

AGENDA

1.0 CALL TO ORDER

2.0 PUBLIC PARTICIPATION

Citizens are encouraged to participate in the deliberation of the CAHELP JPA Governance Council. Several opportunities are available during the meeting for the Council to receive oral communication regarding the presentations of any items listed on the agenda. Please ask for recognition either before a presentation or after the presentation has been completed. Please complete and submit a “Registration Card to Address the Governance Council” to the Recording Secretary and adhere to the provisions described therein.

3.0 ADOPTION OF THE AGENDA

3.1 **BE IT RESOLVED** that the February 8, 2019 CAHELP JPA Governance Council Meeting Agenda be approved as presented.

4.0 PRESENTATIONS

4.1 Advance Principal Apportionment

The Advance Principal Apportionment from the California Department of Education (CDE) for Special Education (AB 602) revenue for the period July through January includes funding for eligible charter members based on the July 20 certification. Payments are made to members monthly based on the projected revenue distribution schedule and upon receipt of the funds from the CDE. The Desert/Mountain Charter SELPA will distribute AB 602 funds to new members after the February 20 P-1 certification and upon receipt of funds from the CDE.

5.0 INFORMATION / ACTION

5.1 2018-19 Revenue Distribution for Program Specialists (**ACTION**)

Funding for program specialists was removed from the special education funding exhibit in 2013-14. The board voted to maintain funding for program specialists at the 2013-14 percentage of approximately 3.5% of the base, COLA, and growth/decline. Funding for program specialists was added back into the funding exhibit in 2018-19, however the projected funding is lower than the 3.5% established in 2013-14. The SELPA proposes that there is a supplemental contribution to the program specialist budget to maintain the established funding percentage.

AGENDA

5.1.1 **BE IT RESOLVED** that the 2018-19 Revenue Distribution for Program Specialists be approved as presented.

5.2 Desert/Mountain SELPA Policy & Procedures Chapters 1, 3, 4, 13, 16, 18, & 21 **(ACTION)**

Policies and procedures governing the operation of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Steering Committee. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Policy and Procedures are annually submitted to the CAHELP Governance Council for consideration and approval.

5.2.1 **BE IT RESOLVED** that the Desert/Mountain SELPA Policy & Procedures Chapters 1, 3, 4, 13, 16, 18, & 21 be approved as presented.

5.3 Desert/Mountain Charter SELPA Policy & Procedures Chapters 1, 7, & 13 **(ACTION)**

Policies and procedures governing the operation of special education programs within the Desert/Mountain Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Steering Committee. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to Charter SELPA Policy and Procedures are annually submitted to the CAHELP Governance Council for consideration and approval.

5.3.1 **BE IT RESOLVED** that the Desert/Mountain Charter SELPA Policy & Procedures Chapters 1, 7, & 13 be approved as presented.

5.4 Purchase of Real Property of Assessor's Parcel Numbers 0473-441-07 and 0473-451-07 **(ACTION)**

The CAHELP CEO is requesting the approval to finalize the purchase of real property adjacent to Desert Mountain Educational Service Center, located off of Apple Valley Road and Muni Road, identified as Assessor's Parcel Numbers 0473-441-07 and 0473-451-07 and authorize the Chief Executive Officer, or her designee, to execute the Purchase Agreement, any amendments and accompanying documents, and to take all further action necessary to effectuate the purchase of the property.

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5.4.1 **BE IT RESOLVED** that the request to finalize the purchase of real property identified as Assessor's Parcel Numbers 0473-441-07 and 0473-451-07 and authorize the Chief Executive Officer to execute the Purchase Agreement be approved as presented.

5.5 Consultant Agreement of Professional Services for Property Management
(ACTION)

The CAHELP CEO will present an estimated contract for Consultant Services to manage the leases, rent payments and maintenance and repair for the above mentioned purchased property.

5.5.1 **BE IT RESOLVED** that the estimated contract for Consultant Services be approved as presented.

6.0 CONSENT ITEMS

It is recommended that the Governance Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Council Member at the meeting for clarification, discussion, or change.

6.1 **BE IT RESOLVED** that the following Consent Items be approved as presented:

6.1.1 Approve the December 7, 2018 CAHELP JPA Governance Council Meeting Minutes.

6.1.2 Approve the 2018/2019 Crisis Prevention Institute (CPI) Annual Membership Recertification for Bonnie Garcia and Renee Garcia in an amount not to exceed \$150.00 per individual membership.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 Hesperia Property Maintenance Schedule

The CAHELP CEO will present the revised schedule of maintenance for local school districts to keep the Hesperia property clean of debris and dumping.

7.2 Program Manager of Regional Services

The CAHELP CEO will provide a status update regarding the Program Manager of Regional Services position.

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
GOVERNANCE COUNCIL MEETING
February 8, 2019 -12:30 p.m.
Roy C. Hill Education Center, 601 North E Street, San Bernardino, California 92415

AGENDA

7.3 Hesperia Property Discussion

The CAHELP CEO will lead a discussion on the status of the Hesperia property, Real Property for Assessor's Parcel Number 0405-042-60.

8.0 INFORMATION ITEMS

8.1 Resolution Support Services Summary

8.2 Professional Learning Summary

8.3 Status of California STEAM San Bernardino and University Prep San Bernardino Charter Schools

9.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS

10.0 CEO COMMENTS

11.0 MATTERS BROUGHT BY CITIZENS

This is the time during the agenda when the CAHELP JPA Governance Council is again prepared to receive the comments of the public regarding items on this agenda or any school related special education issue.

When coming to the podium, citizens are requested to give their name and limit their remarks to five minutes.

Persons wishing to make complaints against CAHELP JPA Governance Council personnel must have filed an appropriate complaint form prior to the meeting.

When the CAHELP JPA Governance Council goes into Closed Session, there will be no further opportunity for citizens to address the Council on items under consideration.

12.0 ADJOURNMENT

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, April 5, 2019, at 12:30 p.m., at the Roy C Hill Education Center – Telepresence Room, 601 North E Street, San Bernardino, CA 92415.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.

4.1 Advance Principal Apportionment

Verbal Report, no materials

Desert Mountain SELPA
Schedule B - Funding Exhibit

Reporting Period - 2018-19 P-2 Projection

Greater of Prior Year or Prior Year SELPA total ADA (Applicable to Only New SELPAs)	A-0	0.00
SECTION A: ADA AND RATES		
2018-19 SELPA Total K-12 ADA	A-1	105,191.46
Prior-Year SELPA Total ADA	A-2	102,297.60
Prior-Prior-Year SELPA Total ADA	A-3	103,391.30
SELPA Funded ADA (Greater of A-1 or A-2)	A-4	105,191.46
Prior-Year SELPA Funded ADA (Greater of A-2 or A-3)	A-5	103,391.30
Rebench Prior Year Statewide Target (Excludes Federal) Per 2013-14 Adopted Budget	A-6	539.6795950000
Initial Statewide PS/RS Rate	A-7	15.5500000000
Adjusted Statewide Target Rate (A-6 - A-7)	A-8	524.1295950000
Cost-of-Living Adjustment	A-9	1.0271000000
COLA Rate (A-8 * (A-9 - 1))	A-10	14.2039120245
Revised Statewide Target (A-8 + A-10)	A-11	538.3335070245
SECTION B: BASE (E.C. 56836.10)		
Prior-Year Base Entitlement	B-1	51,065,324.25
Prior-Year COLA Entitlement	B-2	859,162.42
Prior-Year Growth or Declining ADA Entitlement	B-3	-
Prior Year Program Specialists/Regionalized Services (E-10 * -1)	B-4	(1,607,734.72)
Prior Year Total (Sum of B-1 through B-4)	B-5	50,316,751.96
Base Rate (B-4 / A-5)	B-5	486.66
Base Entitlement (A-5 * B-5)	B-6	50,316,751.96
Base Proration Factor	B-7	0.970000000000
Adjusted Base Entitlement (B-6 * B-7)	B-8	48,807,249.40
Local Special Education Property Taxes [E.C. 2572]	B-9	4,073,549.07
Applicable Excess ERAF	B-10	-
Total Deductions (B-9 + B-10)	B-11	4,073,549.07
Net Base Entitlement (If B-8 > B-11, B-8 - B-11; else 0)	B-12	44,733,700.33
Net Base Entitlement (If B-8 < B-11, B-8 - B-11; else 0)	B-13	-
Base Apportionment (B-12 > 0, then B-12; else B-13)	B-14	44,733,700.33
SECTION C: COLA (E.C. 56836.08[g])		
COLA Entitlement (A-2 * A-10)	C-1	1,453,026.11
COLA Proration Factor	C-2	1.000000000000
COLA Apportionment (C-1 * C-2)	C-3	1,453,026.11
SECTION D: GROWTH (E.C. 56836.15)		
Growth ADA (If A-4 > A-5, A-4 - A-5; else 0)	D-1	1,800.16
Growth Base Entitlement (A-11 * D-1)	D-2	969,086.45
Decline In Funded ADA (If A-4 < A-5, A-4 - A-5; else 0)	D-3	-
Declining ADA Adjustment (D-3 * PY SELPA Base Rate)	D-4	-
Growth Proration Factor	D-5	1.00
Growth Apportionment (D-2 * D-5) or D-4)	D-6	969,086.45
SECTION E: PROGRAM SPECIALIST/REGIONALIZED SERVICES (PS/RS)		
Prior Year PS/RS Rate	E-1	15.55000000
Current Year PS/RS Rate	E-2	15.9714
Necessary Small SELPA (NSS) PS/RS Apportionment (E.C. 56836.31)		
NSS ADA Threshold	E-3	15,000.00
Qualifying NSS ADA Adjustment (If E-3 > A-1, E-3 - A-1; else 0)	E-4	-
NSS PS/RS Entitlement (E-2 * E-4)	E-5	-
NSS PS/RS Proration Factor	E-6	1.0000000000
NSS PS/RS Apportionment (E-5 * E-6)	E-7	-
PS/RS Apportionment		
PS/RS Entitlement (A-1 * E-2)	E-8	1,680,055.41
PS/RS Proration Factor	E-9	1.0000000000
PS/RS Apportionment (E-8 * E-9)	E-10	1,680,055.41
Total PS/RS Apportionment (E-7 + E-10)	E-11	1,680,055.41
SECTION F: LOW INCIDENCE MATERIALS, SERVICES AND CAREER TECHNICAL EDUCATION [E.C. 56836.22]		
Low Incidence Disabilities PY December Pupil Count	F-1	692.00
Low Incidence Rate	F-2	437.376871552400
Low Incidence Materials and Services Apportionment (F-1 * F-2)	F-3	302,664.80
SECTION G: OUT OF HOME CARE (E.C. 56836.165)		
Out-of Home Care Apportionment	G-1	2,880,474.00

Desert Mountain SELPA
Schedule B - Funding Exhibit

Reporting Period - 2018-19 P-2 Projection

SECTION H: EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS) / LICENSED CHILDREN'S INSTITUTIONS (LCI) & NSS MENTAL HEALTH SERVICES (E.C. 56836.21)		
NPS Extraordinary Cost Pool Apportionment	H-1	-
NSS Mental Health Services Extraordinary Cost Pool Apportionment	H-2	0.800000000000
Total Extraordinary Cost Pool Apportionment (H-1 + H-2)	H-3	-
SECTION I: ADJUSTMENT FOR NSS WITH DECLINING ENROLLMENT (E.C. 56213)		
Prior-Year Funding, NSS with Declining ADA Only (PY I-2)	I-1	-
Current Year Funding, NSS with Declining ADA Only (B-11 + B-14 + C-3 + D-6)	I-2	51,229,361.95
Adjustment, NSS with Declining ADA Only (If I-1 > I-2, credit of 40% of D-4)	I-3	-
APPORTIONMENT SUMMARY		
Base (B-14)	J-1	44,733,700.33
COLA (C-3)	J-2	1,453,026.11
Growth or Declining ADA Adjustment (D-6)	J-3	969,086.45
Subtotal (Sum of J-1 through J-3)	J-4	47,155,812.88
Program Specialist/Regionalized Services For NSS (E-11)	J-5	1,680,055.41
Low Incidence (F-3)	J-6	302,664.80
Out of Home Care (G-1)	J-7	2,880,474.00
Extraordinary Cost Pool (H-3, Annual Only; else 0)	J-8	-
Adjustment for NSS with Declining Enrollment (I-3)	J-9	-
Total Apportionment (Sum of J-1 through J-9)	J-10	52,019,007

Total Apportionment	52,019,007
Property Taxes	4,073,549
Federal Local Assistance Grant (not included in AB 602 Calculation)	18,341,970
Total Funding with Local Assistance	74,434,526
Less PS/RS	(1,680,055)
Less PS/RS Adjustment	
(Align PS/RS with Prior Years Allocation Methodology)	(126,615)
Less Low Incidence Materials & Equipment (K-8)	(302,665)
Less Out of Home Care (K-9)	(2,880,474)
Total AB602 Funding (Equally Distributed per ADA)	69,444,718
SELPA Total ADA (A-1)	105,191.46
AB602 Funding per ADA	660.174485647409

Desert/Mountain SELPA
 2018-19 Proposed Funding for Program Specialist/Regionalized Services

LEA	2018-19 P-2 Projected ADA	2018-19 Funded Rate 15.971405	2018-19 Augmented Rate 17.17506345	Increase Over Funded Rate
County Operated Programs	117.72	1,880	2,022	142
Academy for Academic Excellence	1,387.61	22,162	23,832	1,670
Norton Science and Language Academy	746.74	11,926	12,825	899
Adelanto Elementary	7,981.60	127,477	137,084	9,607
Apple Valley Unified	12,418.04	198,334	213,281	14,947
Baker Valley Unified	121.83	1,946	2,092	147
Barstow Unified	5,940.77	94,882	102,033	7,151
Bear Valley Unified	2,325.56	37,142	39,942	2,799
Excelsior Education Center	1,874.20	29,934	32,190	2,256
Excelsior Charter School Corona-Norco	87.29	1,394	1,499	105
Health Sciences High and Middle College	548.00	8,752	9,412	660
Health Sciences Middle	96.00	1,533	1,649	116
Helendale Elementary	1,028.71	16,430	17,668	1,238
Hesperia Unified	20,802.85	332,251	357,290	25,040
HT - High Tech Elementary Explorer	345.45	5,517	5,933	416
HT - High Tech High	502.67	8,028	8,633	605
HT - High Tech Middle	310.33	4,956	5,330	374
HT - High Tech High International	376.58	6,015	6,468	453
HT - High Tech High Media Arts	376.40	6,012	6,465	453
HT - High Tech Middle Media Arts	308.16	4,922	5,293	371
HT - High Tech Elementary	386.41	6,172	6,637	465
HT - SBC (All Locations)	2,433.96	38,874	41,803	2,930
Lucerne Valley Unified	706.69	11,287	12,137	851
Needles Unified	1,028.50	16,427	17,665	1,238
Oro Grande Elementary	4,251.91	67,909	73,027	5,118
Silver Valley Unified	2,032.00	32,454	34,900	2,446
Snowline Joint Unified	7,018.53	112,096	120,544	8,448
Trona Joint Unified	257.92	4,119	4,430	310
Trona Joint Unified - STEAM & University Prep	6,123.82	97,806	105,177	7,371
Victor Elementary	12,298.01	196,416	211,219	14,803
Victor Valley Union High	10,957.20	175,002	188,191	13,189
	105,191.46	1,680,055	1,806,670	126,615



SELPA Policies and Procedures

Policy Chapter	Content	Date
Chapter 1: Identification and Referral	<ul style="list-style-type: none"> Throughout chapter, the Desert/Mountain SELPA references are changed to read “SELPA”; changed the word “student” to “child/children. Minor formatting/capitalization changes. Changed “governing board” to California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Governance Council; added commonly used acronyms for various public agencies who may be involved in the identification of individuals with disabilities; capitalized Child Find. Added SELPA or county office as entities to offer assistance to an individual requesting assistance with a referral to special education. <p>34 C.F.R. § 300.173; E.C. § 56300, 56301(d)(1), 56303. 56325(a)(1)-(3), 56325(b)(1)</p>	9/22/17
Chapter 3: Eligibility Criteria: Individuals with Exceptional Needs	<ul style="list-style-type: none"> Throughout chapter, minor formatting and capitalization changes. Updated the description of specific learning disability and qualifying factors, as currently found in federal and state regulations/codes. Added new subsections and updated descriptions relating to specific learning disability, the Response to Intervention (RtI) model, Alternative Model Method; changed the words “mental retardation” to “intellectual disability.” <p>34 C.F.R. § 300.7, 300.8, 300.307; E.C. § 56026, 56031(a), 56320, 56337(b)-(c). 56341(b), 56361, 56501, 56506</p>	9/22/17
Chapter 4: Instructional Planning and the IEP	<ul style="list-style-type: none"> Updated Section B reference to IEP Goal form, which changed from 68H to 68L Updated policy to remove Appendix C – IEP Training information due to recent IEP Form series modifications and re-ordering Added information sheet “Roles and Responsibilities in Special Education: Case Manager” as Appendix F <p>34 C.F.R. § 300.320 - 300.324</p> <ul style="list-style-type: none"> Updated Section D to remove information and references to the California English Language Development Test (CELDT), and include information about the English Language Proficiency Assessments for California (ELPAC) <p>E.C. § 60640, 60641(b), 60810</p>	9/14/18
Chapter 13: Low Incidence Funding	<ul style="list-style-type: none"> Updated policy to include new Section C – How to Request Reimbursement. New section clarifies the reimbursement process for approved low incidence equipment purchased by participating local education agencies (LEAs). LEAs must complete/submit SELPA form D/M 86 – Low Incidence Pre-Approval Reimbursement Request Form and submit a copy of the form with a copy of 	6/9/17



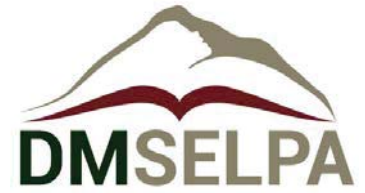
SELPA Policies and Procedures

Policy Chapter	Content	Date
	<p>the purchase order and copy of the vendor’s paid invoice to the SELPA Business office. New language specifies that reimbursement is based on the availability of funds and further provides the time frame for which LEAs must submit requests for reimbursement.</p> <ul style="list-style-type: none"> • Updated California Education Code language for sections 56836.22 and 56026.5. • Replaced word “district” with Local Education Agency/Agencies (LEA/LEAs). • Minor formatting throughout the document. <p><i>CCR § 3051.16; E.C. § 56026.5, 56836.22</i></p>	
Chapter 16: State and District Assessment Programs	<ul style="list-style-type: none"> • Modified Sections A, D, E and F to remove references to the California High School Exit Exam (CAHSEE) and to the California English Language Development Test (CELDT); added language regarding the English Language Proficiency Assessments of California (ELPAC) • Add Section G for the English Language Proficiency Assessments of California (ELPAC) • Modified references to SELPA Form 68L testing accommodations for CAASPP/PFT/ELPAC to reference Form 68F; Form 68L was renamed/reordered as part of an approved overhaul/modification to the IEP Form packet (forms 68A – 68P) in June 2018 • Removed Appendix A and reordered existing appendix references <p><i>E.C. § 60640, 60641(b), 60800, 60810</i></p>	9/14/18
Chapter 18: Nonpublic Schools and Agencies	<ul style="list-style-type: none"> • Updated policy to add/replace term “Nonpublic school and agency” with “NPS/NPA” to denote Nonpublic, nonsectarian schools and agencies, and replaced the word “student(s)” with “child(ren).” • Moved Section A header to appear below statement of Education Code language and added the word “California” before Education Code sections 56034 and 56035. • Added clarification of annual NPS monitoring for compliance by SELPA NPS Coordinator; replaced term “individuals with exceptional needs” with “child/children with disabilities”; shortened references to Desert/Mountain SELPA to “SELPA”. • Updated/added procedures for placement/services in an NPS, out-of-state residential placements, placements for children residing in group homes and/or foster homes to be compliant with Register 99, No. 13, Title 5 of the California Code of Regulations §§ 3060 and 3061; updated for current language in Title 5 California Code of Regulations § 3064, 3068, and 3069, and EC § 56366, and the federal McKinney-Vento Homeless Assistance Act. <p><i>CCR § 3060, 3061, 3064, 3068, 3069, E.C. § 56034, 56035, 56365, 56366, 56366.3, G.C. § 7572.55, W&I 362.2, 727.i</i></p>	9/22/17



SELPA Policies and Procedures

Policy Chapter	Content	Date
Chapter 21: Civil Rights Protection and 504 Accommodations	<ul style="list-style-type: none"> • Updated to change the word “student(s)” to “child(ren)”; clarification of what regulations are being cited by including the full citation; change the term “disabled student” to be “child(ren) with a disability”. • Clarification of a Section 504 team to evaluate individual child needs for support in their educational environment. • Person first language references in terminology. • Minor formatting changes throughout the chapter <p><i>Section 504 of the Rehabilitation Act of 1973 – Regulations 104.3, Title II and III of the Americans with Disabilities Act</i></p>	9/22/17



Chapter 1:

Identification and Referral

Legal References

CA Education Code
Sections

56300; 56301;
56301(d)(1); 56303;
56325(a)(1) – (3);
56325(b)(1);

Title 34, Code of
Federal Regulations
300.173

Title 5, CA Code of
Regulations
3021

IDEA

602(3); 613(f);
618(d)(1); 618(d)(2)

Last Updated:
9/22/2017

SECTION A	Child Find
SECTION B	Parent Referrals
SECTION C	Student Study Team (SST)
SECTION D	Interim Placement (Transfer IEP)
SECTION E	Early Identification of Learning Disabilities
SECTION F	Overidentification and Disproportionality

Draft for Review 9/22/17

Introduction

The referral for special education assessment is the first step taken when it is suspected that a child will require special education supports and services to be successful in the educational system. Parents, guardians, teachers, agencies, appropriate professionals, and other members of the public can make referrals. Once submitted, the referral initiates timelines that are specified in the California Education Code. The purpose of the referral process is to afford the assessment team the opportunity to review the referring party's identified areas of concern, previous attempts in program modification, relevant educational history, and other pertinent information regarding the child to determine areas in need of assessment.

The California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP JPA) Governance Council of the Desert/Mountain Special Education Local Plan Area (SELPA) assures an ongoing effort to identify all individuals with disabilities including infants, children for whom English is not a primary language, children with low incidence disabilities, children attending private schools, children from families that are highly mobile, and children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade.

The SELPA works closely with public agencies such as Inland Regional Center (IRC), Head Start, California Children's Services (CCS), Department of Behavioral Health (DBH), and others as appropriate in the identification of individuals with disabilities. Materials are distributed to pediatricians, health care professionals, and other agencies within the SELPA.

Each Local Education Agency (LEA) within the SELPA has established procedures for the identification, location, and evaluation of children who may require special education services. Information regarding Child Find activities is included in the annual notice that is distributed to parents of all children.

Section A - Child Find

California Education Code § 56300. *A local educational agency shall actively and systematically seek out all individuals with exceptional needs, from birth to 21 years of age, inclusive, including children not enrolled in public school programs, who reside in a school district or are under the jurisdiction of a special education local plan area or a county office of education.*

California Education Code § 56301(a). *All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities attending private, including religious, elementary and secondary schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and assessed and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services as required by Section 1412(a)(3) and (10)(A)(ii) of Title 20 of the United States Code. A child is not required to be classified by his or her disability so long as each child who has a disability listed in Section 1401(3) of Title 20 of the United States Code and who, by reason of that disability, needs special education and related services as an individual with exceptional needs defined in Section 56026.*

It is the policy of the SELPA that children with disabilities ages birth through 21, be actively sought and identified by public schools. The Child Find process includes a section of the LEA's annual notice to all parents that references the referral of children with disabilities. In cooperation with the Local Interagency Coordination Area, Early Start, ages birth to three, information is distributed to hospitals, doctors' offices, and pertinent agencies. All individuals with disabilities and their parents are guaranteed their procedural safeguards with regard to identification, assessment, and placement in special education programs.

School personnel, parents, outside agencies working with the child, guardians and/or surrogate parents who show legal documentation of educational rights may all serve as sources of referral for a child for possible identification as a child with a disability. Such identification procedures shall be coordinated with school site and LEA procedures for referral of children with disabilities that cannot be met with modification of the general education instructional program.

Infants, birth to three years, are referred directly by the LEA, parent, doctor, or agency to the Early Start Program at IRC. Intake information precedes the assignment of staff for assessment and the coordination with other agencies. If an infant has a solely low incidence disability, such as hearing loss, vision loss, or orthopedic disability, the infant should be referred directly to San Bernardino County operated programs. An Early Start Program Referral Form is completed, which begins the assessment process timeline.

Section B - Parent Referrals

California Education Code § 56301(d)(1). Each special education local plan area shall establish written policies and procedures pursuant to Section 56205 for use by its constituent local agencies for a continuous child find system that addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs.

All referrals for special education and related services shall initiate the process to determine if an assessment is warranted and shall be documented. When a verbal referral is made, staff of the LEA shall offer assistance to the parent or any other individual to make a request in writing. The SELPA shall annually distribute information regarding Child Find activities to private schools for dissemination to parents.

Parents whose primary language is not English shall be informed of the need to file a written request when a verbal request is made. They shall be informed both verbally and in writing in their primary language, unless to do so is clearly not feasible. Assistance in providing a written request will be provided as needed. Written referrals in languages other than English will be accepted.

If a parent requests, in writing, an assessment for possible special education services, the LEA will develop an Assessment Plan (D/M 66) and present it to the parent within 15 days. A copy of the Parental Rights and Procedural Safeguards (D/M 77) are reviewed and given to the parents at the time the assessment plan is presented. The parent has at least 15 days from receipt of the assessment plan to provide permission to complete the assessment process. Assessments will begin upon receipt of the signed assessment plan by the LEA.

Infant: Birth to Three Years

If a parent refers an infant, birth to three years, to a LEA for possible special education services, they are referred directly to the Early Start Program at Inland Regional Center. If it is clearly evident that the infant has a solely low incidence disability, such as hearing loss, vision loss, or orthopedic disability, the parent is referred directly to San Bernardino County operated programs. Once an Early Start Program Referral Form is completed, timelines for the referral process begin.

Section 504

Children may be referred for assessment under Section 504 of the Rehabilitation Act of 1973 by parents, guardians, school staff, or agencies. Each LEA has defined written Section 504 procedures to assess and meet the educational needs of general education students who are otherwise disabled due to a physical or mental impairment, which substantially limits one or more major life activities.

Procedures for Processing Referrals

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the LEA, SELPA, or county office shall offer assistance to the individual to make a request in writing and shall assist the individual if the individual requests such assistance (*Title 5 of the Code of California Regulations § 3021*).

SELPA forms are available on the website for member LEAs to use upon receipt of a referral for special education assessment (SELPA forms, 51, 56, 57, 58, 59, 63, and 79).

All initial referrals resulting from Child Find of children ages 3-5, shall be processed through the LEA special education office. The Informed Parental Consent for Assessment (D/M 66) shall be completed by the person interacting with the parent and forwarded to the appropriate member of the LEA preschool assessment team (i.e., psychologist, nurse, speech-language pathologist).

For a preschool-aged child, a member of the LEA preschool assessment team will contact the parent to discuss concerns, or arrange a home visit for observation.

For a school-aged child, the referral for special education assessment may include a referral to the Student Study Team (SST) and/or the scheduling of a parent conference to discuss the concerns and possible interventions.

If the parent specifically requests, in writing, that their child be assessed to determine eligibility for special education program services, a proposed Assessment Plan (D/M 66) and a copy of the Parental Rights and Procedural Safeguards (D/M 77) shall be presented to the parent within 15 days of their request for assessment. The proposed assessment may include a classroom observation, review of records, informal screening, and/or a referral for a formal evaluation in suspected areas of disability, such as, but not limited to, vision/hearing, speech-language, academic skills, cognition, adaptive behavior, psychological processing skills, or social-emotional-behavioral status. Parents have at least 15 days from receipt of the plan to give consent to assess. The timelines for assessment begin when the LEA receives the signed assessment plan.

Section C - Student Study Team (SST)

California Education Code § 56303. A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

Procedures have been developed in individual LEAs for the receipt and processing of referrals for special education assessment. In all LEAs, the school site SST meets regarding children for whom there are concerns. The team addresses the implementation and level of success of the general education classroom program modifications and available general education resources and programs, including categorical programs. When the SST determines that all possible modifications have been exhausted or the modifications available are not appropriate, the SST or classroom teacher refers the child for an assessment for possible special education services. The parent is informed and encouraged to be a part of the SST process. Parents are notified if a referral for a special education assessment is made by the team.

The SST is a regularly scheduled, structured meeting of general educators, supported by special education and other staff as appropriate. Their purpose is to provide an effective support system in general education that will generate effective interventions for children who are experiencing challenges in learning or behavior difficulties at school. The SST process is designed to meet the needs of all children and results in a team action plan to ensure student success. The structure of the SST may be designed to fit the needs of individual school sites. Team membership varies according to the needs of the child, but should include the people that can best support the child and the classroom teacher. The majority of the team membership must be composed of general education teachers and should include the following team members: the child's classroom teacher, an administrator, the parent, the child, an upper grade teacher, and a lower grade teacher. The SST should also serve as a peer support system, so the more teacher participation the greater the benefits. Specialists should be included based on the potential needs of the child, the classroom teacher, and any others providing support to the child.

Draft for Review 9/22/2017

The following describes the flow of the SST Process:

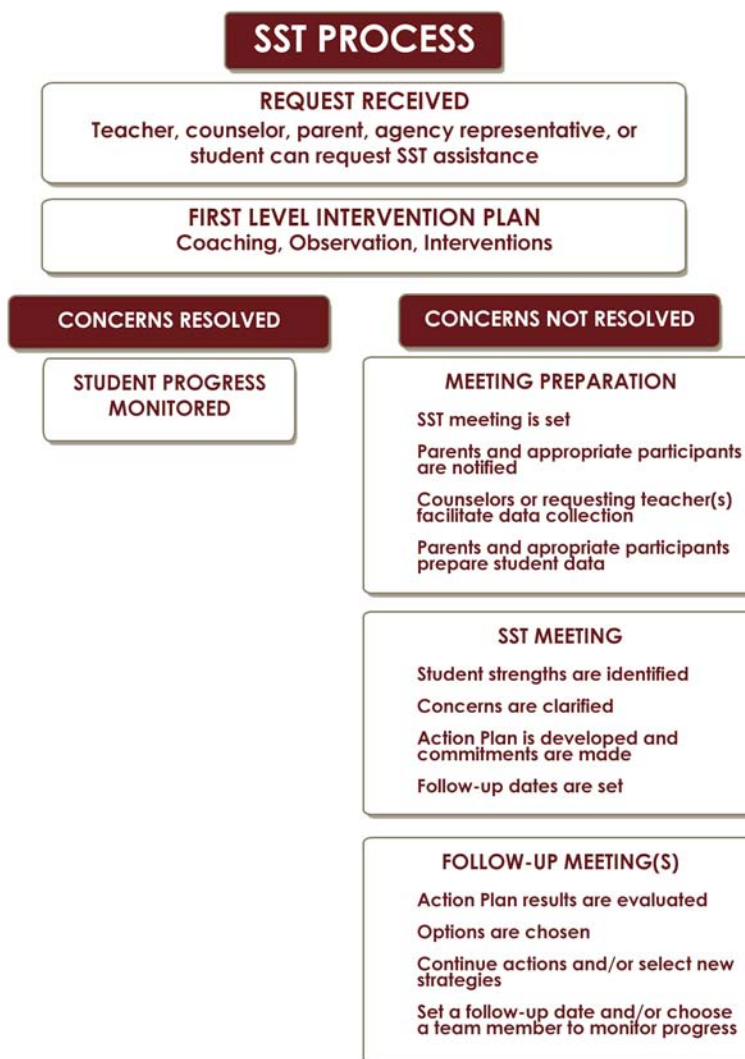


Figure 1 - Student Study Team (SST) Flow Chart

The process begins with a request from a teacher, counselor, parent, agency representative, or student that a concern has been identified. Once the request is made, the school’s first-level intervention plan is implemented. It is important to note that a request does not automatically initiate a SST meeting. If the concerns can be resolved without a SST meeting, then the child is monitored for successful progress. If the concerns are not resolved, SST meeting preparation is started. For the team to have optimum information to work with, the child’s teacher should provide essential information about the child to the team. In Section E of this chapter the information provided under Student Record Review offers a format for teachers/counselors to prepare information that would be beneficial to the SST. During the meeting, an effective practice to utilize is a group memory format to assist the team in efficient documentation of ideas generated during the meeting. On the action plan that is developed, a follow-up date should be set to review the progress of the child for whom there are concerns. The action plan should be evaluated at this meeting and determination made if any further follow-up is necessary.

Section D - Interim Placement (Transfer IEP)

California Education Code § 56325(a)(1). As required by subclause (I) of clause (i) of subparagraph (C) of paragraph (2) of subsection (d) of Section 1414 of Title 20 of the United States Code, the following shall apply to special education programs for individuals with exceptional needs who transfer from district to district within the state. In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, 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, for a period not to exceed 30 days, by which time the local educational 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.

California Education Code § 56325(a)(2). In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district operating programs under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved individualized education program, unless the parent and the local educational agency agree to develop, adopt, and implement a new individualized education program that is consistent with federal and state law.

California Education Code § 56325(a)(3). As required by subclause (II) of clause (i) of subparagraph (C) of paragraph (2) of subsection (d) of Section 1414 of Title 20 of the United States Code, the following shall apply to special education programs for individuals with exceptional needs who transfer from an educational agency located outside the State of California to a district within California. In the case of an individual with exceptional needs who transfers from district to district within the same academic year, 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, until the local educational agency conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the local educational agency, and develops a new individualized education program, if appropriate, that is consistent with federal and state law.

California Education Code § 56325(b)(1). To facilitate the transition for an individual with exceptional needs described in subdivision (a), the new school in which the individual with exceptional needs enrolls shall take reasonable steps to promptly obtain the pupil's records, including the individualized education program and supporting documents and any other records relating to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled, pursuant to paragraph (2) of subsection (a) of Section 99.31 of Title 34 of the Code of Federal Regulations.

Children moving from a LEA outside the SELPA with an existing IEP shall be served for a timeline not to exceed 30 days. The child's program shall be based on the previous LEA's current goals and objectives with the appropriate supports and services. Within 30 days, an IEP meeting will be held to review the child's progress and make adjustments to the current IEP.

Immediately upon placement of the child, the case carrier is responsible for completing page one of the IEP (D/M 68A), documenting all relevant information concerning the child, and their educational program. A signature page (D/M 68G) with the following signatures shall be included in the interim IEP:

- Parent signature, as well as initials agreeing to a 30-day interim placement;
- Administrator or designee signature; and
- Case carrier signature.

A copy of the interim IEP is forwarded to the LEA office in order for the child's pertinent information to be entered into the SELPA Management Information System (MIS).

At the 30-day review meeting, all aspects of the IEP need to be reviewed. New goals and objectives can be developed or the previous ones continued if those goals continue to be in accordance with the child's needs. If the previous goals and objectives are accepted, the next annual review date must align with the previous goal review date.

Section E - Early Identification of Learning Disabilities

Student Record Review

Review the child's records with attention to the following:

- Amount and quality of classwork and homework, with work samples provided at the meeting;
- Test data. Also, curriculum-based data, math, reading, language, spelling levels;
- Indicators of resiliency, ability to handle stress, emotional intelligence;
- Attendance;
- Hearing and vision screening results, health issues;
- Behaviors observed in class or on the playground that are of concern;
- Retention or referral to other programs; and
- Contacts with the family.

Be prepared to present specific background information about the child, including strengths, interests, and career potential. The strengths and specific interests that motivate the child are the building blocks for the Student Success Plan. Building on them will help the team be more creative while brainstorming strategies and designing the action plan. Examples of strengths are: good in math, likes to read, enjoys art and music, loves to sing, works well on a computer, writes creatively, did an exceptional science project, wants to please adults, and chosen by classmates as a friend and/or leader.

Identify basic concerns, the behaviors that need intervention, and the desired outcomes. Examples of concerns are: reading or math is below grade level, handwriting is difficult to read, completes only 25% of classwork, does not return homework, distracts others during lessons, does not participate in group discussions, and pushes students during recess. Examples of desired outcomes are: better attendance,

increase in reading or math skills, passing competency tests, working well with peer tutor, and ability to follow specific playground rules.

See Chapter 3, Section C, Specific Learning Disability Eligibility for further information regarding procedures to document the presence of a Specific Learning Disability.

Use the Modifications Checklist to indicate the general education modifications that have been tried.

Section F - Overidentification and Disproportionality

It shall be the policy of the and member LEAs to prevent inappropriate disproportionate representation by race and ethnicity of children with disabilities.

Title 34 of the Code of Federal Regulations § 300.173. Overidentification and disproportionality. The State must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in § 300.8.

The SELPA member LEAs shall, with SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation of racially, ethnically, linguistically, and culturally diverse students (by race and ethnicity of children with disabilities). The SELPA shall provide the following assistance:

- Student trend data pertinent to the disproportionate calculation as reported through the California Special Education Management Information System (CASEMIS) to the California Department of Education (CDE).
- Provide up-to-date training and information provided to the SELPA by the CDE.
- Continue to inform member LEAs concerning responsibilities related to the potential transfer of local assistance funds to reduce disproportionality under the Early Intervening requirement of IDEA.

The state has in effect, consistent with the purposes of IDEA and with § 618(d), policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in § 602(3).



Chapter 1: Identification and Referral

Legal References

CA Education Code
Sections

56300; 56301(a);
56301(d)(1); 56303;
56325(a)(1) – (3);
56325(b)(1);

Title 34, Code of
Federal Regulations
300.173

Title 5, CA Code of
Regulations
3021

IDEA
602(3); 613(f);
618(d)(1); 618(d)(2)

Last Updated:
7/19/17

SECTION A	Child Find
SECTION B	Parent Referrals
SECTION C	Student Study Team (SST)
SECTION D	Interim Placement
SECTION E	Early Identification of Learning Disabilities
SECTION F	Overidentification and Disproportionality

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Introduction

The referral for special education assessment is the first step taken when it is suspected that a ~~child~~ ~~student~~ will require special education supports and services to be successful in the educational system. Parents, guardians, teachers, agencies, appropriate professionals, and other members of the public can make referrals. Once submitted, the referral initiates timelines that are specified in the California Education Code. The purpose of the referral process is to afford the assessment team the opportunity to review the referring party's identified areas of concern, previous attempts in program modification, relevant educational history, and other pertinent ~~student~~ information regarding the child to determine areas in need of assessment.

The California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Governance Council ~~governing board~~ of the Desert/Mountain Special Education Local Plan Area (SELPA) assures an ongoing effort to identify all individuals with disabilities including infants, children for whom English is not a primary language, ~~students-children~~ with low incidence disabilities, ~~children-students~~ attending private schools, children from families that are highly mobile, and children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade.

The ~~Desert/Mountain~~-SELPA works closely with public agencies such as Inland Regional Center (IRC), Head Start, California Children's Services (CCS), Department of Behavioral Health (DBH), and others as appropriate in the identification of individuals with disabilities. Materials are distributed to pediatricians, health care professionals, and other agencies within the SELPA.

Each Local Education Agency (LEA) within the SELPA has established procedures for the identification, location, and evaluation of ~~children-students~~ who may require special education services. Information regarding ~~eChild Ffind~~ activities is included in the annual notice that is distributed to parents of all children.

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Section A - Child Find

Education Code § 56300. A local educational agency shall actively and systematically seek out all individuals with exceptional needs, from birth to 21 years of age, inclusive, including children not enrolled in public school programs, who reside in a school district or are under the jurisdiction of a special education local plan area or a county office of education.

Education Code § 56301(a). All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities attending private, including religious, elementary and secondary schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and assessed and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services as required by Section 1412(a)(3) and (10)(A)(ii) of Title 20 of the United States Code. A child is not required to be classified by his or her disability so long as each child who has a disability listed in Section 1401(3) of Title 20 of the United States Code and who, by

reason of that disability, needs special education and related services as an individual with exceptional needs defined in Section 56026.

It is the policy of the SELPA that ~~children students~~ with disabilities ages birth through 21, be actively sought and identified by ~~the~~ public schools. The ~~C~~child ~~F~~find process includes a section of the LEA's annual notice to all parents that references the referral of ~~children students with disabilities exceptional needs~~. In cooperation with the Local Interagency Coordination Area, Early Start, ages birth to three, information is distributed to hospitals, doctors' offices, and pertinent agencies. All individuals with ~~disabilities exceptional needs~~ and their parents are guaranteed their procedural safeguards with regard to identification, assessment, and placement in special education programs.

School personnel, parents, outside agencies working with the ~~child student~~, guardians and/or surrogate parents who show legal documentation of educational rights may all serve as sources of referral for a ~~child student~~ for possible identification as an ~~child individual with a disability exceptional needs~~. Such identification procedures shall be coordinated with school site and LEA procedures for referral of ~~children with disabilities students with needs~~ that cannot be met with modification of the general education instructional program.

Infants, birth to three years, are referred directly by the LEA, parent, doctor, or agency to the Early Start Program at ~~IR~~Cnland Regional Center. Intake information precedes the assignment of staff for assessment and the coordination with other agencies. If an infant has a solely low incidence disability, such as hearing loss, vision loss, or orthopedic disability, the infant should be referred directly to San Bernardino County operated programs. An Early Start Program Referral Form is completed, which begins the assessment process timeline.

Section B - Parent Referrals

Education Code § 56301(d)(1). Each special education local plan area shall establish written policies and procedures pursuant to Section 56205 for use by its constituent local agencies for a continuous child find system that addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs.

All referrals for special education and related services shall initiate the process to determine if an assessment is warranted and shall be documented. When a verbal referral is made, staff of the LEA shall offer assistance to the parent or any other individual to make a request in writing. The ~~Desert/Mountain~~ SELPA shall annually distribute information regarding ~~C~~child ~~F~~find activities to private schools for dissemination to parents.

Parents whose primary language is not English shall be informed of the need to file a written request when a verbal request is made. They shall be informed both verbally and in writing in their primary language, unless to do so is clearly not feasible. Assistance in providing a written request will be provided as needed. Written referrals in languages other than English will be accepted.

If a parent requests, in writing, an assessment for possible special education services, the LEA will develop an Assessment Plan (D/M 66) and present it to the parent within 15 days. A copy of the Parental Rights and Procedural Safeguards (D/M 77) are reviewed and given to the parents at the time the

assessment plan is presented. The parent has at least 15 days from receipt of the assessment plan to provide permission to complete the assessment process. Assessments will begin upon receipt of the signed assessment plan by the LEA.

Infant: Birth to Three Years

If a parent refers an infant, birth to three years, to a LEA for possible special education services, they are referred directly to the Early Start Program at Inland Regional Center. If it is clearly evident that the infant has a solely low incidence disability, such as hearing loss, vision loss, or orthopedic disability, the parent is referred directly to San Bernardino County operated programs. Once an Early Start Program Referral Form is completed, timelines for the referral process begin.

