression, academic challenges, etc.

It should be noted that for a student with an IEP whose truancy adversely affects learning, the duty to address the absences in the IEP may exist regardless of whether they stem from a disability. The IDEA regulations at 34 CFR 300.324 (a)(2)(i) require an LEA, in the case of a child whose behavior impedes the child's learning or that of others, to consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

- Review the current offer of FAPE and discuss whether additional services may be required to support attendance and subsequent access to education, including but not limited to Specialized Academic Instruction, Behavior Intervention Services, Transportation or ERMHS.
- If a new area of eligibility and/or need is suspected, it is recommended that an assessment plan be generated and an assessment initiated in order to evaluate the suspected area of need and determine whether additional area(s) of eligibility, goals, accommodations and services are appropriate.
- If assessment is required, discuss whether interim services may be provided to encourage school attendance while evaluations are completed.
- Discuss and consider whether support is required in the home setting in order for the student to transition to the school setting. If needed to access education, services may be provided in the home.
- Note: Frequent absences by students without an IEP may trigger child find responsibilities related to evaluation for special education services. For additional information on chronic absenteeism, please refer to the following resources:
- Every Student, Every Day: A Community Toolkit to Address and Eliminate Chronic Absenteeism (October 2015):

<https://www2.ed.gov/about/inits/ed/chronicabsenteeism/toolkit.pdf>

Attendance Works: <http://www.attendanceworks.org/resources/>

National Center on Educational Outcomes: Students with Disabilities & Chronic Absenteeism (April 2018). <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief15.pdf>

Q39. Is an assessment required to exit a student from ERMHS services/discontinue services?

A39. Although not clearly defined by statute, as with any other related service it is recommended that assessment be completed prior to discontinuing ERMHS. A team may consider requesting assessment to discontinue ERMHS when a student has met his or her ERMHS goals, and data/observations of behavior indicate that social-emotional need is no longer impacting access to education. Assessment may include:

- Review of previous assessment results
- Statement of reason for referral for discontinuation of services
- Updated rating scales in area of previous need
- Interview and observation
- Behavioral data
- Recommendation and summary statement
- Recommendation for ongoing accommodations, as needed, to support maintenance

Upon completion of the assessment, an IEP meeting must be convened. The assessor and service provider must be present at the IEP meeting to discuss the recommendation to discontinue services. Discussion and rationale for discontinuing ERMHS should also be clearly documented within the IEP notes. Following the meeting but prior to the termination of services, a parent must be provided with a Prior Written Notice (PWN) reviewing the rationale for discontinuing ERMHS.

For example, in the event that an IEP team agrees at an annual IEP that the student has met his or her ERMHS goals and services no longer appear to be required, an Assessment Plan (AP) must be provided to the

parent/guardian for an ERMHS assessment. Within the PWN portion of the AP, it should be indicated that the purpose of the assessment is to consider whether ERMHS continue to be required based on goal progress, data collection and observations of student behavior. Then, another IEP must be held within 60 days of signature to formally discontinue ERMHS, if supported by assessment results.

Q40. What if the parent/guardian won't agree to discontinue services?

A40. The last signed and implemented offer of FAPE, otherwise known as the "stay put" offer of services, would continue to apply until an agreement is reached. In order to reach an agreement, teams may attempt the following:

- Further explore parent/guardian concerns and discuss options for alleviating concerns through accommodations or through supports provided in the general program.
- Review assessment results and goal attainment to illustrate why ERMHS are no longer required for the student to access his/her educational program.
- If parent/guardian concern(s) exist in an area not been assessed nor addressed, consider completing an assessment in the requested area prior to making a final determination.
- Request a SELPA facilitated IEP meeting to support in resolution.
- Contact your SELPA program specialist for further collaboration and guidance.
- Due Process procedures afforded to schools and parents may be initiated if the IEP team is unable to meet resolution through all other means. Please contact your administrator, SELPA program specialist and/or legal counsel for additional consultation if considering this option.

CLOSING

The information provided in this FAQ document is based on federal and state law, current case law and best practice recommendations. Due to the wide-ranging and individualized needs of students, specific case complexities often arise. Therefore, if your question was not answered within this document please feel free contact your assigned SELPA Program Specialist for additional consultation and support.

Gifted and Talented Program Assessment

October is usually when we begin the GATE identification phase. In collaboration with teachers and department chairs, academic deans should start compiling lists of students to be tested in grades 3, 6, and 9. Students in other grades may be tested as well, however, it is not required. In order to ensure equity, we also want to include a randomly selected number 5% of the general student population in those grades in addition to the students identified by your academic team.

Please keep in mind the different types of intelligences when determining which students are going to be assessed:

- **Intellectual Ability** – A student demonstrates exceptional intellectual development.
- **Creative Ability** – A student is able to produce unique solutions to problems, think critically, and perceive unusual relationships among aspects in their environment.
- **Specific Academic Ability** – A student functions at a high level in a specific area.
- **Leadership Ability** – A student displays behaviors characteristic of strong leadership.
- **High Academic Achievement** – A student consistently produces advanced work products, carries on intellectual discourse, and/or attain exceptionally high scores on achievement tests.
- **Visual and Performing Arts Talent** – A student creates, performs, produces, or responds at exceptionally high levels in the arts.

Planning for GATE Testing Implementation:

- We will test the students using the Otis Lennon School Ability Test (OLSAT).
- Please access the GATE flyer, parent permission slip, and included spreadsheet for ordering test access. These documents are on the Student Services Unit website.
- School teams will be selecting students for testing, though a parent can make a request by filling out the request form
- We will be testing 3rd graders at the elementary level unless a parent makes a request or the team decides that additional testing is necessary.
- The OLSAT8 exam is a computer-based exam so no need to schedule testing with other school sites. If a student misses their exam date, the school can reschedule for that individual student.
- Once the reports are run, we will refer the student to the next level for them to be evaluated by a Magnolia school psychologists on the Raven's Assessment. The school psychologists will proctor the Raven's assessment with the support of the deans. The students will be classified as either gifted or highly gifted based on their cut off scores.
- Each Identified student will be provided a psych report for the parents explaining the student's specific areas of strength that can be placed in their cumulative records in an orange folder.

Non Public Agency

Requirements/ Expectations and Reasons for Dismissal

Please adhere to the information within this manual and additional direction provided by the Director of Special Education and Support Services to avoid a violation of American Disabilities Act, Special Education and/or CDE Compliance Laws.

While relationships are important, they are only as healthy as the relationship itself. Therefore, we have extracted the basic requirements for a Non-Public Agency in the state of California. When I ask for service agreements, personnel certification documents etc. It is because if we are not using the appropriate personnel, we are out of compliance. Magnolia is responsible for ensuring any agency servicing our scholars is in compliance.

The following checklist and information are based on the CDE. **(California Education Code Section 56366)**

Principal's NPA Compliance Checklist

_____ **Ensure that your consultants have the appropriate credentials for the services being provided. A Personnel Certification Sheet for all service providers should be provided to Magnolia Public schools and updated as consultants are added or deleted.**

_____ **Ensure that your consultants sign in and out daily and the sign in sheet is initialed by a MPS Coord**

_____ **Ensure that the providers are only billing for working with the scholars and an additional 30 minutes to 1 hour per week of notes**

_____ **Ensure that your school receives a case file with all assessments completed at each IEP meeting**

_____ **Ensure that your school receives service tracking logs that include the scholars' goals, activities and the progress toward the goal achievement**

_____ **Assist the NPA in developing Individual Service Agreements for each scholar as required by the CDE. These agreements should be on file with both the school and the agency for auditing purposes. The template is available on the Special Education and Support Services Website.**

General Information

These requirements are taken directly from the CDE website with regard to Non-Public agencies and their mandated responsibilities.

1. The NPA shall meet those standards as prescribed in federal and state statutes and regulations pertaining to special education. An NPA shall also meet standards as prescribed by the State Superintendent of Public Instruction (SSPI) and the SBE.
2. It is the intent of the Legislature that the role of the NPA shall be maintained and continued to serve as an alternative special education service available to districts, special education local plan areas (SELPA's), county offices of education, and parent(s)/guardian(s).

3. An NPA shall not claim and is not entitled to receive reimbursement for attendance unless:
 1. It is under contract with a public education agency (i.e., school district, SELPA, or county office of education) pursuant to the provision of *EC* Section 56366(c); and
 2. The site location where the scholar is receiving special education or designated instruction and services has been certified by the California Department of Education (CDE).
4. Students supported by federal and state education funds shall have been previously identified as eligible to receive specially designed education and related services by the public education agency where the pupil resides (a school district or county office of education) and where the pupil has a current IEP. The IEP is a plan developed between the local public school district and the parent(s)/guardian(s), along with a participant from the NPA to decide the kinds of related services each scholar needs.
5. An NPA that is located outside of California is eligible for certification pursuant to *EC* Section 56366.1, only if a pupil is currently enrolled in a program operated by that agency pursuant to the recommendation of an IEP team in California and that pupil's parent(s) or guardian(s) reside in California.
6. "Nonsectarian" means a nonpublic school or agency that is not owned, operated, controlled by, or formally affiliated with a religious group or sect, whatever might be the actual character of the education program or the primary purpose of the facility.
7. Designated instruction and services (DIS) or related services, as specified in the IEP, shall be available when services are necessary for the pupil to benefit educationally from his or her instructional program. DIS shall be provided only by qualified personnel pursuant to the *EC* 56366.1(n) and Title 5 *CCR* 3051.

Certification Standards (California Education Code Section 56366 [d])

No master contract for special education and related services provided by an NPA shall be authorized under this part unless an agency has been certified as meeting those standards relating to the required and specified related services, and facilities for individuals with exceptional needs. The certification shall result in the agency receiving approval to provide related services to special needs scholars enrolled in California's public school system.

Master Contract (California Education Code Section 56366)



There shall be signed, current master contracts between the contracting local educational agency (LEA) and the NPA. The LEA and the NPA shall enter into a written agreement (master contract) to specify the general administrative and financial agreements in providing related services to special education scholars in accordance with the pupil's IEP.

Individual Services Agreement (California Education Code Section 56366 [a][2A])

There shall be a signed individual services agreement (ISA) for each scholar served by the NPA. The contracting LEA and the NPA shall have an ISA in place for each scholar receiving related services. The ISA is similar to a prescription in that it specifies the type or duration of services to be provided by the NPA, as specified by the scholar's IEP.


Staff Qualifications/Requirements (20 United States Code Section 7807 [23], California Education Code Section 56366.1 [n][1]; 5 California Code of Regulations Section 3051)

“Qualified” means: (a) that a person has met requirements for federal and state certification, licensing, registration, or other comparable requirements that apply to the area in which he or she is providing related services, or in the absence of such requirements, the state education agency approved or recognized requirements; and (b) that he or she adheres to the standards of professional practice established in federal and state law or regulation, including the standards contained in the *California Business and Professions Code*.

Notwithstanding any other provision of law, only those NPAs that provide related services utilizing staff members who hold a certificate, permit, or other document equivalent to that which staff members in a public school are required to hold in the service rendered are eligible to receive certification. For clarification, please refer to the [California Commission on Teacher Credentialing \(CTC\) Web site](#)  or for other licensure information, refer to the [California Department of Consumer Affairs Web site](#) .

Only those NPAs located outside California that employ staff members who hold a current valid credential or license to render special education and related services, as required by that state, shall be eligible to be certified.

Staff Fingerprint Clearance Requirements (California Education Code Section 44237)

All persons who have contact with pupils must have completed a Department of Justice (DOJ) criminal history clearance before they can be employed by the NPA. As required by *EC 44237*, the DOJ criminal history clearance includes both state and federal criminal record checks. For the most current information on fees and fingerprint submissions, please see the [DOJ Web site](#) .

Tuberculosis Requirements (California Health and Safety Code sections 121525-121555)

Agency staff must show proof of the absence of Tuberculosis (TB). TB examination clearance forms are to be retained at the agency’s site. TB clearances do not need to be included in the certification application unless they are specifically requested. TB clearances are valid for four years. Skin tests must be the Mantoux 5TU Co.1 cc P.P.D. injected intradermally; other skin tests are not acceptable. Only those persons with documented, positive skin tests may submit certificates to prove absence of active TB (this may or may not include a chest x-ray).

Certification at All Sites (California Education Code Section 56366.1[c])

If an NPA operates a program at more than one site, each site shall be certified.

Causes for Suspension or Revocation of Certification (California Education Code Section 56366.4)

The CDE may suspend or revoke the certification of an NPA for any of the following reasons:

1. Violation of any applicable state or federal rule or regulation, or aiding, abetting, or permitting the violation of any applicable state or federal rule or regulation.
2. Falsification or intentional misrepresentation of any element of the application, pupil records, or program presented for certification purposes.

3. Conduct in the operation or maintenance of the NPA that is harmful to the health, welfare, or safety of an individual with exceptional needs.
4. Failure to comply with any provision in the contract with the local education entity.
5. Failure to notify the CDE in writing of any of the following within 45 days of the occurrence: (a) changes in credentialed, licensed, or registered staff who render special education and related services; ownership, management, or control of the NPA; (b) major modification or relocation of facilities; and (c) significant modification of the NPA program.
6. Failure to implement recommendations and compliance requirements following an on-site review of the agency.
7. Failure to provide appropriate services, supplies, equipment, or facilities for a pupil as required in the pupil's IEP.
8. Failure to notify the CDE within 10 days of the revocation or suspension of any license or permit including, but not limited to, any residential care license, business license, or other required license or permit.
9. Failure to implement a pupil's IEP.
10. Failure to notify the CDE in writing within 10 days of the death of a pupil or any other individual of unnatural causes within the agency, including the circumstances surrounding the death and any appropriate preventative measures being taken or recommended.

The CDE is required to notify contracting LEAs and the SELPA in which the NPA is located of the determination to suspend or revoke state certification.

Compliance Monitoring of all Special Education Files, Psych, DIS and Academic Reports and Additional NPA Assurances

Master Contract (California Education Code Section 56366)

There shall be signed, current master contracts between the contracting local educational agency (LEA) and the NPA. The LEA and the NPA shall enter into a written agreement (master contract) to specify the general administrative and financial agreements in providing related services to special education students in accordance with the pupil's IEP.

Individual Services Agreement (California Education Code Section 56366 [a][2A])

There shall be a signed individual services agreement (ISA) for *each student* served by the NPA. The contracting LEA and the NPA shall have an ISA in place for each student receiving related services. The ISA is similar to a prescription in that it specifies the type or duration of services to be provided by the NPA, as specified by the student's IEP.

Staff Qualifications/Requirements (20 United States Code Section 7807 [23], California Education Code Section 56366.1 [n][1]; 5 California Code of Regulations Section 3051)

“Qualified” means: (a) that a person has met requirements for federal and state certification, licensing, registration, or other comparable requirements that apply to the area in which he or she is providing related services, or in the absence of such requirements, the state education agency approved or recognized requirements; and (b) that he or she adheres to the standards of professional practice established in federal and state law or regulation, including the standards contained in the California *Business and Professions Code*.

Notwithstanding any other provision of law, only those NPAs that provide related services utilizing staff members who hold a certificate, permit, or other document equivalent to that which staff members in a public school are required to hold in the service rendered are eligible to receive certification. For clarification, please refer to the [California Commission on Teacher Credentialing \(CTC\) Web site](#) or for other licensure information, refer to the [California Department of Consumer Affairs Web site](#) .

Consultant and Staff Accountability

The Principals of MPS are requesting that all consultants of MPS sign in upon arrival and sign out upon departure in the main office of each campus or with the SPED coordinator as determined by each school site principal.

All services should be provided in either 30, 45, or 60 minute blocks as determined by the students' IEP and agreed upon by the SPED coordinator for each site. No service minutes should be reduced arbitrarily by the NPA consultants.

In addition to the requirements stated in the California Ed codes and MPS principals as outlined above, the Non Public Agency will adhere to the following to ensure Services are Rendered in an effort to support compliant status for the LEA. All reports will be *Legally Defensible*. An electronic copy will be submitted to the SPED coordinator

at least four (4) days prior to the IEP meetings. If changes are made to the report, a final, signed copy must be provided at the conclusion of the meeting.