Section 504

~~Children~~Students may be referred for assessment under Section 504 of the Rehabilitation Act of 1973 by parents, guardians, school staff, or agencies. Each LEA has defined written Section 504 procedures to assess and meet the educational needs of general education students who are otherwise disabled due to a physical or mental impairment, which substantially limits one or more major life activities.

Procedures for Processing Referrals

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the LEA, SELPA, or county office shall offer assistance to the individual to make a request in writing and shall assist the individual if the individual requests such assistance (~~Title 5 of the Code of California Regulations § section 3021~~).

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SELPA forms are available on the website for member LEAs to use upon receipt of a referral for special education assessment (SELPA forms, 51, 56, 57, 58, 59, 63, and 79).

All initial referrals resulting from ~~Cehild Ffind~~ of children ages 3-5, shall be processed through the LEA special education office. The Informed Parental Consent for Assessment ~~form~~ (D/M 66) shall be completed by the person interacting with the parent and forwarded to the appropriate member of the LEA preschool assessment team (i.e., psychologist, nurse, speech-language pathologist).

For a preschool-aged child, a member of the LEA preschool assessment team will contact the parent to discuss concerns, or arrange a home visit for observation.

For a school-aged child, the referral for special education assessment may include a referral to the Student Study Team (SST) and/or the scheduling of a parent conference to discuss the concerns and possible interventions.

If the parent specifically requests, in writing, that their child be assessed to determine eligibility for special education program services, a proposed Assessment Plan (D/M 66) and a copy of the Parental Rights and Procedural Safeguards (D/M 77) shall be presented to the parent within 15 days of their request for assessment. The proposed assessment may include a classroom observation, review of records, informal screening, and/or a referral for a formal evaluation in suspected areas of disability, such as, but not limited to, vision/hearing, speech-language, academic skills, cognition, adaptive behavior, psychological processing skills, or social-emotional-behavioral status. Parents have at least 15 days from receipt of the plan to give consent to assess. The timelines for assessment begin when the LEA receives the signed assessment plan.

Section C - Student Study Team (SST)

Education Code § 56303. A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

Procedures have been developed in ~~the~~ individual LEAs for the receipt and processing of referrals for special education assessment. In all LEAs, the school site SST meets regarding ~~childrenstudents~~ for whom there are concerns. The team addresses the implementation and level of success of the general education classroom program modifications and available general education resources and programs, including categorical programs. When the SST determines that all possible modifications have been exhausted or the modifications available are not appropriate, the SST or classroom teacher refers the ~~childstudent~~ for an assessment for possible special education services. The parent is informed and encouraged to be a part of the SST process. Parents are notified if a referral for a special education assessment is made by the team.

The SST is a regularly scheduled, structured meeting of general educators, supported by special education and other staff as appropriate. Their purpose is to provide an effective support system in general education that will generate effective interventions for ~~childrenstudents~~ who are experiencing challenges in learning or behavior difficulties at school. The SST process is designed to meet the needs of all ~~childrenstudents~~ and results in a team action plan to ensure student success. The structure of the SST may be designed to fit the needs of individual school sites. Team membership varies according to the needs of the ~~childstudent~~, but should include the people that can best support the ~~childstudent~~ and the classroom teacher. The majority of the team membership must be composed of general education teachers and should include the following team members: the ~~childstudent~~'s classroom teacher, an administrator, the parent, the ~~childstudent~~, an upper grade teacher, and a lower grade teacher. The SST should also serve as a peer support system, so the more teacher participation the greater the benefits. Specialists should be included based on the potential needs of the ~~childstudent~~, the classroom teacher, and any others providing support to the ~~childstudent~~.

The following describes the flow of the **SST Process**:

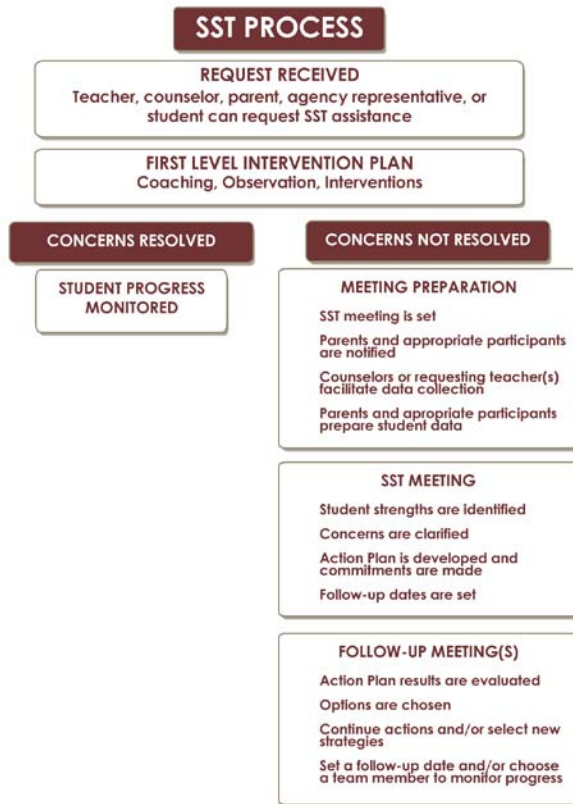


Figure 1 - Student Study Team (SST) Flow Chart

The process begins with a request from a teacher, counselor, parent, agency representative, or student that a concern has been identified. Once the request is made, the school’s first-level intervention plan is implemented. It is important to note that a request does not automatically initiate a SST meeting. If the concerns can be resolved without a SST meeting, then the child/student is monitored for successful progress. If the concerns are not resolved, SST meeting preparation is started. For the team to have optimum information to work with, the child/student’s teacher should provide essential information about the child/student to the team. In Section E of this chapter the information provided under Student Record Review offers a format for teachers/counselors to prepare information that would be beneficial to the SST. During the meeting, an effective practice to utilize is a group memory format to assist the team in efficient documentation of ideas generated during the meeting. On the action plan that is developed, a follow-up date should be set to review the progress of the child/student for whom there are concerns. The action plan should be evaluated at this meeting and determination made if any further follow-up is necessary.

Section D - Interim Placement (Transfer IEP)

Education Code § 56325(a)(1). As required by subclause (I) of clause (i) of subparagraph (C) of paragraph (2) of subsection (d) of Section 1414 of Title 20 of the United States Code, the following shall apply to special education programs for individuals with exceptional needs who transfer from district to district within the state. In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, 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, for a period not to exceed 30 days, by which time the local educational 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.

Education Code § 56325(a)(2). In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district operating programs under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved individualized education program, unless the parent and the local educational agency agree to develop, adopt, and implement a new individualized education program that is consistent with federal and state law.

Education Code § 56325(a)(3). As required by subclause (II) of clause (i) of subparagraph (C) of paragraph (2) of subsection (d) of Section 1414 of Title 20 of the United States Code, the following shall apply to special education programs for individuals with exceptional needs who transfer from an educational agency located outside the State of California to a district within California. In the case of an individual with exceptional needs who transfers from district to district within the same academic year, 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, until the local educational agency conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the local educational agency, and develops a new individualized education program, if appropriate, that is consistent with federal and state law.

Education Code § 56325(b)(1). To facilitate the transition for an individual with exceptional needs described in subdivision (a), the new school in which the individual with exceptional needs enrolls shall take reasonable steps to promptly obtain the pupil's records, including the individualized education program and supporting documents and any other records relating to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled, pursuant to paragraph (2) of subsection (a) of Section 99.31 of Title 34 of the Code of Federal Regulations.

Children/Students moving from a LEA outside the ~~Desert/Mountain~~-SELPA with an existing IEP shall be served for a timeline not to exceed 30 days. The child/student's program shall be based on the previous LEA's current goals and objectives with the appropriate supports and services. Within 30 days, an IEP meeting will be held to review the child/student's progress and make adjustments to the current IEP.

Immediately upon placement of the child/student, the case carrier is responsible for completing page one of the IEP (D/M 68A), documenting all relevant information concerning the child/student, and their educational program. A signature page (D/M 68G) with the following signatures shall be included in the interim IEP:

- Parent signature, as well as initials agreeing to a 30-day interim placement;
- Administrator or designee signature; and
- Case carrier signature.

A copy of the interim IEP is forwarded to the ~~Desert/Mountain SELPA or~~ LEA office in order for the child/student's pertinent information to be entered into the ~~SELPA M/special education database~~ management ~~I~~nformation ~~S~~ystem (MIS).

At the 30-day review meeting, all aspects of the IEP need to be reviewed. New goals and objectives can be developed or the previous ones continued if those goals continue to be in accordance with the child/student's needs. If the previous goals and objectives are accepted, the next annual review date must align with the previous goal review date.

Section E - Early Identification of Learning Disabilities

Student Record Review

Review the child/student's records with attention to the following:

- Amount and quality of classwork and homework, with work samples provided at the meeting;
- Test data. Also, curriculum-based data, math, reading, language, spelling levels;
- Indicators of resiliency, ability to handle stress, emotional intelligence;
- Attendance;
- Hearing and vision screening results, health issues;
- Behaviors observed in class or on the playground that are of concern;
- Retention or referral to other programs; and
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Be prepared to present specific background information about the child/student, including strengths, interests, and career potential. The strengths and specific interests that motivate the child/student are the building blocks for the Student Success Plan. Building on them will help the team be more creative while brainstorming strategies and designing the action plan. Examples of strengths are: good in math, likes to read, enjoys art and music, loves to sing, works well on a computer, writes creatively, did an exceptional science project, wants to please adults, and chosen by classmates as a friend and/or leader.

Identify basic concerns, the behaviors that need intervention, and the desired outcomes. Examples of concerns are: reading or math is below grade level, handwriting is difficult to read, completes only 25% of classwork, does not return homework, distracts others during lessons, does not participate in group discussions, and pushes students during recess. Examples of desired outcomes are: better attendance, increase in reading or math skills, passing competency tests, working well with peer tutor, and ability to follow specific playground rules.

See Chapter 3, Section C, Specific Learning Disability Eligibility for further information regarding procedures to document the presence of a Specific Learning Disability.

Use the Modifications Checklist to indicate the general education modifications that have been tried.

Section F - Overidentification and Disproportionality

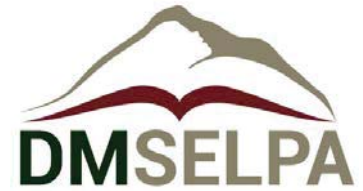
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Title 34 of the Code of Federal Regulations § 300.173. Overidentification and disproportionality. The State must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in § 300.8.

The ~~Desert/Mountain~~ SELPA member LEAs shall, with SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation of racially, ethnically, linguistically, and culturally diverse students (by race and ethnicity of ~~children~~ students with disabilities). The SELPA shall provide the following assistance:

- Student trend data pertinent to the disproportionate calculation as reported through the California Special Education Management Information System (CASEMIS) to the California Department of Education (CDE).
- Provide up-to-date training and information provided to the SELPA by the CDE ~~California Department of Education (CDE)~~.
- Continue to inform member LEAs concerning responsibilities related to the potential transfer of local assistance funds to reduce disproportionality under the Early Intervening requirement of IDEA.

The ~~s~~State has in effect, consistent with the purposes of ~~_~~ IDEA and with ~~§Section~~ 618(d), policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in ~~§Section~~ 602(3).



Chapter 3: Eligibility Criteria: Individuals w/Exceptional Needs

Legal References

CA Education Code
Sections

56026; 56031(a);
56320; 56337(b)-(c);
56341(b); 56361;
56501; 56506

Title 5, CA Code of
Regulations
3030

Title 34, Code of
Federal Regulations
300.7; 300.8; 300.307

Title 20, USC
1414(c)(5); 1415

Last Updated:
8/3/2017

SECTION A	Federal Disability Definitions
SECTION B	State Eligibility Criteria
SECTION C	Specific Learning Disabilities (SLD)
SECTION D	Dismissal from Special Education
APPENDIX A	SELPA form D/M 154 – Specific Learning Disabilities

Draft for Review 9/22/2017

Introduction

Special education is an integral part of the total public education system and provides education to promote maximum interaction and access between children with disabilities and children who are not disabled. Special education means specially designed instruction to meet the unique needs of child with a disability including instruction conducted in the classroom, in the home, in hospitals and institutions, or other settings in the Least Restrictive Environment (LRE). This instruction includes physical education to meet the educational needs of children with disabilities.

To be eligible for special education and related services, a child must be in the age range of birth to 22 years of age and meet criteria in two areas outlined in Title 34 of the Code of Federal Regulations. § 300. First, the child must be identified as a child with a disability in one or more of the 13 categories defined in Section A in accordance with Title 34 of the Code of Federal Regulations § 300.8. Second, the child's disability must adversely affect the child's educational performance. Children ages 0-3, are found eligible under Part C eligibility criteria. Children ages 3-21, are determined to be eligible under Part B eligibility criteria of the Individuals with Disabilities Education Act (IDEA).

The Individualized Education Program (IEP) team shall consider all assessment information and use no single score or product of scores as the sole criterion for making a decision regarding the child's eligibility for special education. Once the IEP team has determined that both of these areas are satisfied, a child may be identified as a child with a disability. Processes and procedures for assessment are outlined in Chapter 2.

A child remains eligible for special education and related services for as long as the child qualifies under the eligibility criteria established under Title 5 of the California Code of Regulations § 3030, and this chapter. Eligibility is determined by an IEP team based upon the results of a multidisciplinary assessment in every area of suspected disability. This entitlement remains in effect until the child reaches the maximum age for services, age 22, or when he/she graduates from high school with a regular high school diploma.

This chapter describes each of the 13 disabling conditions as identified in Title 34 of the Code of Federal Regulations § 300, and the criteria for meeting eligibility for special education services.

Section A - Federal Disability Definitions

Title 34 of the Code of Federal Regulations § 300.8©. The thirteen disabling conditions identified are: (1) autism, (2) deaf-blindness, (3) deafness, (4) emotional disturbance, (5) hearing impairment, (6) mental retardation (now known as intellectual disability), (7) multiple disabilities, (8) orthopedic impairment, (9) other health impairment, (10) specific learning disability, (11) speech or language impairment, (12) traumatic brain injury, (13) visual impairment.

Autism means Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in subdivision (b)(4) of this section.

A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in subdivision (b)(1) of this section are satisfied.

(Title 34 of the Code of Federal Regulations § 300.8(c)(1)(i)-(iii); Title 5 of the California Code of Regulations § 3030(b)(1)(A)-(B))

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

(Title 34 of the Code of Federal Regulations § 300.8(c)(2); Title 5 of the California Code of Regulations § 3030(b)(2))

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(3); Title 5 of the California Code of Regulations § 3030(b)(3))

Emotional disturbance Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under subdivision (b)(4) of this section.

(Title 34 of the Code of Federal Regulations § 300.8(c)(4)(i)(A)-(E), and (ii); Title 5 of the California Code of Regulations § 3030(b)(4)(A)-(F))

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

(Title 34 of the Code of Federal Regulations § 300.8(c)(5); Title 5 of the California Code of Regulations § 3030(b)(5))

Intellectual Disability means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(6); Title 5 of the California Code of Regulations § 3030(b)(6))

Multiple disabilities means concomitant impairments, such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. "Multiple disabilities" does not include deaf-blindness.

(Title 34 of the Code of Federal Regulations § 300.8(c)(7); Title 5 of the California Code of Regulations § 3030(b)(7))

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

(Title 34 of the Code of Federal Regulations § 300.8(c)(8); Title 5 of the California Code of Regulations § 3030(b)(8))

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

- (A) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
- (B) Adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(9); Title 5 of the California Code of Regulations § 3030(b)(9)(A)-(B))

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

(Title 34 of the Code of Federal Regulations § 300.8(c)(10)(i)-(ii); Title 5 of the California Code of Regulations § 3030(b)(10)(A)-(C))

Speech or language impairment A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

- (A) Articular disorder.
- (B) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.
- (C) Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.
- (D) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:
 1. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or
 2. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subdivision (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

(Title 34 of the Code of Federal Regulations § 300.8(c)(11); Title 5 of the California Code of Regulations § 3030(b)(11)(A)-(D))

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

(Title 34 of the Code of Federal Regulations § 300.8(c)(12); Title 5 of the California Code of Regulations § 3030(b)(12))

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

(Title 34 of the Code of Federal Regulations § 300.8(c)(13); Title 5 of the California Code of Regulations § 3030(13))

Section B - State Eligibility Criteria

Title 5 of the California Code of Regulations § 3030. A child shall qualify as an individual with exceptional needs, pursuant to Education Code section 56026, if the results of the assessment as required by Education Code section 56320 demonstrate that the degree of the child's impairment as described in subdivisions (b)(1) through (b)(13) requires special education in one or more of the program options authorized by Education Code section 56361. The decision as to whether or not the assessment results demonstrate that the degree of the child's impairment requires special education shall be made by the IEP team, including personnel in accordance with Education Code section 56341(b). The IEP team shall take into account all the relevant material which is available on the child. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the child's eligibility for special education.

California Education Code § 56031. (a) "Special education," in accordance with Section 1401(29) of Title 20 of the United States Code, means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education.

(b) In accordance with Section 300.39 of Title 34 of the Code of Federal Regulations, special education includes each of the following, if the services otherwise meet the requirements of subdivision (a):

(1) Speech-language pathology services, or any other designated instruction and service or related service, pursuant to Section 56363, if the service is considered special education rather than a designated instruction and service or related service under state standards.

(2) Travel training.

(3) Vocational education.

(c) Transition services for individuals with exceptional needs may be special education, in accordance with Section 300.43(b) of Title 34 of the Code of Federal Regulations, if provided as specially designed instruction, or a related service, if required to assist an individual with exceptional needs to benefit from special education.

(d) Individuals with exceptional needs shall be grouped for instructional purposes according to their instructional needs.

Section C - Specific Learning Disabilities

California Education Code § 56337(b). Notwithstanding any other law and pursuant to Section 1414(b)(6) of Title 20 of the United States Code, in determining whether a pupil has a specific learning disability as defined in subdivision (a), a local educational agency is not required to take into consideration whether a pupil has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

California Education Code § 56337(c). *In determining whether a pupil has a specific learning disability, a local educational agency may use a process that determines if the pupil responds to scientific, research-based intervention as a part of the assessment procedures described in Section 1414(b)(2) and (3) of Title 20 of the United States Code and covered in Sections 300.307 to 300.311, inclusive, of Title 34 of the Code of Federal Regulations.*

Title 5 of the California Code of Regulations § 3030(b)(10)(A)-(C). *Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.*

- (A) Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor abilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
- (B) In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a severe discrepancy between intellectual disability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:
 - 1. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the difference between these two common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.
 - 2. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.

3. If the standardized tests do not reveal a severe discrepancy as defined in subdivisions 1 or 2 above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:
 - (i) Data obtained from standardized assessment instruments;
 - (ii) Information provided by the parent;
 - (iii) Information provided by the pupil's present teacher;
 - (iv) Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
 - (v) Consideration of the pupil's age, particularly for young children; and
 - (vi) Any additional relevant information.
 4. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.
- (C) Whether or not a pupil exhibits a severe discrepancy as described in subdivision (b)(10)(B) above, a pupil may be determined to have a specific learning disability if:
1. The pupil does not achieve adequately for the pupil's age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or state-approved grade-level standards:
 - (i) Oral expression.
 - (ii) Listening comprehension.
 - (iii) Written expression.
 - (iv) Basic reading skill.
 - (v) Reading fluency skills.
 - (vi) Reading comprehension.
 - (vii) Mathematics calculation.
 - (viii) Mathematics problem solving, and
 2. (i) The pupil does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in subdivision (b)(10)(C)(1) of this section when using a process based on the pupil's response to scientific, research-based intervention; or

- (ii) The pupil exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with Title 34 of the Code of Federal Regulations §§ 300.304 and 300.305; and
3. The findings under subdivisions (b)(10)(C)(1) and (2) of this section are not primarily the result of:
 - (i) A visual, hearing, or motor disability;
 - (ii) Intellectual disability;
 - (iii) Emotional disturbance;
 - (iv) Cultural factors;
 - (v) Environmental or economic disadvantage; or
 - (vi) Limited English proficiency.
4. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:
 - (i) Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - (ii) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.
5. In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil's learning environment in accordance with Title 34 of the Code of Federal Regulations § 300.310. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age. The eligibility determination must be documented in accordance with Title 34 of the Code of Federal Regulations § 300.311.

A. Discrepancy Model

A severe discrepancy exists between the intellectual ability and achievement in one or more of the following academic areas:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skills
- Reading comprehension
- Mathematics calculation

- Mathematics reasoning

The discrepancy is due to a disorder in one or more of the basic psychological processes and is not a result of environmental, cultural, or economic disadvantages.

Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities, including association, conceptualization, and expression.

Intellectual ability includes acquired learning potential and shall be determined by a systematic assessment of intellectual functioning.

The level of achievement includes the child's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.

B. Response to Intervention (RtI) Model

The IDEA (*Title 34 of the Code of Federal Regulations § 300.307*) requires states to adopt eligibility criteria for determining whether a child has a specific learning disability. States “must not require” the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability as defined in Title 34 of the Code of Federal Regulations § 300.8(c)(10), and must permit the use of a process based on the child's response to scientific, research-based intervention.

C. Alternative Method Model

States “must permit” other alternative research-based procedures for determining whether a child has a specific learning disability.

An IEP team may determine that a child has a specific learning disability if:

1. The child does not achieve adequately for his/her age or fails to meet state-approved grade-level standards in one of more of the following areas when provided with age-appropriate standards-based learning experiences and instruction:
 - Oral expression
 - Listening comprehension
 - Written expression
 - Based reading skills
 - Reading fluency skills
 - Reading comprehension
 - Mathematics calculation
 - Mathematics problem-solving
2. The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the above areas when using a process based on the child's response to scientific, research-based intervention.
3. The team determines that the lack of achievement is not primarily the result of a visual, motor, or hearing disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

The team must also consider data that demonstrates that the child was provided appropriate instruction in general education settings in order to ensure that underachievement is not a result of lack of appropriate instruction in reading or math. The team must also document that repeated assessments of achievement were administered at reasonable intervals reflecting formal assessment of student progress, and results were provided to the child's parents.

Section D - Dismissal from Special Education

Title 20 of the United States Code § 1414(c)(5). Evaluation before change in eligibility. A local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability. This evaluation shall not be required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education. For a child, whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE, the local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

The conditions under which a child is dismissed from special education are based upon the concept of LRE. A child with a disability is to be educated to the maximum extent possible with nondisabled children. Therefore, a special program or related services are needed only until the child is able to function independently in a general education class. The criteria for dismissal is agreement by the members of the IEP team that the child no longer meets the eligibility criteria based on the results of an evaluation and performance in the general education setting.

The process of dismissal may be initiated by the teacher, specialist, or parent. The individuals included in the IEP team would be the general education teacher, the special education teacher, administrator or designee, parent, and the child when appropriate. Others, such as related services providers will attend when applicable.

Exit from special education occurs when:

- The child graduates from high school or completes the calendar year when he/she reaches the age of 22, between the first day of school and December 31, or completes the school year when he/she reaches the age of 22, between January 1 and June 30 (*Education Code § 56026*).
- The child no longer meets the eligibility criterion as determined by the IEP team based upon the results of an assessment.
- The parents and/or the child, if 18 years or older, refuse continued special education services. However, if the IEP team determines that an eligible child continues to need special education services in order to receive FAPE, the LEA may pursue continued placement in special education through the procedures described in Title 20 of the United States Code § 1415 and in accordance with paragraph (3) of subdivision (a) of Education Code § 56501, and subdivision (e) of Education Code § 56506.

Specific Learning Disability (SLD)

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Gender: Male Female
 School Site: _____ Teacher Name: _____
 District of Attendance: _____ District of Residence: _____
 Parent/Guardian: _____
 Home Phone: _____ Work Phone: _____ Other Phone: _____
 Street Address: _____ City: _____ State: _____ Zip Code: _____
 Mailing Address: _____ City: _____ State: _____ Zip Code: _____

STATEMENT OF ELIGIBILITY DETERMINATION (REQUIRED BY 34 C.F.R. § 300.311)

Indicate whether or not a specific learning disability exists and state the sources of information considered in making the determination of SLD eligibility. Yes No (explain)

State the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning:

Date of observation: _____ Individual conducting observation: _____

List the educationally relevant medical findings, if any:

SLD RATIONALE (CHECK THE APPROPRIATE METHOD)

1. Response to Intervention (RTI) Method (Complete items a through h below)

- a. The assessment team has documented a disorder in the following area(s):
 - Attention
 - Sensory Motor
 - Visual Processing
 - Cognitive (including association, conceptualization, and expression)
 - Auditory Processing
- b. The student does not achieve adequately for the student's age-level or meet State-approved grade-level standards in one or more of the following areas when provided with age-appropriate learning experiences and instruction: (Please check each area as applicable)
 - Oral Expression
 - Basic Reading Skills
 - Written Expression
 - Math Calculation
 - Listening Comprehension
 - Math Problem Solving
 - Reading Comprehension
 - Reading Fluency Skills
- c. The student does not make sufficient progress to meet age-level or State-approved grade-level standards in one or more of the areas identified above when using a process based on the student's response to scientific, research-based intervention.
- d. The identified deficit in rate of learning or achievement or both is not primarily the result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.
- e. As part of, or prior to a referral for special education and related services, the student did not make adequate progress within an appropriate period of time in which:
 - The student was provided appropriate instruction in general education settings delivered by qualified personnel; AND
 - The student's parents were provided with data-based documentation of repeated assessments of achievements at reasonable intervals, reflecting formal assessment of the student's progress during instruction.
- f. Refer to the multi-disciplinary report dated _____ for additional information. This report documents the assessment team conclusions. If the report does not reflect the conclusions of a team member, the team member must submit a separate statement presenting his/her conclusions.
- g. The parent has been notified about the State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided.

h. List the strategies for increasing the student’s rate of learning:

2. Severe Discrepancy Method (Complete items a through e below)

- a. The assessment team has documented a disorder in the following area(s):
 - Attention
 - Visual Processing
 - Auditory Processing
 - Sensory Motor
 - Cognitive (including association, conceptualization, and expression)
- b. The IEP team finds that a severe discrepancy exists between cognitive ability and achievement in the following area(s):
 - Oral Expression
 - Written Expression
 - Listening Comprehension
 - Reading Comprehension
 - Basic Reading Skills
 - Math Calculation
 - Math Problem Solving
 - Reading Fluency Skills
- c. The documented discrepancy cannot be corrected through other regular or categorical services offered through the general instructional program.
- d. The discrepancy is not primarily a result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.
- e. Refer to the multi-disciplinary report dated _____ for additional information. This report documents the assessment team conclusions. If the report does not reflect the conclusions of a team member, the team member must submit a separate statement presenting his/her conclusions.

3. Severe Discrepancy Alternative Means (Complete items a through f below)

- a. The IEP team determined that standardized tests are invalid and the discrepancy shall be measured by alternative means, as specified in the assessment plan dated _____. Documentation of a severe discrepancy is included in a multi-disciplinary report dated _____.
- b. The assessment team has documented a disorder in the following area(s):
 - Attention
 - Visual Processing
 - Auditory Processing
 - Sensory Motor
 - Cognitive (including association, conceptualization, and expression)
- c. The IEP team finds that a severe discrepancy exists between cognitive ability and achievement in the following area(s):
 - Oral Expression
 - Written Expression
 - Listening Comprehension
 - Reading Comprehension
 - Basic Reading Skills
 - Math Calculation
 - Math Problem Solving
 - Reading Fluency Skills
- d. The IEP team determined that standardized tests do not reveal a severe discrepancy. A severe discrepancy has been documented by alternative means, as summarized in the multi-disciplinary report dated _____. This report documents the assessment team conclusions. If the report does not reflect the conclusion of a team member, the team member must submit a separate statement presenting his/her conclusions.
- e. The documented discrepancy cannot be corrected through other regular or categorical services offered within the general instructional program.
- f. The discrepancy is not primarily a result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

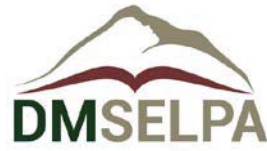
THE FOLLOWING INDIVIDUALS CERTIFY THAT THE ABOVE DETERMINATION OF ELIGIBILITY FOR SLD REFLECTS THE MEMBER’S CONCLUSION:

LEA Representative	Date	Speech-Language Pathologist	Date
Special Education Teacher	Date	Psychologist	Date
General Education Teacher	Date	Parent/Guardian/Surrogate	Date
Nurse	Date	Other/Title	Date

ATTACHED IS A SEPARATE STATEMENT PRESENTING A DISSENTING MEMBER’S CONCLUSION AS TO WHY HIS/HER ASSESSMENT DIFFERS FROM THE ABOVE REPORT.

34 CFR 300.311(b) - Specific documentation for the eligibility determination. Each group member must certify in writing whether the report reflects the member’s conclusion. If it does not reflect the member’s conclusion, the group member must submit a separate statement presenting the member’s conclusion.

CA Ed Code § 56327(b). The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all of the following...(b) The basis for making the determination.



Chapter 3: Eligibility Criteria: Individuals w/Exceptional Needs

Legal References

CA Education Code Sections

56026; 56031(a);
56320; 56337(b)-(c);
56341(b); 56361;
56501; 56506

Title 5, CA Code of Regulations 3030

Title 34, Code of Federal Regulations 300.7; 300.8; 300.307

Title 20, USC 1414(c)(5); 1415

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SECTION B	State Eligibility Criteria
SECTION C	Specific Learning Disabilities (SLD)
SECTION D	Dismissal from Special Education
APPENDIX A	SELPA form D/M 154 – Specific Learning Disabilities (SLD)

Introduction

Special education is an integral part of the total public education system and provides education to promote maximum interaction and access between children with disabilities and children who are not disabled. Special education means specially designed instruction to meet the unique needs of child with a disability including instruction conducted in the classroom, in the home, in hospitals and institutions, or other settings in the Least Restrictive Environment (LRE). This instruction includes physical education to meet the educational needs of children with disabilities.

To be eligible for special education and related services, a child must be in the age range of birth to 22 years of age and meet criteria in two areas outlined in Title 34 ~~of the Code of Federal Regulations~~, § 300. First, the child must be identified as a child with a disability in one or more of the 13 categories defined in Section A in accordance with Title 34 of the Code of Federal Regulations § 300.8. ~~Secondly,~~ the child's disability must adversely affect the child's educational performance. Children ages 0-3, are found eligible under Part C eligibility criteria. Children ages 3-21, are determined to be eligible under Part B eligibility criteria of the Individuals with Disabilities Education Act (IDEA).

The Individualized Education Program (IEP) team shall consider all assessment information and use no single score or product of scores as the sole criterion for making a decision regarding the child's eligibility for special education. Once the IEP team has determined that both of these areas are satisfied, a child may be identified as a child with a disability. Processes and procedures for assessment are outlined in Chapter 2.

A child remains eligible for special education and related services for as long as the child qualifies under the eligibility criteria established under Title 5 of the California Code of Regulations § 3030, and this chapter. Eligibility is determined by an IEP team based upon the results of a multidisciplinary assessment in every area of suspected disability. This entitlement remains in effect until the child reaches the maximum age for services, age 22, or when he/she graduates from high school with a regular high school diploma.

This chapter describes each of the 13 disabling conditions as identified in Title 34 of the Code of Federal Regulations § 300, and the criteria for meeting eligibility for special education services.

Section A - Federal Disability Definitions

Title 34 of the Code of Federal Regulations § 300.8©. The thirteen disabling conditions identified are: (1) autism, (2) deaf-blindness, (3) deafness, (4) emotional disturbance, (5) hearing impairment, (6) mental retardation (now known as intellectual disability), (7) multiple disabilities, (8) orthopedic impairment, (9) other health impairment, (10) specific learning disability, (11) speech or language impairment, (12) traumatic brain injury, (13) visual impairment.

Autism means Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in subdivision (b)(4) of this section.

A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in subdivision (b)(1) of this section are satisfied.

(Title 34 of the Code of Federal Regulations § 300.8(c)(1)(i)-(iii); Title 5 of the California Code of Regulations § 3030(b)(1)(A)-(B))

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

(Title 34 of the Code of Federal Regulations § 300.8(c)(2); Title 5 of the California Code of Regulations § 3030(b)(2))

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(3); Title 5 of the California Code of Regulations § 3030(b)(3))

Emotional disturbance Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under subdivision (b)(4) of this section.

(Title 34 of the Code of Federal Regulations § 300.8(c)(4)(i)(A)-(E), and (ii); Title 5 of the California Code of Regulations § 3030(b)(4)(A)-(F))

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

(Title 34 of the Code of Federal Regulations § 300.8(c)(5); Title 5 of the California Code of Regulations § 3030(b)(5))

Intellectual Disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(6); Title 5 of the California Code of Regulations § 3030(b)(6))

Multiple disabilities means concomitant impairments, such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. "Multiple disabilities" does not include deaf-blindness.

(Title 34 of the Code of Federal Regulations § 300.8(c)(7); Title 5 of the California Code of Regulations § 3030(b)(7))

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

(Title 34 of the Code of Federal Regulations § 300.8(c)(8); Title 5 of the California Code of Regulations § 3030(b)(8))

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

- (A) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
- (B) Adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(9); Title 5 of the California Code of Regulations § 3030(b)(9)(A)-(B))

Specific learning disability ~~means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.~~ The basic psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

~~(i) General. Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.~~

~~(ii) Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.~~

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(Title 34 of the Code of Federal Regulations § 300.8(c)(10)(i)-(ii); Title 5 of the California Code of Regulations § 3030(b)(10)(A)-(C))

Speech or language impairment A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

- (A) Articular disorder.
- (B) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.
- (C) Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.
- (D) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:
 - 1. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or
 - 2. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subdivision (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

(Title 34 of the Code of Federal Regulations § 300.8(c)(11); Title 5 of the California Code of Regulations § 3030(b)(11)(A)-(D))

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

(Title 34 of the Code of Federal Regulations § 300.8(c)(12); Title 5 of the California Code of Regulations § 3030(b)(12))

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

(Title 34 of the Code of Federal Regulations § 300.8(c)(13); Title 5 of the California Code of Regulations § 3030(13))

Section B - State Eligibility Criteria

Title 5 of the California Code of Regulations § 3030. *A child shall qualify as an individual with exceptional needs, pursuant to Education Code section 56026, if the results of the assessment as required by Education Code section 56320 demonstrate that the degree of the child's impairment as described in subdivisions (b)(1) through (b)(13) requires special education in one or more of the program options authorized by Education Code section 56361. The decision as to whether or not the assessment results demonstrate that the degree of the child's impairment requires special education shall be made by the IEP team, including personnel in accordance with Education Code section 56341(b). The IEP team shall take into account all the relevant material which is available on the child. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the child's eligibility for special education.*

California Education Code § 56031. *(a) "Special education," in accordance with Section 1401(29) of Title 20 of the United States Code, means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education.*

(b) In accordance with Section 300.39 of Title 34 of the Code of Federal Regulations, special education includes each of the following, if the services otherwise meet the requirements of subdivision (a):

(1) Speech-language pathology services, or any other designated instruction and service or related service, pursuant to Section 56363, if the service is considered special education rather than a designated instruction and service or related service under state standards.

(2) Travel training.

(3) Vocational education.

(c) Transition services for individuals with exceptional needs may be special education, in accordance with Section 300.43(b) of Title 34 of the Code of Federal Regulations, if provided as specially designed instruction, or a related service, if required to assist an individual with exceptional needs to benefit from special education.

(d) Individuals with exceptional needs shall be grouped for instructional purposes according to their instructional needs.

Section C - Specific Learning Disabilities

California Education Code § 56337(b). Notwithstanding any other law and pursuant to Section 1414(b)(6) of Title 20 of the United States Code, in determining whether a pupil has a specific learning disability as defined in subdivision (a), a local educational agency is not required to take into consideration whether a pupil has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

California Education Code § 56337(c). In determining whether a pupil has a specific learning disability, a local educational agency may use a process that determines if the pupil responds to scientific, research-based intervention as a part of the assessment procedures described in Section 1414(b)(2) and (3) of Title 20 of the United States Code and covered in Sections 300.307 to 300.311, inclusive, of Title 34 of the Code of Federal Regulations.

Title 5 of the California Code of Regulations § 3030(b)(10)(A)-(C). Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

(A) Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor abilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(B) In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a severe discrepancy between intellectual disability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:

1. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the difference between these two common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement

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and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.

2. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.

3. If the standardized tests do not reveal a severe discrepancy as defined in subdivisions 1 or 2 above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:

(i) Data obtained from standardized assessment instruments;

(ii) Information provided by the parent;

(iii) Information provided by the pupil's present teacher;

(iv) Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;

(v) Consideration of the pupil's age, particularly for young children; and

(vi) Any additional relevant information.

4. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.

(A)(C) Whether or not a pupil exhibits a severe discrepancy as described in subdivision (b)(10)(B) above, a pupil may be determined to have a specific learning disability if:

1. The pupil does not achieve adequately for the pupil's age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or state-approved grade-level standards:

(i) Oral expression.

(ii) Listening comprehension.

(iii) Written expression.

(iv) Basic reading skill.

(v) Reading fluency skills.

- (vi) Reading comprehension.
 - (vii) Mathematics calculation.
 - (viii) Mathematics problem solving, and
2. (i) The pupil does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in subdivision (b)(10)(C)(1) of this section when using a process based on the pupil's response to scientific, research-based intervention; or
 - (ii) The pupil exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with Title 34 of the Code of Federal Regulations §§ 300.304 and 300.305; and
 3. The findings under subdivisions (b)(10)(C)(1) and (2) of this section are not primarily the result of:
 - (i) A visual, hearing, or motor disability;
 - (ii) Intellectual disability;
 - (iii) Emotional disturbance;
 - (iv) Cultural factors;
 - (v) Environmental or economic disadvantage; or
 - (vi) Limited English proficiency.
 4. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:
 - (i) Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - (ii) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.
 5. In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil's learning environment in accordance with Title 34 of the Code of Federal Regulations § 300.310. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age. The eligibility determination must be documented in accordance with Title 34 of the Code of Federal Regulations § 300.311.

A. Discrepancy Model

A severe discrepancy exists between the intellectual ability and achievement in one or more of the following academic areas:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skills
- Reading comprehension
- Mathematics calculation
- Mathematics reasoning

The discrepancy is due to a disorder in one or more of the basic psychological processes and is not a result of environmental, cultural, or economic disadvantages.

Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities, including association, conceptualization, and expression.

Intellectual ability includes ~~both~~ acquired learning potential and shall be determined by a systematic assessment of intellectual functioning.

The level of achievement includes the child's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.

B. Response to Intervention (RtI) Model

The IDEA ~~2004~~ (Title 34 of the Code of Federal Regulations § 300.307) requires states to adopt eligibility criteria for determining whether a child has a specific learning disability. States "must not require" the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability as defined in Title 34 of the Code of Federal Regulations § 300.8(c)(10), and must permit the use of a process based on the child's response to scientific, research-based intervention model as described in preceding paragraphs. States "must permit" eligibility processes that document a child's response to scientific, research-based intervention.

C. Alternative Method Model

States "must permit" other alternative research-based procedures for determining whether a child has a specific learning disability ~~SLD~~.

An IEP team may determine that a child has a specific learning disability if:

1. The child does not achieve adequately for his/her age or fails to meet state-approved grade-level standards in one of more of the following areas when provided with age-appropriate standards-based learning experiences and instruction:
 - Oral expression
 - Listening comprehension
 - Written expression

- Based reading skills
 - Reading fluency skills
 - Reading comprehension
 - Mathematics calculation
 - Mathematics problem-solving
2. The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the above areas when using a process based on the child's response to scientific, research-based intervention.
 3. The team determines that the lack of achievement is not primarily the result of a visual, motor, or hearing disability; ~~intellectual disability~~~~mental retardation~~; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

The team must also consider data that demonstrates that the child was provided appropriate instruction ~~from qualified personnel~~ in general education settings in order to ensure that underachievement is not a result of lack of appropriate instruction in reading or math. The team must also document that repeated assessments of achievement were administered at reasonable intervals reflecting formal assessment of student progress, and results were provided to the child's parents.

Section D - Dismissal from Special Education

Title 20 of the United States Code § 1414(c)(5). Evaluation before change in eligibility. A local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability. This evaluation shall not be required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education. For a child, whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE, the local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

The conditions under which a child is dismissed from special education are based upon the concept of LRE. A child with a disability is to be educated to the maximum extent possible with nondisabled children. Therefore, a special program or related services are needed only until the child is able to function independently in a general education class. The criteria for dismissal is agreement by the members of the IEP team that the child no longer meets the eligibility criteria based on the results of an evaluation and performance in the general education setting.

The process of dismissal may be initiated by the teacher, specialist, or parent. The individuals included in the IEP team would be the general education teacher, the special education teacher, administrator or designee, parent, and the child when appropriate. Others, such as related services providers will attend when applicable.

Exit from special education occurs when:

- The child graduates from high school or completes the calendar year when he/she reaches the age of 22, between the first day of school and December 31, or completes the school year when he/she reaches the age of 22, between January 1 and June 30 (*Education Code § 56026*).
- The child no longer meets the eligibility criterion as determined by the IEP team based upon the results of an assessment.
- The parents and/or the child, if 18 years or older, refuse continued special education services. However, if the IEP team determines that an eligible child continues to need special education services in order to receive FAPE, the LEA may pursue continued placement in special education through the procedures described in [Title 20 of the United States Code, § 1415](#) ~~of Title 20 of the United States Code~~ and in accordance with paragraph (3) of subdivision (a) of Education Code § 56501, and subdivision (e) of Education Code § 56506.

APPENDIX A

Specific Learning Disability (SLD)

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Gender: Male Female
School Site: _____ Teacher Name: _____
District of Attendance: _____ District of Residence: _____
Parent/Guardian: _____
Home Phone: _____ Work Phone: _____ Other Phone: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Mailing Address: _____ City: _____ State: _____ Zip Code: _____

STATEMENT OF ELIGIBILITY DETERMINATION (REQUIRED BY 34 C.F.R. § 300.311)

Indicate whether or not a specific learning disability exists and state the sources of information considered in making the determination of SLD eligibility. Yes No (*explain*)

State the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning:

Date of observation: _____ Individual conducting observation: _____

List the educationally relevant medical findings, if any:

SLD RATIONALE (CHECK THE APPROPRIATE METHOD)

1. Response to Intervention (RTI) Method (*Complete items a through h below*)

- a. The assessment team has documented a disorder in the following area(s):
 Attention Visual Processing Auditory Processing
 Sensory Motor Cognitive (*including association, conceptualization, and expression*)
- b. The student does not achieve adequately for the student's age-level or meet State-approved grade-level standards in one or more of the following areas when provided with age-appropriate learning experiences and instruction: (*Please check each area as applicable*)
 Oral Expression Written Expression Listening Comprehension Reading Comprehension
 Basic Reading Skills Math Calculation Math Problem Solving Reading Fluency Skills
- c. The student does not make sufficient progress to meet age-level or State-approved grade-level standards in one or more of the areas identified above when using a process based on the student's response to scientific, research-based intervention.
- d. The identified deficit in rate of learning or achievement or both is not primarily the result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.
- e. As part of, or prior to a referral for special education and related services, the student did not make adequate progress within an appropriate period of time in which:
 The student was provided appropriate instruction in general education settings delivered by qualified personnel; AND
 The student's parents were provided with data-based documentation of repeated assessments of achievements at reasonable intervals, reflecting formal assessment of the student's progress during instruction.
- f. Refer to the multi-disciplinary report dated _____ for additional information. This report documents the assessment team conclusions. If the report does not reflect the conclusions of a team member, the team member must submit a separate statement presenting his/her conclusions.
- g. The parent has been notified about the State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided.

APPENDIX A

h. List the strategies for increasing the student's rate of learning:

2. Severe Discrepancy Method (Complete items a through e below)

- a. The assessment team has documented a disorder in the following area(s):
- Attention Visual Processing Auditory Processing
 Sensory Motor Cognitive (including association, conceptualization, and expression)
- b. The IEP team finds that a severe discrepancy exists between cognitive ability and achievement in the following area(s):
- Oral Expression Written Expression Listening Comprehension Reading Comprehension
 Basic Reading Skills Math Calculation Math Problem Solving Reading Fluency Skills
- c. The documented discrepancy *cannot* be corrected through other regular or categorical services offered through the general instructional program.
- d. The discrepancy *is not* primarily a result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.
- e. Refer to the multi-disciplinary report dated _____ for additional information. This report documents the assessment team conclusions. If the report does not reflect the conclusions of a team member, the team member must submit a separate statement presenting his/her conclusions.

3. Severe Discrepancy Alternative Means (Complete items a through f below)

- a. The IEP team determined that standardized tests are invalid and the discrepancy shall be measured by alternative means, as specified in the assessment plan dated _____. Documentation of a severe discrepancy is included in a multi-disciplinary report dated _____.
- b. The assessment team has documented a disorder in the following area(s):
- Attention Visual Processing Auditory Processing
 Sensory Motor Cognitive (including association, conceptualization, and expression)
- c. The IEP team finds that a severe discrepancy exists between cognitive ability and achievement in the following area(s):
- Oral Expression Written Expression Listening Comprehension Reading Comprehension
 Basic Reading Skills Math Calculation Math Problem Solving Reading Fluency Skills
- d. The IEP team determined that standardized tests do not reveal a severe discrepancy. A severe discrepancy has been documented by alternative means, as summarized in the multi-disciplinary report dated _____. This report documents the assessment team conclusions. If the report does not reflect the conclusion of a team member, the team member must submit a separate statement presenting his/her conclusions.
- e. The documented discrepancy *cannot* be corrected through other regular or categorical services offered within the general instructional program.
- f. The discrepancy *is not* primarily a result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

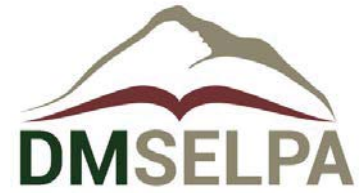
THE FOLLOWING INDIVIDUALS CERTIFY THAT THE ABOVE DETERMINATION OF ELIGIBILITY FOR SLD REFLECTS THE MEMBER'S CONCLUSION:

LEA Representative	Date	Speech-Language Pathologist	Date
Special Education Teacher	Date	Psychologist	Date
General Education Teacher	Date	Parent/Guardian/Surrogate	Date
Nurse	Date	Other/Title	Date

ATTACHED IS A SEPARATE STATEMENT PRESENTING A DISSENTING MEMBER'S CONCLUSION AS TO WHY HIS/HER ASSESSMENT DIFFERS FROM THE ABOVE REPORT.

34 CFR 300.311(b) - Specific documentation for the eligibility determination. Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

CA Ed Code § 56327(b). The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all of the following... (b) The basis for making the determination.



Chapter 4: Instructional Planning and the IEP

Legal References

CA Education Code
Sections
311(c), 313, 420 -
421, 32210; 56340,
56341(a),
56341.1(h),
56341.5(b), 56343

34 Code of Federal
Regulations
300.321(b)(3),
300.344

Last Updated:
9/22/2017

- SECTION A The IEP Meeting: Preparation, Process, and Follow-up
- SECTION B Creating Meaningful Goals
- SECTION C Students who are Culturally and Linguistically Diverse (CLD)
- SECTION D Teaching and Assessing California’s English Language Development (ELD) and English Language Arts (ELA) Standards for English Learners
- APPENDIX A Transition Requirements Checklist
- APPENDIX B Special Education Timelines
- APPENDIX C SELPA form D/M 68A IEP Training
- APPENDIX D IEP Team Membership and Participation: Questions and Answers
- APPENDIX E IEP Meeting Agenda and Guidelines
- APPENDIX F IEP Process Flow Chart
- APPENDIX G Roles and Responsibilities in Special Education: Case Manager

Roles & Responsibilities in Special Education: Case Manager

Section A	Referral Process
Section B	Assessment
Section C	Implementing and Monitoring the Individualized Education Program (IEP)
Section D	Written Notice and Consent
Section E	Records
Section F	Technical Assistance
Section G	Other

A Case Manager is assigned when a student is referred for an initial assessment for special education services. The person is usually a special education teacher/specialist assigned to the Local Education Agency (LEA) and is considered the primary service provider. If the Individualized Education Program (IEP) specifies language and speech services only, the Case Manager is typically the speech/language pathologist. The Case Manager facilitates the IEP process, including the referral, assessment, IEP development, and ensures that a student's IEP is implemented and that all timelines are followed.

A. Referral Process

- Assists with the completion of the written referral if requested or necessary.
- Secures parental consent to obtain confidential information from private and public sources, if necessary.
- Enters student name in Referral Log and notifies the principal and other school site staff members, as appropriate, that a referral has been made for a particular student.
- Creates a confidential special education file for the student and places it in a secure location that is accessible to all appropriate school staff. All forms, consents, reports, etc., associated with the student are maintained in this file, including the Case Planning Guide, and Student Access Log.
- Enters referral information into the Desert/Mountain Special Education Local Plan Area (SELPA) Management Information System (MIS) and/or Web IEP, and sends or delivers the following documents to parents: Referral for Special Education and Notice of Procedural Safeguards.

B. Assessment

- Coordinates with the site Student Study Team (SST) or its equivalent for new referrals and assessment staff for the referrals for assessments (including those for non-attending students) and ensures that all required assessment components are addressed.
- Assures that all assessment plans are developed within required timelines if the team agrees assessment is needed (no later than 15 days after parent has put request in writing). Assists in the development of the Assessment Plan (D/M 66) for initials only. An assessment plan must be completed whenever an assessment for the development or revision of the IEP is to be conducted and must be signed by the parent/guardian prior to the testing.
- Requests assistance of the administrator when assessments need to be conducted by specialists who do not regularly provide services to the school.
- Sends or delivers to parents the Assessment Plan for initial IEP.
- Assists parents in understanding their rights and the special education process and procedures as needed.

Upon Receipt of Signed Assessment Plan:

- Enters receipt of date of signed assessment plan in Student Access Log and notifies all assessors included on the assessment plan that they may begin assessment. Assures, with the specific assessors, that assessments are conducted in the student's primary language if the students are English learners.
- Provides results of assessments to the school psychologists at least 10 days in advance of the IEP meeting, so that these results can be incorporated into the written psychological report prior to the IEP team meeting.
- Provides copies of assessments with the assessors contact information to parents five days prior to the scheduled IEP meeting. Exception: Discretion shall be used by the assessor to determine if initial diagnosis of a disabling condition warrants a private meeting to discuss the assessment results prior to the IEP meeting.

C. Implementing and Monitoring the IEP

- Schedules IEP team meeting with parents and LEA participants. For Annuals and Triennials, it is strongly recommended that the scheduled IEP date be at least three weeks prior to the last annual or triennial meeting date minus one day, as appropriate. This allows for meeting postponement or rescheduling and supports compliance with State IEP meeting timelines.
- Sends Notification of IEP Team Meeting (D/M 67) to parent and other IEP participants.

NOTE: Annual reviews must be held 364 days before the date of the previous annual IEP and triennial reviews held two years and 364 days or earlier from the last triennial date. Secures IEP meeting room, assuring that the room is private and free from distractions, has adequate seating, electrical outlets, and if needed, a conference phone and internet services.

- Contacts all school IEP team members the day of the IEP meeting ensuring they will be in attendance to the IEP, on-time and with the appropriate number of copies of assessments or other documents they will be sharing with the team.

During the IEP Meeting:

- Chairs IEP team meetings and facilitates the development of IEPs, ensuring that parents have the opportunity to participate in the development of the IEP.
- Ensures there are no blanks on the IEP forms.
- Ensures IEP and other documents are distributed to the family.
- Schedules a follow-up IEP meeting if the IEP is not completed at the meeting and documents the next IEP meeting date on the IEP Meeting Notes page (68N).

After the IEP Meeting:

- Ensures instructional team members are informed of the new IEP and its contents as it relates to their role with the student and the location of the IEP document in its entirety.
- Affirms and attests the IEP within seven days of the IEP meeting and maintains accurate and timely student data information throughout the duration of the IEP year. Accesses the SELPA MIS and/or Web IEP program daily for updates and notifications.
- Provides direct instruction to students with special needs, as designated in the IEP.
- Notifies special education administrator and/or site administrator of accurate monthly caseload numbers.
- Submits a monthly list of student adds/drops to the SELPA MIS Analyst.
- Provides the necessary information to the site/LEA testing coordinator for all State/school-wide assessments.
- Coordinates and conducts, in collaboration with the school psychologist and other pertinent assessment personnel, manifestation determination reviews and IEP meetings.
- Coordinates the process for students to register for the Extended School Year (ESY) program according to timelines, as appropriate.
- Evaluates student progress, maintains necessary records indicating student performance and recommends revisions of the IEP when appropriate. This includes grades, progress reports, and benchmark documentation of goals and objectives cited in students' IEPs.

D. Written Notice and Consent

- Collaborates with the administrator, as necessary, to all requests made by parents prior to, during, or after IEP team meetings by completing and sending the Prior Written Notice (see pages 47 and A19) to the parent of the proposed or refused action.
- Ensures that all other parental notices and consents for assessments and initial placements are processed appropriately.
- Ensures these documents are created through the electronic IEP system and copies are placed in the student's special education file.

E. Records

- Ensures that complete student records are maintained in a single, secure location in the school (ensuring the principal has access).

- Notifies appropriate staff that a request for records has been received. Coordinates collection and copying of all records for parents in a timely manner.

F. Technical Assistance

- Requests technical assistance and support from Administration or the Sonoma County SELPA, as needed.

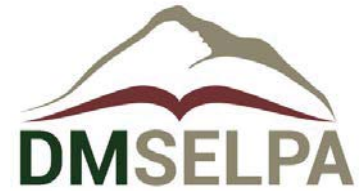
G. Other

- Provides consultation, resource information, and documentation regarding student needs to parents and general education staff members.
- Supervises the instructional assistant and contributes input to his/her evaluation, if appropriate.
- Provides in-service training for site school staff and the community in order to promote a better understanding of students with disabilities as needed.
- Coordinates and consults with administrators, special education specialists, general education classroom teachers, psychologists, program specialists, other support staff, outside agencies, and parents regarding instructional planning for special education students. Provides resources, such as instructional materials and staff time to the regular classroom teacher as appropriate.
- Attends LEA and site level meetings.

***Triennials:** (See page 27-28 for more information regarding triennials) are evaluations that must be conducted within two years and 364 days of the previous triennial or within two years and 364 days of the initial assessment. All triennial meeting dates, excluding initial triennial dates, shall coincide with the student's annual IEP date. In some cases, this will necessitate that one of the meeting dates will occur prior to the typically allowed meeting timeline. This prevents an annual IEP meeting and a triennial IEP meeting from being convened on the same student during the IEP year.

In the case that there is more than one triennial date for the same student due to an addition of services after the initial placement, whichever date is the earliest will become the triennial IEP meeting date for the student. For example: The student's annual Speech IEP date is December 3, 2012. On February 1, 2013, an IEP meeting is convened to discuss the results of assessments conducted by the psychologist and academic special education teacher/specialist based on additional concerns of the school and parent. The student is found eligible for specialized academic instruction services. The next annual date for the student will be December 2, 2013 and the triennial date shall be scheduled to occur on the date of the Speech Triennial date (see page 27 for further information).

Administrative (30-day) Placements: Complete an Interim IEP and send it to an appropriate administrator within 24 hours of placement. **The administrative placement IEP team meeting must take place within 30 days of the placement.**



Chapter 5: Supports and Services

Legal References

CA Education Code
Sections
39839, 56360,
56361, 56363(a),
56363(b)

5 CA Code of
Regulations
3051

CA Civil Code
54, 54.2

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9/22/2017

SECTION A	Least Restrictive Environment – A Continuum of Services and Placement Options
SECTION B	Related Services
SECTION C	Service Animals
SECTION D	Assistive Technology
APPENDIX A	Guideline Statement – Least Restrictive Environment (LRE)
APPENDIX B	Determining the Need for Special Circumstance Instructional Assistance (SCIA)
APPENDIX C	Transportation Guidelines
APPENDIX D	CARS+ Guidance for RSP Teachers
APPENDIX E	Memorandum by Fagen Friedman & Fulfroft: Training and Control of Service Animals on School Property
APPENDIX F	Waiver & Release of Liability: Permission to bring Guide Dogs, Signal Dogs, and Service Dogs on School Property or to School-Sponsored Programs or Activities
APPENDIX G	Extended School Year (ESY) Guidelines
APPENDIX H	SELPA Referral Procedures
APPENDIX I	Assistive Technology (AT)

Introduction

It is the philosophy of the Desert/Mountain Special Education Local Plan Area (SELPA) that all individual students with exceptional needs be provided a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). This philosophy is in accordance with state and federal mandates.

If a related service or services cannot be provided by a Local Education Agency (LEA) employee, the LEA may contract with a certified nonpublic, nonsectarian school or agency in accordance with the requirements of a master contract and an Individual Services Agreement (ISA). For mental health services or medically necessary occupational and physical therapy, employees, vendors or contractors of the State Department of Health Services or Mental Health, or any designated local public health or mental health agency, may provide related services in accordance with procedures outlined in local interagency agreements.

All special education and related services determined by the Individualized Education Program (IEP) team to be necessary for a student to benefit from education shall be listed on the student's IEP. A LEA shall assure that each student with a disability is provided services in accordance with his or her IEP, regardless of whether the LEA or an agency or contractor is to provide the service.

When an agency providing a related service fails to provide the service listed on the IEP, the LEA is responsible and shall provide the service in accordance with an IEP unless otherwise provided by law, without a disruption in service, and at no cost to the parent.

Special education programs, appropriate to meet student needs, are housed on regular school campuses, as well as on leased sites, and are dispersed throughout the Desert/Mountain SELPA as equitably as possible to ensure that students with disabilities are served as close to home as much as possible. Each LEA shall ensure that the physical location of special education programs is selected to facilitate continuing social interaction with nondisabled students. Each LEA shall ensure that students with disabilities shall have equal access to general education activities, programs, and facilities while on the regular school site and participate in those activities as appropriate to meet their needs. The Desert/Mountain SELPA IEP form contains a statement of supplementary aids and services that the student with a disability may need to ensure his or her participation in the general education curriculum. Each LEA shall encourage the close cooperation of all school personnel to facilitate opportunities for social as well as academic interaction between students with disabilities and nondisabled students. Each LEA shall ensure that all students with disabilities are educated and participate with nondisabled students in academic, nonacademic, and extracurricular activities to the extent appropriate. The IEP shall contain a statement of the program modifications and/or supports for school personnel that will be provided for the student with a disability in order to be educated and participate in activities with nondisabled students.

The LEA ensures that removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability is such that education in the general education program even with the use of supplementary aids and services cannot be achieved satisfactorily. The IEP shall include an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education program and in extracurricular and other nonacademic activities.

Each LEA shall provide school personnel the necessary support to ensure student success. The Desert/Mountain SELPA's funding allocation plan shall consider the distribution of resources to ensure that each LEA can provide the necessary supports.

Each LEA shall ensure that a student will be referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized. Such resources may include, but are not limited to, Student Study Teams (SSTs), early literacy programs and remedial programs.

The Desert/Mountain SELPA also coordinates the distribution of low-incidence equipment. Additional information is available in Chapter 13.

Section A - Least Restrictive Environment, a Continuum of Services and Placement Options

California Education Code § 56360. Each special education local plan area shall ensure that a continuum of program options is available to meet the needs of individuals with exceptional needs for special education and related services, as required by the Individuals with Disabilities Education Act (Title 20 of the United States Code, section 1400 et seq) and federal regulations relating thereto.

California Education Code § 56361. The continuum of program options shall include, but not necessarily be limited to, all of the following or any combination of the following:

- (a) Regular education,*
- (b) A resource specialist program,*
- (c) Designated instruction and services,*
- (d) Special classes*
- (e) Nonpublic, nonsectarian school services,*
- (f) State special schools,*
- (g) Instruction in settings other than classrooms where specially designed instruction may occur,*
- (h) Itinerant instruction in classrooms, resource room, and settings other than classrooms where specially designed instruction may occur to the extent required by federal law or regulation,*
- (i) Instruction using telecommunication and instruction in the home, in hospitals, and in other institutions to the extent required by federal law or regulation.*

A full continuum of program options is available for the educational placement of students with disabilities. Program options provide a spectrum of educational offerings, which range from regular classroom alternatives to the special site structured to deliver intensive and specialized services. The IEP team remains the primary decision-making body in determining the individual needs of students and the appropriate placement. Every effort is made to ensure that students with disabilities have access to state determined frameworks and standards, and participation in academic and extracurricular activities.

The student's instructional program is based on the core curriculum, standards, and frameworks identified by specific goals and objectives outlined in the IEP. The instructional settings and coordination of instruction varies depending upon the concepts and skills deemed appropriate for individual needs. Settings for instruction may include regular classrooms, regular classrooms with support services, special education classrooms, or community nonpublic schools or agencies as well as all other options outlined within the Service Delivery Options section of the Desert/Mountain SELPA Local Plan.

Students with low-incidence disabilities receive services consistent with the state guidelines and student needs. Students are referred for special education consideration after general education modifications are deemed not to be appropriate. They are identified and provided with special education services in accordance with appropriate legal assessment standards. The Desert/Mountain SELPA staff and LEA administrators review programs on a regular basis to determine whether or not a disproportionate representation of any one ethnicity exists.

Specialized instruction within the continuum of program options is supported with professional learning activities including disability awareness training, classroom visitations, and appropriately developed curricular programs. The Desert/Mountain SELPA and LEA support and encourages successful transition toward the least restrictive environment.

The extent of placement within the LRE is regularly reviewed by the Desert/Mountain SELPA. It is the SELPA's expressed intent that all students shall be educated to the maximum extent appropriate with their nondisabled peers, and special classes or removal of students with disabilities from the general educational environment shall only occur if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In summary, students are placed in settings based on the needs set forth in their IEP and not solely on the disabling condition, configuration of services, availability of staff, or administrative expediency.

Section B - Related Services

California Education Code § 56363. (a) Designated instruction and services means "related services" as that term is defined in Section 1401(26) of Title 20 of the United States Code and Section 300.24 of Title 34 of the Code of Federal Regulations (CFR). The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(b) These services may include, but are not limited to, the following:

- (1) Language and speech development and remediation. The language and speech development and remediation services may be provided by a speech-language pathology assistant as defined in subdivision (f) of Section 2530.2 of the Business and Professions Code.*
- (2) Audiological Services*
- (3) Orientation and mobility services*
- (4) Instruction in the home or hospital*
- (5) Adapted physical education*
- (6) Physical and occupational therapy*
- (7) Vision service*

- (8) *Specialized driver training instruction*
- (9) *Counseling and guidance services, including rehabilitation counseling*
- (10) *Psychological services other than assessment and development of the individualized education program*
- (11) *Parent counseling and training*
- (12) *Health and nursing services, including school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individual education program*
- (13) *Social worker services*
- (14) *Specially designed vocational evaluation and career development*
- (15) *Recreation services*
- (16) *Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services*
- (17) *Interpreting services*

(c) *The terms “designated instruction and services” and “related services” do not include a medical device that is surgically implanted, including cochlear implants, the optimization of the functioning of a medical device, maintenance of that device, or the replacement of that device.*

Designated instruction and services shall meet the standards adopted by the board.
 (b) *These services may include, but are not limited to, the following:*

1. Language and speech development and remediation

The speech and language development and remediation services may be provided by a speech-language pathology assistant as defined in subdivision (f) of Section 2530.2 of the Business and Professions Code.

Title 5 of the California Code of Regulations (CCR) § 3051.1. *“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.*

Caseloads of full-time equivalent language, speech and hearing specialists providing instruction and services within the LEA, SELPA, or county office shall not exceed a districtwide, SELPAwide, or countywide average of 55 individuals unless prior written approval has been granted by the SSPI.

Language and speech development and remediation shall be provided only by personnel who possess: (1) a licensed in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs; or (2) a credential authorizing language or speech services.

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.

2. Audiological services

Title 5 of the California Code of Regulations § 3051.2. “Audiological instruction and services may include: (1) Aural rehabilitation (auditory training, speech reading, language habilitation, and speech conversation) 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, ontological referrals, home training programs, acoustic treatment of rooms, and coordination of educational services to hearing-impaired individuals.

Audiological services shall be provided only by personnel who possess: (1) a licensed in Audiology issued by a licensing agency within the Department of Consumer Affairs; or (2) a credential authorizing audiology services.

3. Orientation and mobility services

Title 5 of the California Code of Regulations § 3051.3. “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.

Orientation and mobility instruction shall be provided only by personnel who possess a credential that authorizes services in orientation and mobility instruction.

4. Instruction in the home or hospital

Title 5 of the California Code of Regulations § 3051.4. 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. Instructions may be delivered individually, in small groups or by teleclass. 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. 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.

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.

5. Adapted physical education

Title 5 of the California Code of Regulations § 3051.5. "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. 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.

6. Physical and occupational therapy

Title 5 of the California Code of Regulations § 3051.6. When the LEA, 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 Professions Code section 2620. Occupational therapy services may not exceed the services specified in the Business and Professions Code section 2570.2(k). The LEA, SELPA, or county office shall assure that the therapist has available safe and appropriate equipment.

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 Therapy Assistant shall be supervised

by a registered occupational therapist in accordance with professional standards outlined by the American Occupational Therapy Association.

7. Vision services

***Title 5 of the California Code of Regulations § 3051.7.** 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. 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.*

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.

For the purposes of this section, an eye specialist shall mean a licensed optometrist, ophthalmologist, or other licensed physician and surgeon who has training and expertise in low vision disabilities.

Vision services shall be provided only by personnel who possess: (1) a license issued 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.

8. Specialized driver training instruction

***Title 5 of the California Code of Regulations § 3051.8.** 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. Driver training for individuals herein described must be provided by qualified teachers, as defined by Education Code sections 41906 and 41907.*

9. Counseling and guidance

***Title 5 of the California Code of Regulations § 3051.9.** 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. 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.

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.*

10. Psychological services other than assessment and development of the individualized education program

Title 5 of the California Code of Regulations § 3051.10. 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.

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

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.

11. Parent counseling and training

***Title 5 of the California Code of Regulations § 3051.11.** 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.*

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.*

12. Health and nursing services

***Title 5 of the California Code of Regulations § 3051.12.** Health and nursing service 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.*

13. Social worker services

***Title 5 of the Code of Federal Regulations § 3051.13.** Social worker 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.

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.*

- 14. Specially designed vocational education and career development services**
Title 5 of the California Code of Regulations § 3051.14. *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 work stations and job-site trainers; (8) Coordinating services with the Department of Rehabilitation and other agencies as designated in the IEP.*

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.

15. Recreation services

***Title 5 of the California Code of Regulations § 3051.15.** 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.*

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.

16. Specialized Services for Low-Incidence Disabilities

***Title 5 of the California Code of Regulations § 3051.16.** 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.*

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. 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.

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.

All services currently listed in California Education Code section 56363(b) are available to students with disabilities within the Desert/Mountain SELPA based upon what the student needs to benefit from their instructional program. Services are offered to appropriately identified students. Care is continually taken in order to ensure a uniformity of meaningful and appropriate services. Caseload assignments to various related services personnel are periodically reviewed to ensure compliance with state regulations and adherence to program guidelines.

There are basic tasks performed by related services personnel: first, to assist with the diagnosis of students with disabilities; and second, to conduct therapeutic and remedial work that attempts to offset or to mitigate the effects of the student's disability. The emphasis is to extend education services provided by the general education classroom teacher, and personnel designated to provide special academic instruction. These specialized educational services promote student success with standards and frameworks through appropriate application of the core curriculum or the alternate curriculum.

The IEP substantiates the need for specific related services and identifies the goals and objectives to be reached. When the student has reached the objectives specified, the student is reviewed by the appropriate assessment service. Related services that are normally provided through public and private agencies, such as California Children's Services (CCS), continue to be provided by these agencies when appropriate. When needed services are not available within the Desert/Mountain SELPA, they are contracted through private vendors. This is accomplished through the referral of the case to the Desert/Mountain SELPA Due Process Manager or designee who participates in the IEP team meeting. This team, in cooperation with parents and teachers, determines the necessary services and the appropriate provider. The Desert/Mountain SELPA initiates all contracts for private services and is responsible for evaluating and monitoring those services to students and parents.

Specific Provisions for Nursing Services

SELPA policy specifies the appropriate use of nursing services for medically fragile students who meet appropriate criteria. Additional information is available in Chapter 20.

Section C - Service Animals

The Desert/Mountain SELPA recognizes that animals can be an effective teaching aid, and that animals may perform vital service functions for individuals with disabilities. In addition, that instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures. The following information is designed to provide guidance regarding the use of guide dogs, signal dogs, and service dogs by students with disabilities enrolled in schools within the Desert/Mountain SELPA region, as well as the use of such dogs by visitors and personnel on school property and at school-sponsored programs and activities.

DEFINITIONS

- (a) *Individual with a Disability: as defined by section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.*
- (b) *Guide Dog: defined by California Civil Code section 54.1 as any dog trained by an appropriately licensed person to assist an individual with a disability.*
- (c) *Signal Dog: defined by California Civil Code section 54.1 as any dog individually trained to alert an individual, who is deaf or hearing impaired, to intruders or sounds.*
- (d) *Service Dog: defined by California Civil Code section 54.1 as any dog individually trained to the requirements of the individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.*
- (e) *User: an individual with a disability as defined in paragraph (a) above and persons authorized to train guide dogs, signal dogs, or service dogs for individuals with disabilities, consistent with California Civil Code sections 54.1 and 54.2.*
- (f) *Service Animal: defined by Title II of the Americans with Disabilities Act of 1990 as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Examples of work or tasks performed by service animals include, but are not limited to, assisting individuals who are visually-impaired with navigation and other tasks, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Other animals, whether wild or domestic, do not qualify as service animals.*

Dogs that are trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals nor shall it be considered a guide dog or service dog if its sole function is to provide emotional support, comfort, therapy, companionship, or therapeutic benefits. Provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks performed.

If an individual with a disability or an authorized trainer seeks to bring a service animal other than a guide dog, signal dog, or service dog, as defined in Civil Code section 54.1, on school property or to a school-sponsored program or activity, the site administrator or designee shall make the determination as to whether the individual may bring the service animal on a case-by-case basis using the guidelines specified herein.

Written Notification to Parents

Before an individual may bring a guide dog, signal dog, or service dog into the classroom, the site administrator or designee shall provide written notification to all parents/guardians of students in the affected class and/or LEA program, asking them to verify whether their child has any known allergies, asthma, or other health conditions that may be affected by the animal's presence. Special consideration shall be given to any student who has allergies to certain animals, except that all reasonable accommodations shall be made for service animals used by individuals with disabilities.

All animals brought to school must be:

- In good physical condition;
- Vaccinated against transmittable diseases;

- In clean, safe and suitable cages or containers, or otherwise appropriately controlled at all times; and
- Must be housebroken.

Any guide dog, signal dog, or service dog brought to school by an individual with a disability shall be taken home the same day.

The site administrator or designee should be familiar with the needs and behaviors of a given species prior to its introduction into the classroom. Students should be instructed on proper animal care and handling before having direct contact with the animal.

The LEA assumes no liability and shall not be responsible for the provision of a guide dog, signal dog, or service dog. The user of the dog is responsible for its care and conduct at all times.

Right to Use of Facilities and Services

A user has the right to be accompanied, in or on county office property/facilities or at school-sponsored programs or activities, by a guide dog, signal dog, or service dog specially trained for an individual with a disability. However, prior to receiving permission from the site administrator or designee to bring a guide dog, signal dog, or service dog on school property or to a school-sponsored program or activity, the user of the dog shall:

1. Ensure the dog is properly harnessed or on a leash at all times and wears an identification tag that identifies the dog as a guide dog, signal dog, or service dog, unless either the handler is unable because of a disability to use a harness, leash, or tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
2. Complete and sign a release of liability form, which shall release the LEA from any and all liability for damage to persons, premises, or facilities caused by the dog. If the user is a minor under the age of 18 years old, the parent/guardian shall complete and sign the release of liability form (see Appendix E). By signing the release, the individual, or the parent/guardian if the individual is a minor, agrees to assume all liability for any and all damages to persons, premises, or facilities caused by the dog.
3. Be responsible for the care and conduct of the dog at all times. The dog shall be under the user's control at all times. The user is responsible for the cleanliness of the dog, including flea control and ensuring the dog is housebroken, to protect the health and safety of others.

The site administrator or designee shall not permit the user to bring the guide dog, signal dog, or service dog on school property or to school-sponsored programs or activities if any of the conditions stated in items one through three above are not met. If the site administrator or designee grants permission to the user to bring the guide dog, signal dog, or service dog on school property or to school-sponsored programs or activities, the user shall continue to be subject to the conditions stated above. If any of the above conditions are not met, the user requiring the use of the dog can be required to remove the animal immediately and not bring the animal back to the school premises until he or she can demonstrate that all conditions are met. If the public entity properly excludes a service animal under Section 35.136(b), it shall give the individual with a disability the opportunity to participate in the service program, or activity without having the service animal on the premises.

The user cannot be asked to remove his or her service animal from the premises unless:

- The animal is out of control and the animal's user does not take effective action to control the animal (i.e., dog that barks repeatedly, jumps, displays aggressive behavior, etc.); or
- The animal poses a direct threat to the health and safety of others (significant risk to health and safety of others that cannot be eliminated by a modification of policies, practices, or procedures).

LEAs should consider whether allowing the animal into a particular setting would constitute a fundamental change in the nature of the program.

The LEA and/or site administrator or designee shall not require the following as a condition for the user to be accompanied by the service animal onto public accommodations and/or facilities:

- Documentation of a medical disability and/or the extent of the individual's disability; or
- Proof of state certification for the service animal.

The LEA may inquire on the type of work or task the animal has been trained to perform, except when it is readily apparent that an animal is trained to do work or perform tasks for the individual with a disability.

Section 504 Plan and IEP - FAPE

Before granting permission to a student with a disability, who is enrolled in a public school of the LEA and has a Section 504 plan or an IEP, to bring a guide dog, signal dog, or service dog on school property or to school-sponsored programs or activities, the site administrator or designee shall determine whether the student's Section 504 or IEP team has addressed the student's educational needs in another manner that would eliminate his or her need for the dog in order to receive a Free Appropriate Public Education (FAPE).

Nothing shall preclude the site administrator or designee, upon receiving a request from or on behalf of a student with a disability, to bring a guide dog, signal dog, or service dog on school property or to school-sponsored programs or activities, from convening a Section 504 or IEP team meeting to further clarify the student's need for additional support. Should such a service animal be found to be required by an IEP team, conditions for the use of such a service animal should be referenced in the IEP document. Similarly, should a service animal be included in a student's Section 504 plan, the conditions for the use of such a service animal should be referenced in the 504 plan document.

Liability for Service Animals

The user of the service animal shall keep the service animal properly harnessed or leashed and under control at all times. The owner/user of the service animal is solely responsible for any damage to persons, premises or facilities caused by that service animal. The LEA assumes no responsibility for any guide dog, signal dog, or service dog brought on school property or to school-sponsored programs or activities.

Transportation on School Bus

Animals shall not be brought to school on school buses without express permission of the appropriate site administrator or designee, except that guide dogs, signal dogs, and service dogs trained to provide assistance to individuals with disabilities may be transported in a school bus when accompanied by

students with disabilities enrolled in a public or private school or by teachers with disabilities employed in a public or private school or community college or by persons training dogs (California Education Code section 39839; Civil Code section 54.2).

Court Cases Regarding the Use of Service Animals

- Bakersfield (CA) City Sch. Dist., 50 IDELR 169 (OCRIX, San Francisco (CA) 2008);
- Sullivan v. Vallejo City Unified Sch. Dist., 16 IDELR 597 (E.D. Cal. 1990); and
- Bakersfield City School District, California State Educational Agency, 51 IDELR 142.

Section D - Assistive Technology

Assistive technology needs must be considered for each individual with a disability. Amendments to the Individuals with Disabilities Education Act (IDEA) 2004 require the IEP team to consider whether the child requires assistive technology and services (IDEA; Title 20 of the United States Code, section 1414(d)(3)(B)(v)).

Assistive technology and services is defined in federal law as follows:

Assistive Technology Device: The term “assistive technology device” means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

Assistive Technology Service: The term “assistive technology service” means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such terms include:

- *The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child’s customary environment.*
- *Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children with disabilities.*
- *Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices.*
- *Coordinating and using other therapies, interventions or services, with assistive technology devices such as those associated with existing education and rehabilitation plans and programs.*
- *Training or technical assistance or a child with a disability or, if appropriate, that child’s family; and*
- *Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.*

Kinds of Assistive Technology and Services that are to be considered by the IEP Team

It is important that members of the IEP team recognize that technology is just one strategy in a multi-faceted approach in addressing the needs and strengths of students with disabilities. IEP teams will

therefore need to balance the degree of technology assistance with the student's learning potential, motivation, chronological developmental level and goals/objectives, which include, but are not limited to:

1. **Low-Tech:** Equipment and other supports readily available in schools, including off-the-shelf items to accommodate the needs of students, which can be provided by general/special education through the Student Study Team (SST)/IEP processes (e.g., calculators, tape recorder, pencil grip, and larger pencils).
2. **High-Tech:** Supports students who may need more specialized equipment and support services beyond basic assistive technology, often students with low-incidence and/or significant/severe disabilities, which requires more in-depth assessment (e.g., closed circuit television [CCTV], FM systems, augmentative communication devices, sound field systems, alternative computer access, and specialized software).

Process for considering whether the child requires assistive technology and services

Assistive technology is as much a process as a product. Assistive technology is a tool for access (e.g., school environment, core curriculum) and for independence (e.g., communication, mobility) and will therefore change as the needs of the student change and as technology continues to change. The need for assistive technology should therefore be an integral part of a comprehensive assessment for students with disabilities in all areas related to their disabilities, as appropriate, for each student and must be considered by the IEP team, based upon the student's assessed needs and strengths. It is important to use a collaborative school-based team approach in education settings for assessment, planning, and provision of needed assistive technology, which includes individuals who are knowledgeable about the student's disability needs and strengths in the area of assistive technology.

The **Wisconsin Assistive Technology Initiative (WATI)** developed a "checklist" of additional examples of assistive technology which may be needed by students.

It is also important to consider and use the technology purchased with state and federal technology funds for all students (e.g., computers, basic software), and to request funding for students with disabilities who do not have access to the technology purchased with these funds.

ASSISTIVE TECHNOLOGY CHECKLIST

Writing: Mechanics of Writing

- _____ Pencil/pen with adaptive grip
- _____ Adapted paper (e.g., raised line, highlighted lines)
- _____ Slantboard
- _____ Typewriter
- _____ Portable word processor
- _____ Computer
- _____ Other: _____

Alternate Computer Access

- _____ Keyboard with easy access
- _____ Keyguard
- _____ Arm support
- _____ Track ball/track pad/joystick with on-screen keyboard
- _____ Alternate keyboard
- _____ Mouth stick/head pointer with standard/alternate keyboard
- _____ Head mouse/head master/tracker with on-screen keyboard
- _____ Switch with Morse Code
- _____ Switch with scanning
- _____ Voice recognition software
- _____ Word prediction to reduce keystrokes
- _____ Other: _____

Composing Written Material

- _____ Word cards/word book/word wall
- _____ Pocket dictionary/thesaurus
- _____ Electronic/talking electronic dictionary/thesaurus/spell checker
- _____ Word processor with spell check/grammar check
- _____ Word processor with word prediction to facilitate spelling an sentence construction
- _____ Talking word processor for multi-sensory typing
- _____ Voice recognition software
- _____ Multimedia software for expression of ideas (assignments)
- _____ Other: _____

Reading, Studying and Math

- _____ Changes in text size, spacing, color, background color
- _____ Use of pictures with text
- _____ Book adapted for page turning (e.g., page fluffers, 3-ring binder)
- _____ Talking electronic device to pronounce challenging words
- _____ Scanner with talking word processor
- _____ Electronic books
- _____ Other: _____

Learning/Studying

- _____ Print or picture schedule
- _____ Low tech aids to find materials (e.g., index tabs, color coded folders)
- _____ Highlight text (e.g., markers, highlight tape, ruler, etc.)
- _____ Voice output reminders for assignments, steps of task, etc.
- _____ Software for manipulation of objects/concept development input device (e.g., switch, touch window)
- _____ Software for organization of ideas and studying
- _____ Recorded material (e.g., books on tape, taped lectures with number coded index)
- _____ Other: _____

Math

- _____ Abacus/math line
- _____ Calculator/calculator with print out
- _____ Talking calculator
- _____ Calculator with large keys and/or large LCD print out
- _____ On screen calculator
- _____ Software with templates for math computation (may use adapted input methods)
- _____ Tactile/voice output measuring devices (e.g., clock, ruler)
- _____ Other: _____

Communication

- _____ Communication board/book with pictures/objects/letters/words
- _____ Eye gaze board (eye gaze communication)
- _____ Simple voice output device
- _____ Voice output device with levels
- _____ Device with speech synthesis for typing
- _____ Other: _____

Activities of Daily Living Skills (ADL)

- _____ Adaptive eating devices (e.g., foam handle on utensil)
- _____ Adaptive drinking devices (e.g., cup with cut out rim)
- _____ Adaptive dressing equipment (e.g., button hook, reacher)
- _____ Other: _____

Mobility Walker

- _____ Grab rails
- _____ Manual wheelchair
- _____ Powered mobility toy
- _____ Powered wheelchair with joystick, head switch or sip/puff control
- _____ Other: _____

Environmental Control

- _____ Light switch extension
- _____ Use of universal link and switch to turn on electrical appliances (e.g., radio, fan blender)
- _____ Radio/ultra sound/remote controlled appliances
- _____ Other: _____

Recreation and Leisure

- _____ Adapted toys and games (e.g., toy with adaptive handle)
- _____ Use of battery interrupter and switch to operate a toy
- _____ Adaptive sporting equipment (e.g., lighted/bell ball, Velcro mitt)
- _____ Universal cut to hold crayons, markers, paint brush
- _____ Modified utensils (e.g., rollers, stampers, scissors)
- _____ Arm rest to support arm for drawing/painting
- _____ Drawing/graphic program on computer
- _____ Playing games on the computer
- _____ Music software on computer
- _____ Other: _____

Vision

- _____ Eye glasses
- _____ Magnifier
- _____ Large print books
- _____ Screen magnifier (mounted over screen)
- _____ Screen color cornets
- _____ Screen magnification software
- _____ CCTV (closed-circuit television)
- _____ Screen reader
- _____ Braille keyboard and note taker
- _____ Braille translation software
- _____ Braille printer
- _____ Other: _____

Hearing

- _____ Hearing aid
- _____ Classroom amplification
- _____ Captioning
- _____ Signaling device (e.g., vibrating pager)
- _____ TDD/TTY for phone access
- _____ Screen flash for alert signals on computer
- _____ Other: _____

Positioning and Seating

- _____ Non-slip surface on chair to prevent slipping
- _____ Bolster, rolled towel, blocks for feet
- _____ Adapted/alternate chair, side lyer, stander
- _____ Custom fitted wheelchair or insert
- _____ Other: _____

To order a copy of the complete Resource Manual for Assessing Student’s Needs for Assistive Technology (\$50.00, including shipping and handling), contact: Polk Library, 800 Algoma Blvd., Oshgosh, MI 54901.

For information about other materials that have been developed by WATI, contact: <http://www.wati.org>

**Desert/Mountain SLEPA
Guideline Statement – Least Restrictive Environment**

It is the philosophy of the Desert/Mountain Special Education Local Plan Area (SELPA) that all individuals with exceptional needs shall be provided a free appropriate public education in the least restrictive environment. This philosophy is in accordance with state and federal mandates and specifically includes changes that were made in the provisions of the Individuals with Disabilities Education Act (IDEA) which addresses issues of education of students with disabilities in the least restrictive environment.

A full continuum of program options is available for educational placement of students with disabilities. Program options shall provide a spectrum of educational offerings, which range from regular alternatives to a site structured to deliver intense and specialized services. The Individualized Education Program (IEP) team remains the primary decision-making body in determining the individual needs of students and the appropriate placement for them. A strong preference for educating students with disabilities in general education classes with appropriate aids and services is made to ensure that students with disabilities participate in meaningful academic and extracurricular activities, including meals, recess periods, and other activities, as much as possible.

The student's instructional program includes the core curriculum as well as the specific goals and objectives of the IEP. Instruction as well as coordination of instruction will vary depending upon the concepts and skills being taught. The instruction may take place in the regular classroom, special education classroom, or community environment.

Students with low-incidence disabilities receive services consistent with the state guidelines and students, including those who are ethnically and culturally diverse, are referred after general education modifications are deemed to be not appropriate. They are identified and served in special education in accordance with appropriate legal assessment standards. The SELPA staff and LEA program administrators review programs on a regular basis to determine whether or not a disproportionate representation exists.

If the IEP team determines support to staff is necessary, then those services must be delineated in the student's IEP. Such services may include, but are not limited to, professional learning activities including disability awareness in-services, classroom visitations, and training in appropriately developed curricular programs.

If the IEP team determines that the student requires supplemental aids or services, then those services must also be delineated in the student's IEP and provided to the student. Such reports may include, but are not limited to, Braille instruction, positive behavioral interventions, communication aids, assistive technology devices and services, language supports, related services, curricular modifications or adaptations, and classroom assistant support.