I All Nurses Assessments will include the following:

- Developmental Milestones/ Developmental History
- Any health issues that may impact learning (I.e. head injuries, and trauma)
- Relevant medication information
- Vision and Hearing information (include numerical reading not simply “Pass or Fail” – i.e. 20/20 rt; 20/30 lft. Etc).
- Outside health reports summarized: private doctors, regional center
- Drug and Alcohol History
- Probation/ Juvenile Court or DCFS Involvement

II Psycho-Educational and Language and Speech Assessments will assess for ALL areas of suspected disability as required by IDEA and PL94142:

- A general battery evaluates the following: Since no single procedure is used as the sole criterion for determining an appropriate educational program, all evaluations must use a variety of assessment tools and strategies to obtain relevant, functional and developmental information. Pursuant to 20 U.S.C. Section 1414(b).
- Cognitive Functioning – Psychological processing skills in the areas of Auditory, Visual, Visual-Motor Integration, Attention, Processing Speed etc.
- A Wide range processing test of cognition (i.e. the CAS, WRML, or similar)
- All findings are cross validated with the TAPS, TVPS, VMI, Bender Gestalt, or an equivalent assessment.
- Social Emotional Functioning – A BASC, Achenbach, or equivalent if any “*low incidence*” eligibility is suspected the psych must complete a Vineland if I.D. is suspected. A GARS, CARS or equivalent if Autistic like behaviors are suspected. The CDI if anxiety or depression is elevated on the BASC etc.
- Primary Language Functioning must be taken into consideration when assessing for Speech Delays and Learning Disabilities.

The Following sections must be covered in a Psycho-Educational Assessment:

- Parent information and input
- Reason for Referral
- Health and Developmental History
- Family History
- Educational History
- Results of Previous Assessments
- Interviews – Student, Staff, Parent
- Observations – At least two settings
- Testing Observations
- Assessment Results/ Areas of Concern

o Eligibility/ Integrated Findings:

- Whether the student needs special education and DIS services
- The Basis for making the determination
- The relevant behavior noted during the observation and the role the behavior may play in the eligibility
- The relationship of the behavior to the impact of the student's academic and social functioning
- The educationally relevant health and development, and medical findings if any
- For pupils with a learning disability, whether there is such a discrepancy between ability and achievement that can not be corrected without special education and related services
- A determination concerning the effects of environmental, cultural, or economic disadvantage when appropriate; and
- The need for specialized services, materials, and equipment for pupils with low incidence disabilities

English Learners and the Special Education Process

The English Learner (EL): An EL is a student whose native and/or dominant language is a language other than English and whose difficulties in speaking, reading, writing or understanding the English language may be sufficient to deny the individual the ability to meet the state's proficient level of achievement on state assessments, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. <https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf>

When an EL struggles academically, it is critical that consistent language accommodations, instructional interventions, and strategies be implemented, closely monitored, documented, and analyzed. Response to Intervention (RtI) procedures should also be followed. If these measures are ineffective, the student may be referred for a special education evaluation. Delaying special education evaluations of ELs for a specified period of time based on their EL status is NOT permissible under the Individuals with Disabilities Education Act (IDEA) and Federal civil rights laws.

If an EL is referred, all rules and regulations of the IDEA and the policies, procedures, and timelines must be followed. Professionals with qualifications and/or expertise in second language acquisition (e.g., EL staff, special education staff) must be included in all meetings regarding an EL. All written communication and documentation, including notices of meetings, permissions, parent rights, surveys, Individualized Education Programs (IEPs), etc., must be provided in the parent's native language. Interpreters should be utilized as needed throughout the special education process in all meetings with the EL student and/or family.

Environmental Language Survey, Interviews, and Observations

Children K-12 should have the Home Language Survey completed by their parent(s) as part of the registration process, which will provide information regarding language(s) spoken in the home. Additional surveys or questionnaires should include information on current primary language of communication, as well as a communication history.

Parent input is of vital importance in the completion of the survey. It is imperative to glean developmental information and current functional levels from the parent(s). For example, the IEP Team needs information about how the child performs in comparison to siblings or other children his age within the familial culture, the amount of time a child has attended school, the language of formal instruction in previous schools, and whether the child struggled in previous schools/settings. The LEA evaluator may select the instruments to be completed.

For Magnolia Public Schools, we use The English Language Proficiency Assessments for California (ELPAC). This initial assessment of the student's English proficiency confirms whether the student is an English learner or is English proficient. The student who scores below the English proficient performance standard established on the Initial ELPAC (that is, at the Novice English Learner or Intermediate English Learner level) is classified as English learner.

Parent/family interviews are critical in the assessment of ELs. Both structured and unstructured observations are also valuable to compare the EL with similar cultural and/or linguistic peers. Interviews should be conducted in the interviewee's native language.

Language of Assessment It takes most ELs two years to acquire Basic Interpersonal Communication Skills (BICS). BICS includes context-embedded conversational language. However, an EL requires five to seven years, even under ideal conditions, to acquire Cognitive Academic Language Proficiency (CALP). CALP is the language of academics, where context clues are reduced. Many ELs may appear to be fluent in English during conversation (BICS), when they have not fully developed CALP. Even if an EL is able to have a conversation in English, his academic English skills may not be developed enough to appropriately respond in English, as the language level of the questions on an assessment may be above his CALP level (Artiles & Ortiz, 2002). Lack of CALP development may cause an EL to score artificially low on cognitive and/or language tests that utilize academic language in test items.

Proficiency testing data should be no more than 6 months old (Ortiz et al., 1985). If the student scores in the proficient range, then evaluate in English if this is determined to be appropriate by the IEP Team during the referral process. If the student does NOT score in the proficient range, then testing must be completed in the dominant language.

Testing in both the native language and English is always an option, and may be valuable in providing additional data. Assessments should always be “provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally” (34 C.F.R. §300.304(c)(1)(ii))

For a preschool-age EL with a suspected disability, the home language survey and interviews will guide the IEP Team’s decision regarding which language(s) to assess. As above with school-age ELs, assessments should always be administered in the language most likely to result in the most accurate information about what the student knows and can do.

Interpreters

Information that interpreters provide is vital in assessing an EL. Interpreters not only ensure that directions, questions, and answers are understood, but also help to convey respect for the EL’s culture and its impact on his academic performance (Blatchley, 2010).

The use of family and friends as interpreters is not encouraged, as their knowledge of the family may color their interpretation and may constitute a breach of confidentiality (Blatchley, 2010). When selecting an interpreter, the LEA should ensure that the interpreter’s language proficiency in both English and the EL’s dominant language is adequate to provide interpretation of complex questions and information (Artiles & Ortiz, 2002).

Work with the interpreter ahead of time to ensure that any vocabulary specific to special education that might be used is explained and understood. When using an interpreter during a meeting or interview, LEA personnel should always be present. English-speaking professionals should consider the following when using an interpreter (adapted from Roseberry-McKibbin, 2008):

- a. Speak in short units. Avoid the use of idioms, slang, and professional jargon.
- b. Define any terms and acronyms (i.e., IEP) with which families and interpreters may not be familiar.
- c. Encourage the interpreter to use direct translation rather than paraphrasing what the family says.
- d. When speaking, address and look at the family instead of the interpreter.

- e. Allow the family an opportunity to ask questions. Most interpreters are not trained in special education assessment. If an interpreter is to assist in the administration of an assessment, he or she should meet with the evaluator in advance to review testing procedures, restrictions, reinforcement schedule, specific test questions for clarification, as well as expectations for correct responses.

It is the LEA's responsibility to ensure that the assessment is administered appropriately. The interpreter's responsibility is to translate the wording of the assessment. The interpreter must not provide cues and should consult with the evaluator during testing if questions arise. Interpreters should be informed of Family Education Rights and Privacy Act (FERPA) and confidentiality considerations. When using an interpreter during assessment, the LEA evaluator should be present for all testing.

The evaluator should observe the interpreter to ensure that cues are not given, administration instructions are adhered to, and the interpreter and student are interacting appropriately (Langdon, et al., 2008). The evaluator should observe and record the EL's testing behaviors (perseveration, distractibility, etc.), use of nonverbal communication, and communication patterns (response delays, hesitations, use of gestures instead of words, word repetition, using very short answers, perseveration on an item/topic, confusion, articulation errors, etc.) (Langdon et al., 2008; Roseberry-McKibbin, 2008).

After the evaluation, the interpreter and evaluator should discuss the session, including student responses, language samples, and appropriateness of grammar, syntax, and phonology (Langdon et al., 2008).

Assessment Materials

"Materials and procedures used to assess a child with limited English proficiency must be selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills." 34 CFR 300.532 All assessments contain some level of cultural and/or linguistic loading, reflecting the culture of the test authors. To reduce bias and the possibility of over-identification of ELs, ALL correct responses in one or both languages should be accepted during assessment (other than proficiency assessment), but any deviation from standard responses should be documented on the test protocol (Paradis, 2005).

No single assessment should be used to determine eligibility of any student, including an EL. The evaluator should use a variety of sources to appropriately determine eligibility: standardized assessments, interviews and/or rating scales completed with family and teachers, structured and unstructured observations, criterion-referenced and curriculum-based formative assessments, baseline performance data, work samples, response to intervention data, progress monitoring, comparison to performance of peers with similar demographics, etc. LEAs and evaluators should expect evaluations for ELs to take longer and be more complex than those of students who are not considered ELs.

Standardized Scores and Documentation of Assessments

If an assessment is not conducted under standard conditions (for example, if an interpreter was used, responses were given in a language other than English, etc.), a description of the extent from which it varies from standard administration conditions must be included in the evaluation report. In the case of an EL, caution should be used in relying upon standard scores and/or grade level equivalencies as the sole basis for eligibility for special education services.

Consider that standardized assessments generally do not factor results from ELs or the use of interpreters into their standardization sample. Even assessments available in Spanish, for example, are developed for monolingual Spanish speakers with little or no English exposure. Further, some test items may not be readily translated into another language without changing the nature of the question and/or the target response. Consider that test formats and procedures also differ with cultures and may be unfamiliar and/or confusing to the EL.

Nonverbal Procedures and Assessments:

The use of nonverbal measures of cognitive ability may yield less biased results for ELs, but nonverbal instruments still may contain culturally loaded tasks. The evaluator should be aware that, while nonverbal assessments reduce language demands, they still require the student to possess prerequisite receptive language and nonverbal communication skills. While they provide one piece of information regarding the abilities of an EL, nonverbal assessments present an incomplete picture of a student's learning skills when used in isolation.

For example, these measures “cannot predict how students will perform in classes where success depends on the ability to use language for both social and academic purposes” (Artiles & Ortiz, 2002). Social-Emotional and/or Behavior Acculturation is the extent to which an EL's family has modified/merged their native culture with the dominant culture. The IEP Team should consider acculturation level when the referral is for emotional/behavioral concerns. Students struggling to adjust to a new culture and environment may present symptoms that can imitate those of various disability categories, such as behavior problems, in the classroom (Blatchley, 2010).

Factors for the IEP Team to consider include parent/family data and any discrepancies in behaviors across settings, which might reflect cultural stressors at school that may not be present at home. Adaptive Functioning Evaluators should also be sensitive to cultural differences when examining adaptive skills. Some test items may not be culturally relevant or appropriate for an EL. For example, a young Asian male student may not button his clothing or tie his shoes because cultural norms may dictate that his mother is expected to do this (Blatchley, 2010).

Parent interview questions pertaining to any differences in a student's functioning when compared to peers of the same age and background is critical to ascertain the student's level of adaptive skills.

Determining eligibility, The IEP Team must determine whether the disability is not due to a “lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);

(ii) Lack of appropriate instruction in math; or

(iii) Limited English proficiency” (34 C.F.R. §300.306 (b)(1)).

To accomplish this, someone knowledgeable about second language acquisition must be a part of the referral, eligibility, and IEP Team and/or eligibility committee for all ELs. The information gathered from various sources and assessments will aid the team in making the eligibility determination. If the student is determined to be proficient as determined by the ELPAC or comparable measure, and is assessed in English, then the disability should manifest in English. If the student is assessed in the native language due to a lack of proficiency in English as determined by the ELPAC or comparable measure, then the disability must be present in the native language.

If the student has been assessed in both English and the native language, assessment data should be compared. In order for a limited English proficient student to be deemed eligible, the eligibility team must determine that the

communication disorder exists in the child's native language and is not the result of learning English as a second language. One cannot have a disability in one language but not in another.

Special Education v. EL Services

For ELs determined eligible for special education services, the IEP must include the following: “In the case of a child with limited English proficiency, consideration of the language needs of the child as those needs relate to the child’s IEP.” (AAC 290-8-9.05(6)(j), p.528) The IEP Team must consider the language needs of the student as those needs relate to the child’s IEP when developing, reviewing, and/or revising IEPs (34 C.F.R. §300.346 (a)(2)(ii)). “The teaching of English as a second language or general American dialect is not the responsibility of special education.” (AAC 290-8-9.04(1)(e), p.523) Students may receive both special education and English language services concurrently if the IEP Team determines that both services are appropriate and necessary for the student to access the general education curriculum. A continuum of placement and service options that support both exceptionality-related and language related needs should be considered. ALL ELs with IEPs must have an EL plan documented on the profile page of the IEP.

Interference: A process in which communicative behaviors from the first language learned (L1) is erroneously transferred into the second language learned (L2).

This may occur in all areas: syntax, morphology, semantics, phonology, and pragmatics. An example of this is the French “une boule rouge.” It translates directly to: “a ball red.” When ELs produce errors such as these in English, educators must consider the possibility of interference from the L1. As the EL students’ complexity of utterance increases, the number of errors may increase proportionately

Silent Period:

A common second-language acquisition phenomenon, some ELs may go through a period when they are focusing on listening and comprehension, speaking very little. The silent period may last for as little as a few weeks to as long as a few months.

Generally, the younger the child, the longer the silent period may last. The silent period may be accompanied by increased distractibility and social isolation as the student struggles with understanding, and may be misdiagnosed as a language delay or disorder.

Language Loss: It is common for ELs to lose proficiency in L1 as proficiency in L2 increases. In the United States, ELs often experience gradual replacement of L1 with English. This can be detrimental to ELs, especially if their families speak only the L1, and may cause them to appear to be low-functioning in both languages.

Code-switching: This is a normal phenomenon for bilingual speakers in which they alternate between two or more languages within a single word, phrase, or sentence. For example, a German speaker might say “I’m hungry. I want zu essen.” (“I’m hungry. I want to eat.”). Code switching may occur frequently in situations in which an EL lacks proficiency in one language or is expected to speak solely in the weaker language.

Basic Interpersonal Communication Skills (BICS): BICS includes: language used for everyday functions, basic vocabulary, context-embedded language, conversational language, social routines, and functional language. Ideally, BICS are acquired in around two years.

Cognitive Academic Language Proficiency (CALP): CALP includes language for academic information: advanced vocabulary, abstract concepts, figurative language (e.g., idioms, metaphors, etc.), classroom questions/answers,

academic literacy skills, formal writing, and testing. In an ideal situation, an EL needs five to seven years to acquire CALP. CALP usually begins to emerge around 5th grade for monolingual students, but often not until high school for ELs.

Stages of Second Language Acquisition (Adapted from Carías, 2008)

- Stage 1: Silent/Receptive or Pre-production
- Stage 2: Early production
- Stage 3: Speech emergence
- Stage 4: Intermediate fluency
- Stage 5: Advanced Fluency

A silent period may occur during this stage. The EL is listening and trying to understand, but may not be comfortable speaking. Some students will repeat; not producing novel language, but imitating. They may be able to copy words, and respond to pictures and other visuals. They may understand, duplicate, and produce gestures and movements to show comprehension. Students may display increased distractibility and a degree of social isolation during this stage. The EL's receptive and expressive vocabulary is still limited, but is increasing.