If it is determined that a student with a disability cannot be educated satisfactorily in the general education classroom even for some portion of the school day, then the student's IEP team must provide the specific rationale for this on the IEP and select the appropriate option in the array of alternative placements that best meets the student's needs. Whatever placement and program is determined appropriate for the student within the IEP process, opportunities must be maximized for the student to interact with nondisabled peers to the greatest extent appropriate. Discussions by the team should continue regarding transition to less restrictive settings within the continuum of options. Every effort is made to encourage successful transition toward the least restrictive environment in which a student is capable of achieving.

**Desert/Mountain SELPA
Guideline Statement – Least Restrictive Environment**

In accordance with state requirements, the SELPA is prepared to work with the California Department of Education (CDE) on student performance standards to address the success of special education programs and services. All students with disabilities, regardless of placement or program, must have access to the general education curriculum and to LEA and state assessments. All students, including those with disabilities, must be held to high expectations, according to state and LEA standards of performance, as delineated in their IEPs. If the IEP team determines that the student cannot participate in the LEA and/or state assessments even with accommodation(s), the student must participate in the state alternative assessment program.

In summary, all students shall be educated to the maximum extent possible with children who are not disabled, unless there are demonstrated and compelling reasons why a student must be provided education in a special class or center. As appropriate, a student with a disability may be educated with students who are less disabled than he or she may be which may not be the least restrictive environment but one that is considered to be less restrictive.

Reference: California Education Code section 56205(a); Title 20 United States Code section 1412(a)(5)(A)

I

Determining the Need for Special Circumstance Instructional Assistance (SCIA)

Section A	Rationale
Section B	Least Restrictive Environment (LRE)
Section C	Factors for Special Circumstances
Section D	Special Circumstance Assistance/Support
Section E	Procedures for Requesting Special Circumstance Instructional Assistance
Section F	Training

The purpose of this handbook is to provide Local Education Agency (LEA) personnel information and guidance in determining a student with a disability's need for special circumstance instructional assistance (SCIA) support. A recommendation for a SCIA is a significant programmatic decision and one that should only be made after a comprehensive discussion of other options considered and clear documentation of as to why those options are not appropriate. While, some students may temporarily need the support of a SCIA to receive a free appropriate public education (FAPE), for other students, the assignment of a SCIA may be unnecessary and inappropriately restrictive.

A goal for all students with disabilities is to promote and maximize independence. LEAs are responsible for developing and implementing individualized education programs (IEPs) that promote such independence. When an IEP team determines that a student needs a SCIA, it should always be considered a time-limited recommendation and specific conditions/goals must be established to fade the use of a SCIA.

California Education Code states,

***E.C. § 56363** (a) As used in this part, the term “designated instruction and services” means “related services” as that term is defined in Section 1401(26) of Title 20 of the United States Code and Section 300.34 of Title 34 of the Code of Federal Regulations. The term “related services” means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purpose only) as may be required to assist an individual with exceptional*

needs to benefit from special education, and includes the early identifications and assessment of disabling conditions in children.

A. Rationale

Every LEA within the Desert/Mountain Special Education Local Plan Area (SELPA) is required to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Act (IDEA 2004) and California laws and regulations describe a continuum of alternative placements such as instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions [Title 34 of the Code of Federal Regulations (CFR) 300.551(b)(1)]. Both federal and state laws also contain provisions to ensure that children with disabilities are educated to the maximum extent possible with children who are not disabled, and that children are removed from the general education environment only when the nature and severity of the disability is such that education in the regular classroom cannot be satisfactorily achieved with the use of related services.

B. Least Restrictive Environment (LRE)

By law, services to students with special needs must be delivered in the "least restrictive environment." When an IEP team is considering special circumstance support for a student, all aspects of the student's program must be considered with the intent of maximizing student independence. The teacher(s) is responsible for the design and implementation of the student's program.

C. Factors for Special Circumstances

Whenever special circumstance support is being considered by an IEP team for a student with special needs, the following factors need to be considered:

Personal Independence

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

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

1. Health/Personal Care Issues

2. Behavioral Support
3. Instruction
4. Inclusion/Mainstreaming

D. Special Circumstance Assistance/Support

1. IEP teams should identify the need for related services based on appropriate documentation and assessment. If the IEP team recommends such services, the following statements must be considered for inclusion in the IEP:
 - a) The related service is necessary to the child to benefit from his/her special education program;
 - b) The program modifications or supports for school personnel are necessary to assist the child; and
 - c) The related service will assist the child to:
 1. Advance appropriately toward the annual goals;
 2. Be involved in and progress in the general curriculum;
 3. Participate in extracurricular and other nonacademic activities; and
 4. Be educated and participate with other disabled and non-disabled children.
2. The IEP team shall address the means for reviewing and evaluating the necessity of continuing special circumstance instructional assistance services to the student.
3. The IEP team shall also include a statement of the anticipated frequency and duration for the services and modifications.
4. If it is determined that additional personnel support is required, the IEP team should periodically review the effectiveness of this additional support. A systematic, written plan needs to address how additional personnel support will be monitored.
5. For services requiring additional personnel support as a result of a student's behavioral difficulties, the student's IEP needs to include appropriate goals. In addition, a behavioral intervention plan (BIP) should be developed in accordance with Sections 3001 and 3052 in Title 5 of the California Code of Regulations (CCR). The BIP needs to include a provision describing how and when support, including personnel, will be utilized to implement the plan, and when the plan will be reviewed and modified.
6. When determining the need for additional personnel support due to an instructional need, the IEP team must utilize appropriate assessment information to support this recommendation. The written plan must be developed by a general and/or special education teacher specifying how the additional personnel will be utilized to support the teacher in implementing the student's goals and objectives and what attempts will be made to transition other available classroom resources and supports.
7. When a need for additional support is due to medical need, a specialized health care plan will need to be developed. (Utilize D/M SELPA Form 93, 94, and 95, as appropriate)

8. When special circumstance assistance is being considered for a specific student, a LEA representative shall be required to participate in the decision-making process of the IEP meeting.

E. Procedures for Requesting SCIA

A SCIA may be provided for students with disabilities when additional support is necessary to the student in order to meet his or her goals and to benefit educationally. Whenever possible, additional assistance is assigned to a school environment, class, or case manager. Occasionally, however, a student requires individual support for a designated period of time to address a unique need. By law, services to students with special needs must be delivered in the "least restrictive environment." When the IEP team is considering a SCIA, all aspects of the student's program must be considered. A request for SCIA is made only after other site interventions have proven to be ineffective. A student's educational program must be carefully evaluated to determine when and where the additional support is required. Additionally, the IEP team must plan for periodic reviews to assess the continued need for this type of individualized assistance.

It is expected that students enrolling in a non-public school (NPS) will not require SCIA support. For students currently in NPS, if the need for SCIA becomes evident, the NPS should contact the student's LEA of residence to initiate a referral for a SCIA evaluation. The LEA will evaluate the student and present findings and recommendations to the IEP team. Whether in public school or NPS, if the student already has a SCIA, it is recommended that the LEA conduct an evaluation to determine the continued need for a SCIA prior to the next annual IEP meeting. When a student new to the LEA enrolls with an existing IEP that indicates assistance is needed, a temporary substitute should be assigned until the evaluation process is completed.

- **Step 1: Referral for SCIA**

If the principal and special education team at the site believe extra support may be necessary to meet the student's goals, they must conduct an evaluation of the student's needs prior to an IEP meeting, at which time this topic will be considered. The ***Referral for Special Circumstance Instructional Assistance (D/M 157B)*** needs to be completed. Use the ***Student Needs for Additional Support Rubric (D/M 157C)*** to assist in quantifying the severity of student need. Supporting documentation should include ***Review of IEP Goals (D/M 157E)***, ***Review of Behavioral Intervention Plan (BIP) (D/M 157F)*** and review of other documents as appropriate, such as a nurse's assessment, health report, discipline records, independent assessments, etc.

If the parent requests additional support, the school principal, designee, or special education director shall confer with the parent to clarify his or her concerns, discuss options, and assist the parent in completing the Reason for Referral and Other Unique Needs sections of the ***Referral for Special Circumstance Instructional Assistance (D/M 157B)***. The parent should sign as the person requesting referral. The 15-day timeline for developing the evaluation plan begins on the date of the parent signature.

If SCIA is requested during an IEP meeting without a previous referral, the procedure for requesting SCIA must be initiated at that time. The IEP meeting should be completed and the referral for SCIA should be indicated in the IEP notes. Another IEP meeting will need to be scheduled to review the results of the evaluation.

Submit the *Referral for Special Circumstance Instructional Assistance (D/M 157B)*, *Student Needs for Additional Support Rubric (D/M 157C and 157D)*, *Review of IEP Goals (D/M 157E)*, and *Review of Behavioral Intervention Plan (BIP) (D/M 157F)* if appropriate, with additional supplemental documentation, if necessary, to the director of special education.

- **Step 2: Assessment Plan and Parent Permission**

The director of special education will assign the referral to appropriate staff who will be responsible for securing written parent permission/consent on an Assessment Plan (D/M 66), within 15 days of completion of the referral.

- **Step 3: Parent/Teacher/Student Interviews**

Best practices would be for the interviews to be completed at the beginning of the evaluation process. The SCIA case manager/coordinator should complete the *SCIA Parent Interview (D/M 157G)* and the *SCIA Teacher Interview (D/M 157H)* to identify specific areas of concern. It is usually appropriate to also complete the *SCIA Student Interview (D/M 157I)*.

- **Step 4: Complete Evaluation including Observational Evaluation**

It is the responsibility of the SCIA case manager/coordinator to ensure that the observation is completed, using the *Observational Evaluation for SCIA (D/M 157J)*. The SCIA case manager/coordinator, in addition to the other appropriate assessors, will review strategies, materials, modifications, and/or accommodations currently in place to assist the student toward achieving goals and objectives.

- **Step 5: Develop SCIA Evaluation Report**

When an IEP team is considering SCIA for a student, all aspects of the student's program must be considered with the intent of maximizing student independence. The *SCIA Evaluation Report (D/M 157K)* should address the areas of concern identified in the referral, assessments, interviews, and observations. The SCIA case manager/coordinator will ensure the *SCIA Evaluation Report (D/M 157K)* is developed.

- **Step 6: Review Evaluation at IEP Meeting**

Within 60 days following the receipt of parent consent to evaluate for SCIA, an IEP team shall review the results of the evaluation and recommendations at an IEP meeting. If the IEP team determines a need for SCIA, it is written on the IEP with specific goals, monitoring strategies, fading strategies, and review dates. Regardless of the circumstances that may indicate the need for support, it is imperative for every IEP to address the skills that will be taught in order for SCIA to be faded. The level of support required for the student to advance appropriately toward annual goals needs to be defined. A systematic, written plan should specify how additional support should be utilized and monitored. An IEP meeting should be convened if necessary to modify SCIA. Discussion at this meeting should be

concluded with a written plan outlining the team's criteria and possible timeline for phasing out the necessity for SCIA.

- **Step 7: Request/Assign SCIA**

When an IEP team has determined that SCIA is required, the special education director or designee will process the appropriate paperwork in accordance with LEA procedures.

- **Step 8: Observational Review**

The goal for any student with special needs is to encourage, promote, and maximize independence. Periodic observations and review of data may be required to assess the effectiveness of this additional support and to monitor the duration of services. The ***Observational Review to Determine Continued Need for SCIA (D/M 157L)*** is used if direct observation of the student is required. The IEP team should identify the next scheduled observation date, often within six months and no later than the next annual IEP review, to continually monitor the effectiveness of SCIA provided to the student.

F. Training

It is critical that all staff receive appropriate training on the student's health issues, curriculum modifications, the student's instructional environment, behavioral interventions, using and fading prompts, data collection and reporting, etc.



SCIA Checklist

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
 Disability: ... _____ Grade: _____ Gender: Male Female
 School Site: _____ Program/Placement: _____
 General Education Teacher: _____ Contact Phone: _____
 Special Education Teacher: _____ Contact Phone: _____
 SCIA Case Manager/Coordinator: _____ Contact Phone: _____

DIRECTIONS: The following information to be completed by the school site staff. Initial and date as items are completed.

	Initial	Date
STEP 1: Make Referral		
<input type="checkbox"/> Complete SCIA Rubric (D/M 157C & D)	_____	_____
<input type="checkbox"/> Complete Review of IEP Goals (D/M 157E)	_____	_____
<input type="checkbox"/> Complete Review of BIP (D/M 157F)	_____	_____
<input type="checkbox"/> Review other records, as appropriate	_____	_____
<input type="checkbox"/> Complete Referral for SCIA (D/M 157B)	_____	_____
<input type="checkbox"/> Send Packet to district Director of Special Education	_____	_____
STEP 2: Complete Assessment		
<input type="checkbox"/> Complete Assessment Plan (D/M 66)	_____	_____
<input type="checkbox"/> Obtain written parent permission to assess and provide parents with a copy of the Procedural Safeguards (D/M 77)	_____	_____
STEP 3: Complete Interviews		
<input type="checkbox"/> Complete Parent Interview (D/M 157G)	_____	_____
<input type="checkbox"/> Complete Teacher Interview (D/M 157H)	_____	_____
<input type="checkbox"/> Complete Student Interview (D/M 157I)	_____	_____
STEP 4: Complete Evaluation		
<input type="checkbox"/> Complete Observational Evaluation for SCIA (D/M 157J)	_____	_____
<input type="checkbox"/> Complete Assessments	_____	_____
STEP 5: Develop Evaluation Report		
<input type="checkbox"/> Develop SCIA Evaluation Report (D/M 157K)	_____	_____
STEP 6: Review Evaluation at IEP Meeting		
<input type="checkbox"/> Hold IEP meeting (within 60 days of receipt of consent)	_____	_____
<input type="checkbox"/> SCIA Not Recommended - process ends as per IEP	_____	_____
<input type="checkbox"/> SCIA Recommended - develop IEP goals to be supported by SCIA	_____	_____
STEP 7: Request / Assign SCIA		
<input type="checkbox"/> Request/Assign SCIA (LEA Personnel Forms)	_____	_____
STEP 8: Observational Review		
<input type="checkbox"/> Observational Review to Determine Continued Need for SCIA (D/M 157L)	_____	_____
will be completed by _____	_____	_____
Name/Title		Date



Referral for SCIA

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
Disability: ... _____ Grade: _____ Gender: Male Female
School Site: _____ Program/Placement: _____
General Education Teacher: _____ Contact Phone: _____
Special Education Teacher: _____ Contact Phone: _____
SCIA Case Manager/Coordinator: _____ Contact Phone: _____

DIRECTIONS: Please complete the following information. Submit the Referral for SCIA and the following forms: SCIA Rubric (D/M 157C and D), Review of IEP Goals (D/M 157E), and Review of Behavioral Intervention Plan (BIP) (D/M 157F) to the special education office.

Reason for referral:

Areas of student need based on SCIA Rubric (D/M 157C and D):

Concerns identified on Review of IEP Goals (D/M 157E):

Concerns identified on Review of BIP (D/M 157F):

Previous interventions and results: *(including frequency, duration, and location)*

Other unique needs:

This referral is made at the request of the:

Teacher Case Manager Parent/Guardian Other: _____

Individual Requesting Referral: _____ Date: _____

Site Administrator/Designee: _____ Date: _____



SCIA Student Needs for Additional Support Rubric

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____ Review Date: _____
 Disability: ... _____ Program/Placement: _____ Teacher: _____

	Health/Personal Care Rating	Behavior Rating	Instruction Rating	Inclusion/Mainstreaming Rating
0	General good health. No specialized health care procedure, medications taken, or time for health care. Independently maintains all "age appropriate" personal care. <input type="checkbox"/>	Follows adult directions without frequent prompts or close supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends. <input type="checkbox"/>	Participates fully in whole class instruction. Stays on task during typical instruction activity. Follows direction with few to no additional prompts. <input type="checkbox"/>	Participates in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers. <input type="checkbox"/>
1	Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedures. Medication administration takes less than 10 minutes. Needs reminders to complete "age appropriate" personal care activities. <input type="checkbox"/>	Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited. <input type="checkbox"/>	Participates in groups at instructional level but may require additional prompts, cues or reinforcement. Requires reminders to stay on task, follow directions, and to remain engaged in learning. <input type="checkbox"/>	Participates with modifications and accommodations. Needs occasional reminders of room and schedule. Requires some additional support to finish work and be responsible. Needs some social cueing to interact with peers appropriately. <input type="checkbox"/>
2	Chronic health issues, generic specialized health care procedure. Takes medication. Health care intervention for 10-15 minutes daily (diet, blood sugar, medication). Requires reminders and additional prompts or limited hands-on assistance for washing hands, using bathroom, wiping mouth, shoes, buttons, zippers, etc. Occasional toileting accidents. <input type="checkbox"/>	Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavioral management plan, but unable to experience much success without behavioral intervention plan implementation. <input type="checkbox"/>	Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues, or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions. <input type="checkbox"/>	Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications and accommodations to benefit from class activities. Regular socialization may require adult facilitation. <input type="checkbox"/>
3	Very specialized health care procedure and medication. Limited mobility. Physical limitations requiring assistance (stander, walker, gait trainer, or wheelchair). Special food prep or feeding. Health related interventions 15-45 minutes daily. Frequent physical prompts and direction assistance for personal care. Food prep required regularly. Requires toilet schedule, training, direct help, and diapering. <input type="checkbox"/>	Serious behavioral problems almost daily. Defiant and /or prone to physical aggression. Requires a Behavioral Intervention Plan (BIP) and behavioral goals and objectives on the IEP. Requires close visual supervision to implement BIP. Medication for ADD/ADHD or other behaviors. <input type="checkbox"/>	Difficult to participate in a large group. Requires low student staff ratio, close adult proximity and prompts including physical assistance to stay on task. Primarily complies only with 1:1 directions and monitoring. Cognitive abilities and skills likely require modifications not typical for class as a whole. Needs additional support(s) as determined by the IEP team. <input type="checkbox"/>	Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to and from class. Always requires modifications and accommodations for class work. Requires adult to facilitate social interaction with peers. <input type="checkbox"/>
4	Specialized health care procedure requiring care by specially trained employee (G tube, tracheotomy, cauterization). Takes medication, requires positioning or bracing multiple times daily. Health related interventions 45 minutes daily. Direct assistance with most personal care. Requires two-person life. Direct 1:1 assistance 45 or more minutes daily. <input type="checkbox"/>	Serious behavioral problems with potential for injury to self and others, runs away, aggressive on a daily basis. Functional Behavioral Analysis (FBA) has been completed and the student has a well-developed BIP, which must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors. <input type="checkbox"/>	Cannot participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodations and modifications not typical for the class group. <input type="checkbox"/>	Always requires 1:1 staff in close proximity for direct instruction, safety, mobility, or behavior monitoring. Requires 1:1 assistance to go to and from class 80% of the time. Requires adult to facilitate social interaction with peers and remain in close proximity at all times. <input type="checkbox"/>

***Attach a copy of documentation indicating frequency and duration over a period of time to determine further consideration of special circumstance instructional assistant.
 If mostly ratings of 3's and 4's, in two or more areas, continue with needs assessment process.**



Summary of SCIA Rubric

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
 Disability: ... _____ Grade: _____ Gender: Male Female
 School Site: _____ Program/Placement: _____
 Parent/Guardian: _____ Contact Phone: _____

DIRECTIONS: Please mark the boxes that best describes the health/personal care, behavior, instruction, and program supports for the student.

HEALTH / PERSONAL CARE				
<input type="checkbox"/> Specialized Health Plan	<input type="checkbox"/> G-Tube	<input type="checkbox"/> Medications	<input type="checkbox"/> Suctioning	<input type="checkbox"/> Food Preparation
<input type="checkbox"/> Diaper Changing	<input type="checkbox"/> Feeding Full Support	<input type="checkbox"/> Seizures Weekly	<input type="checkbox"/> Lifting / Transfers	
<input type="checkbox"/> Other: _____				
BEHAVIOR				
<input type="checkbox"/> Behavior Plan in Place	<input type="checkbox"/> Physically Aggressive Weekly	<input type="checkbox"/> Non-compliant in Class	<input type="checkbox"/> Non-compliant on Campus	
<input type="checkbox"/> Runs Away Weekly	<input type="checkbox"/> ADHD Medicated	<input type="checkbox"/> Mental Health Client		
<input type="checkbox"/> Other: _____				
INSTRUCTION				
<input type="checkbox"/> Discrete Trial / ABA	<input type="checkbox"/> Physical Prompts 80 % +	<input type="checkbox"/> Verbal Prompts 80% +	<input type="checkbox"/> Structured Teaching	
<input type="checkbox"/> Assistive Technology	<input type="checkbox"/> PECS	<input type="checkbox"/> Signing 80% +		
<input type="checkbox"/> Other: _____				
INCLUSION / MAINSTREAM				
<input type="checkbox"/> Direct Adult Instruction	<input type="checkbox"/> Physical Support/Positioning	<input type="checkbox"/> Safety Supervision 80% +	<input type="checkbox"/> Close Visual Supervision 80% +	
<input type="checkbox"/> Other: _____				

Describe each area of intensive need marked above and indicate if there is an IEP goal/objective written to address the area. Use additional paper if needed to describe all of the needs.

Describe interventions used to support referred student in each of the areas marked above. Provide data that documents the prior success or failure of interventions and attach. School day description and assistance needed.



SCIA Review of IEP Goals

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
 Disability: ... _____ Grade: _____ Gender: Male Female
 School Site: _____ Program/Placement: _____
 General Education Teacher: _____ Contact Phone: _____
 Special Education Teacher: _____ Contact Phone: _____
 SCIA Case Manager/Coordinator: _____ Contact Phone: _____

* PROGRESS CODE	
1 = No Progress	2 = 1 - 50% Met
3 = 51 - 99% Met	4 = Goal Met

** LEVELS OF ASSISTANCE	
P = Physical Prompt	M = Modeling
V = Verbal Cue	I = Independent

AREA	Measurable Goal	Progress Code *	Assistance Levels **	Comments (Including frequency, duration, location of assistance requested)
ACADEMIC				
MOTOR				
COMMUNICATION				
SELF-HELP				
SOCIAL / EMOTIONAL AND BEHAVIOR				
PRE-VOCATIONAL				
OTHER				



SCIA Review of BIP

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
 Disability: ... _____ Grade: _____ Gender: Male Female
 School Site: _____ Program/Placement: _____
 General Education Teacher: _____ Contact Phone: _____
 Special Education Teacher: _____ Contact Phone: _____
 Behavioral Case Manager: _____ Contact Phone: _____

DIRECTIONS: The following information to be completed by the school site staff. Initial and date as items are completed.

What are the targeted behaviors in the Behavioral Intervention Plan (BIP)?

- | | | | | |
|--------------------------|-----|--------------------------|----|--|
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | The request for SCIA is related to the identified targeted behaviors in the BIP. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | All interventions are developmentally appropriate for the student. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | BIP is written with enough clarity and detail for any new staff to understand and implement. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | All implementers have a copy of the plan. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | The BIP is being fully implemented. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | All implementers understand and/or have training in the strategies contained in the plan. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | Behavior support for the plan is adequate. |

The student is making progress in the targeted behaviors. Indicate supporting evidence (e.g., grades, rate of homework completion, duration of on-task behavior, frequency and quality of social interactions).

Actions:

- BIP is appropriate, and no modifications are needed
 Revise BIP
 Develop BIP
 Additional staff training needed. Describe: _____
 Other: _____

Comments:



SCIA Parent Interview

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
Disability: ... _____ Grade: _____ Gender: Male Female
School Site: _____ Program/Placement: _____
General Education Teacher: _____ Contact Phone: _____
Special Education Teacher: _____ Contact Phone: _____
SCIA Case Manager/Coordinator: _____ Contact Phone: _____

Interviewee Name: _____ Interviewed By: _____

What does your child's typical school day look like?

What's working? When is he/she successful?

What are areas of difficulty or concern?

What staff supports are provided?

What natural supports from other students and/or other school programs does your child respond to?

What skills would you like your child to develop to be more independent?

Is there anything else you would like us to consider?



SCIA Teacher Interview

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
Disability: ... _____ Grade: _____ Gender: Male Female
School Site: _____ Program/Placement: _____
General Education Teacher: _____ Contact Phone: _____
Special Education Teacher: _____ Contact Phone: _____
SCIA Case Manager/Coordinator: _____ Contact Phone: _____

Interviewee Name: _____ Interviewed By: _____

What does the child's typical school day look like?

What's working? When is he/she successful?

What are areas of difficulty or concern?

What staff supports are provided?

What natural supports from other students and/or other school programs does the child respond to?

What skills would you like the child to develop to be more independent?

Is there anything else you would like us to consider?



SCIA Student Interview

STUDENT INFORMATION

Student/Interviewee Name: _____ Date of Birth: _____ Age: _____
Disability: ... _____ Grade: _____ Gender: Male Female
School Site: _____ Program/Placement: _____
General Education Teacher: _____ Contact Phone: _____
Special Education Teacher: _____ Contact Phone: _____
SCIA Case Manager/Coordinator: _____ Contact Phone: _____

Interviewed By: _____

What does your typical school day look like?

What do you like about school? When are you successful?

When do you have problems during your school day?

How do school staff members help you during the day?

Who else helps you in school?

What programs do you participate in that help you?

What are some things you would like to learn to help you to be more independent?

Is there anything else you would like us to know about you?



Observational Evaluation for SCIA

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
 Disability: ... _____ Grade: _____ Gender: Male Female
 School Site: _____ Program/Placement: _____
 General Education Teacher: _____ Contact Phone: _____
 Special Education Teacher: _____ Contact Phone: _____
 SCIA Case Manager/Coordinator: _____ Contact Phone: _____

Observation Setting: _____ **Observed By: (Name/Title)** _____

A. Classroom: Please review the visual and the physical structure of the classroom, curriculum design, data collection, and planning.

1. Is the individual student/classroom schedule visually posted? Yes No

2. Is the transition between activities quick and smooth? Yes No *(Explain)*

3. Is the room organized with work areas defined and materials readily available for instruction? Yes No *(Describe)*

4. Do students follow the established classroom procedures and routines? Yes No *(Describe)*

5. Indicate the level of prompt needed for the student to follow the schedule:

- Independent Physical Prompt Indirect Verbal or Gesture Prompt
 Direct Verbal Prompt Other: _____

Describe:

6. Indicate the student's use of the schedule:

- Student Carries Schedule Schedule Not Used At All Teacher Carries and Shows the Schedule
 Student Goes to Schedule Board Student Goes to Schedule Board Other: _____

Describe:

Comments:

Observational Evaluation for SCIA

Student Name: _____ Date of Birth: _____

B. Curriculum and Instructional Planning: Check the curricular domains included in the student's program.

1. Is the transition between activities quick and smooth? Yes No *(Explain)*

2. Is the room organized with work areas defined and materials readily available for instruction? Yes No *(Describe)*

3. Do students follow the established classroom procedures and routines? Yes No *(Describe)*

4. Indicate level of prompt needed for the student to follow the schedule:
 Independent Physical Prompt Indirect Verbal or Gesture Prompt
 Direct Verbal Prompt Other: _____
Describe:

5. Student's use of the schedule:
 Student Carries Schedule Schedule Not Used At All Teacher Carries and Shows the Schedule
 Student Goes to Schedule Board Student Goes to Schedule Board Other: _____
Describe:

Comments:

C. Current Data Systems and Collection of Data

1. Has data been collected on student performance? Yes No
2. How often is data collected? Daily Weekly Bi-weekly Monthly
3. How is data summarized? Graphed Written Narrative Other: _____

4. What evidence is there that accommodations and/or modifications are being used? *(Describe)*

Observational Evaluation for SCIA

Student Name: _____ **Date of Birth:** _____

Comments:

D. Behavior and Safety

1. Describe the behavior management system in the classroom, including positive re-enforces and consequences. Is it appropriate for the student or does it need to be modified?

2. Are specific positive behavior supports utilized for the student? Yes No (*Describe*) _____

3. Is there appropriate safety equipment in place? Yes No

4. Are appropriate safety and medical procedures being used? Yes No

5. Does it appear appropriate training has been provided? Yes No

Comments:

E. Student Behavior In Independent Activities

1. Describe the student's interaction with peers.

2. Describe the student's interaction with non-classroom staff in a less structured environment.

3. What activities does the student choose during break?

4. What problems are evident?

Observational Evaluation for SCIA

Student Name: _____ **Date of Birth:** _____

Comments:

F. Describe the school day and assistance now provided. Include natural supports such as peers, school staff, volunteers, etc.

G. How is existing assistance utilized?

H. Can current conditions be modified to meet the student's goals and objectives and/or personal care needs?

I. What other types of assistance is needed? Why?

J. Are there any other issues that need to be addressed?

Comments:



SCIA Evaluation Report

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
Disability: ... _____ Grade: _____ Gender: Male Female
School Site: _____ Program/Placement: _____
General Education Teacher: _____ Contact Phone: _____
Special Education Teacher: _____ Contact Phone: _____
SCIA Case Manager/Coordinator: _____ Contact Phone: _____
Psychologist: _____ Contact Phone: _____

Evaluation Report Prepared By: _____

Date Completed: _____

1. Background Information and Educational Setting: *(Summarize previous interventions and outcomes, include information regarding educationally relevant health, developmental, and medical findings; and include the results of any independent educational evaluations.)*

2. Assessment Procedures: *(Include information regarding the administration of tests in the primary language of the student by qualified personnel, the validity of the evaluation, and the validity of tests for the purposes in which they were used.)*

3. Summary of Interviews and Observations: *(Summarize results of the parent, teacher, and student interviews, include information regarding relevant behavior noted during the observation of the student.)*

4. Assessment Results: *(Summary the results of standardized and/or curriculum-based testing.)*

5. Recommendations: *(Include information regarding the need for specialized services, materials, and equipment and indicate if the student's needs can be met in the regular education classroom with the current level of support.)*



Observational Review to Determine Continued Need for SCIA

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
Disability: ... _____ Grade: _____ Gender: Male Female
School Site: _____ Program/Placement: _____
General Education Teacher: _____ Contact Phone: _____
Special Education Teacher: _____ Contact Phone: _____

Observation Setting: _____ **Observer's Name/Title:** _____
Start Time: _____ **End Time:** _____ **Previous Observation Date:** _____

Name(s) and positions of SCIA provider(s):

Current status per teacher, support staff, and student:

Description of current SCIA provided: (*time, setting, specific tasks*)

Observation of student behavior:

Description of results of efforts to increase student independence and/or progress on goal(s):

Comments:

Transportation Guidelines

Section A	Determining Eligibility & Least Restrictive Environment: IEP Process
Section B	Transportation Options
Section C	Specialized Equipment
Section D	Considerations: School District & IEP Team Responsibilities
Section E	Special Considerations
Section F	Individualized Health Plan
Section G	Extracurricular Activities
Section H	Suspension from the Bus
Section I	Periodic Evaluation of Transportation Need

The following guidelines have been developed to assist Individualized Education Program (IEP) teams when determining eligibility for special education transportation as a related service. Title 34 C.F.R. § 300.34, states “related services” means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. Under the Individuals with Disabilities Education Act (IDEA) 2004, school districts are obligated to provide transportation if the student requires transportation in order to benefit from his/her special education program. Decisions about transportation must be documented on the student’s IEP and should address the type of vehicle and any necessary equipment. Services shall be described in enough detail to inform the parties of (how, when, from where to where transportation will be provided and, where arrangements for the reimbursement of parents is required, the amount and frequency of reimbursement). Failure to specify transportation provisions in the terms of an IEP is considered a procedural violation of the IDEA

IDEA defines transportation as,

34 C.F.R. § 300.34(c) (16)

Transportation includes:

- (i) Travel to and from school and between schools;*
- (ii) Travel in and around school buildings; and*
- (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability [§ 300.34(c)(17)]*

California Education Code states,

E.C. § 56040 (a) Every individual with exceptional needs who is eligible to receive special education instruction and related services under this part, shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her. A free appropriate public education shall be available to individuals with exceptional needs in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Federal Regulations.

A. Determining Eligibility and Least Restrictive Option: IEP Process

Districts must identify and resolve most transportation issues through the date and information provided to the IEP team. The IEP team determines if the child is eligible for transportation as a related service. Although it is not necessary to include transportation staff in all IEP meetings, it is important to involve and/or invite appropriate transportation staff whenever there are unique or unusual circumstances regarding the child and his/her transportation needs. The IEP team must evaluate the need for transportation as a related service on an individual basis, providing the least restrictive environment (LRE). The IEP team must determine whether the student can use the same transportation provided to non-disabled children or whether the student can get to school in the same manner as non-disabled children.

Transportation is considered necessary for a child to benefit from special education if, in its absence, a child with a disability would be denied a genuine opportunity for equitable participation in a special education program (See Donald B. v. Board of Sch. Commissioners of Mobile County, Ala., 26 IDELR 414 (11th Cir. 1997)).

Transportation is **not** a related service when a student with a disability is eligible for transportation because the student lives outside the established walking distance to the school.

The IEP team shall consider the following:

1. Does the student require transportation in a manner different from his/her non-disabled peers due to his/her disability?
2. Is the program location to which the district has assigned the student different from the student's neighborhood school and beyond the district's distance eligibility criteria?
3. Is transportation required in order for the student to benefit from his/her specialized instruction?

B. Transportation Options

Transportation is appropriately discussed after an educational program (goals, services and placement) has been selected. The IEP team should have knowledge as to whether or not the entirety of the student's educational placement will take place within one building or if it requires that the student move between various educational facilities throughout the school day.

Additionally, related services and participation in supplemental educational programs, such as

extracurricular activities, may also create additional transportation needs, particularly, if they are offered at times other than the typical school day. The IEP team must be knowledgeable of the details concerning both the length and location of the educational program to determine if a transportation is appropriate in order to derive educational benefit.

Several options are available to the IEP team regarding transportation arrangements or assignments. Students generally require transportation if the IEP cannot be implemented at their school of residence due to the unavailability of programs and/or services. Additionally, students may require transportation due to personal factors such as health, cognitive judgment, or lack of ability to communicate.

Districts, Special Education Local Plan Areas (SELPA), and County Offices of Education (COEs) who are responsible for the implementation of IEPs should be knowledgeable of transportation policies and/or procedures that address the responsibilities of the IEP team regarding the transportation and delivery of services to eligible students in their least restrictive environments. This includes consideration of services that are provided in the setting appropriate for the needs of the student at his/her neighborhood school or within the district or SELPA. This includes regional and/or magnet programs and services that may also accommodate the needs of the student. IEP teams should consider the location of a placement and the length of time that a student will need to be transported to or from school each day. If a student is receiving services outside of his/her district of residence, the placement should be reviewed, at the minimum, once a year, in order to determine if a placement closer to the student's residence would be more appropriate as the LRE.

Options to Consider:

- Regular Bus Stop: Can the student access the regular bus stop with his/her peers?
A student will be assigned to the regular bus stop if the student's disability does not prevent him/her from using the same transportation as non-disabled children. When discussing transportation requirements, always consider the regular bus stop first (LRE).
- Nearest Corner: Can the student be picked up at the nearest corner to his/her residence?
A student will be assigned a bus stop closest to the nearest corner when it is determined that, because of the disability, he/she is unable to use the regular bus stop but is able to access the closest corner to his/her home.
- Curb-to-Curb: Must the student be picked up curb-to-curb or what is the safest closest location?
In general, curb-to-curb is considered the street curb located closest to the front of the child's house that can be safely accessed by a school bus. A student is assigned a curb-to-curb bus stop when the student's disability prevents him/her from utilizing the regular bus stop or the nearest corner bus stop. Curb-to-curb assignment creates the most restrictive transportation service.
- School-to-School Transportation (based on program location)
When the IEP team offers a student a special education program located somewhere other than in his/her neighborhood (or home) school or district of residence, the school district makes the offered services accessible by providing transportation. This option provides school bus transportation from a district school site that is close to the student's home to

the school of location (or program of attendance). Parents/guardians are responsible for getting the student to the pick-up site and ensuring supervision of the student is provided until the bus arrives. Parents/guardians are also responsible for picking up the student at the time determine for drop-off at the end of the school day. This option is available to students from pre-school through age 22.

For students where FAPE is offered in a school other than the neighborhood school, school-to-school transportation is the least restrictive option. It is also the first option the IEP team should consider when determining the need for transportation as a related service due to the student's disability.

School-to-school transportation may generally be considered appropriate for a student who requires transportation when programs and services that address his/her needs are not available in the school or district of residence, and whose disability does not include personal factors such as health, cognitive judgment, or lack of ability to communicate to the extent that the safety of the student is a primary consideration.

- Home-to-School Transportation (Door-to-Door)

This option may be needed if the information provided to the IEP team indicates that the identified disabilities are so severe they preclude the student, when compared to same-age peers, from meeting the bus at the bus stop or other non-residence pick-up location. This option is more restrictive for students.

The IEP team must consider the most effective way to meet the student's needs when making a recommendation for home-to-school transportation. The IEP team must determine the need for home-to-school transportation with an understanding that special circumstances or exceptions may exist based on the student's needs.

For a student whose disability does include personal factors such as health, cognitive judgment, or lack of ability to communicate to the extent that the safety of the student is a primary consideration, home-to-school transportation or some other mode of transportation may be considered appropriate by the IEP team to address the student's needs.

- Voluntary Parental Transportation of Student

If a parent voluntarily elects to arrange for their own transportation for a student on an IEP, it is advisable that school districts document this fact in the IEP notes or under the service line (comment box). Thorough documentation is required and shall include (1) that the student is entitled to specialized transportation, (2) parents are knowledgeable about their special education rights, (3) parents prefer to provide their own transportation without the involvement of the school district, and (4) an explanation of how the reimbursement will be calculated (if applicable). The district may offer reimbursement of a round trip travel to the parent who elects to provide personal (parent provided) transportation for the student.

NOTE: If a parent elects to waive their right to financial compensation for the transportation, the school district shall reflect this waiver in writing, as well as a statement to the effect that the school district has offered to provide this service without any financial costs on the part of the parent.

When considering the identified needs of the student, transportation options may include but not be limited to:

- Walking
 - Riding the regular school bus
 - Utilizing available public transportation
 - Riding a special bus from a pick-up point
 - Riding a special bus door-to-door
 - Taxi/district van/district vehicle
 - Reimbursed parent driving with parent's voluntary participation
 - Other mode determined by the IEP team
-
- Other Mode of Transportation
IEP team s should review assessment information, medical information, and other data, and consult with the appropriate transportation staff and/or other relevant health professionals, including district medical personnel, regarding the following factors in establishing the need for transportation as a related service:
 - Unique medical or assistive technology equipment, including wheelchairs or gurneys with unique designs, configurations, or adaptations requiring special handling.
 - When the school bus equipment may require modification.
 - When the student exhibits severe behavioral difficulties and a behavior plan involving transportation must be implemented. When behavior is an issue and an assistant is required on the bus, there must be a behavior support plan and behavior goals to address the need.
 - When the student is medically fragile, requires special assistance, or has other unique needs.
 - When climate control has been requested by a physician to address an identified medical need.
 - When a physician has imposed a limitation of time on the bus to address an identified medical need.
 - When use of the student's primary language is required for effective communication of evacuation procedures and other safety issues and students with special communication needs.
 - Other circumstances, as appropriate.

C. Specialized Equipment Use/Operation

In some cases, a student with a disability may require specific equipment or adaptive devices to transport the student to and from the special education program. There is a wide variety of equipment to accommodate students with disabilities, and such equipment is required to be part of the transportation vehicle's environment. Transportation staff should be familiar with the design and operation procedure for specialized equipment, as well as know how to conduct general

equipment inspection and make simple field adjustments during breakdowns. Some examples include:

- (1) Power lifts or ramps
- (2) Emergency escape exits including doors, windows, and roof hatches
- (3) Special fire suppression systems
- (4) Power cut-off switch
- (5) Emergency communications system
- (6) Air conditioning system
- (7) Mobile seating device, including trays and accessories, securement system hardware, and occupant securement system
- (8) Adaptive and assistive devices used to support or secure students, mobility aids, special belts, and harness and devices (such as special crutches, braces, or wheelchairs, including assistive technology devices)
- (9) All specially equipped school buses should be equipped with electronic voice communication systems. These may be provided and installed by the body manufacturer, distributor, school district, operator, or other party.
- (10) Service animals can be transported to assist students with disabilities. District policies and procedures, as well as training, need to be established prior to transport.

D. Considerations: School District and IEP Team Responsibility

Some issues involving transportation are decided at an IEP meeting, but others are not. The general parameters for the IEP team’s consideration of transportation at an IEP meeting includes how the student’s disability affects the need for transportation and determining whether the student’s disability prevents the child from using the same transportation provided to non-disabled children or from getting to school in the same manner as non-disabled children.

On the other hand, there are several aspects related to transportation that fall within the discretion of the school system as a matter of the function and operation of a public school district and, therefore, are not appropriate topics for IEP meetings and are not matters requiring input from parents. Although these issues may be incidentally raised at the IEP meeting given their natural relationship to the transportation discussions, the ultimate authority to make decisions regarding these matters rests with the school district. The only exception to this occurs in situations in which the school district’s choices affect an element of the student’s educational program and would result in the denial of Free Appropriate Public Education (FAPE) or discrimination.

IEP Issues (IEP Team)	Non-IEP Issues (School District)
<ul style="list-style-type: none"> • Description of any personnel to be provided to assist the student. • Description of the extent of services to be provided, such as bus stop or door-to-door transportation - including precise pick-up and drop-off points. • Description of specific circumstances for the provision of transportation services, such as 	<ul style="list-style-type: none"> • Bus scheduling matters, including determination of bus route and timing of pick-up and drop-off. • Selection of bus stop. • Selection of bus driver and any other personnel who will assist the student during the transportation. • Decisions about appropriation of resources

IEP Issues (IEP Team)	Non-IEP Issues (School District)
<p>travel between off-campus buildings and facilities and transportation needs that occur outside of the regular school day.</p> <ul style="list-style-type: none"> • Least restrictive environment considerations in the provision of transportation. • For medically fragile students, provision of any necessary medical protocols on the bus. 	<p>used to provide that transportation - private fleet versus contracting with companies who have independently owned vehicles.</p>

E. Special Considerations

These may include, but are not limited to:

- (1) Medical diagnosis and health needs consideration of whether or not long bus rides could affect a certain student's health (duration, temperature control, need for services, health emergencies); general ability and/or strength to ambulate/wheel; approximate distance from school or the distance needed to walk or wheel oneself to the school; consideration of student needs in inclement weather, etc.

NOTE: Transportation issues are addressed on the student's IEP and may become a part of the student's Health Plan if school health services are required on the bus.

- (2) Physical accessibility of curbs, sidewalks, streets, and public transportation systems.
- (3) The consideration of a student's capacity to arrive at school on time, to avoid getting lost, to avoid dangerous traffic situations, and to avoid other potentially dangerous or exploitative situations on the way to and from school.
- (4) Behavioral Intervention Plans [Title 5, C.C.R. § 3001(g)] specified by a student's IEP and consideration of how to implement such plans while a student is being transported.
- (5) Other transportation needs mid-day or other transportation needs as required on a student's IEP (for example, occupational or physical therapy or mental health services that are provided at another site, attending community-based classes, etc.) must also be taken into consideration when the IEP team discusses a student's placement and transportation needs.
- (6) Extended school year services, pursuant to E.C. § 56345(b)(3), should be another consideration of a student's need for transportation if considered necessary to provide FAPE as specified in the student's IEP.

F. Individualized Health Plan

An Individualized Health Plan is a separate document used in addition to the IEP. The information contained in this plan goes beyond the legally required contents of the IEP and lays out the steps to be followed by the school district in the event of a medical or other emergency that presents health concerns and occurs while the student is under the care and supervision of the school. Transportation and any specific concerns in this context are covered in this plan. A separate portion

of the plan can be specifically devoted to transportation concerns. In drafting an individualized health plan, the expert advice and assistance of medical and health professionals should be sought and relied upon, as these individuals can supply the expertise necessary to respond to emergency situations.

While the federal special education laws do not specifically require the implementation of such plans, it is recommended that school districts use them to address the special concerns raised by medically fragile students who may encounter serious health and safety risks throughout the course of the school day.

The individualized health plan should include:

- The designation an emergency contact for the student
- An alternative emergency contact should one be required
- Names of designated doctors and hospital preferences
- Any allergies
- Descriptions of current medications and dosages and the reasons for medication
- Any interventions to be provided and who will perform those interventions, including level of supervision and training required to perform those services.

G. Extracurricular Activities

If a student's extracurricular program or nonacademic activity is related to the student's IEP goals, then a district is required to provide the transportation services the student needs to participate in that activity.

Federal regulations state,

34 C.F.R. § 300.107. *The State must ensure the following:*

- (a) Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities and equal opportunity for participation in those services and activities.*
- (b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment by the public agency and assistance in making outside employment available.*

The Office of Special Education and Rehabilitation Services (OSERS) has stated that a student's right to transportation to and from school-related activities that occur outside of normal school hours depends on whether the IEP team has determined that the student needs transportation to benefit from special education and related services (OSERS, 2009).

H. Suspension from the Bus

When a student receiving special education services is suspended from bus transportation (E.C. §§ 48900 - 48900.7), the suspension can constitute a significant change in placement if the district:

- a. Has been transporting the student
- b. Suspends the student from transportation as a disciplinary measure
- c. Does not provide another mode of transportation (OCR, Letter of Finding Complaint No. 04-89-1286, Dec. 8, 1989).

A significant change in placement requires the IEP team to meet and review the student's IEP. During the period of any exclusion from bus transportation, students must be provided with an alternative form of transportation at no cost to the student or parent in order to be assured of having access to the required special education instruction and services (E.C. § 48915.5).

I. Periodic Evaluation of Transportation Need

The IDEA specifies that IEPs must be reviewed periodically and, at the minimum, annually. As a component of the IEP, the same is true of transportation provisions. This means that school districts must consider transportation at the annual IEP meeting as well as other times during the year when necessary.



TRANSPORTATION SERVICES

IEP TEAM DETERMINES ELIGIBILITY AS A RELATED SERVICE

STUDENT ELIGIBLE

STUDENT NOT ELIGIBLE

IEP Team considers the student's

- Mobility
- Ability to communicate
- Physical and health needs
- Age
- Ability to follow directions
- Behavior
- Ability to function without special transportation

- Least Restrictive Environment (LRE)
- Description of any personnel to be provided to assist the student
- Description of the extent of services to be provided (bus stop, door-to-door, pick up and drop-off time)
- Description of specific circumstances for provision of transportation (between off campus buildings and transportation needs outside of the regular school day)
- For medically fragile students, provision of any necessary medical procedures on the bus
- Distance to be traveled
- Nature of the area
- Availability of private or public assistance

NON-IEP ISSUES School District Responsibility

- Bus scheduling (bus routes, pickup and drop-off times)
- Selection of bus stop
- Selection of bus drivers and any other personnel who will assist the student during transport
- Decisions about appropriation of resources to provide transportation (private fleet vs. contract w/independent company owned vehicles)

TRANSPORTATION OPTIONS

- Regular bus stop
- Nearest corner
- Curb-to-Curb
- School-to-School
- Home-to-School (aka Door-to-Door)
- Voluntary Parental Transportation
- Other mode

OTHER FACTORS

- Medical diagnosis and health needs (length of bus ride, temperature, health emergencies), ability to ambulate, distance needed to walk or wheel oneself, weather conditions
 - Physical accessibility or curbs, sidewalks, streets, public transportation systems
 - Student's capacity to arrive at school on time, avoid getting lost, avoid dangerous traffic situations, avoid potentially dangerous or exploitative situations on the way to and from school
- Behavioral Intervention Plan specified by student's IEP and how to implement during transport
- Other transportation needs mid-day (OT/PT provided by off site, etc.)
- Extended School Year (ESY)

SPECIALIZED EQUIPMENT

- Power lifts or ramps
- Emergency communications system
- Mobile seating devices
- Adaptive/assistive devices to support/secure students, mobility aids, special belts and harnesses and devices (special crutches, braces, wheelchairs, AT devices)
- Service animals

Address Individualized Health Plan (if any) Transportation and any specific concerns in this context are covered in this plan

DESCRIBE AND DOCUMENT SERVICES IN SUFFICIENT ENOUGH DETAILS TO INFORM THE PARTIES OF HOW, WHEN, AND FROM WHERE TO WHERE TRANSPORTATION WILL BE PROVIDED

Do You Know?

- **The caseload for a 100 percent resource specialist is still 28! (Education Code 56362c).**

If the Resource Specialist is 50 percent, the caseload is proportionate — 14! When a resource specialist is over caseload, a waiver process must be requested by a district or the resource specialist. Certain stipulations and a maximum caseload of 32 apply.

- **There is no special day class size limit unless stipulated in a local contract.**

However, if the class size is so large that the teacher cannot implement the IEPs for the students, he/she should file a complaint. To file a complaint, call the hotline: (800) 926-0648.

- **The resource specialist program and special day class options have not been eliminated from the available services for special education students.**

Both are required components of the continuum of options specified in Education Code 56361 (a-i). If you have questions regarding service delivery options, call your local bargaining unit and your Region Director.

- **Education Code 56362 (d) states that Resource Specialists “shall not simultaneously be assigned to serve as resource specialists and teach regular classes.**

The only exemptions to this are resource specialists who are funded by both general education and special education and/or school-based coordinated sites that include special education.

- **IEP goals and objectives must be based on general education content and performance standards.**

See the CARS+ Handbook “Handbook of Goals and Objectives Related to Essential State of California Content Standards.” Also see CARS+ Newsletter or Web site for calendar of upcoming trainings.

- **Transition Services must be written in an IEP during the year a student will turn 14 years of age.**

See the California Department of Education Web site or Special Education Local Plan Area (SELPA) Plan for more information.

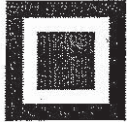
- **A student in special education must participate in statewide testing.**

Accommodations and modification can be made and must be documented on the IEP. Student may be exempted only by parent request.

- **A general education teacher and an administrator or designee must be a member of the IEP team. (Education Code 56341)**

- **Any changes to the IEP require an IEP meeting.**

For more information, you can obtain a copy of California Special Education Programs: A Composite of Laws, from CDE Press, PO Box 271, Sacramento, CA 95812-0271 — Fax: (916) 323-0823.



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MEMORANDUM

**ATTORNEY-CLIENT PRIVILEGED
& CONFIDENTIAL**

Via E-Mail

TO: Carol Bartz, Senior Director
North Inland SELPA

FROM: Deborah R.G. Cesario and Leslie A. Reed

DATE: December 7, 2009

RE: Training and Control of Service Dogs on School District Property

We write this memorandum in response to your follow-up questions regarding the training, use, and control of service dogs on school district property for purposes of Board Policy and Administrative Regulation 0411. Specifically, you asked for advice on the following:

- (1) Must a school district permit individuals licensed to train guide dogs, signal dogs, and/or service dogs to bring a dog-in-training onto school property for training purposes?
- (2) What issues arise if a school staff member, who uses a signal dog, becomes unconscious as a result of a seizure or other medical condition? Who maintains responsibility over the dog?

SHORT ANSWERS

- (1) California Civil Code section 54 *et seq.* affords persons authorized to train signal dogs, guide dogs, and service dogs the right to access public places, including school districts, for the purpose of training the dog for an individual with a disability. Nevertheless, the California Constitution and the Education Code allow school districts to enact reasonable restrictions to protect the health and safety of students and school staff. As explained below, we believe Board Policy and Administrative Regulation 0411, as both currently read, provide the school district with significant discretion to limit or restrict access to authorized trainers to school property, if such access could pose a health or safety risk to students and/or school staff. However, we suggest a few minor revisions to each, which are consistent with the requirements of Civil Code section 54 *et seq.*

- (2) If a school staff member, who uses a signal dog, becomes unconscious and is no longer able to physically “control” the dog, responsibility for the dog still remains with the user. Board Policy and Administrative Regulation 0411, as both currently read, require the user to maintain control of the dog at all times while on school property, and relieve the school district of liability for any signal dog, guide dog, or service dog brought on school property. As discussed below, we do not believe any changes are necessary to address this concern, because both include broad language to protect the school district if this type of situation were to arise.

ANALYSIS & RECOMMENDATIONS

(1) Training of Service Dogs on School District Property.

The California Civil Code entitles individuals with disabilities to “full and equal access, as other members of the general public,” to public places. (Civil Code § 54 *et seq.*) This entitlement includes the right to be accompanied by a signal dog, guide dog, or service dog in public places, as described in Civil Code sections 54.1 and 54.2. In addition, Civil Code section 54.1 extends these rights to persons authorized to train such dogs for individuals with disabilities.

Specifically, section 54.1 states that “persons authorized to train service dogs for individuals with a disability, may take dogs, for the purpose of training them as guide dogs, signal dogs, or service dogs in any of the places specified in subdivisions (a) and (b).” Subdivisions (a) and (b) refer to public places, including school districts. Section 54.1 requires the trainer to ensure that the dog is properly leashed and tagged as a guide dog, signal dog, or service dog. In addition, section 54.1 imposes liability on the trainer for any damage to the premises or facility by his or her dog.

School districts have the general authority to enact reasonable restrictions to protect the health and safety of students and school staff. Pursuant to the “Right to Safe Schools” provision of the California Constitution, “[a]ll students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, and universities have the inalienable right to attend campuses which are safe, secure and peaceful.” (Cal. Const. art. I, sec. 28(f)(1).) Further, Education Code section 35160 authorizes the governing board of a school district to “initiate and carry on any program, activity, or . . . otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established.” Therefore, if the training of a service dog on a school campus or at a school-sponsored program or activity could pose a health or safety risk to students and/or school staff, we believe school districts may, on a case-by-case basis, restrict or limit such access.

School districts should not, however, uniformly deny service dog trainers access to school property, provided that they would otherwise have a right or need to access a school campus or school-sponsored program or activity. In other words, there should be a nexus between the trainer’s statutory right to “full and equal access” in public places and the specific need to train a

service dog on school property (e.g., for student pick up, meeting with school staff, attending a school-sponsored event).

Based on our research, however, we note that it is not common practice for service dogs to receive individualized training on school property. Rather, service dogs generally must complete a rigorous training course and receive full certification at a training facility prior to being released to the dog's recipient. According to Canine Assistants, which is a reputable organization that trains assistance dogs for individuals with disabilities nationwide, once the service dog has been fully trained and released to the recipient, the dog becomes the responsibility of the recipient or his or her caregiver. Also, a trainer would not accompany a student or school employee onto school property or to a school-sponsored event or activity to train the service dog. However, despite common practice, an individual (e.g., a teacher) may nevertheless ask the school district to permit him or her to bring a dog-in-training on school property, consistent with Civil Code section 54.1.

Although the training of services dogs on school property does not appear to be common practice, Board Policy and Administrative Regulation 0411, as both currently read, afford the school district substantial discretion to limit an authorized trainer's access to a school campus or school-sponsored program or activity for this purpose. For example, the last paragraph of section (2)(e) of Administrative Regulation 0411 reads:

The dog shall not exhibit aggressive behavior toward staff, students, or any other individuals, may not otherwise pose a direct threat to the health and/or safety of others, and may not be disruptive to the educational environment. The principal or designee shall make a reasonable judgment that is based on available objective information regarding whether the dog presents an unacceptable risk or threat to others. (Emphasis added.)

As this provision indicates, the principal or designee has significant discretion in deciding whether to allow *any* individual, including an authorized trainer, to access school property.

We recommend, however, expanding the definition of "user" in the Board Policy and Administrative Regulation to include both individuals with disabilities, as well as persons authorized to train guide dogs, signal dogs, and service dogs to align with the requirements of Civil Code section 54.1. We included the draft language in the attached Board Policy and Administrative Regulation for your review. If you are concerned about drawing attention to the right of authorized trainers to bring dogs-in-training on school property, you do not have to accept our proposed revisions. We believe that you could still use the Board Policy and Administrative Regulation, as both currently read, in the event an authorized trainer seeks permission to bring a dog-in-training on school property.

(2) Responsibility and Control of Signal Dogs at School When User Becomes Unconscious.

We understand that you are concerned with the issues that could arise if a school employee with a signal dog becomes unconscious or incapacitated at school due to a seizure or other medical condition. Specifically, you asked who would retain responsibility over the dog under these circumstances, especially in a class of young children.

Based on our research, signal dogs receive specialized training to respond to an emergency in a particular manner depending on the setting. For example, in a school setting, a signal dog can be trained to either fetch medication or a phone, seek outside help in a controlled environment, or lay down next to his or her owner until emergency assistance arrives. We found that the most common response is for the dog to lay down next to his or her owner until help arrives.

Regardless of the emergency, however, responsibility for the signal dog would remain with the user. Board Policy and Administrative Regulation 0411, as both currently read, protect the school district by: (1) requiring the user to maintain full control over the dog at all times while on school property, and (2) assuming no liability for any signal dog, guide dog, or service dog brought onto school grounds. Therefore, even if a school employee with a signal dog becomes unconscious and is no longer able to physically "control" his or her dog, we do not believe responsibility for the dog would shift to the school district based on the express language of the Board Policy and Administrative Regulation.

In addition, as expressed above, a school district can impose reasonable restrictions on an individual's right to bring a service dog on school property. For example, if a teacher with a seizure disorder who teaches young children seeks permission to bring a signal dog to school, we believe the school district could restrict the teacher's access if there was a likelihood that the dog could present an unacceptable safety risk to the young students, or others, in the event he or she becomes incapacitated and unable to maintain control of the dog.

Based on the above, we do not believe any changes to the Board Policy or Administrative Regulation are necessary to address this concern, because both include broad language that would protect the school district from liability under these circumstances.

We hope that this memorandum is responsive to your questions. If you have additional questions and/or issues, please do not hesitate to contact us.

**NORTH INLAND SPECIAL
EDUCATION REGION**

POLICY NO. 0411

**CLASSIFICATION: Philosophy, Goals, Objectives, and
Comprehensive Plans**

**DRAFT: 06/19/09
First Reading: 10/22/09
APPROVED: 12/17/09**

SUBJECT: Guide Dogs, Signal Dogs, and Service Dogs at School

PAGE: 1 of 2

Pursuant to Civil Code section 54.2, individuals with disabilities, including children with disabilities, have the right to be accompanied by specially trained guide dogs, signal dogs, or service dogs in all public places, including schools. Civil Code section 54.1 defines a “guide dog” as a dog trained by an appropriately licensed person to assist an individual with a disability; a “signal dog” as any dog trained to alert an individual, who is deaf or hearing impaired, to intruders or sounds; and a “service dog” as any dog individually trained to the requirements of the individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

Guide dogs, signal dogs, and service dogs trained to provide assistance to individuals with disabilities may be transported in a school bus when accompanied by students with disabilities enrolled in a public or private school, by disabled teachers employed in a public or private school or community college, and by individuals who train such dogs.

If the sole function of the dog is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well being, it shall not be considered to be a guide dog, signal dog, or service dog.

If an individual with a disability or an authorized trainer seeks to bring a service animal other than a guide dog, signal dog, or service dog, as defined in Civil Code section 54.1, on school property or to a school-sponsored program or activity, the principal or designee shall make the determination of whether the individual may bring the service animal on a case-by-case basis.

Before an individual may bring a guide dog, signal dog, or service dog into a classroom, the principal or designee shall first provide written notification to all parents/guardians of students in the particular class, requesting information regarding whether their child has any known allergies, asthma, or other health-related conditions that may be affected by the dog’s presence in the classroom. If the principal or designee determines that a student in the particular class has a health-related condition that would be affected by the presence of the dog, the principal or designee may deny the individual’s request to bring the dog into the classroom. The principal or designee may also make alternative arrangements to accommodate the individual’s request.

Any guide dog, signal dog or service dog brought to school by an individual with a disability shall be taken home the same day.

The district assumes no liability and shall not be responsible for the provision of a guide dog, signal dog, or service dog. The user of the dog is responsible for its care and conduct at all times.

**NORTH INLAND SPECIAL
EDUCATION REGION**

POLICY NO. 0411

**CLASSIFICATION: Philosophy, Goals, Objectives, and
Comprehensive Plans**

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SUBJECT: Guide Dogs, Signal Dogs, and Service Dogs at School

PAGE: 2 of 2

Legal References:

CALIFORNIA CONSTITUTION

Article I, Section 28(f)(1) Right to Safe Schools

CIVIL CODE

54.1 Access to public places

54.2 Guide, signal, or service dogs, right to accompany

GOVERNMENT CODE

Section 12926

EDUCATION CODE

Section 35160 Authority of Governing Boards

Section 39839 Transportation of guide dogs, signal dogs, service dogs

Section 56363(b)(3) Designated Instruction and Services

FEDERAL LAW

Titles II and III of the Americans with Disabilities Act of 1990
(Public Law 101-336)

ADA Amendments Act of 2008

FEDERAL REGULATIONS

34 C.F.R. Section 300.34(b)(7) Orientation and Mobility

COURT DECISIONS

Sullivan v. Vallejo City USD, 731 F.Supp. 947 (1990)

OFFICE OF CIVIL RIGHTS OPINIONS

Bakersfield City School District (OCR 2008) 50 IDELR 169.

**CLASSIFICATION: Philosophy, Goals, Objectives, and
Comprehensive Plans**

**DRAFT: 06/19/09
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**SUBJECT: Guide Dogs, Signal Dogs, and Service Dogs
At School**

PAGE: 1 of 3

This regulation is designed to provide guidance regarding the use of guide dogs, signal dogs, and service dogs by students with disabilities enrolled in schools within the North Inland Special Education Region, as well as the use of such dogs by visitors and staff on school property and at school-sponsored programs and activities.

1. Definitions

(a) **Individual with a Disability:** As defined by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the ADA Amendments Act of 2008.

(b) **Guide Dog:** Any dog trained by an appropriately licensed person to assist an individual with a disability.

(c) **Signal Dog:** Any dog trained to alert an individual, who is deaf or hearing impaired, to intruders or sounds.

(d) **Service Dog:** Any dog individually trained to the requirements of the individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

(e) **User:** An individual with a disability as defined in Paragraph 1(a) above and persons authorized to train guide dogs, signal dogs, or service dogs for individuals with disabilities, consistent with California Civil Code sections 54.1 and 54.2.

2. Right to Use of Facilities and Services.

A user has the right to be accompanied on school property or at school-sponsored programs or activities by a guide dog, signal dog, or service dog specially trained for an individual with a disability. However, prior to receiving permission from the principal or designee to bring a guide dog, signal dog, or service dog on school property or to a school-sponsored program or activity, the user of the dog shall do the following:

- (a) The user shall provide information to the principal or designee establishing the individualized training and certification of the dog, including a description of the task(s) the dog performs for the individual.
- (b) The user shall provide information to the principal or designee establishing that he or she has received proper individualized training and/or certification to handle, control, and supervise the dog.
- (c) The user shall ensure the dog is properly harnessed or on a leash at all times and wears an identification tag that identifies the dog as a guide dog, signal dog, or service dog.
- (d) The user shall complete and sign a release of liability form, which shall release the district from any and all liability for damage to persons, premises, or facilities caused by the dog. If the user is a minor under the age of eighteen (18) years old, the parent/guardian shall complete and sign the release of liability form. By signing the release, the individual, or the parent/guardian if the individual is a minor, agrees to assume all liability for any and all damage to persons, premises, or facilities caused by the dog.
- (e) The user shall be responsible for the care and conduct of the dog at all times. The dog shall be under the user's control at all times. The user is responsible for the cleanliness of the dog, including flea control, to protect the health and safety of others.

If the user fails to satisfy any of the above conditions, the principal or designee shall not permit the user to bring the dog on school property or to school-sponsored programs or activities. If the principal or designee grants permission to the user to bring a guide dog, signal dog, or service dog on school property or to school-sponsored programs or activities, the user shall continue to be subject to the conditions stated above. Should the user fail to abide by these conditions, the user shall be required to remove the dog immediately and not bring the dog back on school property until he or she can demonstrate that all conditions are met.

Before granting permission to a student with a disability, who is enrolled in a public school of the district and has a Section 504 plan or an individualized education program ("IEP"), to bring a guide dog, signal dog, or service dog on school property or to school-sponsored programs or activities, the principal or designee shall determine whether the student's Section 504 or IEP team has addressed the student's educational needs in another manner that would eliminate his or her need for the dog in order to receive a free appropriate public education ("FAPE").

Nothing shall preclude the principal or designee, upon receiving a request from or on behalf of a student with a disability to bring a guide dog, signal dog, or service dog on school property or to school-sponsored programs and/or activities, from convening a Section 504 or IEP team meeting to further clarify the student's need for additional support in the classroom.

The dog shall not exhibit aggressive behavior toward staff, students, or any other individuals, may not otherwise pose a direct threat to the health and/or safety of others, and may not be disruptive to the educational environment. The principal or designee shall make a reasonable judgment that is based on available objective information regarding whether the dog presents an unacceptable risk or threat to others. In making this determination, the principal or designee may consider factors such as, but not limited to, the dog's breeding, training, and propensity for harmful or frightening interaction with children or others reasonably attributed to that particular type of dog as determined by those knowledgeable about such dogs.

3. Liability for Service Animals.

The district assumes no responsibility for any guide dog, signal dog, or service dog brought on school property or to school-sponsored programs or activities.

The use of guide dogs, signal dogs, and service dogs must comply with all relevant federal and state laws.

WAIVER AND RELEASE OF LIABILITY
Permission to Bring Guide Dogs, Signal Dogs, and Service Dogs
on School Property or to School-Sponsored Programs/Activities

In consideration for receiving permission from the _____ School District ("District") to bring a guide dog, signal dog, or service dog on school property and/or to school-sponsored programs and activities, I, _____, the undersigned, agree to the following waiver and release of liability and make the following representations.

I understand, acknowledge, and agree that bringing a guide dog, signal dog, or service dog on school property or to school-sponsored programs or activities presents the potential for property damage, death, serious injury, and/or illness to myself, my child, students, District employees, and/or other third parties.

I understand, acknowledge, and agree that at all times while on school property or at school-sponsored programs and/or activities, I am (or my child is) bringing the guide dog, signal dog, or service dog at my (or my child's) own risk.

I hereby certify that my (or my child's) dog has received proper individualized training and certification to be a guide dog, signal dog, or service dog.

I further certify that I (or my child) have received proper individualized training and/or certification to handle, control, and supervise a guide dog, signal dog, or service dog.

I understand, acknowledge, and agree that my (or my child's) dog shall remain properly harnessed or on a leash at all times while on school property or at school-sponsored programs or activities and shall wear an identification tag at all times that identifies the dog as a guide dog, signal dog, or service dog.

I understand, acknowledge, and agree that I (or my child) shall be responsible for the care and conduct of the dog at all times while on school property or at school-sponsored programs or activities.

I understand, acknowledge, and agree that I (or my child) shall be responsible for the cleanliness of the dog at all times while on school property or at school-sponsored programs or activities to protect the health and safety of others.

I do hereby forever release, discharge, indemnify, and hold harmless the District and its trustees, officers, employees, agents, insurers, contractors, servants, and volunteers from and against any and all claims or demands by myself, my child, students, District employees and/or other third parties for personal injury, illness, medical expenses, and death, as well as property damage and expenses of any nature whatsoever caused by my (or my child's) dog while on school property or at school-sponsored programs or activities.

In the event a third party brings a claim and/or demand against the District and/or its trustees, officers, employees, agents, insurers, contractors, servants, or volunteers for personal injury, illness, medical expenses, death, property damage, or any other expenses whatsoever caused by my (or my child's dog) while on school property or at school-sponsored programs or activities, I hereby agree to assume any and all liability resulting from such claims and/or demands and to pay any and all legal fees and costs which the District and/or its trustees, officers, employees, agents, insurers, contractors, servants, or volunteers may incur to respond to or defend such claims and/or demands.

The release and discharge of liability herein includes, but is not necessarily limited to, all claims, demands, losses, causes of action, suits and/or judgments of any and every kind that may occur as a result of my (or my child's) dog's actions while on school property or at school-sponsored programs or activities.

If I am a parent or legal guardian of a student under eighteen (18) years of age, I have read and voluntarily agree that said minor has my permission to bring his/her guide dog, signal dog, or service dog on school property and/or to school-sponsored programs and activities, and I sign this release on his/her behalf.

I HAVE READ THIS DOCUMENT IN ITS ENTIRETY AND FULLY UNDERSTAND ITS CONTENT. I UNDERSTAND THAT THIS IS A WAIVER AND RELEASE OF LIABILITY BETWEEN MYSELF AND THE DISTRICT. I VOLUNTARILY SIGN MY NAME AS EVIDENCE OF MY ACCEPTANCE OF ALL THE PROVISIONS IN THIS WAIVER AND RELEASE AND MY AGREEMENT TO BE BOUND BY THEM.

User of Guide Dog, Signal Dog, or
Service Dog Signature

Date

Parent/Legal Guardian Signature, if
individual is a minor under the age of 18

Date

School District Approval

Date

Extended School Year (ESY)

Section A	Understanding the Legal and Practical Aspects of ESY
Section B	Guidance for IEP Teams
Section C	Planning for ESY
Section D	Just Prior Communications <u>Final Notes</u>
Exhibit A	Data Collection Guide
Exhibit B	Possible Predictive Factors in Determining if ESY Service(s) is/are Necessary
Exhibit C	ESY Cover Sheet
Exhibit D	D/M SELPA Form 68P - ESY Worksheet

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Extended School Year (ESY) services are special education and related services that are provided to children with disabilities beyond the state mandated 180-day school year. ESY services must be provided only if a child's Individualized Education Program (IEP) team determines, on an individual basis, in accordance with Title 34 of the Code of Federal Regulations §§ 300.320 through 300.324, that the services are necessary for the provision of a Free Appropriate Public Education (FAPE) to the child. The purpose of ESY is to provide special education and related services when an interruption of the child's educational programming may cause regression when coupled with limited recoupment capacity, rendering it impossible or unlikely that the child will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition.

A. Understanding the Legal and Practical Aspects of ESY

The legal and practical aspects of understanding ESY include the relevant federal regulations, California Code of Regulations, case law clarifications, and practical implications of what ESY is and is not.

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I. Federal Regulations

The Individuals with Disabilities Education Act (IDEA) and the corresponding Title 34 of the Code of Federal Regulations, Part 300 § 300, contain a number of citations relevant to the legal aspects of ESY.

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- The term "extended school year services" means special education and related services that:

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- Are provided to a child with a disability:
 - Beyond the normal school year of the public agency;
 - In accordance with the child's IEP; and
 - At no cost to the parents of the child.

- Meet the standards of the State Educational ~~Agency~~Agency. (*Title 34 of the Code of Federal Regulations § 300.106(b)*)

- A child who meets eligibility requirements for special education is entitled to FAPE.
 - FAPE is defined, in pertinent part, as special education and related services that are provided at public expense and under public supervision and direction, that meet the state's educational standards, and that conform to the child's IEP.
 - Special education is defined, in pertinent part, as specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.
- The IEP is the centerpiece of the IDEA's education delivery system for children with disabilities and consists of a detailed written statement that must be developed, reviewed, and revised for each child with a disability. In developing the IEP, the IEP team shall consider the strengths of the child, the concerns of the parents for enhancing the education of their child, the results of the initial evaluation or most recent evaluation of the child, and the academic, functional and developmental needs of the child.
- ESY services are special education and related services provided to a child with a disability beyond the normal school year.
- ESY services are necessary only if the IEP team finds, on an individual basis, and based on regression and recoupment, that these services are necessary to provide FAPE.
- An extended year program as determined by the IEP team, shall be included in the child's IEP.
- ESY services must be in accordance with a child's IEP.
 - The Code of Federal Regulations (CFR) does not prescribe the time in which the LEA must present an ESY proposal.
 - LEAs are entitled to have a reasonable time to implement ESY services. (see *Faulders v. Henrico County School Board* [E.D. Va. 2002], *Reinholdson v. School Board of Independent School District No. 11* (8th Cir. 2006), *Reusch v. Fountain* (D. Md. 1994)).
- Federal law requires that children with disabilities be educated in the Least Restrictive Environment (LRE) to the maximum extent appropriate, and authorizes removal of children with disabilities from the regular educational environment only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
 - However, Title 34 of the Code of Federal Regulations § 300.115, is general and is not directed specifically to ESY services. The Department has long interpreted its requirement of a continuum of alternative placements not to apply to summer programs.

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- Because ESY services are provided during a period of time when the full continuum of alternative placements is not normally available for any child, the Department does not require states to ensure that a full continuum of placements is available solely for the purpose of providing ESY services (*Letter to Myers, supra*, 16 IDELR 290).
- Furthermore, the section which prohibits the unilateral limitation of the type, amount, and duration of summer services, has never been interpreted as requiring a LEA that does not offer a program in summer to create one simply to provide an LRE.
- In commenting on the 1999 revisions to the IDEA regulations governing the ESY, the Department stated: While ESY services must be provided in the LRE, public agencies are not required to create new programs as a means of providing ESY services to children with disabilities in integrated settings if the public agency does not provide services at that time for its nondisabled children.
- If a parent disagrees with the IEP and proposed placement, he or she may file a request or notice for a due process hearing.

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II. **California Code of Regulations (CCR)**

ESY services shall be provided for each child with a disability who has unique needs and requires special education and related services in excess of the regular academic year. These children will have disabilities which are likely to continue indefinitely or for a prolonged period, *and interruption of the child's educational programming may cause regression when coupled with limited recoupment capacity, rendering it impossible or unlikely that the child will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition.* The lack of clear evidence of such factors may not be used to deny a child an ESY program if the IEP team determines the need for such a program, and includes ESY in the IEP pursuant to Title 5 of the California Code of Regulations § 3043(e)).

Title 5 of the California Code of Regulations § 3043. ...*(a) Extended year special education and related services shall be provided by a school district, SELPA, or county office offering programs during the regular academic year.*

(b) Individuals with exceptional needs who may require an extended school year are those who:

(c) The term "extended year" as used in this section means the period of time between the close of one academic year, and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

(e) An extended year programs, when needed, as determined by the IEP team, shall be included in the pupil's IEP.

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(f) In order to qualify for average daily attendance revenue for extended year pupils, all of the following conditions must be met:

(1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs.

(2) The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.

(g) If during the regular academic year an individual's IEP specifies integration in the regular classroom, a public education agency is not required to meet that component of the IEP if no regular summer school programs are being offered by that agency.

NOTE: The regulation governing extended school year ("ESY") services has been amended to be consistent with federal law, which allows SEAs to set ESY standards for their states. The new regulation deletes obsolete language which set forth the maximum number of school days for reimbursement, but keeps intact California's ESY standard of a minimum of 20 instructional days.

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III. Case Law

Due process cases and court decisions have provided the following guidance in determining what constitutes FAPE and/or a child's need for ESY services.

- A LEA is required to provide a "basic floor of opportunity" . . . [consisting] of access to specialized instruction and related services which are individually designed to provide educational benefit to the [child with a disability]." (*Bd. of Educ. v. Rowley*, 1982).
 - The IDEA requires neither that a LEA provide the best education to a child with a disability, nor that it provide an education that maximizes the child's potential (*Bd. of Educ. v. Rowley*, 1982; *Gregory K. v. Longview School District*, 9th Cir. 1987).
 - The public educational benefit must be more than *de minimis* or trivial (*Doe v. Smith*, 6th Cir. 1989).
 - An IEP should confer a meaningful educational benefit (*T.R. ex rel. N.R. v. Kingwood Twp. Bd. of Educ.*, 3rd Cir. 2000).
- LEAs are required to consider more than just the regression and recoupment analysis and consider other factors relevant in determining a child's need for special education services during ESY.
 - No single criterion can be used as a sole qualifying factor (*Johnson v. Independent School District No. 4*, 1990).
 - One factor to be considered is the critical stage of developing a skill which has great potential for increasing self-sufficiency. For such skill, if not completely acquired and

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mastered, it is likely that the current level of acquisition will be lost due to the interruption of summer vacation (*Reusch v. Fountain*, 1994).

- There is a reference in *Fullerton USD vs. Parent (OAH Case # 2011080355)* that ESY services are recommended only if a child is at risk of a severe regression in skills that would require six to eight weeks at the start of the regular school year to recoup.
- LEAs are not required to create programs in order to provide ESY services.
 - In *Cordrey v. Euckert* (6th Cir 1990), the court noted that “the school district has no purely custodial duty to provide for handicapped children while similar provision is not made for others. Therefore, begin with the proposition that providing an extended school year is the exception and not the rule...”
 - An example would be a student who requires an integrated setting. If the LEA does not provide summer services for non-disabled students, the LEA is not required to create a new program (*Tuscaloosa County Board of Education*, SEA AL 2001; *Parent on Behalf of Student v. San Francisco Unfired School District*, OAH case # 2001040611.).
 - In the *Alameda USD v. Student (OAH Case # 2007100793)*, the LEA offered a specialized academic classroom placement for students with moderate to severe disabilities located at an Elementary School for four hours a day, five days a week. The ESY offer was at a different campus than the student’s regular school year. The LEA did not operate an autism-specific special day class (SDC) during the summer ESY after the end of the regular school year. The special day class was taught by a teacher who conducted the student’s academic assessment, had many years’ experience teaching children with disabilities including autism, and was assisted by highly trained paraprofessionals. The class was small, highly structured, and facilitated language and social skills training throughout the day in a multi-sensory environment. Based on the above findings, the district’s offer of a moderate to severe SDC class for the 2007 summer ESY, including children with autism, was appropriate.
- The content of ESY services are governed by the necessity to prevent skills or benefits already accrued from the prior year from facing significant jeopardy due to regression or lack of retention (*McQueen v. Colorado Springs School District No. 11*, D. Colo. 2006). Additional skills training may be included in ESY when the IEP team determines that this is necessary to meet ESY skills maintenance goals.
- FAPE includes not only special education, but also related services.
 - A change in placement can occur when related services are modified in a way that is likely to affect in some significant way the child’s learning experience. A LEA is not required to provide prior written notice when a LEA makes minor discretionary decisions with regard to a child’s curriculum or assignment of teachers or entertaining suggestions for alternatives to a proposed placement. Requiring prior written notice for every suggestion of an alternative placement or service considered at an IEP meeting would render the process unworkable (*Student v. Tustin USD*, OAH case #2006070017).
 - An offer for ESY must address all areas of student need. In the *Garden Grove USD OAH Case # 2007080547*, the judge ruled that

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- The offer was not appropriate because it did not address occupational therapy services, which were necessary to prevent regression; however,
 - Even though intensive behavior interventions (IBI) were not included in the ESY offer, it was established that the nature of the services provided to the child would prevent undue regression over the summer, particularly because the child was going to have a 1-1 aide.
- In determining whether the content of ESY failed to provide a child with FAPE, it is important to consider the following legal interpretations.
 - The standards for determining whether a child is entitled to an ESY placement in order to receive FAPE are different from the standards pertaining to FAPE in the regular school year. The purpose of special education during the ESY is to prevent serious regression over the summer months (*Hoeft v. Tucson Unified School District*, 9th Cir. 1992; *Letter to Myers*; OSEP 1989).
 - In *SS, JD, SS v. Henrico County School Board* (4th Cir. 2003), the Hearing Officer found that ESY services “were not for the purpose of achieving goals not met during the school year.”
 - The mere fact of likely regression is not enough to require an ESY placement, because all students “may regress to some extent during lengthy breaks from school.” The court ruled “ESY services are only necessary to FAPE when the benefits accrued a disabled child during a regular school year will be significantly jeopardized if he is not provided with an educational program during the summer months” (*MM v. School Dist. of Greenville County*, 4th Cir 2002).
 - It must be established that the significant skill losses were of such degree and duration so as seriously to impede progress toward his/her educational goals (*Kenton County School District v. Hunt* (6th Cir. 2004).
 - The analysis must focus primarily on the adequacy of the proposed program. If the school district’s program was reasonably calculated to provide the student some educational benefit, the school district’s offer will constitute a FAPE even if the student’s parents preferred another program and even if the parents’ preferred program would have resulted in greater educational benefits to the student. The focus is on the appropriateness of the placement offered by the school district, and not on the alternative preferred by the parents (*Gregory K.*).
 - An IEP is evaluated in light of information available at the time it was developed, and is not to be evaluated in hindsight.
 - An IEP is “a snapshot, not a retrospective” and it must be evaluated in terms of what was objectively reasonable when the IEP was drafted (*Adams by & Through Adams v. Oregon*, 9th Cir. 1999).
 - The issue is what the record demonstrated that the IEP team knew when it indicated that ESY was unnecessary as the student was progressing appropriately and would not need ESY (*Santa Ana USD vs. Student and vice versa, OAH Case #s 2005090037; 2005100257*).

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- Evidence must support recommendations to offer or not offer ESY, even when an expert in autism opines in an Independent Educational Evaluation (IEE) that the student required ESY (*Parent vs. Torrance USD, OAH Case # 2010080289*).
- Even when the student’s condition meets the first criteria for ESY (that her disabilities were likely to continue for a long time), the student did not establish that she had limited recoupment capacity that would render it impossible or unlikely to attain a level of self-sufficiency and independence that would otherwise be expected (*Parent v Roseville Joint Union High School District and Placer County Children’s System of Care, OAH CASE # 2011061341*).

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IV. Practical Implications: What ESY is and is not

ESY is:

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- Based only on the individual child’s specific critical skills that are critical to his/her overall education progress as determined by the IEP team.
- Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year.
- Designed to maintain a reasonable readiness to begin the next year.
- Focused on specific critical skills where regression, due to extended time off, may occur.
- Based on multi-criteria and not on a single factor.
- Considered as a strategy for minimizing the regression of skill, in order to shorten the time required to gain the same level of skill proficiency that the child exited with at the end of the school year.

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ESY is not:

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- A mandated 12-month service for all children with disabilities.
- Required to function as a respite care service.
- Funded by General Fund.
- Required or intended to maximize educational opportunities for any child with disabilities.
- Necessary to continue instruction on all the previous year’s IEP goals during the ESY period.
- Compulsory. Participation in the program is discretionary with the parents, who may choose to refuse ESY service. There may be personal and family concerns that take precedence over ESY.

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- Required solely when a child fails to achieve IEP goals and objectives during the school year.
- To be considered in order to help children with disabilities advance in relation to their peers.
- For those children who exhibit random regression solely related to transitional life situation or medical problems which result in degeneration.
- Subject to the same LRE considerations as during the regular school year as the same LRE options are not available. Additionally, LRE for some children may be home with family members.
- A summer recreation program for children with disabilities.
- To provide a child with education beyond that which is prescribed in his/her IEP goals and objectives.
- For making up for poor attendance during regular school year.
- The primary means for credit recovery for classes failed during the regular school year.

B. Guidance for IEP Teams

It is important that IEP team members understand who recommends ESY services, the difference between ESY and summer school, when ESY should be recommended, why ESY services should be documented in an individual child's IEP, and how eligibility for ESY services should be determined.

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I. Who recommends ESY services?

Both federal and state regulations make it clear that it is the responsibility of the IEP team to determine a child's need for ESY services. The IEP team membership must include a person knowledgeable about the range of services available, a general education teacher, a special education teacher, and the parent. The IEP team membership may also include related services providers, assessment personnel, and/or the child.

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II. What is the difference between ESY and summer school?

ESY services are special education and related services that are required by a ~~child with~~ child with disabilities beyond the regular school year. These children shall have disabilities which are likely to continue indefinitely or for prolonged periods, and interruption of the child's educational programming may cause regression when coupled with limited recoupment capacity, rendering it impossible or unlikely that the child will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disability. It is the issues of regression and recoupment that provide a framework upon which to base discussion about the need for the child to receive special education support beyond the regular school year.

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If the child does not require ESY, the child could be considered for regular summer school or regular summer intervention program services offered within the LEA. Summer school classes are not special education, are not required, are not based upon a child's individual needs, do not require an IEP, and are not required in order for a child to receive FAPE. While summer school usually focuses on opportunities for secondary students to recover credits, summer intervention programs generally focus on the development of skills that children at risk of retention need in order to progress. Given that, summer intervention classes may very well be appropriate for children with disabilities who are working toward grade level standards.

Several court cases have referred to the "availability of alternative resources" when considering ESY services. The LEA could consider community programs that are available to children. The LEA must be cautious when identifying services provided by community agencies such as a Parks and Recreation program. These outside agencies have no requirement to maintain the child in their program.

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III. When should ESY be recommended?

Since the need for ESY is primarily based on unacceptable regression or recoupment time as demonstrated by the child with a disability, it is important to understand what might be acceptable for most children. Tilley, Cox, and Staybrook (1986) found that most students experience some regression during summer break. Using standardized tests, they found the rate of regression for regular education students was four percent. Students with mild handicaps, hearing impairments, and serious behavior disorders regressed at approximately the same rate as their regular education peers. For students with moderate to severe handicaps, there was an increased rate of regression and a slower rate of recoupment. According to the study, the areas that were most impacted for those students were language, gross motor, fine motor, and self-help skills. Therefore, it is reasonable for students with moderate to severe disabilities to be considered for an ESY program that would concentrate on minimizing regression and recovery time.

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When considering ESY for any child, the IEP must consider data collected during the previous year(s) to determine the child's need based on regression and recoupment. This decision should be based on a multi-faceted measurement, although there may be rare instances where the IEP team might consider ESY services based on a single criterion. In either case, the IEP team must decide a child's eligibility for ESY services based on data collected that reflects his/her regression/recoupment capacity. To help understand this process, a Data Collection Guide is provided in Exhibit A.

Several LEAs have year-round calendars which may require a timeline for provision of ESY slightly different than traditional school year calendars. However, consideration of need for ESY services would follow a similar pattern as that outlined above. In both cases the number of days recommended for ESY is based on student data collected to support student need. Typically, ESY services are aligned with the summer school and/or summer intervention programs provided for general education students in the LEA or school of attendance. However, the IEP team may

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determine that more days are needed given the program options available and the child's identified needs.