Comprehension continues to be limited. During this stage, ELs can usually speak in one- to two-word phrases. They may use short language chunks and rote phrases (especially for familiar routines) that have been memorized, although these may not always be used correctly. Participation in activities, especially in one-on-one and small groups is emerging at this stage.

The EL now is able to communicate in simple phrases and sentences. He can ask simple questions (may not be grammatically correct), such as "Can I go to bathroom?" As sentence length increases, errors may increase proportionately. ELs may also begin to initiate short conversations with classmates. They may understand simple stories with the support of pictures. ELs are now beginning to use more complex sentences in speaking and writing; and are more willing to share opinions and thoughts. They may ask questions for clarification. At this stage, ELs will be able to comprehend more complex concepts. Now students will begin to use strategies from their native language to learn content in English. Some complex errors will still be apparent, especially in literacy skills, writing, and prosody.

It takes students 5-7 years to achieve cognitive academic language proficiency (CALP) in a second language. Students at this stage will have near-native fluency. Most ELs at this stage have been exited from ESL and other support programs. At the beginning of this stage, however, they may experience continued difficulty, especially in high level academic language and literacy. FAQs

1. Does an EL need to be in school for a certain amount of time before he can be referred/evaluated for special education services? No. Any student may be referred and evaluated at any time if there are concerns and it is determined to be appropriate. During the special education eligibility process, the IEP Team is directed to consider the amount of formal education the student has received in its decision regarding eligibility.

2. Does an EL need to reach a certain level of English proficiency on the ELPAC or comparable measure before he can be referred for special education evaluation? No. If concerns are present and the team determines that referral/evaluation are necessary, the student may be evaluated at any time. If the student is not proficient in English, evaluation should proceed in the dominant language.

3. Can ELs with little or no previous formal education in their home countries be referred for special education evaluation? Yes. The IEP team and/or eligibility committee must determine that the student's disability is not the result of a lack of appropriate education in order to determine him eligible for special education services. Consider that some countries offer no special education services, so a student with special needs may have been excluded from attending school.

4. Can an EL kindergartener or preschooler be referred for special education evaluation? Yes. If concerns are present, the kindergarten EL should proceed through RtI and/or special education processes just as any other student. If the child is in preschool, no RtI is required. If the child is too young for the ELPAC or comparable measure to be administered to determine English proficiency, the IEP Team or eligibility committee should rely upon thorough data from parents and the home language survey to determine the language in which assessment should be conducted to give the most accurate information on what the child knows and can do.

5. Should an EL's parents be discouraged from speaking their native language at home? No. Research suggests that children need exposure to rich language environments. Parents should be encouraged to speak in the language that is most comfortable for them to create a language rich environment in the home. If a parent does not speak English, then attempts to do so to communicate with the child would be very limited in scope and would possibly not provide a rich English language model. In addition, a child who does not speak his family's language will be isolated from them linguistically, socially, and culturally.

6. How can evaluators ensure that assessment results are a true reflection of the student's performance, not limited English language proficiency? There is no simple way to do this. Evaluators should use multiple measures to accurately determine an EL's level of functioning. To the degree possible, assessment data should be compared with level of functioning in the classroom and/or home environments, as well as the student's response to interventions that have been introduced. In all cases, evaluators should cautiously interpret test data and standard scores, reporting any nonstandard administration of assessments on the eligibility report.

7. Can a student receive both special education services and EL services at the same time? Yes. Once a child is determined eligible for special education services, the IEP Team must consider his specific functional, language, and academic needs and select the appropriate services to meet those needs.

8. What is the procedure to be used if the native language of the EL is one for which a translator is not readily available? The LEA must exhaust every possible resource for securing the services of a fluent translator, including, but not limited to, contact with universities, hospitals, military bases, community based groups, churches, or other LEAs. Attempts at obtaining a translator should be documented and maintained in LEA files. While LEAs are discouraged from using immediate family members or close family friends as a translator, community members who are fluent in the native language and English may be used. If no translator is available, commercial sources are available that provide services such as telephone translation or online video conferencing.

The Provision of School Psychological Services to Bilingual Students

According to the National Center for Education Statistics (Aud, Hussar, Kena, Bianco, Frohlich, Kemp & Tahan, 2011), 21% of school-age children ages 5–17 speak a language other than English at home.

Although English learners (ELs), inclusive of those that are exposed to two or more languages, are the fastest growing subgroup of students within our nation’s public schools (NEA, 2007), typically they do not fare well in the U.S. educational system. Samson and Lesaux (2009) found that bilingual students were underrepresented in special education in the primary grades, but overrepresented beginning in third grade. Furthermore, ELs are underrepresented in gifted education (King, Artiles, & Kozleski, 2009). Inadequate or inappropriate psychoeducational assessment practices, restricted access to effective instruction, lack of understanding about language acquisition and prior academic experiences in one or more languages and associated impact on academic achievement and grade level expectations, inappropriate special education referral practices, and limited training all have been found to contribute to these phenomena (Sullivan, 2011).

Given the increasing diversity of the nation’s public schools, NASP recognizes the critical importance of establishing best practices in the provision of school psychology services when working with English language learners. This includes supporting students with diverse backgrounds by using culturally and linguistically appropriate methods, including delivery in the language that best meets the students’ needs. Schools are expected to provide effective and comprehensive supports and services to help these students succeed in all domains: academically, socially, behaviorally, and emotionally. School psychologists should ensure that prevention, assessment, consultation, intervention, advocacy, and family–school collaboration services for bilingual students are implemented effectively.

THE ROLE OF THE SCHOOL PSYCHOLOGIST

NASP affirms the critical role that culturally and linguistically responsive school psychologists play in helping to close achievement gaps and decrease overrepresentation and underrepresentation of ELs in special and gifted education, respectively. Best practices require training that includes, but is not limited to, the developmental processes of language acquisition and acculturation, their effect on standardized test performance, and the effectiveness of instructional strategies and interventions. All school psychologists are responsible for providing equitable and culturally responsive services to students and families.

KEY COMPONENTS OF A LINGUISTICALLY APPROPRIATE IEP

- I. Assess English Proficiency/Language Development
 - Follow MPS policies/procedures related to assessment of English proficiency

- II. Plan for Comprehensible Input in English
 - Total Physical Response
 - Natural Approach
 - English Language Development
 - Language Experience Approach
 - Special Designed Academic Instruction in English (SDAIE)
 - English Reading and Writing at Appropriate Level

- III. Provide Primary Language Support
 - Parent
 - Teacher
 - Instructional Assistant
 - Volunteer
 - Peer or Cross-age Coach
 - Primary Language Materials

- IV. Promote Self-concept /Cross-Cultural Learning
 - Special Class Activities
 - School-wide Activities
 - Curriculum Content
 - Community Activities

- V. Address California English Language Development Standards
(Available for downloading at www.cde.ca.gov/standards/eld.pdf)
 - Kindergarten – grade 2
 - Grades 3 – 12, literate in their primary language
 - Grades 3 – 12, not literate in their primary language

Why write linguistically and culturally appropriate IEPs?

It's the law!

EC 56345(b). *When appropriate the individualized education program shall also include, but not be limited to, all of the following: (2) For individuals whose primary language is other than English, linguistically appropriate goals, objectives, programs and services.*

For any scholar receiving special education services and designated as an English Learner, goals and objectives must reflect the individual's cognitive and linguistic development and his or her language of instruction in order to be appropriate.

NOTE: Students in Special Education who are designated as English Learners must continue to receive English language development instruction.

Linguistic Considerations

Linguistically appropriate goals and objectives have the following characteristics:

- They are appropriate for the cognitive level of the scholar
- They are appropriate for the linguistic level of the scholar
- They match the developmental level of the scholar's primary or secondary language
- They match the scholar's general education transition criteria and MPS re-designation policy

Cultural Considerations

Culturally appropriate goals and objectives have the following characteristics:

- They access the scholar's prior knowledge and experiences
- They incorporate culturally relevant materials and experiences
- They affirm the scholar's cultural heritage

General Guidelines

The following guidelines need to be followed in order to ensure that any given goal or objective meets the definition of being linguistically appropriate as specified above

- It states specifically in what language (English, Spanish, Vietnamese, Tagalog, etc.) the particular goal and objective will be accomplished
- It is appropriate to the scholar's level of linguistic development and proficiency in that language

Addressing ruling out language acquisition as the primary factor impacting scholars' performance

The Following Article addresses the law and the concerns straight on. I hope it helps in clarifying why following this mandate is essential to proper instruction of English Language Learners:

In its Blueprint for Reform (U.S. Department of Education, 2010), the Obama Administration stated that an important goal for the United States as a nation is to produce high school graduates who are fully bilingual, multicultural and ready to compete in the global economy.

If that is the case, then we should regard students who begin school already knowing another language besides English as having a head start over their peers. If we nurture their bilingualism and capitalize on their linguistic, cultural, and experiential strengths—helping them to feel “smart” rather than “at risk” —then we will enrich their school experiences as well as our own (Klingner, Vaughn, & Boardman, in press).

We can do this by making sure ELs have every opportunity to interact with peers and use academic language, engage in higher-level thinking, and contribute in their classrooms and schools in meaningful ways.

As delineated by the CEC and Division for Learning Disabilities (DLD) position statement on instruction for ELs with learning disabilities (LD), everyone who works with ELs should know how best to support their language acquisition as well as their academic and social development.

However, many teachers and support personnel are not adequately prepared to meet their ELLs’ literacy and language needs (Zehler et al., 2003). Teachers described feeling “challenged to help these children reach the level of proficiency required for learning sophisticated academic content through English” (Dixon et al., 2012, p. 6). Now that the Common Core State Standards have been adopted by many states, their emphasis on increasingly complex texts can make these challenges seem even more overwhelming.

ELs With LD

About 7.6% of the ELs in the U.S. are believed to have a disability (National Center for Education Statistics, 2009; Peña, Bedore, & Gillam, 2011). However, percentages vary greatly by state, from highs of 28.36% in California, 20.50% in New Mexico, 16.70% in Nevada, and 15.45% in Texas to a low of 0.35% in Virginia. Identification rates also vary within and across districts (Artiles, Rueda, Salazar, & Higareda, 2005; Sullivan, 2011). The majority (about 55%) of those ELs identified with a disability are thought to have LD (Peña et al., 2011).

Yet determining whether an EL actually has LD can be quite difficult; the multidisciplinary team must be able to establish that the EL’s learning difficulties are not primarily the result of language acquisition (Individuals with Disabilities Education Improvement Act, IDEA, 2006).

To be able to distinguish language acquisition from LD, educators must understand the second language acquisition process, recognize characteristics associated with LD, and be able to assess the quality of instruction in students’ classrooms. Have these students truly received an adequate opportunity to learn?

Struggles with English language acquisition, on the surface, can seem to mirror characteristics of LD. Digging deeper and trying to understand the reasons for certain behaviors is essential to identifying the underlying causes.

We recommend using a hypothesis-driven approach to determining whether an EL has LD, including:

- Beginning the referral and evaluation process by exploring the hypothesis that the causes of the student’s learning difficulties are primarily external factors (rather than internal to the child).
- Conducting the assessment with the notion that there is nothing wrong with the individual and that systemic, ecological, or environmental factors are the primary reason for learning problems.
- Maintaining this hypothesis until data suggest otherwise and all plausible external factors have been ruled out. The point is not to look for whom or what to blame for a child’s struggles, but rather to understand the multiple complex factors that are affecting the child’s learning and performance.

The team also must determine that the student has received an adequate opportunity to learn through research-based instructional and intervention practices that have been validated with other ELs, although it can be difficult to make judgment calls such as these (Klingner, Artiles, & Méndez Barletta, 2006). One way is to look at class data sets to see how ELs in general are doing in comparison to “true” peers (i.e., same-language, same-age peers with similar background experiences).

There are many reasons why an EL may not respond to a particular instructional approach in the way we intend (Klingner & Edwards, 2006). It is possible that the instruction or intervention is not as effective for this child as for others, and a different method would yield better results. It could be that the student needs more language support, or that the level of instruction is not a good match for the child. Another possibility is that the environment is not conducive to learning. Before referring a student for an evaluation, consider the classroom environment, observe instruction, and recommend different approaches.

ELs with LD are usually taught by special educators who have received inadequate preparation in how to meet ELs’ language and literacy needs (Barker & Grassi, 2011). In fact, when they are placed into special education, many ELs lose access to specialized language instruction, such as through English Language Development (ELD), English as a Second Language (ESL), or Structured English Immersion (SEI) programs (Zehler et al., 2003).

There seems to be a mistaken belief that special education and ESL services should be thought of as “either/or”—that once ELs qualify for special education, they no longer qualify for language support services. An important principle to keep in mind is that ELs with LD are entitled to a full range of seamless services designed to meet their individual language and learning needs.

Classroom example: Michele teaches first grade at Garvey Elementary School. She has been teaching there for 14 years and has seen the community change from almost all White middle class families to mostly Latino working class families who work at the new plant nearby. More than half of Michele’s students speak Spanish in their homes, and about 36% are in the process of acquiring English—or, in other words, are ELs.

Michele has a Master's degree in Elementary Education and her principal considers her to be an effective teacher, although she personally feels that she has “the wrong master's” for the school's changing demographics. Because the school district selected Garvey Elementary to be a pilot response-to-intervention (RTI) school, Michele recently attended district-sponsored professional development workshops on progress monitoring and other components of RTI. Like many schools around the country, her district is pushing the use of evidence-based practices as “what works.”

Yet, Michele has not taken any coursework or received any professional development in teaching ELs how to read. She does not know about second language acquisition or understand much about LD. She supposes that the evidence-based reading practices touted on the What Works Clearinghouse web site are appropriate for all students. She ponders, “Isn't good teaching just good teaching?”

The problem with this thinking is that the answer to that question is a resounding “No!” If your belief is that you can teach your ELs in the same way, with the same materials, you have been using in the past with students from different demographics, then you are bound to experience some challenges.

It is common for teachers to misunderstand ELLs' lack of progress and blame it on the students (Orosco & Klingner, 2010). Being an effective teacher with one demographic group is not the same as being an effective teacher with all students. A typical scenario is that a principal or a language arts director in the school district advises using a specific instructional or intervention approach, stressing that it is research-based. The principal might even emphasize that the method has been “proven” to work.

When this happens, teachers assume that, because they are using an evidence-based practice, when their ELs do not progress, it must be because the students are somehow deficient. Yet students do not all learn in the same way. What works with some students is not the same as asking what works with whom, in what settings, under what conditions, with which outcomes, and when taught by whom.

The vast majority of referrals for an evaluation for possible special education placement are made by classroom teachers (Ysseldyke, 2005). If teachers can improve their understanding of the reasons for ELs' struggles, they will be less likely to judge them as lacking.

However, some ELs truly do have LD and would benefit from the extra support they would receive in special education. Teachers should not wait until ELs are fully proficient in English before deliberating whether they might have LD. The temptation is strong to delay concentrating on the possibility that ELs are struggling with reading due to language acquisition or learning disabilities (Francis et al., 2006). It is understandable that, because the characteristics common to language acquisition can appear to mirror those of LD, school personnel may have a habit of waiting, to avoid the possibility of incorrectly placing an ELL in special education. Wanting to wait could

actually be a sign that school personnel have some knowledge about the confusing aspects of language acquisition and LD.

Just as it is a predicament to identify ELs as having a disability when they do not, it is also a problem to delay providing interventions to ELs who really need them. Following the guidelines outlined in this book can help improve instruction for all ELs and result in fewer inappropriate referrals. The few ELs who are still experiencing difficulties at that point will benefit from explicit, intensive interventions in addition to the instruction they are receiving in their general education classrooms.

Writing Goals and Objectives to address

California English Language Development Standards

The ACSA and CARS+ Handbook on Goals and Objectives Related to Essential State of California Content Standards (available for downloading online at <http://www.carsplus.org/publications.html>) provides specific examples of using the California Standards as a basis for developing IEP goals and objectives and an ELD proficiency checklist. It is important that this commitment to exposing our Special Education scholars to the same standards as their general education peers is extended to our English Learners with IEPs. Even though a similar publication has not yet been produced for *English Language Development Standards*, the same approach can be used to ensure that the IEPs of Special Education English Learners align with the curriculum provided for their nondisabled peers.

NOTE: The ELD standards were designed for scholars in grades 3-12 who are literate in their primary language. For EL scholars who enter California schools in these grades not literate in their primary language, the ELD literacy standards for earlier grades including those related to phonemic awareness, concepts of print and decoding skills must be taught.

When developing IEP goals and objectives aligned with these standards, address the scholar's present levels of performance as well as the English proficiency level.

SAMPLE LINGUISTICALLY APPROPRIATE

IEP GOALS AND OBJECTIVES

The following are samples of goals that meet the criteria of being linguistically and culturally appropriate. Use these as models in developing IEP goals and objectives that address the unique needs of your scholar. Do not simply copy these without consideration of your scholar's present levels of performance, language proficiency, and learning style.

NOTE: Remember, you must develop a minimum of two (2) benchmark objectives for each goal.

Indicate how mastery/progress will be measured for each goal; by checking all that are appropriate in this box.

GOAL: By (date) , (scholar) will demonstrate increased comprehension of the English Language by giving (English, Spanish, Tagalog, etc.) responses to questions or requests made in English with ___ % accuracy as shown by

OBJECTIVE: By (date) , (scholar) when shown visual stimuli, will respond with a one-word response to questions with comprehensible input with ___ % accuracy as measure by

Examples of questions with comprehensible input:

- a) "Are you hot (teacher pantomimes wiping perspiration from forehead) or cold? (teacher pantomimes shivering and bundling up)
- b) "Is this a dog?" (teacher point to a cat in a picture)
- c) "How many flowers (teacher points) are in the vase?"

GOAL: By (date) , (scholar) will demonstrate the ability to respond to questions in written English with writing quality comparable to level of written language skills in scholars primary language with ___ % accuracy as shown by

OBJECTIVE: By (date) , (scholar) after reading a story at his/her instructional level will respond to a writing task with _ % accuracy as measured by

Examples of basic scholar responses:

- a) answer comprehension questions after reading a story
- b) write a friendly letter
- c) write a creative story

GOAL: By (date) , (scholar) will be able to read English at a comparable level to his/her reading proficiency in his/her primary language with ___% accuracy as demonstrated by

OBJECTIVE: By (date) , (scholar) will be able to demonstrate comprehension of a reading selection at his/her readability level as measured by appropriate grade level curriculum assessment.

GOAL: By (date) , (scholar) will be able to provide a response in English, either orally or in writing to stimuli that prompt critical and creative thinking with a response that shows elaboration and complex sentence structures ___% of the time as shown by

OBJECTIVE: By (date) , (scholar) will be able to articulate responses to questions that require critical and creative thinking in the following four main areas: a) synthesis, b) evaluation, c) analysis, and d) application as measured by the following criteria: a) descriptive vocabulary, b) ability to elaborate and c) use of complex sentence structures within their response.

GOAL: By (date) , (scholar) will respond in English to literal questions with short phrases, which may or may not be grammatically correct ___ out of ___ trials, with ___% accuracy as demonstrated by

OBJECTIVE: By (date) , (scholar) when given comprehensible input, will respond to (who, what, where, when, how, and why) questions using short phrases with ___% accuracy as measured by

Examples of basic questions with comprehensible input:

- a) “Where is the dog?” (sample scholar response: “by the tree”)
- b) “Who is walking the dog?” (sample scholar response: “the man”)
- c) “Why is the cat scared?” (sample scholar response: “sees the dog”)

OBJECTIVE: By (date) , (scholar) in a natural environment, will be able to articulate and express on his/her own initiative, basic ideas and requests with ___% accuracy as measured by

Examples of advanced scholar ideas and requests:

- a) “I am cold.”
- b) “I go to the bathroom?”
- c) “I like it!”

Sample Culturally Appropriate IEP Goals and Objectives

GOAL: By (date) , (scholar) will demonstrate increased reading comprehension in (English, Spanish, Tagalog, etc.) by responding correctly to ___ out of ___ questions about a story with ___% accuracy as shown by

OBJECTIVE: By (date) , (scholar) _____ will identify two common themes/ main ideas and two differences in stories after reading _____ (independently, with modifications, listening, etc.) to four folk tales from different countries with ---% accuracy as measured by

GOAL: By (date) , (scholar) _____ will show improvement in writing fluency in (English, Spanish, Tagalog, etc.) by writing a (short story, paragraph, essay, sentence, etc.) using correct (punctuation, grammar, capitalization, spelling, etc.) with _____% accuracy as shown by

OBJECTIVE: By (date) , (scholar) _____ will respond by (dictating, writing a sentence, writing a paragraph, etc.) and share his/her personal responses to an open-ended question that draws upon life experiences, culture, and perceptions, after (listening to/reading) a story from (core/supplemental) curriculum with ___% accuracy as measured by

GOAL: By (date) , (scholar) _____ will show increased understanding of multiplication concepts taught in (English, Spanish, Tagalog, etc.) by achieving a score of ___% or higher on (teacher-made test, standardized test, work samples, etc.) in __ out of __ attempts as shown by

OBJECTIVE: By (date) , (scholar) _____ will be able to use (graph paper, multi-link cubes, manipulatives, etc.) to demonstrate comprehension of the multiplication process after comparing and contrasting Mexican and Egyptian methods of multiplication as measured by

Overview of the Process

The following outlines the potential academic trajectory of an EL determined eligible for special education. The steps in this process can be grouped into three areas where additional research and/or policy guidance is needed for educators to best support English language learners with disabilities: 1) initial identification, 2) instruction and services, and 3) exit from EL services and if and when appropriate from special education services.

Initial Identification of English Learners for Special Education Eligibility:

1. Implement Multi Tiered Systems of Support.
2. Establish baselines, provide intervention and conduct progress monitoring to determine the Response to Instruction and Intervention.
3. Refer for SPED Evaluation if progress is not adequate.
4. Conduct Initial Comprehensive Psycho-Educational Evaluation (Rule out impact of language acquisition on possible eligibility)
 - a. If scholar does not qualify for special education proceed with EL Specialized Instructional Program
 - b. If a Scholar does qualify, Implement IEP as outlined above in this manual.

Instruction and Services for scholars who are ELs in Special Education:

1. Initial IEP Meeting
2. Determination of Special Education Services
3. Outline and include ELPAC information in reports and address EL needs in the IEP. Write goals in all four of the following areas: Listening, Reading, Speaking and Writing.

Exiting from EL and SPED services when appropriate:

1. EL scholar meets state determined requirements
 - a. ELP - ELPAC Assessment
 - b. Additional MPS Requirements
2. Reclassification of Student to RFEP.

-
1. Student appears to no longer need SPED services
 2. Comprehensive Re-Evaluation
 - a. EL scholar is exited from Special Education
 - b. EL scholar remains in SPED as an IWEN without EL goals

All MPS schools should identify, monitor, and research promising practices related to ELs with disabilities, as well as develop guidance that can be included in MPS wide policies. Our policy should address at minimum, the following areas – initial identification, instruction and services, and exiting from ELL and special education services focusing specifically on English Language Learners with Disabilities.

504 Plan

<https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf>

Section **504** of the Rehabilitation Act of 1973 is a federal **law** that prevents discrimination against students with disabilities. ... Since **504** plans were created by a federal **law**, **California** LEAs are bound by the same rules as all other states.

Students with a disability that significantly limits their ability to learn or complete another major life function may be eligible for a 504 plan. These plans provide related aids and services to help make the learning process smoother and more effective.

504 Plans Overview

Section 504 of the Rehabilitation Act of 1973 is a federal law that prevents discrimination against students with disabilities. Under this provision, any school that receives federal funding must make accommodations to ensure that all students with disabilities are guaranteed a free public education. A 504 plan refers to the methods and strategies designed by teachers, parents, and administrators to comply with this law.

Since 504 plans were created by a federal law, California LEAs are bound by the same rules as all other states. A plan designed in California is required to follow the same guidelines as a plan designed in Maine or any other state.

Designing a 504 Plan

While all plans must adhere to the regulations explained in Section 504, no two plans are alike. Students with disabilities require highly individualized instruction; an ideal plan for one student may be disastrous for another, even if they have the same disability.

To make sure a plan adequately meets the needs of the student, the design process involves plenty of coordination and teamwork. Plans are developed following a comprehensive evaluation process and by a committee consisting of school administrators, teachers, and the student's parents. Students may also help design their plans if they are deemed to be of an appropriate age and maturity level.

504 Plan Eligibility

Whereas Individualized Education Programs (IEPs) have rigorous standards for special needs students seeking eligibility, Section 504 defines 'disability' in a much broader and more general sense. Instead of listing disabilities (as the IEP standards do), the section merely names the various traits of disorders. Eligible students include those who:

- Suffer from a disability that substantially limits their ability to carry out essential life activities such as seeing, walking, or reading.

- Have an officially documented physical or mental impairment.
- Have a 'non-temporary' disability. Students with an impairment that isn't permanent or long-lasting (illness, broken bone, etc.) will not be considered eligible.

Despite this broad definition, simply having a disability does not immediately qualify a student for a 504 plan. The school must perform an evaluation to determine how significantly a student's disability impacts his or her ability to carry out a major life activity, including learning.

504 Plan Content

504 plans are designed on a case-by-case basis and are specifically tailored to a student's individual needs. Most plans, however, include the following items:

- Identify the student's qualifying disability(ies) and describe the student's needs.
- A list of specific accommodations, modifications, and other academic support services designed to meet their individual needs as adequately as the needs of nondisabled students are met.
- Names of school staff who are responsible for providing these related aids and services.
- How the related aids and services will be implemented.
- The individual responsible for monitoring the 504 plan and ensuring its proper implementation.
- An annual (MPS) or bi-annual re-evaluation to determine student progress toward goal achievement.
- Outside of these requirements, schools are more or less free to design a plan as they see fit. Sample accommodations for 504 plans include:

A peer or professional tutor

Additional supervision during special events (assemblies, field trips, etc.)

Audiobooks for students who struggle with reading

Modified attendance policies

If you have a child who does not qualify for special education but has a mental or physical impairment which substantially limits one or more major life activities, including learning, that child may qualify for special help in a regular classroom setting under Section 504 of the Rehabilitation Act of 1973.

The following is a list of areas of concern and possible accommodations that can be used as a reference for parents and school personnel. This list is applicable both to 504 plans and IEPs.

Areas of concern:

Sustaining attention to task & effort

Suggested Accommodations *Note: these are examples only and will need to be tailored to the specific needs of the Student and the setting. Remember that all accommodations must be implemented with fidelity and the school

must be able to demonstrate implementation. Accommodations that are overly broad or vague may be open to misinterpretation and introduce liability.

Getting started

Impulsivity

Hyperactivity

Social skills

Sensitive to criticism, irritable, moody

Low self-esteem

Organization & planning

Study skills

Memory

Homework

Oppositional Defiance

Academic skills

Areas of accommodation:

Classroom environment and seating

Classroom has predictable daily routines

Schedule changes are discussed ahead of time

Consistent and clear limits are set for classroom behavior

Work alternates short concentrated periods with breaks

Visual distractions in classroom are minimal

Auditory distractions in classroom are minimal

Small group instruction

Team teaching

Identify teaching-style/student match (e.g. structured, nurturing, etc.)

Seat in front of classroom

Seat in quiet area

Seat near teacher

Seat near good role model

Seat near 'study buddy'

Increase distance between desks

Reduce distractions on or near desk

Seat away from distracting stimuli

Seat in study carrel or use partitions

Assignments/Homework

Extra time to complete assigned work

Shorten assignments/work periods

Simplify complex directions
Break long assignments into smaller parts
Assist student in setting short term goals
Pair written instructions with oral instructions
Develop private signal from pupil to teacher to request repetition of oral directions
Repeat oral instructions
Check homework daily
Reduce amount of homework
Limit homework to _____ minutes per night
Limit home SSR, simultaneous reading, or family reading to _____ minutes per night
Permit assignments to be printed or typewritten without penalty
Permit writing assignments to be turned in on audio-cassette
Permit writing assignments to be given orally
Permit extra credit assignments
Permit re-submitted assignments
Adapt assignment to minimize writing (e.g. circle, cross out, write above line, etc.)
Do not grade handwriting unless handwriting is the standard being measured
Do not grade spelling unless spelling is the standard being measured

Test Taking and Grading
Provide written outline of main points prior to test
Allow open book exams
Allow outline or notes during exams
Give exam orally
Give take-home tests
Allow student to dictate answers on tape recorder
Give frequent short quizzes rather than long exam
Allow extra time for exam
Allow test to be taken untimed with specified short breaks
Read test item to student

Provide student with following information:
Avoid using child as negative example to others
Avoid questioning child's motivation or effort
Encourage child to accept own mistakes
Identify whether test will assess abilities or disabilities

Home/School/Community Communication
Parent/teacher conference frequency _____
Teacher/student conference frequency _____
Parent/student/teacher conference frequency _____

Provide daily/weekly progress checklist

Call parent if _____

Provide case manager/school social worker to give lead in communicating within school, and between school, home and community. This includes assistance in selection of teachers; and teacher, aides, bus driver and administration orientation and awareness regarding the nature of disability and adaptation needs and monitoring effectiveness of this adaptation plan.

Monitor medication taking

Assist physician in medication monitoring

Consult with other professionals: _____ once per _____

Transportation

Select seating and seat buddy on bus

Provide adult supervision on bus

Mediation

Provide discrete reminder to student to obtain medication

Take care not to draw attention to students with respect to medication (this is only addressed to situations where a student has had a previous bad experience).

Aides and Technology (Assistive technology or low incidence equipment per assessment results)

Use Phonic Ear to maintain student attention and for cueing

Provide peer assistance/adult assistance in note-taking

Provide tape recorder and permit tape recording of class

Provide keyboarding skills training

Provide computer with appropriate software for written assignments (word processing software includes spelling-prompt software, etc.)

Provide computer for in-class note-taking

Provide instructional software in subject matter area: _____ (semi-independent, self-paced, repetition, variety, multi-sensory, non-judgmental feedback)

Provide textbooks on audio tape (i.e. through aural media catalogue)

Provide opportunity to complete written assignments on computer

Provide extra set of textbooks which may be marked

Provide enlarged copy of reading assignments/written assignments

Provide tutor for specified period of time and frequency

Learning style Differentiation

Using or enhancing visual, auditory, and kinesthetic learning and memory

Provide auditory directions
Provide auditory cues and clues
Develop auditory mnemonics skills (e.g. set memorization tasks to music)
Do or do not use background music to enhance learning (headphones or ambient)
Provide visual directions, demonstrations and representations
Provide visual cues and clues
Develop visual conceptualization skills
Develop visual mnemonics skills
Encourage (multi-colored) outlining/underlining when reading
Maintain visual contact while talking
Use tactile and manipulative aides in teaching
Provide simultaneous visual, auditory, and kinesthetic experiences
Provide lessons in sequential order
Provide lessons with contextual clues
Provide written outline of lesson or written notes of lecture material
Write main points of lesson on board
Refer for academic testing in particular area
Accept alternatives to oral reports (written, display, etc.)
Utilize areas of strength to encourage expression
Involve child in movement several times a day

Attention

Provide cognitive behavioral feedback: positive feedback for attention to task (frequency based on what student can currently do) short-term reinforcers (e.g. happy face, check mark, star, in-class rewards) and long-term (e.g. accumulate points for rewards at home)
Plan academic instruction for student's peak attention time (e.g., a.m.)
Allow student to stand at times during seatwork (especially during end of task)
Require active responses in instruction (talking, moving, organizing, working at board, interacting with computer)
Provide opportunity for 'seat breaks' (structure with errands, physical activity, etc.)
Provide short break between assignments
Give child substitute verbal or motor responses to make while waiting
Provide fidget objects for manual activity (e.g. koosh ball, clay, worry beads, etc.)
Teacher to stand near student when giving directions or presenting lessons
Reward short periods of waiting
Increase novelty
Alternate high and low interest tasks
Do not reinforce passive/withdrawn behavior
Increase choice of tasks
Place student first in line, or avoid lines altogether

Reading

Encourage sustained silent reading

Teach previewing strategies

Select key passages

Provide visual breaks after each line of the page

Fold paper or cover paper so that only part is visible

Read with window

Enlarge print of written material

Use highlighting system to limit amount of reading

Use highlighting system to focus reading and studying

Avoid oral reading

Encourage oral reading

Develop mnemonic strategies to address reversals

Teach reading for meaning

Teach phonetic decoding skills

Use echo reading or simultaneous reading approach to reading acquisition

Teach visual discrimination skills to reading acquisition

Teach auditory discrimination skills to reading acquisition

Teach underlining strategies

Writing/Handwriting (see also Aides & Technology)

Accept alternatives to written reports (oral, tape recorded, display, projects)

Provide instruction in brainstorming and outlining

Provide specialized software for word processing (e.g., enhanced spell checking, etc.)