IV. Why should ESY be documented in a child's IEP?

ESY services are to be considered for children between the ages of three to twenty-one or children who have not graduated from high school with a diploma. To ensure that the child receives FAPE, ESY services should concentrate on the areas most impacted by regression and inadequate recoupment. These services may look markedly different in ESY than services provided during the regular school year. The IEP team decision is not driven by the setting in which the child is educated during the comprehensive school year. This may also be true for the frequency and/or the duration of services as based on the individual child's needs. The child's need for related services must also be considered as they relate to the child's benefiting from special education. Since it may be different, it is very important that the offer of FAPE for the ESY period be clearly documented within the IEP.

V. How should ESY eligibility be determined?

The child's IEP should be the foundation for determining the need for ESY services. This can be achieved through ongoing assessment and/or review of progress toward goals/objectives. The IEP team meets to review the child's progress, considering a variety of measurements to provide a baseline that documents the child's regression and recoupment rate. The IEP team for an initial IEP will not be able to make this determination until after the child has been receiving the special education services and data has been collected. It is recommended that the IEP team reconvene after implementing the IEP for three to six months to review progress data and compare work from before and after break.

Since many LEAs have already implemented multiple measures to assess progress toward standards, the LEA's assessments and observational or informal data may be applicable to the IEP team determination of need for ESY. The assessment must be based on the IEP goals and/or objectives so that progress can be matched directly to each benchmark outlined and the data can be compared to support evaluation of service effectiveness. The team also needs to determine and document if the child will take the local multiple academic achievement measures with or without accommodations, with or without modifications, or take alternative measures.

The severity of a child's disability is a primary consideration in determining eligibility for ESY. Based on the Reusch v. Fountain case, the IEP team should consider the child's age, severity of the disability, presence of medically diagnosed health impairments, attainment of self-sufficiency, and development of an emerging, critical skill that will be lost due to interruption. Other factors to consider are regression rate and recoupment time in relation to normal rates, behavioral and physical problems, curricular areas which would be adversely impacted, and vocational needs. Younger children with medically diagnosed health impairments are more likely to be referred for ESY due to degenerative diseases and/or high absenteeism as a result of the health impairment. Mental health problems may also have an impact on a child's ability to maintain appropriate social, emotional and/or behavioral expectations when school is not in session and lead to

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regression in skills. The ability of the more mentally and physically challenged children to maintain self-sufficiency skills will continue to be a key issue in determining ESY eligibility. The IEP team should utilize the questions on SELPA form D/M 68P as a guideline in determining the need for ESY (Exhibit D).

Once ESY services are determined as necessary based on data collected and regression-recoupment rate, the IEP team must include a description of the services required by the child in his/her IEP in order to receive FAPE during the provision of ESY.

The Desert/Mountain Special Education Local Plan Area (SELPA) developed an “*Extended School Year (ESY) Worksheet*” (Exhibit D/SELPA Form D/M 68P) to assist IEP team members in this decision-making process. The Case Carrier begins the form by identifying the child’s name, date of birth, grade, school, LEA, and Regular School Year Special Education Services. Various people (e.g., special education teacher, general education teacher, related services personnel, parent, and/or administrator) may provide information to complete the multiple criteria considerations in all areas of need. These should include:

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- Teacher observations, running records, and benchmark measures;
- Progress toward goals/objectives;
- Evidence of regression following break;
- Evidence of difficulty recouping information and/or skills following break;
- Consideration of other options available; and
- Other factors.

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With the above information in hand, the IEP team proceeds to answering the series of questions on SELPA form D/M 68P (Exhibit D). The form is included in the child’s IEP. This determination of need for ESY services needs to be completed annually.

C. Planning for ESY

Effective planning for a successful ESY program involves working with other departments, communicating with site personnel, projecting ESY enrollment, meeting staffing needs, having a smooth registration process that includes communicating with parents, and arranging for transportation needs.

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I. Working with other Departments

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In beginning to plan for ESY it is critical to work closely with personnel from educational services division to determine what plans are being made for summer intervention and summer school so that ESY services are aligned. Scheduling a general planning meeting with the following personnel to discuss their roles/responsibilities is critical.

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- Educational Services: To determine dates, times, locations of summer programs; to provide leadership/direction to plans of all other department activities.
- Business Services: To discuss fiscal resources and/or limitations.
- Human Resources: To discuss projected and/or identified needs (e.g., administrative, certificated teachers, classified [secretaries, health technicians, attendance technicians, instructional aides, custodial], negotiated contract constraints, timelines, posting of openings, interview or appointment process, notifications to personnel, master schedule of assignments, board approval.
- Maintenance and Operations: To discuss facility's needs, custodial support, etc.
- Curriculum and Instruction: To determine course offerings in summer school, targeted population for summer intervention, instructional content of summer intervention, needed instructional materials, teacher preparation time, staff training or meeting needs, assessment strategies, progress reporting, etc.
- Selected Principals/Lead Teachers: To be involved in discussions and kept apprised of plans, to communicate to other principals, to facilitate registration procedures and data collection, to take necessary follow-up actions.
- Special Education: Identify the lead person to discuss projected ESY numbers, staffing needs, facilities, instructional materials, registration procedures, timelines, communicating with parents, nutrition, transportation, etc.
- Instructional Technology: To discuss how children enrolled in ESY, summer intervention, and summer school will be captured, transmittal and/or collection of achievement data, attendance reporting procedures, progress reports, etc.
- Food Services: To discuss nutrition program offerings, time schedules, and staffing needs
- Transportation: To be aware of sites, times, schedules, population or subgroup of children who will need to be bussed, information needed from sites, arranging routes and staff needed, determining strategies and responsibilities for communicating with departments and parents regarding transportation plans.
- Health Services: To determine need for health technicians, nurses, and/or related services instructional aides; to arrange for specialized equipment and/or materials to be available for children at assigned sites; to provide any necessary health or medical training to selected personnel.
- County Office: If the county operates programs within the LEA, it is important to include appropriate county personnel in these discussions to facilitate good communication and smooth program operations.

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II. Communicating Calendar Activities

Once decisions have been made at the LEA level, it is important to communicate plans to site personnel. Although Educational Services Division will be sending out information regarding

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summer programs, it is important for the Special Education Office to communicate the specifics about ESY.

III. Projecting ESY Enrollment

The Director of Special Education or data entry clerk create a report of all children with ESY services on their IEP through web-based IEP reporting system. The data query needs to include the child's last name, first name, birth date, grade, disability, ESY services, location, case carrier, and transportation status. This information can then be saved as an excel file and sorted by any of these features. This data will provide a maximum number of potential children for ESY. By sorting the data into categories, LEAs can project possible number of children by services to project staffing needs. It is important to analyze ESY services to be sure to identify not only specialized academic instructional needs but also related services and transportation needs.

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To get a more accurate projection, timelines will need to be established for registration processes and for communicating with staff members, parents, and other departments listed above. As much as possible, these timelines should align with what is happening for general education student enrollment in summer programs. However, because ESY is listed as a service in an IEP, even when parents miss the registration timeline, enrollment must be taken due to the legal obligation of providing for FAPE.

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IV. Meeting Staffing Needs

These notes on meeting staffing needs incorporate ideas about pre-planning, selecting staff, notifying personnel, and informing other LEA/site personnel.

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- **Pre-Planning**

Utilizing data on projected enrollment by grade level, programs, and sites, makes it possible to project staffing needs for summer programs, including ESY. Since the goal is to serve special education alongside general education summer programs, it is important to first identify what staff members are going to be provided for the site as a whole (e.g., principal, assistant principal, lead teacher, counselor, secretary, attendance clerks, security personnel [School Resource Officer, Supervision Aides], nurse and/or health technician, food services personnel, custodians, bus drivers). The supports needed from the special education program planning should be supplemental to these supports provided for all summer program attendees.

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Special education ESY personnel considerations need to include teachers (mild-moderate, moderate-severe), related services personnel (e.g., speech language pathologist, occupational therapist, adapted PE, psychologists), instructional aides (e.g., nonsevere, severe, special circumstance or related services), and program support (e.g., special education administrator, program specialist, and/or teacher on special assignment). In the analysis of student needs, which drives staffing needs, the number of days and/or hours per day of the various types of positions identified may need to be adjusted. For

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example, high school double sessions or longer days may be different than what is needed at elementary or middle school. If related services must be provided per IEPs, the days or hours of these personnel may vary as well.

Class sizes need to be determined so that staff can be added or deleted based upon actual attendance patterns (e.g., nonsevere 14 students to one teacher and one aide; severe nine students to one teacher and two aides). It is important to communicate the projected staffing needs not only with Human Resources staff but also with those who are assigning facilities/classrooms at each location to ensure that each person employed has the appropriate space assignment.

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- **Selecting Staff**

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Based upon procedures established in the LEA, Human Resources will fly the positions available for certificated and classified personnel. It is important to indicate on the flyer that stability of positions will be based upon actual enrollment. Depending on LEA procedures, the application process may include an essay and/or interview. Based upon the LEA's negotiated contracts, consideration may need to be given to if the candidates applied for and/or were given a position the prior year. It is also important to consider staff members' preferences for grade level and program. Sample interview questions:

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Sample Interview Questions

1. Tell us why you are qualified for an ESY teaching position?
2. What strategies/methods will you use to ensure academic progress for students?
3. Describe your classroom management.
4. If the defined core program is not working, what would you utilize or implement?
5. If you are not selected, would you sub? Yes No
6. Questions?

It is important that a Special Education Administrator be involved in the ESY personnel decision-making process to ensure that the right people are assigned to the appropriate programs/students. If personnel are given ESY assignments other than what they normally work during the regular school year, it is important to assess their needs for any specialized training and provide this prior to the first day of school. In addition, it is critical to have established means of communicating information regarding the needs of children.

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- **Notifying Personnel**

In working closely with Human Resources, it is important to determine who will be sending notification letters to the special education personnel selected to work during ESY.

Once a staffing plan has been finalized, it is important to communicate this to all people involved. Again, it needs to be determined if the Human Resources or Special Education Department has this responsibility. Either in the same or a separate spreadsheet or letter, include the dates and hours selected personnel are scheduled to work. It is important to address both credentialed and classified support (e.g., ESY Instructional Aide assignments).

V. Registration Process

The registration processes described herein include creating and distributing parent notification forms, creating class lists, and arranging for specialized transportation.

- **Creating and Distributing Parent Notification Forms**

As the LEA establishes criteria for summer intervention (e.g., at risk of retention) and summer school (e.g., credit recovery) programs, it may be possible to serve a large number of children with disabilities in these programs. In these cases, the parents would be provided the same registration information and follow the same processes as established for general education students.

In planning the ESY program, the Special Education Administrator can determine if the standard letters to parents and registration forms utilized for general education summer programs will meet the needs of ESY enrollment. While it is important to follow the same timelines to the extent possible, it may be that ESY forms will look different than those utilized in general education. Because of variation in dates, times, and/or locations across grade levels, it may be necessary to establish different parent information letters and registration forms for the various groupings. To facilitate ease in sorting through the paperwork that is submitted, it is also advisable to establish a color paper code system (e.g., elementary = yellow, middle school = green, high school = purple, SH = pink). It is also important to have the parent information letters and registration forms available in English, Spanish, and any other high frequency language. While a designated administrator takes the lead, other personnel in the special education office (e.g., coordinator, program specialist, secretary, and clerks) need to be familiar with the registration processes.

Once the ESY registration forms have been created, it is important to establish a method for distribution and collection. Typically, the Special Education Department utilizes the site principals and/or Case Carriers to distribute this information to parents.

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- **Creating Class Lists**

As registration forms are received, a staff member can revamp the original or begin to create and fill in an excel spreadsheet indicating each child's last name, first name, birth date, grade, disability, ESY services, location, Case Carrier, and transportation status. Additional information obtained from the registration forms themselves (e.g., specific transportation needs, emergency information, health/medical problems, medications) can be added.

The Special Education Administrator can begin to sort this data into ESY class lists by program and sites and begin to put in names of staff members assigned. An effective strategy is to create one excel spreadsheet with tabs at the bottom for each site. In this way, the entire worksheet can be disseminated to people who need to see the entire program and/or sorted out by site only for distribution to selected personnel. Putting page breaks between teacher assignments also enables one to provide a class list for a single staff member. It is also important to insert in the header or footer the date the report was generated to track changes.

Following the recommended timelines with follow up communication with site personnel on requests for completed registration forms can help finalize the class lists and staffing plan. Although registration forms are distributed well in advance of the start of ESY, there may be new students enrolling and/or change in services for children after the original deadline. Given the legal requirement to offer FAPE, it is important to continue the registration process as long as possible. The class list information can also be utilized to begin communication with the transportation department.

- **Arranging for Transportation Needs**

Typically, the special education office maintains a list of students receiving specialized transportation during the regular school year that can be used as a reference for planning ESY transportation needs. As completed registration forms are received and class lists generated for each site, a list of children in need of bus transportation can be generated. Based upon information collected, the list can indicate if transportation is needed to school, home from school, or both; the pick-up and drop-off addresses; emergency contact information; and any significant health/medical needs.

Based upon the individual needs of children, it may also be necessary to arrange for specialized transportation (e.g., wheelchair bus) for children who are attending summer intervention and/or summer school programs. As registration forms for these programs may be going through a different department, it is important to establish how this information will be gathered and who will be responsible for arranging for the bus. If this falls within the special education office, it is recommended that the same procedures utilized for ESY be followed.

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It is important to communicate student and schedule information to the agency responsible for providing the transportation. They may need to receive the information way in advance in order to determine the number of drivers needed and routes. They may also require individual information sheets for each child in addition to the excel spreadsheets. The person and/or department responsible for informing parents of the expected pick-up and drop-off times should be identified in the pre-planning stages. In addition, decisions should be made in advance on how to handle situations where no one is home to receive the child after school. Given all this, it critical to include a representative from the transportation department in the preplanning stages, establish information needed, and facilitate ongoing communication throughout the planning and implementation phases.

Once routes are established, it is important to add the bus/route number into the spreadsheet. Prior to the start of classes, the master list of who is being transported should be provided to the summer program site administrators, health office, and Case Carriers. Once school has started, it is important to continue communication to resolve any parent complaints, add or drop students, etc.

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VI. Meeting Participating Student's Needs

Gathering information about the needs of the children attending ESY can be done at the same time as registration if a copy of each child's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card, and progress toward goals report are collected. Another alternative is to have the case carriers complete an "ESY Cover Sheet" such as the one in Exhibit C.

Although the focus is on providing ESY services, many children with disabilities may be enrolled in summer intervention and/or summer school classes. Providing basic information such as that noted in Exhibit B may be useful to the general education teachers and/or site administrators working with these children.

In addition to academic instruction, children with disabilities may need related services supports during the ESY program. If so, the targeted goal areas, frequency, and intensity need to be considered in developing the staffing plan and built into the daily or weekly schedule. If a staff member hired is not familiar with the child with disabilities, he/she needs to be provided the same information as the ESY teacher (copy of each child's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card, and progress toward goals report) to help guide development of lesson plans/activities.

Similarly, it is likely that teachers will be assigned children that they are not familiar with and they will need time to review the records and develop lesson plans. It is critical that the teachers are provided the appropriate instructional materials to meet the needs of their students during ESY. If possible, try to keep children who need functional life skills curriculum in the same classroom environment to which they are accustomed and in which the instructional materials are readily available. If this is not possible, plans must be made to transport the needed materials to the new

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classroom. Likewise, teachers of core curricular content areas will need to have the materials provided to them. In general, basic materials and supplies provided to general education teachers for summer intervention and/or summer school should be provided to the special education teachers as well. Any additional budgetary considerations for purchase of additional materials or supplies and/or community outings need to be built into planning. If the teachers are not familiar with the grade level and/or content to which they have been assigned for ESY instruction, some staff development time may need to be built into the schedule prior to the child's arrival.

- **Just Prior Communications**

To facilitate understanding of everyone involved, there are often "just prior" communications to administrators, teachers, related services staff, and parents.

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VII. To Administrators

As noted previously, knowing who is going to be attending each site, their assignment, and their needs is critical. Aligning special education's plans to the other summer program plans and participating in collaborative planning meetings helps to keep everyone aware. The pre-planning work has generated excel spreadsheets for staffing, student lists by teacher, and a transportation list. A copy of this information needs to be provided to the site and LEA administrators overseeing the summer programs. Copies may also need to be provided to the health offices, attendance clerks, counselors, and/or instructional technology department based upon what was established in the pre-planning meetings. The extent of what individual student information (e.g., copy of IEP or ESY Cover Sheet [Exhibit C] needs to be distributed and to who should also be pre-established and provided just prior to the start of the session.

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VIII. To Teachers and Related Services Staff

As noted previously, it is critical that the teachers and related services staff members who will be providing the direct instruction to the students are familiar with their needs. One LEA provided a copy of the excel spreadsheet class list, transportation list, and individual student information (stapled together copy of each child's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card, and progress toward goals report) to each teacher in a rubber banded package. Another LEA provided a notebook for each teacher that included copies of complete IEPs for children assigned to their caseload during ESY.

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- **Progress Monitoring**

Pre-post assessment measures and/or progress reports may be employed to evaluate children's progress during the ESY instructional program. By working closely with the Educational Services personnel, it may be possible for children with disabilities to take the same evaluation measure as other children, with or without accommodations or

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modifications, or alternative measure(s) may need to be identified. Selecting the measure(s) and clearly communicating with staff members how and when to administer these are also important considerations in planning for successful programs. Similarly, the same progress report form and/or a special education progress toward goals report form may be used.

Close communication between the LEA office ESY administrative and support staff members, site administrators, and teachers can alleviate many potential problems in this area. Keeping everyone aware of the plans also makes it possible for anyone to answer questions that arise from parents. Providing clear direction to teachers on expectations for completing pre-post assessments and/or progress reporting is also critical. If formal report cards and/or grades will be reported for credits, this information needs to go to the site administrator, counselor, and/or Registrar. Staff members should also be advised on what to do with the student information once the session is over.

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IX. To Parents

Since parents typically complete the ESY Registration Form many weeks before the start of the summer program, it is important to send a "just prior" letter out to them, including the dates of ESY, location of services, hours of operation, name of teacher, classroom room number, information about transportation (if applicable), and contact telephone number.

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D. Final Notes

In the LEA level planning meetings, it is important to schedule time to debrief the successes and struggles of the summer programs. Providing time for teachers to discuss what went well and/or where more support was needed prior to leaving for the summer can provide valuable input into planning for the future. Similarly, pulling together the administrative team members at the end of the session or near the opening of the next school year provides the opportunity to review information from the Educational Services, Business Services, Human Resources, Maintenance and Operations, Curriculum and Instruction, Special Education, Instructional Technology, Food Services, Transportation, Health Services, County Office, principals, and lead teacher perspectives. Doing so sets the stage to begin the planning again the next year.

As information is gathered back together at the end of the ESY session(s), it is important to have a plan for distribution of progress reporting back to the Case Carriers and the parents. It will be important for the IEP team members to consider response to ESY services and impact on regression and recoupment time as they begin the new school year. Analyzing results helps the team start back through the processes of determining need for ESY services in the next year.

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Adapted from Guidelines for Determining Need for Extended School Year (ESY) Services, Riverside County Special Education Local Plan Area, 2014. Reprinted in this handbook with permission.

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Extended School Year (ESY)

Section A	Understanding the Legal and Practical Aspects of ESY
Section B	Guidance for IEP Teams
Section C	Planning for ESY
Section D	Final Notes
Exhibit A	Data Collection Guide
Exhibit B	Possible Predictive Factors in Determining if ESY Service(s) is/are Necessary
Exhibit C	ESY Cover Sheet
Exhibit D	D/M SELPA Form 68P - ESY Worksheet

Extended School Year (ESY) services are special education and related services that are provided to children with disabilities beyond the state mandated 180-day school year. ESY services must be provided only if a child's Individualized Education Program (IEP) team determines, on an individual basis, in accordance with Title 34 of the Code of Federal Regulations §§ 300.320 through 300.324, that the services are necessary for the provision of a Free Appropriate Public Education (FAPE) to the child. The purpose of ESY is to provide special education and related services when an interruption of the child's educational programming may cause regression when coupled with limited recoupment capacity, rendering it impossible or unlikely that the child will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition.

A. Understanding the Legal and Practical Aspects of ESY

The legal and practical aspects of understanding ESY include the relevant federal regulations, California Code of Regulations, case law clarifications, and practical implications of what ESY is and is not.

I. Federal Regulations

The Individuals with Disabilities Education Act (IDEA) and the corresponding Title 34 of the Code of Federal Regulations, Part 300 § 300, contain a number of citations relevant to the legal aspects of ESY.

- The term "extended school year services" means special education and related services that:
 - Are provided to a child with a disability:
 - Beyond the normal school year of the public agency;
 - In accordance with the child's IEP; and
 - At no cost to the parents of the child.

- Meet the standards of the State Educational Agency. (*Title 34 of the Code of Federal Regulations § 300.106(b)*)
- A child who meets eligibility requirements for special education is entitled to FAPE.
 - FAPE is defined, in pertinent part, as special education and related services that are provided at public expense and under public supervision and direction, that meet the state's educational standards, and that conform to the child's IEP.
 - Special education is defined, in pertinent part, as specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.
- The IEP is the centerpiece of the IDEA's education delivery system for children with disabilities and consists of a detailed written statement that must be developed, reviewed, and revised for each child with a disability. In developing the IEP, the IEP team shall consider the strengths of the child, the concerns of the parents for enhancing the education of their child, the results of the initial evaluation or most recent evaluation of the child, and the academic, functional and developmental needs of the child.
- ESY services are special education and related services provided to a child with a disability beyond the normal school year.
- ESY services are necessary only if the IEP team finds, on an individual basis, and based on regression and recoupment, that these services are necessary to provide FAPE.
- An extended year program as determined by the IEP team, shall be included in the child's IEP.
- ESY services must be in accordance with a child's IEP.
 - The Code of Federal Regulations (CFR) does not prescribe the time in which the LEA must present an ESY proposal.
 - LEAs are entitled to have a reasonable time to implement ESY services. (*see Faulders v. Henrico County School Board* [E.D. Va. 2002], *Reinholdson v. School Board of Independent School District No. 11* (8th Cir. 2006), *Reusch v. Fountain* (D. Md. 1994)).
- Federal law requires that children with disabilities be educated in the Least Restrictive Environment (LRE) to the maximum extent appropriate, and authorizes removal of children with disabilities from the regular educational environment only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
 - However, Title 34 of the Code of Federal Regulations § 300.115, is general and is not directed specifically to ESY services. The Department has long interpreted its requirement of a continuum of alternative placements not to apply to summer programs.
 - Because ESY services are provided during a period of time when the full continuum of alternative placements is not normally available for any child, the Department does not require states to ensure that a full continuum of placements is available solely for the purpose of providing ESY services (*Letter to Myers, supra*, 16 IDELR 290).

- Furthermore, the section which prohibits the unilateral limitation of the type, amount, and duration of summer services, has never been interpreted as requiring a LEA that does not offer a program in summer to create one simply to provide an LRE.
- In commenting on the 1999 revisions to the IDEA regulations governing the ESY, the Department stated: While ESY services must be provided in the LRE, public agencies are not required to create new programs as a means of providing ESY services to children with disabilities in integrated settings if the public agency does not provide services at that time for its nondisabled children.
- If a parent disagrees with the IEP and proposed placement, he or she may file a request or notice for a due process hearing.

II. California Code of Regulations (CCR)

ESY services shall be provided for each child with a disability who has unique needs and requires special education and related services in excess of the regular academic year. These children will have disabilities which are likely to continue indefinitely or for a prolonged period, *and interruption of the child's educational programming may cause regression when coupled with limited recoupment capacity, rendering it impossible or unlikely that the child will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition.* The lack of clear evidence of such factors may not be used to deny a child an ESY program if the IEP team determines the need for such a program, and includes ESY in the IEP pursuant to Title 5 of the California Code of Regulations § 3043(e).

Title 5 of the California Code of Regulations § 3043. ... (a) Extended year special education and related services shall be provided by a school district, SELPA, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who:

(c) The term "extended year" as used in this section means the period of time between the close of one academic year, and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

(e) An extended year programs, when needed, as determined by the IEP team, shall be included in the pupil's IEP.

(f) In order to qualify for average daily attendance revenue for extended year pupils, all of the following conditions must be met:

(1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's

unique needs.

(2) *The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.*

(g) *If during the regular academic year an individual's IEP specifies integration in the regular classroom, a public education agency is not required to meet that component of the IEP if no regular summer school programs are being offered by that agency.*

NOTE: *The regulation governing extended school year ("ESY") services has been amended to be consistent with federal law, which allows SEAs to set ESY standards for their states. The new regulation deletes obsolete language which set forth the maximum number of school days for reimbursement, but keeps intact California's ESY standard of a minimum of 20 instructional days.*

III. **Case Law**

Due process cases and court decisions have provided the following guidance in determining what constitutes FAPE and/or a child's need for ESY services.

- A LEA is required to provide a "basic floor of opportunity" . . . [consisting] of access to specialized instruction and related services which are individually designed to provide educational benefit to the [child with a disability]." (*Bd. of Educ. v. Rowley*, 1982).
 - The IDEA requires neither that a LEA provide the best education to a child with a disability, nor that it provide an education that maximizes the child's potential (*Bd. of Educ. v. Rowley*, 1982; *Gregory K. v. Longview School District*, 9th Cir. 1987).
 - The public educational benefit must be more than *de minimis* or trivial (*Doe v. Smith*, 6th Cir. 1989).
 - An IEP should confer a meaningful educational benefit (*T.R. ex rel. N.R. v. Kingwood Twp. Bd. of Educ.*, 3rd Cir. 2000).
- LEAs are required to consider more than just the regression and recoupment analysis and consider other factors relevant in determining a child's need for special education services during ESY.
 - No single criterion can be used as a sole qualifying factor (*Johnson v. Independent School District No. 4*, 1990).
 - One factor to be considered is the critical stage of developing a skill which has great potential for increasing self-sufficiency. For such skill, if not completely acquired and mastered, it is likely that the current level of acquisition will be lost due to the interruption of summer vacation (*Reusch v. Fountain*, 1994).
 - There is a reference in *Fullerton USD vs. Parent* (OAH Case # 2011080355) that ESY services are recommended only if a child is at risk of a severe regression in skills that would require six to eight weeks at the start of the regular school year to recoup.
- LEAs are not required to create programs in order to provide ESY services.

- In *Cordrey v. Euckert* (6th Cir 1990), the court noted that “the school district has no purely custodial duty to provide for handicapped children while similar provision is not made for others. Therefore, begin with the proposition that providing an extended school year is the exception and not the rule...”
- An example would be a student who requires an integrated setting. If the LEA does not provide summer services for non-disabled students, the LEA is not required to create a new program (*Tuscaloosa County Board of Education, SEA AL 2001; Parent on Behalf of Student v. San Francisco Unfired School District, OAH case # 2001040611.*)
- In the *Alameda USD v. Student (OAH Case # 2007100793)*, the LEA offered a specialized academic classroom placement for students with moderate to severe disabilities located at an Elementary School for four hours a day, five days a week. The ESY offer was at a different campus than the student’s regular school year. The LEA did not operate an autism-specific special day class (SDC) during the summer ESY after the end of the regular school year. The special day class was taught by a teacher who conducted the student’s academic assessment, had many years’ experience teaching children with disabilities including autism, and was assisted by highly trained paraprofessionals. The class was small, highly structured, and facilitated language and social skills training throughout the day in a multi-sensory environment. Based on the above findings, the district’s offer of a moderate to severe SDC class for the 2007 summer ESY, including children with autism, was appropriate.
- The content of ESY services are governed by the necessity to prevent skills or benefits already accrued from the prior year from facing significant jeopardy due to regression or lack of retention (*McQueen v. Colorado Springs School District No. 11, D. Colo. 2006*). Additional skills training may be included in ESY when the IEP team determines that this is necessary to meet ESY skills maintenance goals.
- FAPE includes not only special education, but also related services.
 - A change in placement can occur when related services are modified in a way that is likely to affect in some significant way the child’s learning experience. A LEA is not required to provide prior written notice when a LEA makes minor discretionary decisions with regard to a child’s curriculum or assignment of teachers or entertaining suggestions for alternatives to a proposed placement. Requiring prior written notice for every suggestion of an alternative placement or service considered at an IEP meeting would render the process unworkable (*Student v. Tustin USD, OAH case #2006070017*).
 - An offer for ESY must address all areas of student need. In the *Garden Grove USD OAH Case # 2007080547*, the judge ruled that
 - The offer was not appropriate because it did not address occupational therapy services, which were necessary to prevent regression; however,
 - Even though intensive behavior interventions (IBI) were not included in the ESY offer, it was established that the nature of the services provided to the child would prevent undue regression over the summer, particularly because the child was going to have a 1-1 aide.

- In determining whether the content of ESY failed to provide a child with FAPE, it is important to consider the following legal interpretations.
 - The standards for determining whether a child is entitled to an ESY placement in order to receive FAPE are different from the standards pertaining to FAPE in the regular school year. The purpose of special education during the ESY is to prevent serious regression over the summer months (*Hoefl v. Tucson Unified School District*, 9th Cir. 1992; *Letter to Myers*; OSEP 1989).
 - In *SS, JD, SS v. Henrico County School Board* (4th Cir. 2003), the Hearing Officer found that ESY services “were not for the purpose of achieving goals not met during the school year.”
 - The mere fact of likely regression is not enough to require an ESY placement, because all students “may regress to some extent during lengthy breaks from school.” The court ruled “ESY services are only necessary to FAPE when the benefits accrued a disabled child during a regular school year will be significantly jeopardized if he is not provided with an educational program during the summer months” (*MM v. School Dist. of Greenville County*, 4th Cir 2002).
 - It must be established that the significant skill losses were of such degree and duration so as seriously to impede progress toward his/her educational goals (*Kenton County School District v. Hunt* (6th Cir. 2004).
 - The analysis must focus primarily on the adequacy of the proposed program. If the school district’s program was reasonably calculated to provide the student some educational benefit, the school district’s offer will constitute a FAPE even if the student’s parents preferred another program and even if the parents’ preferred program would have resulted in greater educational benefits to the student. The focus is on the appropriateness of the placement offered by the school district, and not on the alternative preferred by the parents (*Gregory K.*).
 - An IEP is evaluated in light of information available at the time it was developed, and is not to be evaluated in hindsight.
 - An IEP is “a snapshot, not a retrospective” and it must be evaluated in terms of what was objectively reasonable when the IEP was drafted (*Adams by & Through Adams v. Oregon*, 9th Cir. 1999).
 - The issue is what the record demonstrated that the IEP team knew when it indicated that ESY was unnecessary as the student was progressing appropriately and would not need ESY (*Santa Ana USD vs. Student and vice versa*, OAH Case #s 2005090037; 2005100257).
 - Evidence must support recommendations to offer or not offer ESY, even when an expert in autism opines in an Independent Educational Evaluation (IEE) that the student required ESY (*Parent vs. Torrance USD*, OAH Case # 2010080289).
 - Even when the student’s condition meets the first criteria for ESY (that her disabilities were likely to continue for a long time), the student did not establish that she had limited recoupment capacity that would render it

impossible or unlikely to attain a level of self-sufficiency and independence that would otherwise be expected (*Parent v Roseville Joint Union High School District and Placer County Children's System of Care, OAH CASE # 2011061341*).

IV. Practical Implications: What ESY is and is not

ESY is:

- Based only on the individual child's specific critical skills that are critical to his/her overall education progress as determined by the IEP team.
- Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year.
- Designed to maintain a reasonable readiness to begin the next year.
- Focused on specific critical skills where regression, due to extended time off, may occur.
- Based on multi-criteria and not on a single factor.
- Considered as a strategy for minimizing the regression of skill, in order to shorten the time required to gain the same level of skill proficiency that the child exited with at the end of the school year.

ESY is not:

- A mandated 12-month service for all children with disabilities.
- Required to function as a respite care service.
- Funded by General Fund.
- Required or intended to maximize educational opportunities for any child with disabilities.
- Necessary to continue instruction on all the previous year's IEP goals during the ESY period.
- Compulsory. Participation in the program is discretionary with the parents, who may choose to refuse ESY service. There may be personal and family concerns that take precedence over ESY.
- Required solely when a child fails to achieve IEP goals and objectives during the school year.
- To be considered in order to help children with disabilities advance in relation to their peers.
- For those children who exhibit random regression solely related to transitional life situation or medical problems which result in degeneration.
- Subject to the same LRE considerations as during the regular school year as the same LRE options are not available. Additionally, LRE for some children may be home with family members.

- A summer recreation program for children with disabilities.
- To provide a child with education beyond that which is prescribed in his/her IEP goals and objectives.
- For making up for poor attendance during regular school year.
- The primary means for credit recovery for classes failed during the regular school year.

B. Guidance for IEP Teams

It is important that IEP team members understand who recommends ESY services, the difference between ESY and summer school, when ESY should be recommended, why ESY services should be documented in an individual child's IEP, and how eligibility for ESY services should be determined.

I. Who recommends ESY services?

Both federal and state regulations make it clear that it is the responsibility of the IEP team to determine a child's need for ESY services. The IEP team membership must include a person knowledgeable about the range of services available, a general education teacher, a special education teacher, and the parent. The IEP team membership may also include related services providers, assessment personnel, and/or the child.

II. What is the difference between ESY and summer school?

ESY services are special education and related services that are required by a child with disabilities beyond the regular school year. These children shall have disabilities which are likely to continue indefinitely or for prolonged periods, and interruption of the child's educational programming may cause regression when coupled with limited recoupment capacity, rendering it impossible or unlikely that the child will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disability. It is the issues of regression and recoupment that provide a framework upon which to base discussion about the need for the child to receive special education support beyond the regular school year.

If the child does not require ESY, the child could be considered for regular summer school or regular summer intervention program services offered within the LEA. Summer school classes are not special education, are not required, are not based upon a child's individual needs, do not require an IEP, and are not required in order for a child to receive FAPE. While summer school usually focuses on opportunities for secondary students to recover credits, summer intervention programs generally focus on the development of skills that children at risk of retention need in order to progress. Given that, summer intervention classes may very well be appropriate for children with disabilities who are working toward grade level standards.

Several court cases have referred to the "availability of alternative resources" when considering ESY services. The LEA could consider community programs that are available to children. The LEA must be cautious when identifying services provided by community agencies such as a Parks and Recreation program. These outside agencies have no requirement to maintain the child in their program.

III. When should ESY be recommended?

Since the need for ESY is primarily based on unacceptable regression or recoupment time as demonstrated by the child with a disability, it is important to understand what might be acceptable for most children. Tilley, Cox, and Staybrook (1986) found that most students experience some regression during summer break. Using standardized tests, they found the rate of regression for regular education students was four percent. Students with mild handicaps, hearing impairments, and serious behavior disorders regressed at approximately the same rate as their regular education peers. For students with moderate to severe handicaps, there was an increased rate of regression and a slower rate of recoupment. According to the study, the areas that were most impacted for those students were language, gross motor, fine motor, and self-help skills. Therefore, it is reasonable for students with moderate to severe disabilities to be considered for an ESY program that would concentrate on minimizing regression and recovery time.

When considering ESY for any child, the IEP must consider data collected during the previous year(s) to determine the child's need based on regression and recoupment. This decision should be based on a multi-faceted measurement, although there may be rare instances where the IEP team might consider ESY services based on a single criterion. In either case, the IEP team must decide a child's eligibility for ESY services based on data collected that reflects his/her regression/recoupment capacity. To help understand this process, a Data Collection Guide is provided in Exhibit A.

Several LEAs have year-round calendars which may require a timeline for provision of ESY slightly different than traditional school year calendars. However, consideration of need for ESY services would follow a similar pattern as that outlined above. In both cases the number of days recommended for ESY is based on student data collected to support student need. Typically, ESY services are aligned with the summer school and/or summer intervention programs provided for general education students in the LEA or school of attendance. However, the IEP team may determine that more days are needed given the program options available and the child's identified needs.

IV. Why should ESY be documented in a child's IEP?

ESY services are to be considered for children between the ages of three to twenty-one or children who have not graduated from high school with a diploma. To ensure that the child receives FAPE, ESY services should concentrate on the areas most impacted by regression and inadequate recoupment. These services may look markedly different in ESY than services provided during the regular school year. The IEP team decision is not driven by the setting in which the child is educated during the comprehensive school year. This may also be true for the frequency and/or the duration of services as based on the individual child's needs. The child's need for related services must also be considered as they relate to the child's benefiting from special education. Since it may be different, it is very important that the offer of FAPE for the ESY period be clearly documented within the IEP.

V. How should ESY eligibility be determined?

The child's IEP should be the foundation for determining the need for ESY services. This can be achieved through ongoing assessment and/or review of progress toward goals/objectives. The IEP

team meets to review the child's progress, considering a variety of measurements to provide a baseline that documents the child's regression and recoupment rate. The IEP team for an initial IEP will not be able to make this determination until after the child has been receiving the special education services and data has been collected. It is recommended that the IEP team reconvene after implementing the IEP for three to six months to review progress data and compare work from before and after break.

Since many LEAs have already implemented multiple measures to assess progress toward standards, the LEA's assessments and observational or informal data may be applicable to the IEP team determination of need for ESY. The assessment must be based on the IEP goals and/or objectives so that progress can be matched directly to each benchmark outlined and the data can be compared to support evaluation of service effectiveness. The team also needs to determine and document if the child will take the local multiple academic achievement measures with or without accommodations, with or without modifications, or take alternative measures.

The severity of a child's disability is a primary consideration in determining eligibility for ESY. Based on the Reusch v. Fountain case, the IEP team should consider the child's age, severity of the disability, presence of medically diagnosed health impairments, attainment of self-sufficiency, and development of an emerging, critical skill that will be lost due to interruption. Other factors to consider are regression rate and recoupment time in relation to normal rates, behavioral and physical problems, curricular areas which would be adversely impacted, and vocational needs. Younger children with medically diagnosed health impairments are more likely to be referred for ESY due to degenerative diseases and/or high absenteeism as a result of the health impairment. Mental health problems may also have an impact on a child's ability to maintain appropriate social, emotional and/or behavioral expectations when school is not in session and lead to regression in skills. The ability of the more mentally and physically challenged children to maintain self-sufficiency skills will continue to be a key issue in determining ESY eligibility. The IEP team should utilize the questions on SELPA form D/M 68P as a guideline in determining the need for ESY (Exhibit D).

Once ESY services are determined as necessary based on data collected and regression-recoupment rate, the IEP team must include a description of the services required by the child in his/her IEP in order to receive FAPE during the provision of ESY.

The Desert/Mountain Special Education Local Plan Area (SELPA) developed an "*Extended School Year (ESY) Worksheet*" (*Exhibit D/SELPA Form D/M 68P*) to assist IEP team members in this decision-making process. The Case Carrier begins the form by identifying the child's name, date of birth, grade, school, LEA, and Regular School Year Special Education Services. Various people (e.g., special education teacher, general education teacher, related services personnel, parent, and/or administrator) may provide information to complete the multiple criteria considerations in all areas of need. These should include:

- Teacher observations, running records, and benchmark measures;
- Progress toward goals/objectives;
- Evidence of regression following break;
- Evidence of difficulty recouping information and/or skills following break;

- Consideration of other options available; and
- Other factors.

With the above information in hand, the IEP team proceeds to answering the series of questions on SELPA form D/M 68P (*Exhibit D*). The form is included in the child's IEP. This determination of need for ESY services needs to be completed annually.

C. Planning for ESY

Effective planning for a successful ESY program involves working with other departments, communicating with site personnel, projecting ESY enrollment, meeting staffing needs, having a smooth registration process that includes communicating with parents, and arranging for transportation needs.

I. Working with other Departments

In beginning to plan for ESY it is critical to work closely with personnel from educational services division to determine what plans are being made for summer intervention and summer school so that ESY services are aligned. Scheduling a general planning meeting with the following personnel to discuss their roles/responsibilities is critical.

- Educational Services: To determine dates, times, locations of summer programs; to provide leadership/direction to plans of all other department activities.
- Business Services: To discuss fiscal resources and/or limitations.
- Human Resources: To discuss projected and/or identified needs (e.g., administrative, certificated teachers, classified [secretaries, health technicians, attendance technicians, instructional aides, custodial], negotiated contract constraints, timelines, posting of openings, interview or appointment process, notifications to personnel, master schedule of assignments, board approval.
- Maintenance and Operations: To discuss facility's needs, custodial support, etc.
- Curriculum and Instruction: To determine course offerings in summer school, targeted population for summer intervention, instructional content of summer intervention, needed instructional materials, teacher preparation time, staff training or meeting needs, assessment strategies, progress reporting, etc.
- Selected Principals/Lead Teachers: To be involved in discussions and kept apprised of plans, to communicate to other principals, to facilitate registration procedures and data collection, to take necessary follow-up actions.
- Special Education: Identify the lead person to discuss projected ESY numbers, staffing needs, facilities, instructional materials, registration procedures, timelines, communicating with parents, nutrition, transportation, etc.
- Instructional Technology: To discuss how children enrolled in ESY, summer intervention, and summer school will be captured, transmittal and/or collection of achievement data, attendance reporting procedures, progress reports, etc.

- Food Services: To discuss nutrition program offerings, time schedules, and staffing needs
- Transportation: To be aware of sites, times, schedules, population or subgroup of children who will need to be bussed, information needed from sites, arranging routes and staff needed, determining strategies and responsibilities for communicating with departments and parents regarding transportation plans.
- Health Services: To determine need for health technicians, nurses, and/or related services instructional aides; to arrange for specialized equipment and/or materials to be available for children at assigned sites; to provide any necessary health or medical training to selected personnel.
- County Office: If the county operates programs within the LEA, it is important to include appropriate county personnel in these discussions to facilitate good communication and smooth program operations.

II. Communicating Calendar Activities

Once decisions have been made at the LEA level, it is important to communicate plans to site personnel. Although Educational Services Division will be sending out information regarding summer programs, it is important for the Special Education Office to communicate the specifics about ESY.

III. Projecting ESY Enrollment

The Director of Special Education or data entry clerk create a report of all children with ESY services on their IEP through web-based IEP reporting system. The data query needs to include the child's last name, first name, birth date, grade, disability, ESY services, location, case carrier, and transportation status. This information can then be saved as an excel file and sorted by any of these features. This data will provide a maximum number of potential children for ESY. By sorting the data into categories, LEAs can project possible number of children by services to project staffing needs. It is important to analyze ESY services to be sure to identify not only specialized academic instructional needs but also related services and transportation needs.

To get a more accurate projection, timelines will need to be established for registration processes and for communicating with staff members, parents, and other departments listed above. As much as possible, these timelines should align with what is happening for general education student enrollment in summer programs. However, because ESY is listed as a service in an IEP, even when parents miss the registration timeline, enrollment must be taken due to the legal obligation of providing for FAPE.

IV. Meeting Staffing Needs

These notes on meeting staffing needs incorporate ideas about pre-planning, selecting staff, notifying personnel, and informing other LEA/site personnel.