Do not require copying from board or book (provide photocopied instructions or problems or refer to number)

Reduce amount of required copying from board

Adapt assignments to require less writing (e.g., provide photocopy, which may be enlarged, to circle, cross out write above/below line, etc.)

Spelling

Use electronic spell checker (hand-held and/or computer)

Do not grade/test spelling

Limit spelling list words

Use simultaneous multisensory methods to encourage spelling memorization

Fill in missing letters in preprinted portion of spelling word with omissions

Circle correct version of word given several choices

Unscramble pre-printed words and cross out unnecessary letters in spelled word

Math

Permit use of calculator
Provide graph paper to space numbers
Model correct computational procedure
Encourage self-talk
Provide enlarged print problems and work area
Encourage turning lined paper sideways to maintain column alignment
Organizational/Planning Skills
Remind student to check over work product
Give assignments one at a time
Provide student with assignment book
Check that homework assignments are written in full detail
Supervise student in writing full assignment in book or provide written instructions
Provide written checklist for getting organized
Provide notebook with dividers and folders for work
Check desk/notebook for neatness: reward it
Provide extra set of books to keep at home
Establish object placement routines
Use color and physical/spatial organizers
Teach organizational/study skills and allow for application and generalization (from Landmark Study Skills Guide)
organizational skills: organizing notebooks and materials, assignments, time, study space
recognizing and formulating main ideas: categorizing main ideas, main ideas in paragraphs, main ideas in multi-paragraph selections
note-taking: from written sources two-column method, from lectures selective, skeleton notes
summarizing: two-column notes, variety of materials, paraphrasing
textbook skills: identifying and using parts of a textbook, previewing before reading, organizing and learning information while reading, reviewing and expressing information after reading
master notebook system: organizing, studying, mastering
test-preparation and test-taking: class review, identifying topics to be studied, determining what kind of questions will be on the test, planning study time, forming study groups, how to approach a test, essay questions, test anxiety
research and report writing: applying study skills to research and report writing

Self-Esteem

Structure of immediate and ongoing success
Provide reassurances and encouragement vs. correction and criticism at a rate of 4:1
Provide reassurances and encouragement vs. correction and criticism at a rate of 10:1
Focus on student strengths, talents and accomplishments
Mark students correct answers rather than mistakes
Catch 'em being good: compliment positive behavior and work
Speak softly in non-threatening manner if Student is agitated

Tolerate inconsistent performance
Provide opportunities for student to display responsibility and/or leadership role
Provide opportunities for student to provide assistance to others
Make time to talk alone with student
Encourage social interactions with classmates if withdrawn
Reinforce frequently or reduce workload when signs of frustration are noticed
Send positive notes home
Provide positive role models with similar disability as classroom or assembly speaker

Positive Behavioral Intervention

Begin day or period with relaxation and guided imagery exercise
Provide behavioral feedback using written/symbol/quantitative feedback every _____ minutes
Provide instruction in self-monitoring (e.g. hand-raising, using cueing)
Cue students to stay on task (private signal)
Ignore minor, inappropriate behavior
Increase immediacy of rewards or consequences
Give activity as a reward
Use time-out procedure for misbehavior
Permit time-in procedure for agitation and motor release
Supervise closely during transition times
Provide praise for positive behavior
Acknowledge good behavior of other students
Establish behavior contract with three goals
Call on student only when hand is raised appropriately
Ignore calling out without raising hand
Praise student when hand is raised
Implement behavior management system
Implement home-school token system
Prudent use of negative consequences
Praise compliant behavior
Post class rules in conspicuous place
Provide immediate feedback with teacher attention
Avoid lecturing or criticism
*Consider developing Behavior Intervention Plan when behavior impacts the learning of Student or peers

Socialization and Social Skills

Provide recess/lunch opportunities indoors with friends (w/structured games, etc.)
Provide lunch buddies
Establish social behavior goals and reward program

Prompt appropriate social behavior verbally or with private signal
Avoid placing student in competitive activities
Encourage cooperative learning tasks
Praise student to increase self efficacy
Assign special responsibilities to student in presence of peers

Provide small group social skill training in the following areas:

School-related skills/classroom survival skills (Pre-school: asking a question, following directions, trying when it's hard, interrupting. Elementary: listening, asking for help, saying thank you, bringing materials to class, following instructions, completing assignments, contributing to discussions, offering help to an adult, asking a question, ignoring distractions, making corrections, deciding on something to do, setting a goal.)

Beginning social & friendship-making skills (Pre-school: listening, using nice talk, using brave talk, saying thank you, rewarding yourself, asking for help, asking a favor, ignoring, greeting others, reading others, joining in, waiting your turn, sharing, offering help, asking someone to play, playing a game. Elementary: introducing yourself, beginning a conversation, ending a conversation, joining in, playing a game, asking a favor, offering help to a classmate, giving a compliment, accepting a compliment, suggesting an activity, sharing, apologizing. Adolescent: listening, starting a conversation, having a conversation, asking a question, saying thank you, introducing yourself, introducing other people, giving a compliment, asking for help, joining in, giving instructions, following instructions, apologizing, convincing others.)

Dealing with feelings

(Pre-school: knowing your feelings, feeling left out, asking to talk, dealing with fear, deciding how someone feels, showing affection. Elementary/Adolescent: knowing your feelings, expressing your feelings, recognizing another's feelings, showing understanding of another's feelings, expressing concern for another, dealing with your anger, dealing with another's anger, expressing affection, dealing with fear, rewarding yourself.)

Alternatives to aggression (Pre-school: dealing with teasing, dealing with feeling mad, deciding if it's fair, solving a problem, accepting consequences. Elementary: using self-control, asking permission, responding to teasing, avoiding trouble, staying out of fights, problem solving, accepting consequences, dealing with an accusation, negotiating.

Adolescent: asking permission, sharing something, helping others, negotiating, using self-control, standing up for your rights, responding to teasing, avoiding trouble with others, keeping out of fights.)

Dealing with stress

(Pre-school: relaxing, dealing with mistakes, being honest, knowing when to tell, dealing with losing, wanting to be first, saying no, accepting no, deciding what to do. Elementary: dealing with boredom, deciding what caused a problem, making a complaint, dealing with losing, showing sportsmanship, dealing with being left out, dealing with embarrassment, reacting to failure, accepting no, saying no, relaxing, dealing with group pressure, dealing with wanting something that isn't mine, making a decision, being honest. Adolescent: making a complaint,

answering a complaint, sportsmanship after the game, dealing with embarrassment, dealing with being left out, standing up for a friend, responding to persuasion, responding to failure, dealing with contradictory messages, dealing with an accusation, getting ready for a difficult conversation, dealing with group pressure.)

Planning skills: (Adolescents: deciding on something to do, deciding what caused a problem, setting a goal, deciding on your abilities, gathering information, arranging problems by importance, making a decision, concentrating on a task.

Staying in Compliance

Maintaining compliance with state and federal statutes and regulations is one of the most important tasks of a special education director. The cost in staff time and morale as well as in fiscal resources can be considerable when faced with a compliance complaint. This section is designed to give you proactive strategies to help you stay in compliance.

It begins with a list of the items most often found non-compliant by the State Department of Education in LEA reviews. Following the list of non-compliant items are tips and advice from four legal sources on how to avoid noncompliance. Following the advice of these legal experts should increase substantially your chances of staying in compliance. Many legal questions hinge on the interpretation of law, and attorneys sometimes disagree due to a difference in interpretation. If faced with a legal challenge, it is always recommended to carefully consider the advice and direction of the attorney representing your school's position in the case.

See also Section 8, SELPA Support. Source: California Department of Education

Following is a list of frequently non-compliant items. The items have been identified statewide over the last several years as systemically non-compliant in most LEAs reviewed.

These items include:

- Missed timelines
 - Triennial re-evaluation
 - Annual IEP

- IEP within 60 days of parental consent of Assessment Plan
- Missing or inadequate IEP contents
- How parents will be informed of student progress
- Participation in Statewide Achievement Tests
- Program modifications and supports for school personnel
- Projected dates for initiating services
 - IEP Team
 - No general education teacher (preschool and K-12)
 - If members were excused by the IEP team, the excusal must be in writing with parent agreement.

- Failure to implement the IEP
- Willful and intentional violations of the IDEA can lead to the possibilities of personal liability.

Source: Lozano Smith (permission to use granted)

Lauri A. LaFoe, from Lozano Smith presented “Common Pitfalls and Snags in the IEP Process” at an ACSA Spring Conference, May, 2008. Adapted from her presentation follow.

Offer of more than one placement option

If a district makes an offer of more than one placement option, it may be a denial of FAPE. OAH has interpreted the school’s responsibility to present one appropriate, clear and detailed offer of FAPE. Offering a variety of placements puts an undue burden on a parent to eliminate potentially inappropriate placements, and makes it more difficult for a parent to decide whether to accept or challenge the school district’s offer. Discussion of a range of possible placements during the IEP meeting is, of course, appropriate, but the LEA’s responsibility is to use its expertise to decide which program is best suited for the Student’s particular needs. *Glendale Unified Sch. Dist. v. Almasi*, 33 IDELR 221 (C.D. Cal. 2000)

Making no offer of placement

Often an IEP team will hold off on making a placement offer so parents can go observe one or more possible placements. The problem in this situation is that 1) timelines may pass; 2) another IEP team meeting may not be scheduled in a timely manner. The parents file for due process and the LEA has no offer of FAPE to defend.

Tip: Don’t leave the IEP Team meeting without a clear offer on the table. However, a recess may be necessary when considering a placement outside of MPS such as a contracted special day class placement or a non-public school. In this circumstance, the IEP meeting should reconvene when a representative of the placement can attend. Alternatively, an MPS team member should visit and learn the details of the placement to answer Parent’s questions regarding the placement.

Tip: Parents’ unwillingness to accept a proposed offer is never a reason to fail to make a formal written offer. Send a detailed PWN after the IEP to clarify the offer.

Tip: Review the offer with the parent to make sure it is clear, readable and understandable and ask parents if they have any questions. If they don’t understand what the LEA is offering, be willing to adjust the language and fill in the blanks.

Give parents a contact phone number to call if they have questions.

Giving in to parent wishes

Often IEP teams agree to parent demands in an IEP so as to avoid conflict. This may provide a short term solution but it can also result in additional requests for more services that may not be appropriate for the student or amount to FAPE. For example, don’t place a student in RSP if the team feels a SDC is FAPE for

the student.

Tip: Always ask if the placement is appropriate to address a student's needs.

Tip: Document discussion re: placement options discussed, noting parent participation.

Failing to assess in all areas of need and/or address all areas of need

The assessment plan should address all areas of suspected disability and the assessment needs to cover these areas. Be sure to have a goal for every identified need. If a child is performing at state standards, a goal does not need to be written. If the assessment report indicates that the student has difficulty in handwriting, then the IEP needs to address this skill through a goal in that area or offer accommodations. If report indicates that if a student is having difficulty attending school, then the student may need an attendance goal. Each goal should also be linked to a service or other support.

Tip: Keep a running list of all areas of need identified and make sure that all areas of need have been addressed in the IEP.

Tip: Look at the signed assessment plan to see if parents added notes.

Offering related services as a “range”

Avoid “as needed” or “up to 60 minutes”—the range should be zero. Similarly, the frequency should be as specific as possible. The offer must be clear, i.e. Speech and Language services, 2 times per week for 30 minutes each session, 1 session individually, 1 session group in the speech room at XYZ School. Do not use a number of sessions per year.

Tip: Be clear and concise.

Failure to properly identify the Placement/Services

Placement should be clear and concise. If you list more than one school, you have more than one offer! Don't leave loose ends such as: “Speech therapist will decide...”, “IEP team will determine”, “Behavior consultant will develop”, “To be determined after ESY”.

Tip: Decisions regarding a student's placement and services are made by the IEP team. Don't leave the table without making those decisions and incorporating them into one clear and concise written offer of placement and services.

Not considering parent input

The team must consider and document discussion of any private assessments at some point during the meeting. Always consider parent

input and document response to requests or questions. Invite private school staff to attend the IEP meeting if the student attends private school.

Tip: Document that you have considered parent input in the IEP notes.

Failure to make a clear ESY offer

ESY services, like all other placement and services offered to a student, must be written in clear language.

LEA is liable if there is not a clear offer for any programs that student receives during ESY.

Tip: Clearly spell out the ESY offer of placement and services and don't just check a box. Make sure offer is made early enough in the year to ensure adequate time for resolution to be sought and obtained, should parent disagree with offer, prior to commencement of ESY.

Rules to Live By:

1. LISTEN - parents need to be and feel heard
2. RESPOND - answer phone calls and emails promptly, even if only to buy time.
3. FOLLOW THROUGH - Do what you say you'll do, and you will build trust.
4. FOCUS - remember the child; make him or her always the focus. Responses should always relate to the child's needs.
5. SELL YOUR PROGRAMS - Private programs have good marketing. Show your pride in the public programs and explain them to parents.
6. PLAN, PLAN AND THEN PLAN - Plan your meetings. Prepare draft goals and objectives and prepare reporting on goal progress. Prepare an agenda for your meetings. If assessment reports are completed, provide them to the parents so they have an opportunity to read them and think of questions. A district is not required to provide such a copy so many days before IEP Meeting. If completed, however, and parent requests a copy of report before IEP meeting, then their request falls under the 5 day rule.
7. DOCUMENT, DOCUMENT AND THEN DOCUMENT - Avoid misunderstandings. Create a clear record of what transpired because memories do fade. Keeps everyone on the same page. Tapes are student records. Emails may be student records if maintained by the school. Seek advice from your attorney if needed to determine which e-mails are considered records.

Notices and prior written notice (PWN) Offer procedural safeguards at the beginning of each IEP meeting. If not handing out Procedural Safeguards, note when they were last given to parent.

1. Required upon initial referrals or parental request for evaluation
2. Required upon filing of complaint
3. Required upon request by parent

If, at the end of the IEP team meeting, there is a disagreement between LEA and parent/s, parent/s should be provided with PWN. PWN is a description of the action proposed or refused by the district, an explanation of why the LEA proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action, a statement that the parents have protection under the procedural safeguards, sources for parents to contact to obtain assistance in understanding the law, a description of the other options considered by the IEP team and the reason why those options were rejected and a description of the factors that are relevant to the agency's proposal or refusal. This PWN can be done in the IEP through notes; however, if one element is missing, a new PWN must be written. The PWN must be provided within a reasonable time following the IEP, request or proposal.

Start with preparation.

Make sure all staff members have data they need to make contributions.

Assessments and data should lead the way.

Regularly check with parents and parent representatives during IEP (meaningful parent participation).

Take care to make one clear and complete offer which includes clear goals and objectives.