- **Pre-Planning**

Utilizing data on projected enrollment by grade level, programs, and sites, makes it possible to project staffing needs for summer programs, including ESY. Since the goal is to serve special education alongside general education summer programs, it is important

to first identify what staff members are going to be provided for the site as a whole (e.g., principal, assistant principal, lead teacher, counselor, secretary, attendance clerks, security personnel [School Resource Officer, Supervision Aides], nurse and/or health technician, food services personnel, custodians, bus drivers). The supports needed from the special education program planning should be supplemental to these supports provided for all summer program attendees.

Special education ESY personnel considerations need to include teachers (mild-moderate, moderate-severe), related services personnel (e.g., speech language pathologist, occupational therapist, adapted PE, psychologists), instructional aides (e.g., nonsevere, severe, special circumstance or related services), and program support (e.g., special education administrator, program specialist, and/or teacher on special assignment). In the analysis of student needs, which drives staffing needs, the number of days and/or hours per day of the various types of positions identified may need to be adjusted. For example, high school double sessions or longer days may be different than what is needed at elementary or middle school. If related services must be provided per IEPs, the days or hours of these personnel may vary as well.

Class sizes need to be determined so that staff can be added or deleted based upon actual attendance patterns (e.g., nonsevere 14 students to one teacher and one aide; severe nine students to one teacher and two aides). It is important to communicate the projected staffing needs not only with Human Resources staff but also with those who are assigning facilities/classrooms at each location to ensure that each person employed has the appropriate space assignment.

- **Selecting Staff**

Based upon procedures established in the LEA, Human Resources will fly the positions available for certificated and classified personnel. It is important to indicate on the flyer that stability of positions will be based upon actual enrollment. Depending on LEA procedures, the application process may include an essay and/or interview. Based upon the LEA's negotiated contracts, consideration may need to be given to if the candidates applied for and/or were given a position the prior year. It is also important to consider staff members' preferences for grade level and program. Sample interview questions:

Sample Interview Questions	
1.	Tell us why you are qualified for an ESY teaching position?
2.	What strategies/methods will you use to ensure academic progress for students?
3.	Describe your classroom management.
4.	If the defined core program is not working, what would you utilize or implement?
5.	If you are not selected, would you sub? <input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Questions?

It is important that a Special Education Administrator be involved in the ESY personnel decision-making process to ensure that the right people are assigned to the appropriate

programs/students. If personnel are given ESY assignments other than what they normally work during the regular school year, it is important to assess their needs for any specialized training and provide this prior to the first day of school. In addition, it is critical to have established means of communicating information regarding the needs of children.

- **Notifying Personnel**

In working closely with Human Resources, it is important to determine who will be sending notification letters to the special education personnel selected to work during ESY.

Once a staffing plan has been finalized, it is important to communicate this to all people involved. Again, it needs to be determined if the Human Resources or Special Education Department has this responsibility. Either in the same or a separate spreadsheet or letter, include the dates and hours selected personnel are scheduled to work. It is important to address both credentialed and classified support (e.g., ESY Instructional Aide assignments).

V. Registration Process

The registration processes described herein include creating and distributing parent notification forms, creating class lists, and arranging for specialized transportation.

- **Creating and Distributing Parent Notification Forms**

As the LEA establishes criteria for summer intervention (e.g., at risk of retention) and summer school (e.g., credit recovery) programs, it may be possible to serve a large number of children with disabilities in these programs. In these cases, the parents would be provided the same registration information and follow the same processes as established for general education students.

In planning the ESY program, the Special Education Administrator can determine if the standard letters to parents and registration forms utilized for general education summer programs will meet the needs of ESY enrollment. While it is important to follow the same timelines to the extent possible, it may be that ESY forms will look different than those utilized in general education. Because of variation in dates, times, and/or locations across grade levels, it may be necessary to establish different parent information letters and registration forms for the various groupings. To facilitate ease in sorting through the paperwork that is submitted, it is also advisable to establish a color paper code system (e.g., elementary = yellow, middle school = green, high school = purple, SH = pink). It is also important to have the parent information letters and registration forms available in English, Spanish, and any other high frequency language. While a designated administrator takes the lead, other personnel in the special education office (e.g., coordinator, program specialist, secretary, and clerks) need to be familiar with the registration processes.

Once the ESY registration forms have been created, it is important to establish a method for distribution and collection. Typically, the Special Education Department utilizes the site principals and/or Case Carriers to distribute this information to parents.

- **Creating Class Lists**

As registration forms are received, a staff member can revamp the original or begin to create and fill in an excel spreadsheet indicating each child's last name, first name, birth date, grade, disability, ESY services, location, Case Carrier, and transportation status. Additional information obtained from the registration forms themselves (e.g., specific transportation needs, emergency information, health/medical problems, medications) can be added.

The Special Education Administrator can begin to sort this data into ESY class lists by program and sites and begin to put in names of staff members assigned. An effective strategy is to create one excel spreadsheet with tabs at the bottom for each site. In this way, the entire worksheet can be disseminated to people who need to see the entire program and/or sorted out by site only for distribution to selected personnel. Putting page breaks between teacher assignments also enables one to provide a class list for a single staff member. It is also important to insert in the header or footer the date the report was generated to track changes.

Following the recommended timelines with follow up communication with site personnel on requests for completed registration forms can help finalize the class lists and staffing plan. Although registration forms are distributed well in advance of the start of ESY, there may be new students enrolling and/or change in services for children after the original deadline. Given the legal requirement to offer FAPE, it is important to continue the registration process as long as possible. The class list information can also be utilized to begin communication with the transportation department.

- **Arranging for Transportation Needs**

Typically, the special education office maintains a list of students receiving specialized transportation during the regular school year that can be used as a reference for planning ESY transportation needs. As completed registration forms are received and class lists generated for each site, a list of children in need of bus transportation can be generated. Based upon information collected, the list can indicate if transportation is needed to school, home from school, or both; the pick-up and drop-off addresses; emergency contact information; and any significant health/medical needs.

Based upon the individual needs of children, it may also be necessary to arrange for specialized transportation (e.g., wheelchair bus) for children who are attending summer intervention and/or summer school programs. As registration forms for these programs may be going through a different department, it is important to establish how this information will be gathered and who will be responsible for arranging for the bus. If this falls within the special education office, it is recommended that the same procedures utilized for ESY be followed.

It is important to communicate student and schedule information to the agency responsible for providing the transportation. They may need to receive the information way in advance in order to determine the number of drivers needed and routes. They may also require individual information sheets for each child in addition to the excel spreadsheets. The person and/or department responsible for informing parents of the expected pick-up and drop-off times should be identified in the pre-planning stages. In addition, decisions should be made in advance on how to handle situations where no one is home to receive the child after school. Given all this, it critical to include a representative from the transportation department in the preplanning stages, establish information needed, and facilitate ongoing communication throughout the planning and implementation phases.

Once routes are established, it is important to add the bus/route number into the spreadsheet. Prior to the start of classes, the master list of who is being transported should be provided to the summer program site administrators, health office, and Case Carriers. Once school has started, it is important to continue communication to resolve any parent complaints, add or drop students, etc.

VI. Meeting Participating Student's Needs

Gathering information about the needs of the children attending ESY can be done at the same time as registration if a copy of each child's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card, and progress toward goals report are collected. Another alternative is to have the case carriers complete an "ESY Cover Sheet" such as the one in Exhibit C.

Although the focus is on providing ESY services, many children with disabilities may be enrolled in summer intervention and/or summer school classes. Providing basic information such as that noted in Exhibit B may be useful to the general education teachers and/or site administrators working with these children.

In addition to academic instruction, children with disabilities may need related services supports during the ESY program. If so, the targeted goal areas, frequency, and intensity need to be considered in developing the staffing plan and built into the daily or weekly schedule. If a staff member hired is not familiar with the child with disabilities, he/she needs to be provided the same information as the ESY teacher (copy of each child's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card, and progress toward goals report) to help guide development of lesson plans/activities.

Similarly, it is likely that teachers will be assigned children that they are not familiar with and they will need time to review the records and develop lesson plans. It is critical that the teachers are provided the appropriate instructional materials to meet the needs of their students during ESY. If possible, try to keep children who need functional life skills curriculum in the same classroom environment to which they are accustomed and in which the instructional materials are readily available. If this is not possible, plans must be made to transport the needed materials to the new classroom. Likewise, teachers of core curricular content areas will need to have the materials provided to them. In general, basic materials and supplies provided to general education teachers

for summer intervention and/or summer school should be provided to the special education teachers as well. Any additional budgetary considerations for purchase of additional materials or supplies and/or community outings need to be built into planning. If the teachers are not familiar with the grade level and/or content to which they have been assigned for ESY instruction, some staff development time may need to be built into the schedule prior to the child's arrival.

- **Just Prior Communications**

To facilitate understanding of everyone involved, there are often "just prior" communications to administrators, teachers, related services staff, and parents.

VII. To Administrators

As noted previously, knowing who is going to be attending each site, their assignment, and their needs is critical. Aligning special education's plans to the other summer program plans and participating in collaborative planning meetings helps to keep everyone aware. The pre-planning work has generated excel spreadsheets for staffing, student lists by teacher, and a transportation list. A copy of this information needs to be provided to the site and LEA administrators overseeing the summer programs. Copies may also need to be provided to the health offices, attendance clerks, counselors, and/or instructional technology department based upon what was established in the pre-planning meetings. The extent of what individual student information (e.g., copy of IEP or ESY Cover Sheet [Exhibit C) needs to be distributed and to who should also be pre-established and provided just prior to the start of the session.

VIII. To Teachers and Related Services Staff

As noted previously, it is critical that the teachers and related services staff members who will be providing the direct instruction to the students are familiar with their needs. One LEA provided a copy of the excel spreadsheet class list, transportation list, and individual student information (stapled together copy of each child's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card, and progress toward goals report) to each teacher in a rubber banded package. Another LEA provided a notebook for each teacher that included copies of complete IEPs for children assigned to their caseload during ESY.

- **Progress Monitoring**

Pre-post assessment measures and/or progress reports may be employed to evaluate children's progress during the ESY instructional program. By working closely with the Educational Services personnel, it may be possible for children with disabilities to take the same evaluation measure as other children, with or without accommodations or modifications, or alternative measure(s) may need to be identified. Selecting the measure(s) and clearly communicating with staff members how and when to administer these are also important considerations in planning for successful programs. Similarly, the same progress report form and/or a special education progress toward goals report form may be used.

Close communication between the LEA office ESY administrative and support staff members, site administrators, and teachers can alleviate many potential problems in this area. Keeping everyone aware of the plans also makes it possible for anyone to answer

questions that arise from parents. Providing clear direction to teachers on expectations for completing pre-post assessments and/or progress reporting is also critical. If formal report cards and/or grades will be reported for credits, this information needs to go to the site administrator, counselor, and/or Registrar. Staff members should also be advised on what to do with the student information once the session is over.

IX. To Parents

Since parents typically complete the ESY Registration Form many weeks before the start of the summer program, it is important to send a “just prior” letter out to them, including the dates of ESY, location of services, hours of operation, name of teacher, classroom room number, information about transportation (if applicable), and contact telephone number.

D. Final Notes

In the LEA level planning meetings, it is important to schedule time to debrief the successes and struggles of the summer programs. Providing time for teachers to discuss what went well and/or where more support was needed prior to leaving for the summer can provide valuable input into planning for the future. Similarly, pulling together the administrative team members at the end of the session or near the opening of the next school year provides the opportunity to review information from the Educational Services, Business Services, Human Resources, Maintenance and Operations, Curriculum and Instruction, Special Education, Instructional Technology, Food Services, Transportation, Health Services, County Office, principals, and lead teacher perspectives. Doing so sets the stage to begin the planning again the next year.

As information is gathered back together at the end of the ESY session(s), it is important to have a plan for distribution of progress reporting back to the Case Carriers and the parents. It will be important for the IEP team members to consider response to ESY services and impact on regression and recoupment time as they begin the new school year. Analyzing results helps the team start back through the processes of determining need for ESY services in the next year.

Adapted from Guidelines for Determining Need for Extended School Year (ESY) Services, Riverside County Special Education Local Plan Area, 2014. Reprinted in this handbook with permission.



Possible Predictive Factors in Determining if ESY Services are Necessary

(Johnson v. Indep. Sch. Dist. No. 4, 17 IDELR 170 (10th Cir. 1990), cert. denied, 110 LRP 38025, 500 U.S. 905 (1991).)

(Exhibit B)

Type and Severity: *In what ways does the student's disability and/or intensity of needs impact the maintenance of learned skills?*

Behavioral/Physical:

- *Are there behavioral or physical factors that negatively impact the student's ability to maintain learned skills?*
- *Have there been extended absences that impact ability to maintain learned skills?*
- *Have there been major life events that impact ability to maintain learned skills?*
- *Have there been significant behavioral challenges that interfere with the maintenance of learned skills?*

Alternative Resources:

- *What community/home resources are already planned or could be available in order for the student to maintain learned skills?*
- *How does the parents' ability to provide educational structure at home impact the student's ability to maintain learned skills?*

Ability to Interact with Nondisabled Peers:

- *Does the lack of opportunities for the student to interact with nondisabled peers significantly interfere with maintenance of learned skills?*
- *What community/home support is needed to provide necessary opportunities for the student?*

Curriculum that Needs Continuous Attention:

- *Are there any objectives on the IEP that require ongoing support in order to maintain learned skills?*
- *Are there other elements of the IEP (such as a behavior plan or health care plan) that require ongoing support in order to maintain learned skills?*

Vocational Needs:

- *Does the student require ongoing support in order to maintain learned vocational skills?*

Extraordinary vs. Integral:

- *What support/services are essential, as well as reasonable, to meet this student's individual needs in order to maintain learned skills?*

Child's Rate of Progress:

- *How does the length of time that the student takes to learn a skill negatively impact the maintenance of learned skills?*
- *Would the interruption of services be detrimental to the student's continued progress?*

Other Relevant Factors:

- *Has anything occurred additionally throughout the year that should be considered?*



Extended School Year (ESY) Cover Sheet (Exhibit C)

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Age: _____
Disability: _____ Grade: _____ Gender: Male Female
School Site: _____
Service(s): _____

Explain how disability shows up in class.

Is/are there special behavioral or discipline considerations? Yes No

Does the student have a behavioral intervention plan (BIP)? Yes No

Target Area(s): _____

Reading Level: _____ Reading Comprehension Level: _____

Target Goal: _____

Target Goal: _____

Functional writing:

Target Goal: _____

Functional math:

Target Goal: _____

Social/Emotional:

Target Goal: _____

Health/Medical Concerns:

Parent Involvement? High Medium Low

Other:

Student Name: _____ DOB: _____ Date: _____

EXTENDED SCHOOL YEAR (ESY) WORKSHEET

School Site: _____ Grade: _____

DIRECTIONS: THE IEP TEAM SHALL DETERMINE THE FOLLOWING IN ORDER TO DESIGNATE A STUDENT AS REQUIRING ESY AS PART OF A FREE APPROPRIATE PUBLIC EDUCATION (FAPE).

1. At the start of the school year, with a review period equal to that of general education students, was the student able to regain skills lost over the break that would otherwise be expected in view of the student's disabling condition?
 Yes No If YES, specify what area(s).
2. Does the student display a loss of previously taught skills and an inability to regain those skills following interruptions in instruction during the regular school year, i.e., Thanksgiving break, Winter break, and Spring break? Yes No
If YES, specify what area(s).
3. Is the current student at a crucial stage in learning skill(s), such that an interruption in school program might cause loss of a skill(s) that the student would not be able to re-learn in a reasonable period of time in view of the student's disabling condition? Yes No If YES, specify what area(s).
4. Is the student able to maintain the skills identified without extended school year? Yes No If NO, specify what skill(s).
5. Does the student demonstrate a pattern of past regression in skills as evidenced by breaks of more than four weeks? Yes No (Describe the degree (minimal or serious) of actual or likely regression following a school break.)
6. What is the estimated amount of time it takes or it may take the student to regain the prior level of knowledge, skills, benefits or functioning following a school break? One month or less Up to three months Four to six months
 Other: _____
7. Describe the student's rate of learning (as compared with the student's ability to recoup after a break).
8. Does the IEP team feel the student's disability will continue indefinitely or for a prolonged period of time? Yes No (Describe the degree (minimal or serious) of actual or likely regression following a school break.)

Student Name: _____ DOB: _____ Date: _____

EXTENDED SCHOOL YEAR (ESY) WORKSHEET

9. Does the IEP team feel it will be impossible or unlikely the student will attain self-sufficiency and independence expected in view of the student's disability following a break? Yes No *(Describe the degree (minimal or serious) of actual or likely regression following a school break.)*

10. Are there any other issues concerning the student's physical, medical condition, emotional, social, behavioral, mental health, academic and/or vocational issues, and his/her ability to be with typically developing peers that may be adversely impacted if the student does not receive ESY services? Yes No *If YES, describe.*

11. Does the student require ESY to continue to achieve at the level of independence that is expected in view of the student's disabling condition? Yes No

IEP TEAM DETERMINATION:

- THE IEP TEAM HAS DETERMINED THAT ESY SERVICE(S) IS/ARE NOT REQUIRED IN ORDER FOR THE STUDENT TO RECEIVE FAPE.
- BASED ON A REVIEW OF THE STUDENT'S UNIQUE NEEDS, THE IEP TEAM HAS DETERMINED THAT THE ESY SERVICE(S) IS/ARE REQUIRED TO PROVIDE THE STUDENT WITH FAPE. *(COMPLETE THE SERVICES SECTION BELOW)*

SPECIAL EDUCATION AND RELATED SERVICES

STATUS	SERVICE (CODE NO.)	CLASS NO.	PROVIDER	LOCATION OF SERVICE (CODE NO.)	PROJECTED START DATE	PROJECTED END DATE	FREQUENCY (CODE NO.)	DURATION
...	... <input type="checkbox"/> Indiv. <input type="checkbox"/> Group	...	...	...			...
...	... <input type="checkbox"/> Indiv. <input type="checkbox"/> Group	...	...	...			...
...	... <input type="checkbox"/> Indiv. <input type="checkbox"/> Group	...	...	...			...
...	... <input type="checkbox"/> Indiv. <input type="checkbox"/> Group	...	...	...			...
...	... <input type="checkbox"/> Indiv. <input type="checkbox"/> Group	...	...	...			...
...	... <input type="checkbox"/> Indiv. <input type="checkbox"/> Group	...	...	...			...
...	... <input type="checkbox"/> Indiv. <input type="checkbox"/> Group	...	...	...			...

NOTE: Programs and services will be provided according to where the student is in attendance and consistent with the district of service calendar and scheduled services, excluding holidays, vacations, and non-instructional days unless otherwise specified.

DEFINITIONS

- Extended School Year (ESY):** Extended School Year services (ESY) are programs and services that assist the student in working toward the same goals and objectives that the student works on during the school year. ESY services are only provided for those areas on the current IEP where the student has demonstrated (a) regression of skills during an extended school break and (b) limited ability to benefit from re-teaching of skills after an extended school break. Regression loss of previously attained skills documented by a review of the IEP goals, due to an extended school break.
- Rate of Recoupment:** Length of time required to re-learn skills following an extended school break.
- Regression and Recoupment:** Some students have disabilities that are likely to continue indefinitely or for a prolonged period. In this situation, interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition.



Referral Procedures

California Association of Health & Education Linked Professions (CAHELP)



This referral handbook was developed by the California Association of Health & Education Linked Professions (CAHELP), a Joint Powers Authority (JPA), to assist participating local education agencies (LEAs) in the Desert/Mountain Special Education Local Plan Area and the Desert/Mountain Charter Special Education Local Plan Area (hereinafter referred to as the SELPA) in the referral processes for special education and related services and behavioral health programs.

Note: All services may not be available in all areas. Please check with the Program Specialist assigned to your LEA with any questions regarding the referral process.

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1 **A**udiological Assessment | INITIAL

The SELPA Audiological Program provides students with audiological assessment and services that will assist them in making the best use of their hearing and help them participate and progress in the general education curriculum.






PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team's decision to refer the student for an Audiological Assessment.
2. Complete the *Initial Request for Audiological Evaluations/Services* form ([D/M 108](#)) and obtain the signatures of the person making the referral and the director of special education.
3. Complete the *Assessment Plan* form ([D/M 66](#)) and obtain the parent/guardian signature.
4. The person making the referral should check the box that corresponds to the type of assessment(s) requested.
5. The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section of form D/M 66.
6. LEAs are encouraged to have assessment plans signed close to the date of their LEA audiology evaluation date and within the required time frame.
7. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name as the SELPA/Pacific Hearing Services. The disclosing agency will vary depending on whether it is a physician, medical center, or audiologist.

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Audiology Services Program Specialist at the SELPA.

-  [D/M 108](#) *Initial Request for Audiological Evaluations/Services* form
-  [D/M 66](#) *Assessment Plan* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year of the referral for an audiological assessment
-  LEA's hearing screening form that documents a minimum of two repeated failures on threshold tests or previous audiological assessment reports and/or audiograms for students who have an identified hearing loss

Timeline for Assessment

The audiological assessment must occur within 60 calendar days from the date the *Assessment Plan* was received by the LEA. When the signed *Assessment Plan* is received by the LEA, it should be date stamped.

An *Audiology Assessment Calendar* is published on an annual basis at the beginning of each school year. The calendar lists the assessment dates and referral due dates for each LEA within the SELPA. The calendar can be found on the SELPA website at www.dmselpa.org.

For students who require services outside of the regularly scheduled LEA visit, services may be coordinated between the SELPA and the LEA. Arrangements may be made for students to be served at the school site, at a nearby LEA, the Desert/Mountain Children's Center (DMCC), or at the service provider's office, whichever is available and appropriate. Please contact the Audiology Services Program Specialist at the SELPA for assistance.

Timeline for Services

Upon completion of the audiological assessment, a report will be sent to the director of special education by either the agency that conducted the assessment or by the Audiology Services Program Specialist at the SELPA.

The director of special education should reconvene the IEP team to review the findings and recommendations of the assessment, consider the educational impact, and determine whether or not audiological services are needed.

- If ongoing audiological follow-up is recommended, code 720 should be listed under the *Special Education and Related Services* section of the IEP form.
- If it is decided that classroom amplification equipment is needed and the student agrees to wear it, a request for a proposal of the specific equipment should be made to the Audiology Services Program Specialist at the SELPA.
- If a profound hearing loss has been found, the deaf disability code (020) should be listed under the *Eligibility* section of the IEP form.
- If a mild to severe hearing loss has been found, the hard of hearing disability code (030) should be listed under the *Eligibility* section of the IEP form.
- If the disability is due to a hearing loss, the *Low Incidence Disability* box on the IEP form should be checked.
- If the hearing loss is not the primary disability, it may be listed as the secondary disability.
- If recommended and agreed upon, classroom amplification equipment should also be noted under *Assistive Technology* on the IEP form (D/M 68D).
- If the student is to receive amplification equipment for the first time, goals should be included for mastering equipment utilization, care, and operation.

1 Audiological Assessment | ANNUAL

Students who have previously been referred and evaluated for audiological services are eligible for annual audiological assessments.

PRE-REFERRAL



Local Education Agency (LEA) Responsibility

LEAs may request an annual audiological assessment by following the procedure listed below. It is not necessary that the Individualized Education Program (IEP) team convene for this type of referral.

1. Complete the *Annual Request for Audiological Evaluations/Services* form ([D/M 108A](#)). Please **DO NOT** complete the *Initial Request for Audiological Evaluation/Services* form ([D/M 108](#)) for annual referrals.
 1. Include information that is related to the school of attendance, program placement, and services the student is currently receiving.
 2. Include behavior and/or academic successes or challenges.
 3. Include information regarding the use and functioning of equipment such as hearing aids and/or FM systems.
 4. Include medical information related to the student's hearing.
2. Complete the *Assessment Plan* form ([D/M 66](#)) and obtain the parent/guardian signature.
 1. The person making the referral should check the box that corresponds to the type of assessment(s) requested. Most often the "other" box is checked followed by the statement, "Audiological assessment to be completed by SELPA contracted audiologist."
 2. The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section of form D/M 66.
 3. LEAs are encouraged to have the assessment plans signed close to the date of their LEA audiology evaluation date and within the required time frame.
3. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name as the SELPA/Pacific Hearing Services. The disclosing agency will vary depending on whether it is a physician, medical center, or audiologist.

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Audiology Services Program Specialist at the SELPA.

-  [D/M 108A](#) *Annual Request for Audiological Evaluations/Services* form
-  [D/M 66](#) *Assessment Plan* form

Timeline for Assessment

The audiological assessment must occur within 60 calendar days from the date the *Assessment Plan* was received by the LEA. When the signed *Assessment Plan* is received by the LEA, it should be date stamped.

An *Audiology Assessment Calendar* is published on an annual basis at the beginning of each school year. The calendar lists the assessment dates and referral due dates for each LEA within the SELPA. The calendar may be found on the SELPA website at www.dmselpa.org.

For students who require services outside of the regularly scheduled LEA visit, services may be coordinated between the SELPA and the LEA. Arrangements may be made for students to be served at the school site, at a nearby LEA, the Desert/Mountain Children's Center (DMCC) or at the service provider's office, whichever is available and appropriate. Please contact the Audiology Services Program Specialist at the SELPA for assistance.

2 Assistive Technology | LOW INCIDENCE

Assessment for Low Incidence Equipment (LIE)

Assistive Technology refers to a device or service that can be used as a tool by students with disabilities to achieve or maintain function.

The IDEA and California law require that Individualized Education Program (IEP) teams consider whether students need assistive technology devices or services when developing IEPs. Assistive Technology (AT) relates to the tools required to maintain, improve, or increase functional capabilities to bridge the gap between student's performance and the demands of the curriculum. AT devices and services are defined in the IDEA as:

- *Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized that is used to increase, maintain, or improve functional capabilities of a child with a disability.*
- *Any service that directly assists a child with a disability in the selection, acquisition, or use of an AT device. This includes evaluation; providing for the acquisition of AT equipment; selecting, designing, interventions or services with AT devices; and training or technical assistance for the child, family, and other professionals who work with the child.*







Low incidence disability is defined in California Education Code § 56026.5 as a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. For purposes of this definition, vision impairments do not include disabilities within the function of vision specified in Section 56338.

PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team's decision to refer the student for an Assistive Technology (AT) Assessment.
2. Complete the *Assistive Technology Assessment Referral* form ([D/M 127](#)) and obtain the signatures of the person making the referral and the director of special education.
3. Complete the *Assessment Plan* form ([D/M 66](#)) and obtain the parent/guardian signature.
 - The person making the referral should check the box that corresponds to the type of assessment(s) requested.
 - The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section of form D/M 66.
4. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name, if known. If not, leave the field blank.

Forward the following completed documents to the attention of the Assistive Technology Program Specialist at the SELPA.

-  [D/M 127](#) *Assistive Technology Assessment Referral* form
-  [D/M 66](#) *Assessment Plan* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year of the referral for an Assistive Technology Assessment
-  Psycho-educational evaluation dated within three years of the referral for an Assistive Technology Assessment
-  Any additional supporting information

Timeline for Assessment

Within five business days of receipt of the completed referral packet, the Assistive Technology Program Specialist at the SELPA will assign the assessment to an independent assessor who will coordinate the assessment through the contact person named on the referral form (D/M 127).

Timeline for Services

Upon completion of the assessment, a report will be sent to the director of special education by either the agency that conducted the assessment or the Assistive Technology Program Specialist at the SELPA with a request to schedule an IEP meeting.

The director of special education will reconvene the IEP team to review the report findings and recommendations of the assessment and determine whether or not AT services are warranted.

If the IEP team agrees that services are not needed, it will be documented in the IEP notes.

For students with a documented low incidence disability:

- IEP team must note the need for the low incidence equipment on the student’s IEP, and link one or more of the student’s annual goals to the use of that specialized equipment.
- Complete SELPA Low Incidence Pre-Approval/Reimbursement Request form ([D/M 86](#)). Director of special education must sign form D/M 86 before the packet is submitted to the SELPA.
- Submit the completed form [D/M 86](#) signed by the director of special education with a copy of the current IEP documenting the student’s disability and goal for use of low incidence equipment to the Accounting Technician, SELPA Business Office.

2 **Assistive Technology** | NON-LOW INCIDENCE

Assessment for Non-Low Incidence Equipment (LIE)







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team's decision to refer the student for an Assistive Technology (AT) Assessment.
2. Complete the *Assistive Technology Assessment Referral* form ([D/M 127](#)) and obtain the signatures of the person making the referral and the director of special education.
3. Complete the *Assessment Plan* form ([D/M 66](#)) and obtain the parent/guardian signature.
4. The person making the referral should check the box that corresponds to the type of assessment(s) requested. Write Assistive Technology Assessment on the line for "other."
5. The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section of form D/M 66.
6. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name, if known. If not, leave the field blank.

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Assistive Technology Program Specialist at the SELPA.

-  [D/M 127](#) *Assistive Technology Assessment Referral* form
-  [D/M 66](#) *Assessment Plan* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year of the referral for an Assistive Technology Assessment
-  Psycho-educational evaluation dated within three years of the referral for an Assistive Technology Assessment
-  Any additional supporting information

Timeline for Assessment

Within five business days of receipt of the completed referral packet, the Assistive Technology Program Specialist at the SELPA will determine whether to conduct the assessment using a multi-disciplinary team approach or assign the assessment to an independent assessor who will coordinate the assessment through the contact person named on the referral form (D/M 127). All assessments must be completed within 60 days.

Timeline for Services

Upon completion of the assessment, a report will be sent to the director of special education by either the consultant or agency that conducted the assessment or the Assistive Technology Program Specialist at the SELPA with a request to schedule an

IEP meeting.

The director of special education will reconvene the IEP team to review the report findings and recommendations of the assessment and determine whether or not AT services or devices/equipment are warranted.

If the IEP team agrees that services are not needed, it will be documented in the IEP notes or under the IEP Consideration of Special Factors form (D/M 68D page 1) and/or in the Supplementary Aids and Supports form (D/M 68D page 2).

3 Behavioral Health Counseling | SATS

School-Aged Treatment Services (Ages 7 - 21 or Grades 1 - 12)

The Desert/Mountain Children's Center (DMCC) provides individual, group, and family counseling services for children and youth ages seven to 22. The DMCC accepts Medi-Cal, IEHP, TriCare, Pacific Care, Molina, and cash on a sliding scale for services provided. The goal of the DMCC is to assist clients in developing skills to reach their full potential. Referrals may be made through the child's school, parents, physicians, and/or guardians. The DMCC provides School-Aged Treatment Services (SATS) medication support and management upon referral from the treating therapist to the DMCC medical doctor. SATS are primarily provided at each child's school, but are also offered in the home, clinic, and community as needed. The DMCC also provides Screening, Assessment, Referral, and Treatment (SART) for children birth to six years old as well as Therapeutic Behavioral Services (TBS), and/or Children's Intensive Services (CIS). For more information, please contact the DMCC.

PRE-REFERRAL

Local Education Agency (LEA) Responsibility

Complete the *Referral for Behavioral Health Services* form ([DMCC 100A](#)) with as much detail as possible and obtain the signatures of the parent/guardian and the school administrator.

REFERRAL PROCEDURES

Forward the completed *Referral for Behavioral Health Services* form ([DMCC 100A](#)) to the attention of the Director of the DMCC.

Timeline for Assessment

Upon receipt of the completed *Referral for Behavioral Health Services* form ([DMCC 100A](#)), the DMCC will contact the parent/guardian by letter (up to three times) to schedule the assessment intake meeting. An intervention specialist or behavioral health counselor will be assigned to conduct the assessment. If no response from the parent/guardian is received by the third letter, the referral will be closed.

Timeline for Services

- If services are not deemed appropriate, the referral will be closed.
- If services are deemed appropriate, a clinician will be assigned and services will begin.
- The DMCC provides a monthly report to the directors of special education. The report includes a list of students who are currently served by the DMCC as well as an update for each referral that is in process.

3 Behavioral Health Counseling | SART

Screening Assessment Referral and Treatment (Ages 0 - 6)

The Screening Assessment Referral and Treatment (SART) program utilizes a team of highly qualified professionals to screen, assess, refer, and treat a child. San Bernardino County has collaboratively developed a program designed for children birth to six years of age who may have been prenatally exposed to drugs, alcohol, and/or violence. The SART program also addresses concerns with children experiencing behavior problems and difficulties maintaining appropriate behaviors in pre-school settings and the child's home. The SART program offers a comprehensive screening process, assessment, and appropriate referrals to excellent treatment to improve overall functioning of the child. The Desert/Mountain Children's Center (DMCC) provides medication support and management upon referral from the treating therapist to the DMCC medical doctor.

PRE-REFERRAL

Local Education Agency (LEA) Responsibility

Complete the *SART Referral for Behavioral Health Services* form ([DMCC 100B](#)) with as much information as possible and obtain the signatures of the parent/guardian and the school administrator.

REFERRAL PROCEDURES

Forward the completed *SART Referral for Behavioral Health Services* form ([DMCC 100B](#)) to the attention of the Director of the DMCC.

Timeline for Assessment

Upon receipt of the completed *SART Referral for Behavioral Health Services* form ([DMCC 100B](#)), the DMCC will contact the parent/guardian by letter and send the *Ages and Stages Questionnaire: Social Emotional* in order to gather more information regarding the parent/guardian's concerns. A DMCC Clinical Nurse will be assigned to contact the parent/guardian and provide case management throughout the assessment process.

Timeline for Services

- If services are not deemed appropriate, the referral will be closed.
- If services are deemed appropriate, a clinician will be assigned and services will begin.
- The DMCC provides a monthly report to the directors of special education. The report includes a list of students who are currently served by the DMCC as well as an update for each referral that is in process.

The Desert/Mountain Children's Center (DMCC) Student Assistance Program (SAP) serves students, their families, and the school community. Students who are dealing with non-academic barriers to learning are the primary target for SAP services. Students are referred by staff, parents, or concerned others to the program. Students may also self-refer.

The purpose of SAP is to:

- To reduce the risk factors, barriers, and stressors of kids, youth, and their families.
- To provide appropriate strategies, interventions, and activities to school staff and families that increase their knowledge of social, emotional, and behavioral issues.
- To increase student awareness of the issues they face daily, including the social emotional choices that impact their lives.
- To build protective supports for students and their families that include significant connections to others, training, and education.

PRE-REFERRAL

Local Education Agency (LEA) Responsibility

Complete the *Referral for Behavioral Health Services* form ([DMCC 100A](#)) with as much detail as possible and obtain the signatures of the parent/guardian and the school administrator.

REFERRAL PROCEDURES

Forward the completed *Referral for Behavioral Health Services* form ([DMCC 100A](#)) to the attention of the Director of the DMCC.

Timeline for Assessment

Upon receipt of the completed *Referral for Behavioral Health Services* form ([DMCC 100A](#)), the DMCC will contact the parent/guardian by letter (up to three times) to schedule the assessment intake meeting. An intervention specialist or behavioral health counselor will be assigned to conduct the assessment. If no response from the parent/guardian is received by the third letter, the referral will be closed.

Timeline for Services

- If services are not deemed appropriate, the referral will be closed.
- If services are deemed appropriate, a clinician will be assigned and services will begin.
- The DMCC provides a monthly report to the directors of special education. The report includes a list of students who are currently served by the DMCC as well as an update for each referral that is in process.










PRE-REFERRAL 

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team’s decision to refer the student for a behavioral intervention assessment.
2. Complete the *Assessment Plan* form ([D/M 66](#)) and mark the appropriate boxes that correspond to observations/interviews, review of any recent assessment and “other” indicating “Functional Behavioral Assessment.”
3. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) upon receipt of the signed *Assessment Plan* form (D/M 66), and obtain the parent/guardian signature. Specify the agency’s name, if known. If not, leave the field blank.
4. The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section of form D/M 66.
5. It is important to remind the parent/guardian to return forms D/M 66 and D/M 63 to the LEA on the date that it is signed or as soon as possible thereafter.
6. When the signed *Assessment Plan* is received by the LEA, it should be date stamped or return date written at the bottom of form D/M 66.
7. The LEA identifies the Nonpublic Agency (NPA) assessor to complete the assessment within the 60 day timeline.

 **REFERRAL PROCEDURES**

Forward the following completed and signed documents to the attention of the Program Manager, Due Process at the SELPA.

-  Cover letter requesting a Functional Behavioral Assessment (FBA) (Note: the director and the NPA determine the maximum number of hours needed to conduct assessment). Please indicate which NPA the LEA is selecting to complete the FBA.
-  [D/M 66](#) *Assessment Plan* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year referring the student for a behavioral intervention assessment
-  Psycho-educational evaluation dated within three years of the referral for a behavioral intervention assessment
-  Other assessments (private evaluations, Occupational Therapy (OT), Physical Therapy (PT), etc.)
-  Behavior plans (original and revised versions)
-  Incident reports
-  Discipline reports/log

 **Timeline for Assessment**

Within five business days of receipt of the completed referral packet, the Program

Manager, Due Process at the SELPA will develop an Individual Service Agreement (ISA) for the NPA to conduct the assessment. The ISA will be circulated for required signatures by the SELPA and the NPA provider.

Upon receipt of the signed ISA, the SELPA will forward the referral packet to the appropriate NPA to conduct the assessment. The assessment must occur within 60 calendar days from the date the *Assessment Plan* was received by the LEA.

Upon completion of the assessment, the NPA will send the written report to the director of special education for the LEA and the Program Manager, Due Process at the SELPA.

The director of special education will reconvene the IEP team to review the report findings and recommendations of the assessment and determine whether or not behavioral intervention supports/services are warranted. The IEP meeting will be scheduled within the 60 day timeline.

If the IEP team agrees that services are not needed, it will be documented in the IEP notes.

If the IEP team agrees that services are appropriate, the goals and services will be listed on an Addendum to the IEP including the service code number 535 for behavioral intervention services and/or supervision, the class number for each service, provider code for the NPA (400), projected start date, duration, and frequency. The Addendum should be forwarded to the Program Manager, Due Process at the SELPA.

Within five business days of receipt of the Addendum to the IEP, the Program Manager, Due Process at the SELPA will develop an ISA and forward it to the appropriate NPA for signature who will then initiate services.

4 Nonpublic Agency (NPA) | SUPPORTS

Behavioral Intervention Supports Only









PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team's decision to refer the student for behavioral intervention supports.
2. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name, if known. If not, leave the field blank.

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Program Manager, Due Process at the SELPA.

-  Cover letter requesting the addition of Nonpublic Agency (NPA) behavioral intervention supports and the name of the selected NPA
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year referring the student for behavioral intervention supports that includes the NPA on the service line with a start date
-  Psycho-educational evaluation dated within three years of the referral for behavioral intervention supports
-  Other assessments (private evaluations)
-  Behavior plans (original and revised versions)
-  Incident reports
-  Discipline reports/log

Timeline for Assessment

An assessment is not required.

Timeline for Services

Within five business days of receipt of the completed referral packet, the Program Manager, Due Process at the SELPA will develop an Individual Service Agreement (ISA) for the NPA to begin services. The ISA will be forwarded to the appropriate NPA for signature.

Upon receipt of the signed ISA, the SELPA will forward the referral packet to the appropriate NPA to initiate services. The NPA will not begin services until the agency has a signed ISA for the student.









PRE-REFERRAL 

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team’s decision to refer the student for a behavioral intervention assessment.
2. Complete the *Assessment Plan* form ([D/M 66](#)) and mark the appropriate boxes that correspond to observations/interviews, review of any recent assessment and “other” indicating “Functional Behavioral Assessment.”
3. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) upon receipt of the signed *Assessment Plan* form ([D/M 66](#)), and obtain the parent/guardian signature. Specify the agency’s name, if known. If not, leave the field blank.
4. The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section of form D/M 63.
5. It is important to remind the parent/guardian to return forms D/M 66 and D/M 63 to the LEA on the date that it is signed or as soon as possible thereafter.
6. When the signed *Assessment Plan* is received by the LEA, it should be date stamped or return date written at the bottom of form D/M 66.
7. The LEA identifies the Nonpublic Agency (NPA) assessor to complete the assessment within the 60 day timeline.

 **REFERRAL PROCEDURES**

Forward the following completed and signed documents to the attention of the Program Manager, Due Process at the SELPA.

-  Cover letter requesting a Functional Behavioral Assessment (FBA) (Note: the director and the NPA determine the maximum number of hours needed to conduct assessment). Please indicate which NPA the LEA is selecting to complete the FBA.
-  [D/M 66](#) *Assessment Plan* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year referring the student for a behavioral intervention assessment and behavioral intervention supports
-  Psycho-educational evaluation dated within three years of the referral for a behavioral intervention assessment and behavioral intervention supports
-  Other assessments (private evaluations, Occupational Therapy (OT), Physical Therapy (PT), etc.)
-  Incident reports
-  Discipline reports

 **Timeline for Assessment**

Within five business days of receipt of the completed referral packet, the Program Manager, Due Process at the SELPA will develop an Individual Service Agreement (ISA) for the NPA to conduct the assessment. The SELPA will forward the ISA to the

appropriate NPA for signature.

Upon receipt of the signed ISA, the SELPA will forward the referral packet to the appropriate NPA to conduct the assessment. The assessment must occur within 60 calendar days from the date the *Assessment Plan* was received by the LEA.

Timeline for Services

Upon completion of the assessment, a report will be sent to the director of special education by either the NPA that conducted the assessment or the Program Manager, Due Process at the SELPA with a request to schedule an IEP meeting.

The director of special education will reconvene the IEP team to review the report findings and recommendations of the assessment and determine whether or not behavioral intervention supports services are warranted.

If the IEP team agrees that services are not needed, it will be documented in the IEP notes.

If the IEP team agrees that services are appropriate, the services should be listed on an Addendum to the IEP including the NPA, projected start date, duration, and frequency. The Addendum should be forwarded to the Program Manager, Due Process at the SELPA.

Within five business days of receipt of the Addendum to the IEP, the Program Manager, Due Process at the SELPA will develop an ISA and forward it to the appropriate NPA for signature who will then determine initiation of services.

5 Nonpublic School (NPS) | INITIAL

Nonpublic schools (NPS) provide educational settings and services to students who meet the eligibility criteria for special education and are experiencing behavior difficulties that are too significant to be accommodated within a public school environment.






PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team's decision to refer the student for a change of placement to a NPS setting.
2. Complete the *Nonpublic School Placement Referral* form ([D/M 134](#)) and obtain the signatures of the person making the referral and the director of special education. Specify the team's preference for a specific NPS, if applicable.

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Nonpublic School Coordinator at the SELPA.

-  [D/M 134](#) *Nonpublic School Placement Referral* form
-  IEP or IEP Addendum dated within one year of the referral for NPS placement (Annual and Triennial IEP needs to be current)
-  Psycho-educational evaluation dated within three years of the referral for NPS placement
-  If the last triennial was completed with a *Triennial Assessment Determination* form ([D/M 119](#)), include the last full psycho-educational report
-  Any additional information

Timeline for Services

Within ten (10) business days of receipt of the completed referral packet, the Nonpublic School Coordinator at the SELPA will review the packet for completion and forward it to the LEA's NPS of choice.