Source: Julie Weatherly - LRP

Practical Tips for Staying Out of Due Process

1. Don't engage in action that appears to be a predetermination of placement or action that appears to deny parental input into decision-making.
2. Don't make educational recommendations/decisions based upon the availability of services.
3. Don't make educational recommendations/decisions based upon cost.
4. Do notify parents of their right to challenge IEP recommendations.
5. Don't make recommendations/decisions based upon inadequate evaluations.
6. Don't respond inappropriately to requests for an Independent Educational Evaluation (IEE).
7. Don't make vague/generalized recommendations regarding least restrictive environment (LRE).
8. Don't be overly specific and include unnecessary details or "promises" in IEPs.
9. Do address extended school year (ESY) services.
10. Do have required school staff at meetings.
11. Don't fail to allow for participation of persons brought by parents.
12. Don't inappropriately refuse to allow tape recording or videotaping of IEP.
13. Don't set out/offer services or amount of services without clarity in IEP.
14. Do address transition activities and provide a summary of performance.
15. Do consider independent evaluative information brought in by parents.
16. Do address behavioral strategies/interventions as part of the IEP.

Action to Avoid Outside of the IEP Process

1. Don't make unilateral changes in placement through the use of suspension or other removal from the current placement.
2. Don't diagnose medical conditions/suggest medication without the credentials for doing so.
3. Do follow time guidelines/requirements and don't create artificial barriers for timely completion of tasks.
4. Don't refuse to identify, evaluate or change the educational placement of a child without the required prior written notice.
5. Don't create unnecessary educational records, especially those that may contain inappropriate material.
6. Do implement the IEP - willful and intentional violations of the IDEA can lead to the possibilities of personal liability.

When preparing documentation of the meeting or the prior written notice of the decisions reached, use language that clearly reflects the efforts of the school district in this regard. Examples:

“The team discussed _____ possible placements and the pros and cons of each.”

“The chair asked the parents what alternatives they would like the team to consider.”

“The team agreed to _____ in response to parental input.”

“The parent said _____ and in response, the team decided _____.”

Only the IEP team can make decisions regarding the IEP. Using statements such as the “school decided to _____” can result in a finding of predetermination. Thus, avoid oral/written statements such as:

“The school has developed the IEP and is presenting it to the parents today.” Consider instead, “The purpose of the team meeting is to develop the student’s IEP.”

“This meeting is to change the student’s placement from _____ to _____.” Consider instead, “Today, the team will consider the student’s placement in the LRE, considering a continuum of placement alternatives.”

“The district rejects the report of the independent evaluator.” Consider instead, “The team has reviewed and considered the IEE report and determined no changes to the IEP are needed,” or “the team has adopted the following recommendations made by the outside evaluator....”

SPED Service Providers and Outlined Duties

5 CCR §3051: Standards for Related Services and Staff Qualifications

(a) General Provisions.

- (1) Related services may be provided to individuals or to small groups in a specialized area of educational need, and throughout the full continuum of educational settings.
- (2) Related services, when needed, are determined by the IEP.
- (3) All entities and individuals providing related services shall meet the qualifications found in 34 C.F.R. sections 300.156(b) and 3001(r) and the applicable portions of section 3051 et seq. and shall be either:
 - (A) Employees of the school district or county office, or
 - (B) Employed under contract pursuant to Education Code sections 56365-56366, or
 - (C) Employees, vendors or contractors of the State Departments of Health Care Services or State Hospitals, or any designated local public health or mental health agency.
- (4) To be eligible for certification to provide related services to individuals with exceptional needs, nonpublic schools and nonpublic agencies shall meet the requirements of this section.
- (5) An individual providing related services out of state, pursuant to sections 56365 and 56366 of the Education Code, as required in a pupil's IEP, must:
 - (A) Hold a current valid credential or license to render that related service as required by that state, and
 - (B) Be employed by a nonpublic, nonsectarian school or agency certified by the CDE.

5 CCR §3051.1 Language, Speech and Hearing Development and Remediation

(a) Language, Speech and Hearing Development and Remediation services include:

- (1) Referral and assessment of individuals suspected of having a disorder of language, speech, or hearing. Such individuals are not considered as part of the caseload pursuant to Education Code section 56363.3 unless an IEP is developed and services are provided pursuant to sections 3051.1(a)(2) and (3).
 - (2) Specialized instruction and services for individuals with disorders of language, speech, and hearing, including monitoring of pupil progress on a regular basis, providing information for the review, and when necessary participating in the review and revision of IEPs of pupils.
 - (3) Consultative services to pupils, parents, teachers, or other school personnel.
 - (4) Coordination of speech and language services with an individual's regular and special education program.
- (b) Caseloads of full-time equivalent language, speech and hearing specialists providing instruction and services within the district, SELPA, or county office shall not exceed a district-wide, SELPA-wide, or county-wide average of 55 individuals unless prior written approval has been granted by the SSPI.
- (c) Language and speech development and remediation shall be provided only by personnel who possess:
- (1) a license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs; or
 - (2) a credential authorizing language or speech services.

(d) Services may also be provided by speech-language pathology assistants working under the direct supervision of a qualified language, speech, and hearing specialist, as defined in Business and Professions Code section 2530.2(i), and if specified in the IEP. No more than two assistants may be supervised by one qualified language, speech, and hearing specialist. The caseloads of persons in subdivision (b) shall not be increased by the use of assistants.

§ 3051.2. Audiological Services

- (a) In addition to provisions of 34 C.F.R. Section 300.34, audiological instruction and services may include:
- (1) Aural rehabilitation (auditory training, speech reading, language habilitation, and speech conservation) and habilitation with individual pupils or groups and support for the hearing-impaired pupils in the regular classroom.
 - (2) Monitoring hearing levels, auditory behavior, and amplification for all pupils requiring personal or group amplification in the instructional setting.
 - (3) Planning, organizing, and implementing an audiology program for individuals with auditory dysfunctions, as specified in the IEP.
 - (4) Consultative services regarding test findings, amplification needs and equipment, otological referrals, home training programs, acoustic treatment of rooms, and coordination of educational services to hearing-impaired individuals.
- (b) Audiological services shall be provided only by personnel who possess:
- (1) a license in Audiology issued by a licensing agency within the Department of Consumer Affairs; or
 - (2) a credential authorizing audiology services.

§ 3051.3. Orientation and Mobility Instruction

- (a) Orientation and mobility instruction may include:
- (1) Specialized instruction for individuals in orientation and mobility techniques.
 - (2) Consultative services to other educators and parents regarding instructional planning and implementation of the IEP relative to the development of orientation and mobility skills and independent living skills.
- (b) Orientation and mobility instruction shall be provided only by personnel who possess a credential that authorizes services in orientation and mobility instruction.

§ 3051.4. Instruction in the Home or Hospital

(a) Special education and related services provided in the home or hospital for school age pupils is limited to those pupils who have been identified as individuals with exceptional needs in accordance with section 3030 and for whom the IEP team recommends such instructions or services. Note - Placement in the home can be provided

through the IEP process. However, if Student cannot attend school due to a temporary disability unrelated to the student's IEP eligibility, Home-Hospital Instruction ("HHI") cannot be provided by charter school

(b) Instructions may be delivered individually, in small groups or by teleclass.

(c) For those individuals with exceptional needs with a medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness, the IEP team shall review, and revise, if appropriate, the IEP whenever there is a significant change in the pupil's current medical condition.

(d) When recommending placement for home instruction, the IEP team shall have in the assessment information a medical report from the attending physician and surgeon or the report of the psychologist, as appropriate, stating the diagnosed condition and certifying that the severity of the condition prevents the pupil from attending a less restrictive placement. The report shall include a projected calendar date for the pupil's return to school. The IEP team shall meet to reconsider the IEP prior to the projected calendar date for the pupil's return to school.

(e) Instruction in the home or hospital shall be provided by a regular class teacher, the special class teacher or the resource specialist teacher, if the teacher or specialist is competent to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible. If not, the appropriate related services specialist shall provide such instruction.

(f) The teacher providing the home instruction shall contact the pupil's previous school and teacher to determine:

(1) The course work to be covered;

(2) The books and materials to be used;

(3) Who is responsible for issuing grades and promoting the pupil when appropriate;

(4) For pupils in grades 7 to 12, the teacher shall confer with the school guidance counselor to determine:

(A) For the hours the pupil has earned toward semester course credit in each subject included in the IEP and the grade as of the last day of attendance;

(B) Who is responsible for issuing credits when the course work is completed:

(C) Who will issue the diploma if the pupil is to graduate.

[§ 3051.5. Adapted Physical Education for Individuals with Exceptional Needs](#)

(a) Adapted physical education is for individuals with exceptional needs who require developmental or corrective instruction and who are precluded from participation in the activities of the general physical education program, modified general physical education program, or in a specially designed physical education program in a special class. Consultative services may be provided to pupils, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the regular "D" Physical education program or specially designed physical education programs.

(b) Adapted physical education shall be provided only by personnel who possess a credential issued by the California CTC that authorizes service in adapted physical education.

§ 3051.6. Physical and Occupational Therapy

(a) When the district, SELPA, or county office contracts for the services of a physical therapist or an occupational therapist, the following standards shall apply:

(1) Occupational or physical therapists shall provide services based upon 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.

§ 3051.7. Vision Services

(a) Vision services may include:

(1) Adaptations in curriculum, media, and the environment, as well as instruction in special skills.

(2) Consultative services to pupils, parents, teachers, and other school personnel.

(b) An assessment of and provision for services to visually impaired pupils may be conducted by an eye specialist who has training and expertise in low vision disabilities and has available the appropriate low vision aids for the purpose of assessment. The eye specialist may provide consultation to the pupil, parents, teacher and other school personnel as may be requested by an IEP team.

(c) Procedures which may be utilized by qualified personnel are those procedures authorized by federal and state laws and regulations and performed in accordance with these laws and regulations and standards of the profession.

(d) For the purposes of this section, and eye specialist shall mean a licensed optometrist, ophthalmologist, or other licensed physician and surgeon who has training and expertise in low vision disabilities.

(e) Vision services shall be provided only by personnel who possess:

- (1) a license as an Optometrist, Ophthalmologist, Physician or Surgeon, issued by a licensing agency within the Department of Consumer Affairs and authorizing the licensee to provide the services rendered, or
- (2) a valid credential authorizing vision instruction or services.

§ 3051.75. Vision Therapy

- (a) Vision therapy may include: Remedial and/or developmental instruction provided directly by or in consultation with the optometrist, ophthalmologist, or other qualified licensed physician and surgeon provided ongoing care to the individual.
- (b) Vision therapy shall be provided by an optometrist, ophthalmologist, or by appropriate qualified school personnel when prescribed by a licensed optometrist, ophthalmologist, or other qualified licensed physician and surgeon.
- (c) Procedures which may be utilized by qualified personnel are those procedures authorized by federal and state laws and regulations and performed in accordance with these laws and regulations and standards of the profession.

§ 3051.8. Specialized Driver Training Instruction

- (a) Specialized driver training instruction may include instruction to an individual with exceptional needs to supplement the regular driver training program. The IEP team shall determine the need for supplementary specialized driver training instruction. The need to supplement the regular program shall be based on an assessment of the pupil's health, physical, and/or educational needs which require modifications which cannot be met through a regular driver training program.
- (b) Driver training for individuals herein described must be provided by qualified teachers, as defined by Education Code sections 41906 and 41907.

§ 3051.9. Counseling and Guidance Services

- (a) Counseling and guidance services may be provided to an individual with exceptional needs who requires additional counseling and guidance services to supplement the regular guidance and counseling program. The IEP team shall determine the need for additional guidance and counseling services.
- (b) Counseling and guidance services necessary to implement the IEP may include:
 - (1) Educational counseling in which the pupil is assisted in planning and implementing his or her immediate and long-range educational program.
 - (2) Career counseling in which the pupil is assisted in assessing his or her aptitudes, abilities, and interests in order to make realistic career decisions.
 - (3) Personal counseling in which the pupil is helped to develop his or her ability to function with social and personal responsibility.

(4) Counseling and consultation with parents and staff members on learning problems and guidance programs for pupils.

(c) Counseling and guidance shall be provided only by personnel who possess a:

(1) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs.

(2) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or

(3) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or

(4) license in psychology, or who are working under supervision of a licensed psychologist, both regulated by the Board of Psychology, within the Department of Consumer Affairs; or

(5) Pupil Personnel Services Credential, which authorizes school counseling or school psychology.

(6) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

§ 3051.10. Psychological Services Other Than Assessment and Development of the IEP

(a) Psychological services may include:

(1) Counseling provided to an individual with exceptional needs by a credentialed or licensed psychologist or other qualified personnel.

(2) Consultative services to parents, pupils, teachers, and other school personnel.

(3) Planning and implementing a program of psychological counseling for individuals with exceptional needs and parents.

(4) Assisting in developing positive behavioral intervention strategies.

(5) This term does not include assessment services and the development of an IEP.

(b) Psychological services required by a student's IEP may be rendered by any of the following professionals who possess the credential or license required by law for the performance of particular psychological services by members of that profession:

- (1) Licensed Educational Psychologist pursuant to Business and Professions Code section 4989.14;
- (2) Licensed Marriage and Family Therapist pursuant to Business and Professions Code section 4980.02;
- (3) Licensed Clinical Social Worker pursuant to Business and Professions Code section 4996.9; or
- (4) Licensed Psychologist pursuant to Business and Professions Code section 2903; or
- (5) Pupil Personnel Services Credential that authorizes school psychology.

§ 3051.11. Parent Counseling and Training

(a) Parent counseling and training may include:

- (1) Assisting parents in understanding the special needs of their child, and
- (2) Providing parents with information about child development.

(b) Parent counseling and training shall be provided only by personnel who possess a:

- (1) credential that authorizes special education instruction; or
- (2) credential that authorizes health and nursing services; or
- (3) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs; or
- (4) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
- (5) license as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or
- (6) license as a Psychologist, or who are working under the supervision of a licensed Psychologist, both regulated by the Board of Psychology, within the Department of Consumer Affairs; or
- (7) Pupil Personnel Services Credential that authorizes school counseling or school psychology or school social work.
- (8) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

§ 3051.12. Health and Nursing Services

(a) Health and nursing services may include:

- (1) Providing services by qualified personnel.
- (2) Managing the individual's health problems on the school site.
- (3) Consulting with pupils, parents, teachers, and other personnel.
- (4) Group and individual counseling with parents and pupils regarding health problems.
- (5) Maintaining communication with health agencies providing care to individuals with disabilities.

(b) Specialized physical health care may be provided as described in Education Code section 49423.5.

(1) Definitions.

(A) Specialized physical health care services means those health services prescribed by the child's licensed physician and surgeon requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the child to attend school.

(B) Standardized procedures means protocols and procedures developed through collaboration among school or hospital administrators and health professionals, including licensed physicians and surgeons and nurses, to be utilized in the provision of the specialized physical health care services.

(C) Qualified means the ability to demonstrate competence in Cardio-Pulmonary Resuscitation, current knowledge of community emergency medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with exceptional needs. In addition:

1. "Qualified" for the professional school or public health nurse or licensed physician and surgeon shall mean trained in the procedures to a level of competence and safety which meets the objectives of the training.
2. "Qualified" for the designated school personnel shall mean trained in the procedures to a level of competence and safety which meets the objectives of the training as provided by the school nurse, public health nurse, licensed physician and surgeon, or other programs which provide the training.

(D) Supervision means review, observation, and/or instruction of a designated school person's performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times.

1. Immediate supervision means that the supervisor shall be physically present while a procedure is being administered.
2. Direct supervision means that the supervisor shall be present in the same building as the person being supervised and available for consultation and/or assistance.
3. Indirect supervision means that the supervisor shall be available to the qualified designated school person either in person or through electronic means to provide necessary instruction, consultation, and referral to appropriate care and services as needed. Supervision of designated school persons shall include review on-site by a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon. Supervision shall also include review of the competence of that individual in performing the specialized health care service, maintenance of appropriate records, physical environment, and equipment.

(E) Training means preparation in the appropriate delivery and skillful performance of specialized physical health care services. In addition:

1. Medically related training of credentialed school nurses or public health nurses shall be that training in an approved program which may be necessary to update or make current the nurse's professional skills and knowledge related to meeting pupils' needs for specialized physical health care services.

2. Medically related training of employed designated school personnel is that training in an approved program in standardized procedures provided by a qualified school nurse, qualified public health nurse, qualified licensed physician and surgeon, or other approved programs to enable the person to provide the specialized physical health care services necessary to enable the child to attend school.

(F) Competence in Cardio-Pulmonary Resuscitation means possession of a current valid certificate from an approved program.

(2) Standards and Staffing.

(A) Allocation of qualified designated school personnel shall be determined by the amount and type of supervision necessary to this regulation, and also the type and frequency of services needed by students in special classes and centers, and regular instructional settings.

(B) Approved training for qualified personnel shall be provided in one or more of the following ways:

1. By a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon, as defined in these regulations.

2. By career and continuing education programs, approved by the appropriate licensing board.

3. By training programs through public or private medical institutions, i.e., hospitals, public health agencies, Visiting Nurses Associations, and Red Cross.

(3) Organization and Administration.

(A) Specific continuing specialized physical health care services required in order for the individual to benefit from special education will be included in the individualized education program. If the parent elects to perform the service during the school day, a waiver shall be signed relieving the school of the responsibility.

(B) Appropriate accommodations for safety and necessary physical care services for the individual with exceptional needs in the school setting shall be provided by the school. Personal privacy and dignity of an individual with exceptional needs shall be assured.

(C) The school district shall not be required to purchase medical equipment for an individual pupil. However, the school district, SELPA, or county office is responsible for providing other specialized equipment for use at school that is needed to implement the IEP.

(D) In accordance with Education Code section 49423.5(a)(2), a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon responsible for supervising the physical health care of an individual with exceptional needs in the school setting shall:

1. Coordinate the health care services to the individuals with exceptional needs on the school site.

2. Consult with appropriate personnel regarding management of health care services for individuals with exceptional needs.

3. Make appropriate referrals and maintain communication with health agencies providing care to individuals with exceptional needs.

4. Maintain or review licensed physician and surgeon and parent requests and daily documentation records.
(E) Written licensed physician and surgeon and parent requests, as well as the specific standardized procedures to be used if physical health care services are provided, shall be maintained for each individual with exceptional needs. Daily documentation of specific services which are provided shall be maintained on a district-approved form which shall include the signatures of the qualified designated school person(s) who performs the procedure.

1. Any pupil who is required to have specialized physical health care services during the school day, prescribed for him or her by a licensed physician and surgeon, may be assisted by a qualified school nurse, qualified public health nurse, or other qualified school personnel, if the school district receives:

a. A written statement from the licensed physician and surgeon stating the procedure and time schedules by which such procedures are to be given; and

b. A written statement from the parent or guardian of the pupil, indicating the desire that the school district assist the pupil in the matters set forth in the licensed physician and surgeon's statement, and granting consent for the delivery of such services.

2. This written statement of a licensed physician and surgeon and parent requests and daily documentation shall be maintained in accordance with the requirements of confidentiality of pupil records, and are considered mandatory interim pupil records.

§ 3051.13. Social Worker Services

(a) Social work services may include:

(1) Individual and group counseling with the individual and his or her immediate family.

(2) Consultation with pupils, parents, teachers, and other personnel regarding the effects of family and other social factors on the learning and developmental requirements of individual pupils with exceptional needs.

(3) Developing a network of community resources, making appropriate referral and maintaining liaison relationships among the school, the pupil with exceptional needs, the family, and the various agencies providing social, income maintenance, employment development, mental health, or other developmental services.

(b) Social worker services shall be provided only by personnel who possess a:

(1) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or

(2) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs; or

(3) credential authorizing school social work.

(4) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology

§ 3051.14. Specially Designed Vocational Education and Career Development

(a) Specially designed vocational education and career development for individuals with exceptional needs regardless of severity of disability may include:

- (1) Providing prevocational programs and assessing work-related skills, interests, aptitudes, and attitudes.
- (2) Coordinating and modifying the regular vocational education program.
- (3) Assisting individuals in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community.
- (4) Establishing work training programs within the school and community.
- (5) Assisting in job placement.
- (6) Instructing job trainers and employers as to the unique needs of the individuals.
- (7) Maintaining regularly scheduled contact with all workstations and job-site trainers.
- (8) Coordinating services with the Department of Rehabilitation and other agencies as designated in the IEP.

(b) Specially designed vocational education and career development shall be provided only by personnel who possess:

- (1) an adult education credential with a career development authorization; or
- (2) a credential that authorizes instruction in special education or vocational education; or
- (3) a Pupil Personnel Services Credential that authorizes school counseling

§ 3051.15. Recreation Services

(a) Recreation services include but are not limited to:

- (1) Therapeutic recreation services which are those specialized instructional programs designed to assist pupils in becoming as independent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into regular recreation programs.
- (2) Recreation programs in schools and the community which are those programs that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills; and, the provision of nonacademic and extracurricular leisure activities and the utilization of community recreation programs and facilities.
- (3) Leisure education programs which are those specific programs designed to prepare the pupil for optimum independent participation in appropriate leisure activities, including teaching social skills

necessary to engage in leisure activities, and developing awareness of personal and community leisure resources.

(b) Recreation services shall be provided only by personnel who possess:

- (1) a certificate issued by the California Board of Recreation and Park Certification; or
- (2) a certificate issued by the National Council for Therapeutic Recreation; or
- (3) the National Recreation and Park Association, authorizing services in recreation or therapeutic recreation.

§ 3051.16. Specialized Services for Low-Incidence Disabilities

(a) Specialized services for low-incidence disabilities may include:

- (1) Specially designed instruction related to the unique needs of pupils with low-incidence disabilities provided by teachers credentialed pursuant to Education Code section 44265.
- (2) Specialized services related to the unique needs of pupils with low-incidence disabilities provided by qualified individuals such as interpreters, notetakers, readers, transcribers, and other individuals who provide specialized materials and equipment.

(b) An “educational interpreter” provides communication facilitation between students who are deaf or hard of hearing, and others, in the general education classroom and for other school-related activities, including extracurricular activities, as designated in a student's IEP.

(c) An educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter and Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

(d) Specialized services for pupils with low-incidence disabilities shall be provided only by personnel who possess a credential that authorizes services in special education or clinical rehabilitation services in the appropriate area of disability.

§ 3051.17. Services for Pupils with Chronic Illnesses or Acute Health Problems

(a) Specialized services may be provided to pupils determined eligible pursuant to section 3030(f). Such services include but are not limited to:

- (1) Individual consultation;
- (2) Home or hospital instruction; and
- (3) Other instructional methods using advanced communication technology.

(b) For pupils whose medical condition is in remission or in a passive state, the IEP team shall specify the frequency for monitoring the pupil's educational progress to assure that the illness does not interfere with the pupil's educational progress.

(c) When a pupil identified pursuant to section 3030(f) experiences an acute health problem which results in his or her non-attendance at school for more than five consecutive days, upon notification of the classroom teacher or the parent, the school principal or designee shall assure that an IEP team is convened to determine the appropriate educational services.

(d) If there is a pattern of sporadic illness, the IEP team shall convene to consider alternative means for the pupil to demonstrate competencies in the required course of study so that the cumulative number of absences do not prevent educational progress.

§ 3051.18. Related Services for the Deaf and Hard of Hearing

(a) Instruction and services for deaf and hard of hearing pupils shall be provided by an individual holding an appropriate credential, who has competencies to provide services to the hearing impaired and who has training, experience and proficient communication skills for educating pupils with hearing impairments. Such services may include but need not to be limited to:

- (1) Speech, speech reading and auditory training.
- (2) Instruction in oral, sign, and written language development.
- (3) Rehabilitative and educational services for hearing impaired individuals to include monitoring amplification, coordinating information for the annual review, and recommending additional services.
- (4) Adapting curricula, methods, media, and the environment to facilitate the learning process.
- (5) Consultation to pupils, parents, teachers, and other school personnel as necessary to maximize the pupil's experience in the regular education program.

(b) A specially trained instructional aide, working with and under the direct supervision of the credentialed teacher of the deaf and hard-of-hearing, may assist in the implementation of the pupil's educational program.

§ 3051.19. Assistive Technology Service

(a) "Assistive technology service" means any service that directly assists an individual with exceptional needs in the selection or use of an assistive technology device that is educationally necessary. The term includes the evaluation of the needs of an individual with exceptional needs including a functional evaluation of the individual in the individual's customary environment; coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education programs and rehabilitation plans and programs; training or technical assistance for an individual with exceptional needs or, where appropriate, the family of an individual with exceptional needs or, if appropriate, that individual's family; and training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with exceptional needs.

(b) Assistive technology services shall be provided only by personnel who possess a:

- (1) license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs, where the utilization of assistive technology services falls within the scope of practice of physical therapy as defined in Business and Professions Code section 2620 and implementing regulations; or
- (2) license in Occupational Therapy issued by a licensing agency within the Department of Consumer Affairs; or
- (3) license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs or a valid document, issued by the California CTC, where the function of the assistive technology service is augmentative communication; or
- (4) baccalaureate degree in engineering with emphasis in assistive technology; or
- (5) baccalaureate degree in a related field of engineering with a graduate certificate in rehabilitation technology or assistive technology; or
- (6) certification from the Rehabilitation Engineering and Assistive Technology Society of North America and Assistive Technology Provider (RESNA/ATP); or
- (7) certificate in assistive technology applications issued by a regionally accredited post-secondary institution; or
- (8) credential that authorizes special education of physically impaired, orthopedically impaired, or severely impaired pupils.

[§ 3051.20. Early Education Programs](#)

(a) “Early education” means the program and services specified by Education Code section 56425 et. seq.

(b) Early education programs for children with disabilities, as defined in Education Code section 56426, shall be provided only by personnel who meet the appropriate personnel qualifications set forth in this article and comply with Education Code section 56426.2.

[§ 3051.21. Music Therapy](#)

(a) According to the Certification Board for Music Therapists “Music therapy is the specialized use of music by a credentialed professional who develops individualized treatment and supportive interventions for people of all ages and ability levels to address their social, communication, emotional, physical, cognitive, sensory and spiritual needs.”

(b) Music therapy shall be provided only by personnel who hold a Music Therapist - Board Certified credential from the Certification Board for Music Therapists (CBMT) on the completion of all academic and clinical training requirements, and after successfully passing the CBMT National Board Certification Examination.

[§ 3051.22. Transcription Services](#)

Transcribers for visually impaired pupils shall have a certificate issued by the Library of Congress as a Braille Transcriber.

§ 3051.23. Behavioral Intervention

(a) Pursuant to Education Code section 56520, behavioral interventions shall be designed or planned only by personnel who have a:

- (1) Pupil Personnel Services Credential that authorizes school counseling or school psychology; or
- (2) credential authorizing the holder to deliver special education instruction; or
- (3) license as a Marriage and Family Therapist certified by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
- (4) license as a Clinical Social Worker by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
- (5) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or
- (6) license in psychology regulated by the Board of Psychology, within the Department of Consumer Affairs; or
- (7) master's degree issued by a regionally accredited post-secondary institution in education, psychology, counseling, behavior analysis, behavior science, human development, social work, rehabilitation, or in a related field.

(b) To provide behavioral intervention, including implementation of behavior intervention plans, but not including development or modification of behavior intervention plans, an LEA shall deliver those services using personnel who:

- (1) possess the qualifications under subdivision (a); or
 - (2)(A) are under the supervision of personnel qualified under subdivision (a); and
- (B) possess a high school diploma or its equivalent; and
- (C) receive the specific level of supervision required in the pupil's IEP.

§ 3051.24. Other Related Services

Other related services not identified in sections 3051.1 through 3051.23 shall be provided only by staff who possess a:

- (a) license to perform the service issued by an entity within the Department of Consumer Affairs or another state licensing office; or
- (b) credential issued by the California CTC authorizing the service.

INTERVENTION: Protocol for Responding to Students at Risk for Suicide

The following are general procedures for the administrator/designee to respond to reports of students at risk for suicide or exhibiting self-injurious behaviors.

The urgency of the situation will dictate the order and applicability in which the subsequent steps are followed

A. Respond Immediately

1. Report concerns or incidents to the administrator/designee immediately or as soon as possible. Make direct contact with the administrator/designee. For example, do not wait until the end of the day or leave a note, send an e-mail, or leave a voicemail without ensuring that the message was received.
2. Supervise the student at all times. Ensure that any student sent to the office for assessment is accompanied by a staff member, not a student.

B. Secure the Safety of the Student

1. For immediate, emergency life threatening situations call 911.
2. Supervise the student at all times.
3. If appropriate, conduct an administrative search of the student to ensure there is no access to means, such as razor blades or pills.
4. If a student is agitated, unable to be contained or there is a need for immediate assistance, contact the local law enforcement agency.
5. Magnolia employees should not transport students. This does not pertain to LASPD/ or LAPD officers.
6. If the school receives information that the student may pose a danger to self and/or others but is not in attendance, contact local law enforcement to conduct a welfare check to determine the safety and well-being of the student.

C. Assess for Suicide Risk

1. The administrator/designee or designated school site crisis team member should gather essential background information that will help with assessing the student's risk for suicide (e.g., what the student said or did, information that prompted concern or suspicion, copies of any concerning writings, drawings, text messages, social media, or previous anecdotal behavioral history).
2. The administrator/designee or the designated school site crisis team member should meet with the student to complete a risk assessment.

Based on the information gathered and assessment of the student, the assessing party should collaborate with at least one other designated school site crisis team member to determine the level of risk.

3. If the assessing party makes phone calls for consultation, these should be made in a confidential setting and not in the presence of the student of concern. The student should be supervised at all times by another designated staff member.

The privacy of all students should be protected at ALL times. Disclose information only on right to know and need to know basis.

D. Communicate with Parent/Guardian

The administrator/designee or designated school site crisis team member should contact the parent/guardian or consult the emergency card for an appropriate third party. When communicating with parent/guardian:

1. Share concerns and provide recommendations for safety in the home (e.g., securing/removing firearms, medications, cleaning supplies, cutlery, razor blades).
2. If the student is transported to the hospital, communicate a plan for re-entry pursuant to Magnolia's Student Re-Entry Guidelines.

Complete and provide parent/guardian an invitation to a Safety plan meeting for Parent/Guardian which outlines steps to facilitate a positive transition back to school.

3. Provide school and/or local community mental health resources to parents.

Students with private health insurance should be referred to their health care provider.

4. Facilitate contact with community agencies and follow-up to ensure access to services.

5. Provide a copy of Suicide Prevention Awareness for parents (Attached to this memo)

for Parents/Caregivers.

6. Obtain parent/guardian permission to release and exchange information with community agency staff using Parent/Guardian Authorization for Release/Exchange of Information form.

E. Determine Appropriate Action Plan

The assessing party should collaborate with at least one other designated school site crisis team member to determine appropriate action(s) based on the level of risk. Refer to Attachment C - Suicide Risk Assessment Levels, Warning Signs & Action Plan Options. Action items should be based upon the severity and risk of suicide. There are circumstances that might increase a student's suicide risk.

Examples may include: bullying, suspension, expulsion, relationship problems, significant loss, interpersonal conflict, or sexual orientation/gender bias.

The action plan determined should be documented and managed by the school site administrator/designee.

Actions may include:

1. Develop a safety plan. A safety plan is a prioritized list of coping strategies and resources that a student may use before, during, or after a suicidal crisis.

a. Throughout the safety planning process, the likelihood of the student implementing the steps should be assessed and potential obstacles should be identified. A collaborative problem solving approach should be used to address any potential barriers to the student utilizing the safety plan.

b. If the student enrolls in a new school, the safety plan should be reviewed with the new school site crisis team to ensure continuum of care and revised as needed.

2. Follow student re-entry guidelines. See Student Reentry Guidelines for a checklist of action items to consider and Create a Sign-in Sheet for Meeting to document participation in any re-entry or safety planning meeting.

a. A student returning to school following psychiatric evaluation or hospitalization, including psychiatric and drug/alcohol inpatient treatment, must have written permission by a licensed California health care provider to attend school (see Attachment Medical Clearance for Return to School).

b. If the student has been out of school for any length of time, including mental health hospitalization, the school site administrator/designee may consider holding a re-entry meeting with key support staff, parents, and student to facilitate a successful transition.

c. As appropriate, consider an assessment for special education for a student whose behavioral and emotional needs affect their ability to benefit from their educational program

d. Counseling and Educationally Related Intensive Counseling

e. Services (ERICS) for Students with Disabilities shared with school psychologists.

3. Mobilize a support system and provide resources.

- Resource Guide.

a. Connect student and family with social, school and community supports.

b. For mental/physical health services, refer the student to the nearest Wellness Center, a community resource provider, or their health care provider.

4. Monitor and manage.

a. The administrator/designee should monitor and manage the case as it develops and until it has been determined that the student no longer poses an immediate threat to self.

b. Maintain consistent communication with appropriate parties on a need to know basis.

c. If the parent/guardian is not following the safety recommendations, a suspected child abuse report may be filed.

Important Considerations

The following are clarifications of some of the action plan options noted above:

1. When Certificated Staff Accompany a Student to the Hospital If PMRT or law enforcement determines that the student will be transported to an emergency hospital/medical facility, the school site administrator should designate a certificated staff member to accompany the student if:
 - a. The student requests the presence of a staff member.
 - b. The school is unable to make contact with the parent/guardian.
 - c. Parent/guardian is unavailable to meet the student at the hospital.
 - d. Deemed appropriate pursuant to circumstances, such as age, developmental level, or pertinent historical student information.
2. Providing Information for a Psychiatric Evaluation:
 - a. If the student will be transported, the assessing party should complete A Summary of Relevant Student Information, indicating summary of incident and pertinent historical information.
 - b. This document should be provided to PMRT or law enforcement prior to transporting to an emergency hospital.
 - c. Completion of the Summary of Relevant Student Information.

G. Document All Actions

1. The administrator/designee shall maintain records and documentation of actions taken at the school for each case by completing an incident report and Risk Assessment Referral Document (All Psychologists have this document)

* Your administrative designee can be your school psychologist, dean or sped coordinator. It must be a certificated personnel in order for our insurance to cover any incidents.

Common Acronyms Used in California Special Education

<u>ACRONYM</u>	<u>MEANING</u>
<u>504</u>	<u>Section 504 of the Rehabilitation Act</u>
<u>ADA</u>	<u>Americans with Disabilities Act</u>
<u>ADR</u>	<u>Alternative Dispute Resolution</u>
<u>ALJ</u>	<u>Administrative Law Judge</u>
<u>AT</u>	<u>Assistive Technology</u>
<u>CAC</u>	<u>Community Advisory Committee on Special Education</u>
<u>CASE</u>	<u>Community Alliance for Special Education</u>
<u>CCS</u>	<u>California Children's Services</u>
<u>CDE</u>	<u>California Department of Education</u>
<u>CDC</u>	<u>California Diagnostic Centers</u>
<u>CAHSEE</u>	<u>California High School Exit Exam</u>
<u>DIS</u>	<u>Designated Instruction and Services</u>
<u>DOE</u>	<u>U.S. Department of Education</u>
<u>DOR</u>	<u>Department of Rehabilitation</u>

<u>DREDF</u>	<u>Disability Rights Education and Defense Fund</u>
<u>FAPE</u>	<u>Free and Appropriate Public Education</u>
<u>FERPA</u>	<u>Family Educational Rights and Privacy Act</u>
<u>IDEA</u>	<u>Individuals with Disabilities Education Act</u>
<u>IEE</u>	<u>Independent Educational Evaluation</u>
<u>IEP</u>	<u>Individualized Educational Program</u>
<u>IFSP</u>	<u>Individualized Family Service Plan</u>
<u>IPP</u>	<u>Individual Program Plan (Regional Center)</u>
<u>LEA</u>	<u>Local Education Agency</u>
<u>LRE</u>	<u>Least Restrictive Environment</u>
<u>NCLB</u>	<u>No Child Left Behind</u>
<u>OAH</u>	<u>Office of Administrative Hearings</u>
<u>OCR</u>	<u>U.S. Office for Civil Rights</u>
<u>OEO</u>	<u>Office of Equal Opportunity / CDE</u>
<u>OSEP</u>	<u>U.S. Office of Special Education Programs / DOE</u>

<u>OSERS</u>	<u>U.S. Office of Special Education and Rehabilitation Programs</u>
<u>OT/PT</u>	<u>Occupational Therapy/Physical Therapy</u>
<u>PAI</u>	<u>Protection and Advocacy, Inc.</u>
<u>PSRS</u>	<u>Procedural Safeguards and Referral Services / CDE</u>
<u>PTI</u>	<u>Parent Training and Information Center</u>
<u>PWN</u>	<u>Prior Written Notice</u>
<u>RSP</u>	<u>Resource Specialist Program</u>
<u>SDC</u>	<u>Special Day Class</u>
<u>SELPA</u>	<u>Special Education Local Plan Area</u>
<u>SERR</u>	<u>“Special Education Rights and Responsibilities”</u>
<u>SLP</u>	<u>Speech Language Pathologist</u>
<u>SPED</u>	<u>Special Education</u>

Glossary of Terms

<u>TERM</u>	<u>MEANING</u>
<u>Accommodation</u>	<u>A change in curriculum or instruction that does not substantially modify the requirements of the class or alter the content standards or benchmarks.</u>
<u>Adapted Physical Education (APE)</u>	<u>A diversified program of developmental activities, games, sports, and rhythms suited to the interests, capabilities and needs of students with disabilities who may not successfully engage in a regular physical education program.</u>
<u>Administrative Law Judges (ALJs)</u>	<u>Judges provided by OAH to conduct Due Process Hearings in a manner similar to civil court trials. They are neutral fact-finders, fully independent of the agencies whose attorneys appear before them.</u>
<u>Alternative Dispute Resolution (ADR)</u>	<u>Alternative opportunities for parties to resolve disputes collaboratively and avoid litigation, typically through negotiation, mediation, or arbitration.</u>
<u>Assessment</u>	<u>Any systematic method of obtaining information from tests and other sources; used to draw inferences about characteristics of people, objects, or programs. An initial evaluation (or periodic re-evaluation) to determine whether a child is a child with a disability and to determine the educational needs of this child.</u>
<u>Assistive Technology (AT) Device</u>	<u>Any piece of equipment used to increase, maintain, or improve functional capabilities of individuals with disabilities.</u>

<u>Assistive Technology (AT) Service</u>	<u>Any service that directly assists an eligible individual in selecting, acquiring, or using an assistive technology device.</u>
<u>California Diagnostic Center (CDC)</u>	<u>California Diagnostic Centers in Fremont, Fresno and Los Angeles serve northern, central and southern CA to provide no cost assessment and educational planning services. Requests for services must be generated by referral from the school district.</u>
<u>Compliance Complaint</u>	<u>A formal assertion in writing that agreed upon services and supports in an IEP have not been delivered, or that the school district has violated IDEA mandates.</u>
<u>Curriculum</u>	<u>The subject matter that is to be learned, usually described in terms of scope and sequence.</u>
<u>Curriculum -based Assessment</u>	<u>A methodology in special education in which a child's progress in the curriculum is measured at frequent intervals.</u>
<u>Due Process</u>	<u>In general, a course of legal proceedings according to rules and principles established for enforcement and protection of private rights. Essential components of due process are "notice" and "a meaningful opportunity to be heard."</u>
<u>Due Process Hearing</u>	<u>The formal, legal procedure guaranteed by federal law to resolve disputes relating to the education of IDEA-eligible children with disabilities to ensure that each receives a free and appropriate public education (FAPE) tailored to his/her unique needs.</u>
<u>Extended School Day</u>	<u>A provision for a special education student to receive instruction for a period longer than the standard school day.</u>

<u>Extended School Year (ESY)</u>	<u>A provision for a special education student to receive Specialized Academic instruction and DIS services during ordinary school vacation periods.</u>
<u>Facilitated IEP</u>	<u>A group leadership process in which a trained individual helps keep the IEP discussion focused on your student and the education issues.</u>
<u>Family Educational Rights and Privacy Act (FERPA)</u>	<u>A federal law that regulates the management of student records and disclosure of information from those records, with its own administrative enforcement mechanism.</u>
<u>Free Appropriate Public Education (FAPE)</u>	<u>Special education and related services are provided to students with disabilities at public expense and under public supervision and direction at no cost to the student's parents.</u>
<u>Functional Analysis Assessment (FAA)</u>	<u>An evaluation process to understand the purpose, motivation, and correlates of challenging behavior(s) in order to develop a positive and appropriate Behavior Intervention Plan (BIP), instructional supports and services.</u>
<u>Functional Curriculum (Life Skills Curriculum)</u>	<u>A curriculum focused on practical life skills and usually taught in community-based settings with concrete materials that are a regular part of everyday life.</u>

<u>Goals and Objectives</u>	<u>A written component of an IEP: skills the student is expected to reasonably achieve in one year maximum (reviewed and re-evaluated by the IEP team at least annually).</u>
<u>Inclusion</u> <u>[or]</u> <u>Inclusive Education</u>	<u>A belief that every student is entitled to an instructional program that meets his or her individual needs and learning characteristics; a commitment to build and maintain an assured sense of belonging for all students, regardless of strengths or challenges.</u>
<u>Independent Educational Evaluation (IEE)</u>	<u>An independent evaluation of a student from a qualified person. Parents have the right to ask for and obtain an IEE if they disagree with the results of an assessment conducted by the school district. Any IEE must be considered at the IEP.</u>
<u>Individuals with Disabilities Education Act (IDEA)</u>	<u>Federal law that entitles students with disabilities to special education services.</u>
<u>Individualized Education Program (IEP)</u>	<u>The annually written record of an eligible individual's special education and related services, describing the unique educational needs of the student and the manner in which those educational needs will be met.</u>
<u>IEP Meeting</u>	<u>A gathering required at least annually under IDEA in which an IEP is developed for a student receiving special education.</u>

<u>IEP Team (Minimum Required Members)</u>	<u>Parent or legal Surrogate; Student, when necessary; one general education and one special education teacher both responsible for implementing the IEP; LEA representative qualified to provide/supervise provision of specialized instruction, knowledgeable about the general curriculum and the resources of the district. (CA law requires this be someone other than the child’s teacher); Person(s) who conducted assessment(s) or knowledgeable enough to explain/interpret the results; People with specific expertise or knowledge of the student. (Optional: Attorneys or advocates)</u>
<u>Individualized Family Service Plan (IFSP)</u>	<u>A written plan for providing early intervention services to an eligible child with a disability (from birth to 3rd birthday) and to the child’s family.</u>
<u>Insufficient</u>	<u>Not meeting the legal requirement of IDEA by failing to provide the necessary detailed information and evidence to support a Due Process Complaint.</u>
<u>Least Restrictive Environment (LRE)</u>	<u>A federal mandate stipulating that, to the maximum extent possible, students with disabilities be educated with their non-disabled peers.</u>
<u>Local Education Area (LEA)</u>	<u>A school district or Charter School responsible for providing special education.</u>
<u>Mainstreaming</u>	<u>This lay term doesn’t appear in law. It refers to IDEA’s preference for the education of every child in the least restrictive environment (LRE); most widely refers to participation of students with disabilities in general education, as opposed to segregated, classrooms.</u>

<u>Mediation (Mediation-Only)</u>	<u>A voluntary alternative dispute resolution (ADR) process that may be requested PRIOR to filing a Due Process Complaint. It is not a prerequisite to filing.</u>
<u>Mediation (Formal Due Process)</u>	<u>A voluntary alternative dispute resolution (ADR) process that may occur AFTER a Due Process Complaint is filed. Office of Administrative Hearing (OAH) provides mediators.</u>
<u>Modification</u>	<u>A change in curriculum or instruction that substantially alters the requirements of the class or its content standards or benchmarks.</u>
<u>Office for Civil Rights (OCR)</u>	<u>An agency of the federal government's executive branch within the Department of Education that is charged with enforcing a number of civil rights statutes including Section 504 of the Rehabilitation Act.</u>
<u>Office of Equal Opportunity (OEO)</u>	<u>An office within the CA Dept. of Education to advise the State Superintendent of Public Instruction, CDE staff, and the State Board of Education on legal matters to ensure equal, fair, and meaningful access to its employment and program services.</u>
<u>Office of Special Education Programs (OSEP)</u>	<u>An office within OSERS (<i>see below</i>) charged with assuring that the various states comply with IDEA.</u>

<u>Office of Special Education and Rehabilitati ve Services (OSERS)</u>	<u>An agency of the federal government’s executive branch within the Department of Education (DOE).</u>
<u>Parent Training and Information Center (PTI)</u>	<u>The designated agency that offers workshops and training on special education rights and responsibilities in a parent’s locale.</u>
<u>Placement</u>	<u>The unique combination of facilities, personnel, location or equipment necessary to provide instructional services to meet the goals as specified in the student’s IEP. placement is a set of services, not a location.</u>
<u>Prior Written Notice (PWN)</u>	<u>Prior written notice is a document sent at "a reasonable time" before the public agency proposes or refuses to initiate or change the identification, evaluation, educational placement, or the provision of FAPE..</u>
<u>Procedural Safeguards and Referral</u>	<u>An office of the CA Dept. of Education (CDE) that provides technical assistance and resources about procedural safeguards and educational rights of students with disabilities, from ages 3 up to 22nd birthday. Compliance Complaints are filed here.</u>

<u>Services</u> <u>(PSRS)</u>	
<u>Related</u> <u>Services</u> <u>[aka]</u> <u>Designated</u> <u>Instruction</u> <u>and</u> <u>Services</u> <u>(DIS) in CA</u>	<u>Services required to assist an individual with disabilities to benefit from special education, including but not limited to: transportation, occupational therapy, physical therapy, speech and language therapy, mental health services, and medical care.</u>
<u>Resolution</u> <u>Session</u>	<u>A meeting mandated in IDEA 2004 as part of the Due Process Complaint process where parties attempt to resolve a dispute prior to proceeding to a Due Process Hearing.</u>
<u>Special</u> <u>Education</u> <u>(SPED)</u>	<u>Specially designed instruction, at no cost to parents, to meet the unique needs of an eligible individual, including the specially designed instruction conducted in schools, in the home, in hospitals and institutions, and in other settings. Special education provides a continuum of services in order to provide for the education needs of each eligible individual regardless of the nature or severity of the educational needs.</u>
<u>Special</u> <u>Education</u> <u>Local Plan</u> <u>Area</u> <u>(SELPA)</u>	<u>A consortium of LEAs, within a geographical service area, responsible for ensuring that every child eligible for special education receives appropriate services. Each SELPA's Local Plan, based on Federal and California law and regulations, describes how special education services are provided.</u>

<u>Sufficiency</u>	<u>Meeting the legal requirement of IDEA in providing the necessary detailed information and evidence to support a due process complaint.</u>
<u>Stay Put</u>	<u>The ruling that permits a student to remain in their current placement during any dispute concerning special education services.</u>
<u>Transition Plan</u>	<u>A plan to coordinate a set of activities that promote movement from school to post-school education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. Transition goals are determined by the IEP team beginning at least by age 16 and are based on student and family vision, preferences, and interests.</u>

References

(Click control + to follow the links)

- <https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf>
- [Early Intervention Services for Children Younger than 3 Years](#)
- [Individual Education Plan \(IEP\)](#)
- [Mainstreaming, Integration, Full Inclusion and Least Restrictive Environment](#)
- [Mediations and Due Process Hearings](#)
- [Overview of the IDEA in comparison to Section 504 of the Rehabilitation Act, the ADA and California Education Code](#)
- [Qualifying as a Child with a Disability](#)
- <https://sites.google.com/s/1gM4mCSMoEwWaR6rS6D0UjIziZNUQfkAX/p/1X38xJ2teQkKykOPCrI9mSOQtAlJE4c1k/edit> / Magnolia Student Services/Special Education Site
- [Special Education Defined](#)
- [Special Education Timelines for California](#)
- [What Is an Appropriate Education?](#)