The NPS will contact the parent and placement will be made within 10 business days.

The NPS will work directly with the LEA to schedule an IEP within 30 days of the student's placement at the school. The placement should be listed on an IEP or IEP Addendum including the NPS, start date, duration, and frequency. The IEP or IEP Addendum should be forwarded to the Nonpublic School Coordinator at the SELPA.

Within five business days of receipt of the Addendum to the IEP, the Nonpublic School Coordinator at the SELPA will develop a Master Contract with the NPS if one does not currently exist and an Individual Service Agreement (ISA). The ISA will be

forwarded to the appropriate NPS for signature. The SELPA will enter the NPS placement into the SELPA Management Information System (MIS) database.

5 Nonpublic School (NPS) | TRANSFER







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Complete the *Transfer into LEA* form ([D/M 52](#)) and obtain the parent/guardian signature.
2. Complete the *Nonpublic School Placement Referral* form ([D/M 134](#)) and obtain the signatures of the person making the referral and the director of special education. Specify the team's preference for a specific Nonpublic School (NPS), if applicable.
3. Juvenile Hall/Nonpublic School Students - If the student's last placement was a local NPS prior to being moved to a juvenile detention center, only complete form [D/M 134](#) upon the student's return to the LEA in lieu of preparing a new transfer packet.

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Nonpublic School Coordinator at the SELPA.

-  [D/M 52](#) *Transfer into LEA* form
-  [D/M 134](#) *Nonpublic School Placement Referral* form
-  IEP or IEP Addendum dated within one year of the transfer referral for NPS placement that documents the previous NPS placement
-  Psycho-educational evaluation dated within three years of the transfer referral for NPS placement
-  If the last triennial was completed with a *Triennial Assessment Determination* form ([D/M 119](#)), include the last full psycho-educational report
-  Any additional information

Timeline for Services

Within 10 business days of receipt of the completed referral packet, the Nonpublic School Coordinator at the SELPA will review the packet for completion and forward it to the LEA's NPS of choice. The NPS will contact the parent and placement will be made within 10 business days.

The NPS will work directly with the LEA to schedule an IEP within 30 days of the student's placement at the school. The placement should be listed on an IEP or IEP Addendum including the NPS, start date, duration, and frequency. The IEP or IEP Addendum should be forwarded to the Nonpublic School Coordinator at the SELPA.

Within five business days of receipt of the Addendum to the IEP, the Nonpublic School Coordinator at the SELPA will develop a Master Contract with the NPS if one does not currently exist and an Individual Service Agreement (ISA). The ISA will be forwarded to the appropriate NPS for signature. The SELPA will enter the NPS placement into the SELPA Management Information System (MIS) database.

6 Occupational Therapy (OT) | INITIAL

School-based occupational therapy (OT) supports the student's ability to gain access to and make progress in the school curriculum. OT supports a child's engagement and participation in daily occupations, which includes activities in daily living, education, prevocational work, work, play, rest, leisure, and social participation. OT works on mediation (improving sensory and motor foundations of learning and behavior) to help the child succeed in school.







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team's decision to refer the student for an OT assessment.
2. Complete the *Occupational Therapy Referral* form ([D/M 120A](#)) and obtain the signatures of the person making the referral and the director of special education.
3. Complete the *Assessment Plan* form ([D/M 66](#)) and obtain the parent/guardian signature.
 - a. The person making the referral should check the box that corresponds to the type of assessment(s) requested.
 - b. The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section of form D/M 66.
 - c. It is important that the parent/guardian return the form to the LEA on the date that it is signed or as soon as possible thereafter. When the signed *Assessment Plan* is received by the LEA, it should be date stamped.
4. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name if known. If not, leave the field blank.

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Program Manager, Due Process at the SELPA.

-  [D/M 120A](#) *Occupational Therapy Referral* form
-  [D/M 66](#) *Assessment Plan* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year of the referral for occupational therapy
-  Psycho-educational evaluation dated within three years of the referral for occupational therapy
-  Any additional supporting information

Timeline for Assessment

Within five business days of receipt of the completed referral packet, the Program Manager, Due Process at the SELPA, will forward it to a SELPA occupational therapist.

The assessment must occur within 60 calendar days from the date the *Assessment Plan* was received by the LEA.

Timeline for Services

Upon completion of the OT assessment, a report will be sent to the director of special education by either the occupational therapist that conducted the assessment or the Program Manager, Due Process at the SELPA with a request to schedule an IEP meeting.

The director of special education will reconvene the IEP team to determine whether or not services are warranted.

If the IEP team agrees that services are not needed, it will be documented in the IEP notes.

If the IEP team agrees that services are appropriate, the services should be listed on an Addendum to the IEP including the projected start date, duration, and frequency. The Addendum should be forwarded to the Program Manager, Due Process at the SELPA.

Within five business days of receipt of the Addendum to the IEP, the Program Manager, Due Process at the SELPA will develop an Individual Service Agreement (ISA) for signature and forward it to the occupational therapist *or* the appropriate Nonpublic Agency (NPA) for signature who will then assign a therapist and determine initiation of services. The SELPA will enter the OT services into the SELPA Management Information System (MIS) database.

6 Occupational Therapy (OT) | TRANSFER







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Complete the *Transfer into LEA* form ([D/M 52](#)) and obtain the parent/guardian signature.
2. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name if known. If not, leave the field blank.
3. Complete the *Occupational Therapy Referral* form ([D/M 120A](#)) and obtain the signatures of the person making the referral and the director of special education.

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Program Manager, Due Process at the SELPA.

-  [D/M 52](#) *Transfer into LEA* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  [D/M 120A](#) *Occupational Therapy Referral* form
-  Current occupational therapy report, if available, that specifies the occupational therapy services the student was receiving and the occupational therapy goals
-  IEP or IEP Addendum dated within one year of the transfer referral for occupational therapy that lists occupational therapy services and goals
-  Psycho-educational evaluation dated within three years of the transfer referral for occupational therapy

Timeline for Assessment

An assessment is not required for transfer referrals. Assessments are completed at three-year intervals (from the date that the services originally began) unless there are extenuating circumstances that dictate otherwise.

Timeline for Services

Within five business days of receipt of the transfer referral packet, the Program Manager, Due Process at the SELPA will develop an Individual Service Agreement (ISA) for signature and forward it to the occupational therapist *or* the appropriate Nonpublic Agency (NPA) for signature who will then assign a therapist and determine initiation of services. The SELPA will enter the OT services into the SELPA Management Information System (MIS) database.

7 **P**hysical Therapy (PT) | INITIAL

School-based physical therapy (PT) supports the student's ability to gain access to and make progress in the school curriculum. It corrects, facilitates, or adapts to the student's functional performance in motor control and coordination, posture and balance, functional mobility, accessibility, and the use of assistive devices. PT works on compensation (i.e. modifying the environment, tools, or task) to help the child succeed in school.







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team's decision to refer the student for a PT assessment.
2. Complete the *Physical Therapy Referral* form ([D/M 120B](#)) and obtain the signatures of the person making the referral and the director of special education.
3. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency as the SELPA.
4. Complete the *Assessment Plan* form ([D/M 66](#)) and obtain the parent/guardian signature.
 - a. The person making the referral should check the box that corresponds to the type of assessment(s) requested.
 - b. The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section form D/M 66.
 - c. It is important that the parent/guardian return the form to the LEA on the date that it is signed or as soon as possible thereafter. When the signed *Assessment Plan* is received by the LEA, it should be date stamped.

REFERRAL PROCEDURES

Forward the following documents to the attention of the Program Manager, Due Process at the SELPA.

-  [D/M 120B](#) *Physical Therapy Referral* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  [D/M 66](#) *Assessment Plan* form
-  **Physician's note with diagnosis**
-  IEP or IEP Addendum dated within one year of the referral for physical therapy
-  Psycho-educational evaluation dated within three years of the referral for physical therapy

Timeline for Assessment

Within five business days of receipt of the completed referral packet, the Program Manager, Due Process at the SELPA, will review the packet for completion and forward it to the appropriate physical therapist.

The assessment must occur within 60 calendar days from the date the *Assessment Plan* was received by the LEA.

Timeline for Services

Upon completion of the PT assessment, a report will be sent to the director of special education by the physical therapist or the Program Manager, Due Process at the SELPA with a request to schedule an IEP meeting.

The director of special education will reconvene the IEP team to determine whether or not PT services are warranted.

If the IEP team agrees that services are not needed, it will be documented in the IEP notes.

If the IEP team agrees that services are appropriate, the service should be listed on an Addendum to the IEP including the projected start date, duration, and frequency. The Addendum should be forwarded to the Program Manager, Due Process at the SELPA.

Within five (5) business days of receipt of the Addendum to the IEP, the Program Manager, Due Process at the SELPA will assign a physical therapist and determine initiation of services. The SELPA will enter the PT services into the SELPA Management Information System (MIS) database.

7 **P**hysical Therapy (PT) | TRANSFER







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Complete the *Transfer into LEA* form ([D/M 52](#)) and obtain the parent/guardian signature.
2. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency as the SELPA.
3. Complete the *Physical Therapy Referral* form ([D/M 120B](#)) and obtain the signatures of the person making the referral and the director of special education.

REFERRAL PROCEDURES

Forward the following documents to the attention of the Program Manager, Due Process at the SELPA.

-  [D/M 52](#) *Transfer into LEA* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  [D/M 120B](#) *Physical Therapy Referral* form
-  Current physical therapy report, if available, that specifies the physical therapy services the student was receiving and the physical therapy goals
-  IEP or IEP Addendum dated within one year of the transfer referral for physical therapy that lists physical therapy services and goals
-  Psycho-educational evaluation dated within three years of the transfer referral for physical therapy

Timeline for Assessment

An assessment is not required for transfer referrals. Assessments are completed at three-year intervals (from the date that the services originally began) unless there are extenuating circumstances that dictate otherwise.

Timeline for Services

PT services for the student will begin immediately upon receipt of the physical therapy transfer referral packet by the SELPA physical therapist. The SELPA will enter the PT services into the SELPA Management Information System (MIS) database.

8 Residential Placement | INITIAL







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to confirm the student is eligible for special education services and determine a need for a referral for mental health evaluation.
2. Refer the student to the Desert/Mountain Children's Center (DMCC) for a mental health evaluation to determine eligibility for residential placement. IEP attendees must include the SELPA Nonpublic School Coordinator and a DMCC representative.
3. If the student does not meet the baseline criteria for residential placement, the referral process ends.
4. If the IEP team determines that the referral is appropriate, the referral process continues.
5. Complete the *Residential Placement Assessment Referral* form ([D/M 151](#)).
6. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency as the Desert/Mountain Children's Center (DMCC).

REFERRAL PROCEDURES

Forward the following completed documents to the attention of the Nonpublic School Coordinator at the SELPA.

-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  [D/M 151](#) *Residential Placement Assessment Referral* form
-  IEP or IEP Addendum dated within one year referring the student for an assessment for residential eligibility
-  Most current complete annual or triennial IEP
-  Psycho-educational evaluation dated within three years from the time the student was identified as eligible for special education and related services
-  Any additional information in support of the referral

Timeline for Assessment

Upon receipt of the completed referral:

- The Nonpublic School Coordinator at the SELPA will forward the referral to the DMCC for processing.
- The DMCC will send out an *Assessment Plan* ([D/M 66](#)) to the parent/guardian for consent for assessment.
- Upon receipt of the signed *Assessment Plan* ([D/M 66](#)), the 60 day assessment timeline begins.
- The DMCC will conduct the assessment.
- The DMCC will contact the Nonpublic School Coordinator at the SELPA

when the assessment is complete to schedule an IEP.

Timeline for Services

Upon completion of the residential assessment, the Nonpublic School Coordinator at the SELPA will coordinate an IEP team meeting to determine eligibility for residential placement services.

If the IEP team agrees that the student is eligible for and requires residential placement as the least restrictive environment, the DMCC will forward residential placement packets to potential residential treatment centers (RTCs). Upon receipt of responses from the residential facilities, the results will be shared with the student's parent/guardian and a facility will be selected. The student will be enrolled at the selected RTC as soon as possible. Transportation of the student to the RTC is based on the LEA of residence's reimbursement policy.

After the student is placed at the RTC, the LEA of residence will schedule a transfer IEP meeting within 30 days to document the new placement. The placement should be listed on an IEP document, including the NPS, residential placement, start date, duration, and frequency of each service to be provided.

Within five business days of receipt of the Addendum to the IEP, the Nonpublic School Coordinator at the SELPA will develop an Individual Service Agreement (ISA) with the NPS and RTC. If a Master Contract does not exist, one will be developed and an ISA. The SELPA will enter the NPS and RTC placement into the SELPA Management Information System (MIS) database.

8 Residential Placement | TRANSFER

The local education agency that placed the student at the beginning of the fiscal year is responsible for funding the residential placement for the remainder of the school year, including extended school year (ESY). EC 56325(c)






PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Complete the *Transfer into LEA* form ([D/M 52](#)) and obtain the parent/guardian signature.
2. Confirm the student's current residential placement and educational services through a review of current Individualized Education Program (IEP).
3. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency as the Desert/Mountain Children's Center (DMCC).

REFERRAL PROCEDURES

Upon confirmation of prior placement, forward the following completed documents to the attention of the Nonpublic School Coordinator at the SELPA.

-  [D/M 52](#) *Transfer into LEA* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year that documents the previous residential placement
-  Psycho-educational evaluation dated within three years of the referral for residential placement
-  Any additional information in support of the referral

Timeline for Services

The new LEA of residence will schedule an IEP team meeting within 30 days of the transfer to document the new placement. The placement should be listed on an IEP or IEP Addendum including the NPS, residential placement, start date, duration, and frequency. The IEP or IEP Addendum should be forwarded to the Nonpublic School Coordinator at the SELPA.

9 Special Health Care Services | INITIAL

Special health care services are available for students who have special health care needs.







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to document the team's decision to refer the student for special health care services.
2. Complete the *Special Health Care Services Referral* form ([D/M 148](#)) and obtain the signatures of the person making the referral and the director of special education.
3. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name, if known. If not, leave the field blank.

REFERRAL PROCEDURES

Forward the following documents to the attention of the Program Manager, Due Process at the SELPA.

-  [D/M 148](#) *Special Health Care Services Referral* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  IEP or IEP Addendum dated within one year of the referral for special health care services
-  Psycho-educational evaluation dated within three years of the referral for special health care services
-  **Current Summary of Treatment Plan**
 - ✓ Must be signed by physician and parent/guardian
 - ✓ Must include diagnosis
 - ✓ Must specify special health care need required
 - ✓ Must specify medication type and dosage
 - ✓ Must specify administration instructions
-  Any additional supporting information

Timeline for Services

Within five business days of receipt of the completed referral packet, the Program Manager, Due Process at the SELPA will develop an Individual Service Agreement (ISA) and forward it to the appropriate Nonpublic Agency (NPA) for signature.

Upon receipt of the signed ISA, the SELPA will forward the referral packet to the appropriate NPA. The agency will contact the person who signed the referral to coordinate and begin services. The SELPA will enter the services into the SELPA Management Information System (MIS) database.

9 Special Health Care Services | TRANSFER







PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Complete the *Transfer into LEA* form ([D/M 52](#)) and obtain the parent/guardian signature.
2. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name, if known. If not, leave the field blank.
3. Complete the *Special Health Care Services Referral* form ([D/M 148](#)) and obtain the signatures of the person making the referral and the director of special education.

REFERRAL PROCEDURES

Forward the following documents to the attention of the Program Manager, Due Process at the SELPA.

-  [D/M 52](#) *Transfer into LEA* form
-  [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
-  [D/M 148](#) *Special Health Care Services Referral* form
-  Current *Summary of Treatment Plan* if available, that specifies the special health care services the student was receiving
-  IEP or IEP Addendum dated within one year of the referral for special health care services that lists the special health care services the student was receiving
-  Psycho-educational evaluation dated within three years of the referral for special health care services

Timeline for Services

Within five business days of receipt of the completed referral packet, the Program Manager, Due Process at the SELPA will develop an Individual Service Agreement (ISA) and forward it to the appropriate Nonpublic Agency (NPA) for signature.

Upon receipt of the signed ISA, the SELPA will forward the transfer referral packet to the appropriate NPA. The agency will contact the person who signed the referral to coordinate and begin services. The SELPA will enter the services into the SELPA Management Information System (MIS) database.

Terms and Acronyms Used in this Handbook

Assistive Technology	AT
Behavioral Health Counseling	BHC
Desert/Mountain Children's Center	DMCC
Individual Services Agreement	ISA
Local Education Agency	LEA
Low Incidence Equipment	LIE
Management Information System	MIS
Nonpublic Agency	NPA
Nonpublic School	NPS
Occupational Therapy	OT
Physical Therapy	PT
Residential Treatment Center	RTC
Student Assistance Program	SAP
School-Aged Treatment Services	SATS
Screening Assessment Referral and Treatment	SART
Special Education Local Plan Area	SELPA

SELPA Forms

D/M 52	Transfer Into District
D/M 63	Authorization for Use and/or Disclosure of Information
D/M 66	Assessment Plan
D/M 86A	Low Incidence Pre-Approval/Reimbursement
D/M 108	Initial Request for Audiological Evaluations/Services
D/M 108A	Annual Request for Audiological Evaluations/Services
D/M 119	Triennial Assessment Determination Form
D/M 120A	Occupational Therapy Referral
D/M 120B	Physical Therapy Referral
D/M 127	Assistive Technology Assessment Referral
D/M 134	Nonpublic School Placement Referral
D/M 148	Special Health Care Services Referral
D/M 151	Residential Placement Assessment Referral
DMCC 100A	Referral for Behavioral Health Services
DMCC 100B	SART Referral for Behavioral Health Services

Mission Statement

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RELENTLESS PURSUIT

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Documenting Assistive Technology in the IEP

Section A	Assessment, Review, and Implementation
Section B	Present Levels of Performance
Section C	Special Education
Section D	Related Services
Section E	Supplementary Aids and Services
Section F	Consideration of Special Factors

The Desert/Mountain Special Education Local Plan Area (SELPA) Assistive Technology Guidelines are developed to assist participating local education agencies (LEAs) in the D/M SELPA. These guidelines are designed to assist individualized education program (IEP) teams in the consideration, evaluation, team planning and implementation phases of determining an individual's need for assistive technology devices and/or services in order to benefit from special education instruction and/or related services.

It is the philosophy of the D/M SELPA to provide special education services to meet individual student needs in the least restrictive environment (LRE). This includes providing accommodations and assistive technology. As a basis of determination of student needs, the first consideration is the technology plan of the LEA as it details the availability of technology resources available for all students within the LEA. Typically, the LEA technology plan includes the goals it supports for all students, hardware, software, teacher training and student technology skills.

A. Laws and Regulations

The amendments to the Individuals with Disabilities Education Act (IDEA) require that the IEP team consider whether a special education child requires assistive technology and services (20 U.S.C. section 1414[d][3][B][v]). Furthermore, California Education Code (EC) section 56341.1(a)(5) states, "When developing each pupil's individualized education program, the individualized education program team shall consider...whether the pupil requires assistive technology devices and services as defined in paragraphs (1) and (2) of section 1401 of Title 20 of the United States Code." IDEA (20 U.S.C. section 1401) includes the following definitions:

Assistive Technology Device:	The term "assistive technology device" means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.
Assistive Technology Service:	The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes:

	<ul style="list-style-type: none"> A. The evaluation of the needs of such child, including a functional evaluation of the child in the child’s customary environment; B. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child; C. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices; D. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; E. Training or technical assistance for such child, or, when appropriate, the family of such child; and F. Training or technical assistance for professionals (including individuals providing education and rehabilitation services) to, employ, or otherwise substantially involved in the major life functions of such child.
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According to the Code of Federal Regulations (34 C.F.R. 300.105), each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in sections 300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child’s –

1. Special education under section 300.36;
2. Related services under section 300.34; or
3. Supplementary aids and services under sections 300.38 and 300.114(a)(2)(ii).

On a case-by-case basis, the use of school-purchased assistive technology devices in a child’s home or in other settings is required if the child’s IEP team determines that the child needs access to those devices in order to receive a free, appropriate public education (FAPE).

As mandated by the Individuals with Disabilities Education Act (IDEA) 2004, individualized education program (IEP) teams must document a student’s need for technology devices and services within the IEP. Assistive technology may be addressed in one or more components of the IEP. The need for assistive technology may be addressed in the present levels of performance, in the listing of special education and related services, and in the annual goals, benchmarks and objectives. Assistive technology may also be addressed in the supplementary aids and services section, in the modifications required for participation in statewide and districtwide assessments, and in the modifications and supports required for school personnel. Assistive technology must always be addressed in the consideration of special factors component of the IEP.

The IDEA requires that the IEP team consider what, if any, assistive technology may be needed by every student with a disability. Once the IEP team has reviewed assessment results and determined that assistive technology is needed for the provision of a free, appropriate, public education (FAPE), it is then necessary to describe the assistive technology in the student’s IEP. This may be done in a variety of ways.

When it comes to determining if a student needs assistive technology devices or services, the assistive technology consideration process or review of an assistive technology screening or evaluation should guide the IEP toward clear and specific decisions and documentation about:

- Whether the child needs such devices or services to accomplish his/her IEP goals and be involved and progress in the general curriculum
- Why the child does or does not need such devices or services
- What tasks within the child's customary environment a device or service is needed for, if there is a need
- If there is a need, what technology with what features is or may be a match for the child's academic, developmental, and functional needs and abilities

Federal law states,

34 C.F.R. § 300.105 Assistive Technology.

(a) Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§ 300.5 and 300.6, respectively, are made available to a child with a disability if required as part of the child's --

1. *Special education under § 300.36;*
2. *Related services under § 300.34;*
3. *Supplementary aids and services under §§ 300.38 and 300.114(a)(2)(ii).*

(a) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

The development of a student's IEP has always been guided by the consideration of several important factors. These are:

- The strengths of the child;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial evaluation or most recent evaluation of the child;

IDEA 2004 includes the above in addition to the:

- Academic, developmental, and functional needs of the child.

The IEP must contain several statements that describe the child's performance and outline the special education and related services the local educational agency (LEA) will provide.

B. Present Levels of Performance

Assistive technology is frequently addressed in the present levels of performance in the IEP. When documenting assistive technology in the present levels of performance, the type of technology needed as well as the manner in which it will be used should be described.

For example:

Mary exhibits a severe deficit with expressive communication. She communicates with peers and adults within her environment utilizing a voice output augmentative

communication device. She uses the AAC device in all educational settings programmed with appropriate vocabulary for each setting.

Due to John's vision impairment, all instructional materials such as textbooks, worksheets, and written tests requires enlargement through the use of a photocopier or closed circuit television system.

C. Special Education

When assistive technology devices and/or services are provided as part of a student's special education, documentation is found in the annual goals. When developing annual goals, the IEP team determines whether or not the student needs assistive technology in order to accomplish them. First, the goals are developed and then the need for assistive technology is addressed. In most cases, assistive technology is not the goal; rather, it is the means to achieving the goal. If IEP teams always relate the use of the technology to a functional outcome, teams will avoid the mistake of focusing on the equipment as an end in itself rather than a means to an end.

Options to Consider:

- The general goal format is: Using (AT solution), student will (curriculum standard) with ___% accuracy ___ / ___ times.
- Using an electronic dictionary/thesaurus, S will explain frequently used synonyms, antonyms, and homographs with ___% accuracy ___/___ times.
- Using electronic text, word (or talking word) processing/word prediction programs, S will read selected text and write a summary of selected readings containing the main idea and essential details with ___% accuracy ___/___ times.

D. Related Services

When assistive technology is provided as a part of a related service, it is documented in the IEP form under related services. Documentation must include the anticipated amount of time and frequency of the service. If assistive technology is listed in the IEP related services section, it is important to remember that additional information may need to be added in other sections of the IEP to clarify the types of technology that will be used, the environments and tasks in which the technology will be used, and the staff responsible for supporting the use of the technology.

The following are examples of how IEP teams might address assistive technology in the SELPA form D/M 68A:

SPECIAL EDUCATION AND RELATED SERVICES							
	SERVICE (CODE NO.)	CLASS NO.	PROVIDER	LOCATION OF SERVICE (CODE NO.)	PROJECTED START DATE	FREQUENCY (CODE NO.)	DURATION (MINUTES PER FREQUENCY)
Primary	415		Code 120 SELPA	Code 360 Residential Facility	6-30-2014	Code 20 Weekly	45 minutes
2							
3							
4							
5							
6							

E. Supplementary Aides and Services

Assistive technology may also be addressed in the supplementary aids and services component of the IEP. Assistive technology is often provided as a supplementary aid and service when required for a student to participate in general education classes or other education-related activities among children without disabilities. While federal law does not require that the provider of supplementary aids and services be identified specifically in the IEP, some state and local educational agency (LEA) IEP forms do request for this information. It is recommended that IEP teams identify the provider(s) during their discussions even if it's not on the form.

The following are examples of how assistive technology may be addressed in the Supplementary Aids and Supports section SELPA form D/M 68D:

Supplementary aids and supports to the student and/or program modification(s)/support(s) for school personnel (to be provided during the effective date of this IEP) that are necessary to enable the student to: (A) advance appropriately toward the IEP goal statement; (B) be involved and progress in the general curriculum; (C) participate in extracurricular activities; (D) be educated and participate with other children with disabilities and with nondisabled peers. 34 CFR § 300.320(a)(4)-(7)					
	SUPPLEMENTARY AIDS/SUPPORTS, PROGRAM ACCOMMODATION(S)/MODIFICATION(S)	LOCATION	START DATE	FREQUENCY	DURATION
<input checked="" type="checkbox"/> Student <input type="checkbox"/> Personnel	The student will use portable word processor with built-in spell check output	General Education Classes	6-30-14	2x Weekly	30 minutes
<input type="checkbox"/> Student <input checked="" type="checkbox"/> Personnel	Case manager will acquire instructional materials in specialized formats	All core curriculum classes	6-30-14	1x Daily	60 minutes
<input checked="" type="checkbox"/> Student <input type="checkbox"/> Personnel	Staff and student will be instructed on the use of the FM system	Classroom	6-30-14	4x Monthly	45 minutes
<input type="checkbox"/> Student <input checked="" type="checkbox"/> Personnel	SLP will collaborate with the student's teacher and OT/PT regarding progress and goals	School Site	6-30-14	1x Quarterly	Minimum of 10 minutes
<input type="checkbox"/> Student <input type="checkbox"/> Personnel					

Accommodations/Supports Needed for Participation in Statewide / Districtwide Assessments:

The IEP team must determine the accommodations and supports that the student requires in order to participate in statewide and districtwide assessments. For some students with disabilities, assistive technology may be required accommodation.

The IEP team should never indicate that a student will use assistive technology to complete a state assessment if the student does not use the same assistive technology regularly for participation in educational activities.

Supports for School Personnel:

The IEP team should address the supports that the school staff needs in order for them to effectively provide AT devices and services to the student.

The Alternative Augmentative Communication representative will work with Grant's teachers in the special education classroom for one hour weekly for six weeks. Training will include programming, operation, and use of his augmentative communication device. All team members will participate in identification of needed vocabulary.

F. Consideration of Special Factors

AT is one of the special factors that must be addressed in the development, review, and revision of each student's IEP. Minimal compliance with the requirement to consider AT is responding to the statement in the IEP which states, "Does the student require assistive technology devices and services? Yes No. If yes, describe:" If the IEP team determines that the student requires AT then the IEP must include a description of the AT that is required.

Although minimal compliance for considering AT may be simply checking "yes" or "no" to the consideration questions, best practice is for IEP teams to use a systematic process for considering a student's AT needs and to document the outcomes of the consideration in the IEP. In most instances, it is just as important to document when a student does not require AT as when a student does require it. Documentation of the issues that were addressed during AT consideration can be especially helpful to future IEP teams.

There are many places in the IEP where tools to support achievement of goals may be documented (i.e., consideration, accommodations, present levels of academic achievement, minutes).

The following are examples of how AT can be documented in the Consider of Special Factors form D/M 68D:

Is the student blind or visually impaired?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the student an English Language Learner (ELL)? If "YES"	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "YES" is the instruction provided in Braille?	<input type="checkbox"/> Yes <input type="checkbox"/> No	• Have the language needs of the student been considered?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "NO" state rationale based on evaluation of the student's reading and writing skills, appropriate reading and writing media, and the student's future needs for instruction in Braille and the use of Braille:		• Does the student have linguistically appropriate goals, objectives, programs, and services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the student deaf or hard of hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Does the student's behavior impede his or her learning or the learning of others?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "YES"	<ul style="list-style-type: none"> • Have the communication needs of the student been considered? <input type="checkbox"/> Yes <input type="checkbox"/> No • Has the opportunity for direct communication with peers and professional personnel in the student's communication mode and at the student's academic level been considered? <input type="checkbox"/> Yes <input type="checkbox"/> No • Has the student's full range of communication needs been considered, including opportunities to direct instruction in the student's language communication mode? <input type="checkbox"/> Yes <input type="checkbox"/> No 	• Have positive behavioral interventions and supports been implemented? <input type="checkbox"/> Yes <input type="checkbox"/> No	
		• Have annual behavioral goals been implemented and revised as needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
		• Has a Functional Behavioral Assessment (FBA) been completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
		• Has a Behavioral Intervention Plan (BIP) been implemented and revised as needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Has the IEP team considered the student's functional performance and does the student have needs in this area?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Does this student require an assistive technology assessment, equipment or services? If "YES" please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Examples:

Does the student require AT devices and services?

Yes No

Describe: *John requires the use of a talking calculator for all math activities that require calculation.*

Does the student require AT devices and services?

Yes No

Describe: *Paula needs to use adaptive seating and positioning equipment (prone stander, wedge) in her classes in order to participate in her educational program.*

Does the student require AT devices and services?

Yes No

Describe: *Karen uses an eight location augmentative communication device with speech output to supplement her current communication skills. See present levels of academic achievement and functional performance and annual goals and objectives for additional information.*

Does the student require AT devices and services?

Yes No

Describe: *Eduardo is struggling with completing writing assignments. We discussed the need for AT but decided his problem relates more to attention. Positive behavioral supports are being used to address the issues at this time.*

Draft for Review 9/22/2017



Chapter 13: Low Incidence Funding

SECTION A	LEGAL REQUIREMENTS
SECTION B	HOW TO REQUEST FUNDING
<u>SECTION C</u>	<u>HOW TO REQUEST REIMBURSEMENT</u>
APPENDIX A	ASSISTIVE TECHNOLOGY ASSESSMENT - LOW INCIDENCE REFERRAL
APPENDIX B	TEACHER RESPONSIBILITIES OF ASSIGNED LOW INCIDENCE EQUIPMENT

Legal References

CA Education Code
Sections
56026.5, 56836.22(e)

CA Code of
Regulations
3051.16

Last Updated:
~~11/16/2012~~ 05/24/2017

Introduction

California Education Code, § 56836.22(e). The superintendent shall apportion the amount determined pursuant to subdivision (b) to the special education local plan area for purposes of purchasing and coordinating the use of specialized books, materials, and equipment [for pupils with low incidence disabilities], (d) as a condition of receiving these funds, the special education local plan area shall ensure that the appropriate books, materials, and equipment are purchased, and that the use of the equipment is coordinated as necessary, and that the books, materials, and equipment are reassigned within the special education local plan area once the agency that originally received the books, materials, and equipment no longer needs them. (a) Commencing with the 1985-86 fiscal year, and for each fiscal year thereafter, funds to support special education and related services as required under the individualized education program for each pupil with low-incidence disabilities, as defined in Section 56026.5, shall be determined by dividing the total number of pupil with low incidence disabilities in the state, as reported on December 1 of the prior fiscal year, into the annual appropriation provided for this purpose in the Budget Act. (b) The per-pupil entitlement determined pursuant to subdivision (a) shall be multiplied by the number of pupils with low-incidence disabilities in each special education local plan area to determine the total funds available for each local plan. (c) The Superintendent shall apportion the amount determined pursuant to subdivision (b) to the special education local plan area for purposes of providing special education and related services as required under the individualized education program for each pupil with low-incidence disabilities.

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Section A - Legal Requirements

California Education Code § 56026.5. "Low incidence disability" means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments (excluding visual impairments resulting in visual perceptual or visual motor dysfunction), and severe orthopedic impairments, or any combination thereof. For purposes of this definition, vision impairments do not include disabilities within the function of vision specified in Section 56338.

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A student with a low incidence disability is one who is deaf, blind, deaf and blind, or severely orthopedically impaired whether this disability is their primary disability, or a concomitant disability. Students with an Individualized Education Program (IEP) or Individualized Family Services Plan (IFSP) should have their specialized needs discussed and recorded at their IEP/IFSP meeting. These documented needs are what determine the Local education Agency's (LEA) responsibility to secure specialized books, materials, and services. It is the responsibility of the LEA to locate funds to purchase the items documented in the IEP or IFSP. One source is low incidence funds. Even though students, parents, or teachers do not have direct access to these funds, students should have access to specialized equipment, books, and materials necessary for them to benefit from their educational program.

Because of the high cost of these specialized books, materials, and equipment, it is necessary to provide additional funding for these programs. This low incidence money is distributed in accordance with the regulations set out in [California Education Code § 56836.22](#).

Low incidence funding is provided for ~~the purpose of~~ purchasing and coordinating the use of specialized books, materials, and equipment for students with low incidence disabilities. As a condition of receiving low incidence funds, the Desert/Mountain Special Education Local Plan Area (SELPA) ensures that the appropriate books, materials, and equipment are purchased, that the use of the equipment is coordinated as necessary and that the books, materials, and equipment are reassigned once they are no longer needed by the ~~agency~~ [LEA](#) that originally received them.

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Section B - How to Request Low Incidence Funding

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~~In order to~~ purchase low incidence equipment using low incidence funds, the LEA must first complete an assistive technology assessment (~~see refer to~~ Appendix A for Assistive Technology Assessment Referral Process). If the IEP team determines the student has a low incidence disability and that the student requires low incidence equipment, then the LEA must complete the appropriate Low Incidence Pre-Approval/[Reimbursement](#) Request ~~form, Form~~ D/M 86C. [This form](#) shall also be completed if the IEP team determines and documents the need for home use of the low incidence equipment.

1. ~~Low Incidence Pre-Approval/Reimbursement Request (D/M 86A): +Purchase(+s) made by the LEA then reimbursed through low incidence funds+ D/M 86A~~

For all ~~Low-low Incidence-incidence Equipment equipment (LIE)~~ other than mobile computing devices and device applications, complete SELPA ~~form-form~~ D/M 86A and have the LEA Special Education Director/Coordinator sign the form. Attach a copy of the student's current IEP documenting the student's disability and need of the low incidence equipment, any additional information regarding the equipment to be purchased, a completed purchase order with [SELPA form](#) D/M 86A, and submit all documents to the SELPA office. After SELPA approval, the LEA will be responsible for purchasing the equipment and ensuring the assigned [low incidence equipment](#) ~~LE~~ inventory tags are properly placed on the equipment. After the LEA has purchased and received the equipment, the LEA may seek reimbursement through ~~LIE-low incidence~~ [fundings](#) by completing section 2 of [form](#) D/M 86A and forwarding the request to the SELPA ([refer to Section C](#)):-

2. ~~Low Incidence Pre-Approval Request for Mobile Computing Device (D/M 86B): +Purchase(+s) made by the SELPA+ D/M 86B~~

LEAs complete SELPA ~~form-form~~ D/M 86B if the request is specifically for a mobile computing device (i.e., iPad, computer tablet). This form and any additional information regarding the equipment must be sent to the SELPA office for approval. The SELPA will be responsible for purchasing the mobile computing device and device application(s), assigning the [low incidence equipment](#) ~~LE~~/ID number, downloading the device application(s), and coordinating the delivery and release of the equipment to the LEA.

The LEA is responsible for notifying the student’s teacher(s) of their responsibilities for the use of low incidence equipment (~~see~~refer to Appendix B).

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Section C – How to Request Reimbursement

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The SELPA reimburses member LEAs for low incidence equipment based on the availability of funds. All purchases of low incidence equipment during a fiscal year (July 1 – June 30) must be submitted by August 30th, following the school year the request was made. Member LEAs shall submit approved requests for reimbursement in the following manner:

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1. Complete/submit Section 2 of SELPA Form D/M 86 – Low Incidence Pre-Approval/Reimbursement Request Form; and
2. Submit a copy of the request form with a copy of the purchase order and copy of the vendor’s paid invoice to the SELPA Business office.

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NOTE: Requests for reimbursement are submitted after the request for purchase has been approved by the SELPA, equipment is purchased, received, and invoiced by the LEA.

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APPENDIX A

ASSISTIVE TECHNOLOGY ASSESSMENT – LOW INCIDENCE REFERRAL

Assistive Technology refers to a device or service that can be used as a tool by students with disabilities to achieve or maintain function.

Pre-Referral Procedure – ~~District~~ Local Education Agency (LEA) Responsibility

1. Convene an IEP meeting to document the team's decision to refer the student for an Assistive Technology Assessment.
2. Complete the *Assistive Technology Assessment Referral* form ([D/M 127](#)) and obtain the signatures of the person making the referral and the director of special education.
3. Complete the *Assessment Plan* form ([D/M 66](#)) and obtain the parent/guardian signature.
 - The person making the referral should check the box that corresponds to the type of assessment(s) requested.
 - The parent/guardian should initial each applicable statement listed under the *Parental Authorization* section.
4. Complete the *Authorization for Use and/or Disclosure of Information* form ([D/M 63](#)) and obtain the parent/guardian signature. Specify the receiving agency's name, if known. -If not, leave the field blank.

Referral Procedures – ~~District~~ LEA Responsibility

Forward the following completed documents to the attention of the Coordinator, Transition Services at the ~~D/M~~ SELPA.

- [D/M 127](#) *Assistive Technology Assessment Referral* form
- [D/M 66](#) *Assessment Plan* form
- [D/M 63](#) *Authorization for Use and/or Disclosure of Information* form
- IEP or IEP Addendum dated within one (1) year of the referral for an Assistive Technology Assessment
- Psycho-educational evaluation dated within three (3) years of the referral for an Assistive Technology Assessment
- Any additional supporting information

Timelines for Assessment

Within five (5) business days of receipt of the completed referral packet, the Coordinator, Transition Services at the ~~D/M~~ SELPA will assign the assessment to an independent assessor who will coordinate the assessment through the contact person named on the referral form ([D/M 127](#)).

Timelines for Services

Upon completion of the assessment, a report will be sent to the ~~director~~ Director of ~~special~~ Special ~~education~~ Education by either the agency that conducted the assessment or the Coordinator, Transition Services at the ~~D/M~~ SELPA, with a request to schedule an IEP meeting.

The ~~director~~ Director of ~~special~~ Special ~~education~~ Education should reconvene the Individualized Education program (IEP) team to review the report finding and recommendations of the assessment and determine whether or not assistive technology services are warranted.

If the IEP team agrees that services are not needed, it will be documented in the IEP notes.

APPENDIX B

TEACHER RESPONSIBILITIES FOR LOW INCIDENCE EQUIPMENT

The assigned teacher for the student(s) indicated in approved Low Incidence Request form (D/M 86A or 86B) must be notified of their responsibilities for the assigned low incidence item(s) purchased for use by the student. The teacher should be informed that unless the Individualized Education Program (IEP) team agrees there is an educational need for the student to use the equipment at his/her home and form D/M 86C is completed, the student is not allowed to take the item(s) home. The item(s) is solely for the student(s) indicated on the Low Incidence Equipment Request form to meet his/her unique educational needs according to their IEP goals.

RESPONSIBILITIES:

1. Complete an annual inventory of all low incidence items in the classroom - the Desert/Mountain SELPA will provide the Director of Special Education a list of low incidence items assigned to students in the classroom on an annual basis. The item(s) should have a blue and silver "Property of Desert/Mountain SELPA" numbered ID tag (except for small, untaggable items). If the item does not have an inventory tag, contact the SELPA office at (760) ~~242-6333~~552-6700.
2. Reassign the equipment to another student in his/her classroom or ~~district-Local Education Agency (LEA)~~ who qualifies for use of the item(s) purchased and is no longer being utilized to meet the unique educational needs of the assigned student, ~~OR-or~~ return the item(s) to the ~~Desert/Mountain~~-SELPA and complete Section 3 of ~~form~~ D/M 86B (if mobile computing device, Section 2 of ~~form~~ D/M 86B) for the reassignment or return of the item(s). Forward a copy of the form to the SELPA office.
3. If the student has moved to another site within the ~~district-LEA~~ and can still benefit from the use of the item(s), forward the item(s) and a copy of the original request form D/M 86A (-if mobile computing device, D/M 86B) to the student's new site/teacher. Inform the Desert/Mountain SELPA by completing Section 3 of D/M 86A (if mobile computing device, complete Section 2 of D/M 86B) and forward a copy to the SELPA office.
4. If the student has moved outside the ~~district-LEA~~ and the ~~district-LEA~~ is unable to reassign the item to another low incidence eligible student, the teacher must return the item to the ~~Desert/Mountain~~-SELPA. Contact (760) ~~242-6333~~552-6700 to make arrangements for return of the item. Complete Section 3 of D/M 86A (if mobile computing device, Section 2 of D/M 86B) to return the item(s) to the ~~Desert/Mountain~~-SELPA.
5. If the item(s) was purchased for more than one student as indicated on Section 1 of D/M 86A (if mobile computing device, D/M 86B) and any of the conditions explained in items 3-5 above exist, the item may remain at your site/~~district-LEA~~ as long as at least one low incidence eligible student still qualifies for use of the item.
6. Report any lost or broken equipment item(s) to the ~~Desert/Mountain~~-SELPA in writing to facilitate the replacement or repair of the item(s).

ALL CHANGES REGARDING ANY LOW INCIDENCE EQUIPMENT/MATERIALS MUST BE COMMUNICATED IN WRITING TO THE DESERT/MOUNTAIN SELPA OFFICE USING SECTION 1 OF THE LOW INCIDENCE REQUEST FORM.



Chapter 16: State and District Assessment Programs

Legal References

CA Education
Code Sections
51224.5; 51225.3;
56345; 56375-
56376; 60640;
60641(b); 60800;
60850(a)-60851

Title 5 CA Code of
Regulations
850-860; 1041

Last Updated:
9/22/2017

SECTION A	Profiles of State Assessment Programs
SECTION B	Guidance for Making Support(s) Decisions
SECTION C	Desired Results Developmental Profile (DRDP)
SECTION D	Guide to the Accommodation Matrix: California English language Development (CELDT), and Physical Fitness Testing (PFT)
SECTION E	Guide to the Accommodation Matrix: California Assessment of Student Performance and Progress (CAASPP)
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APPENDIX A	CAHSEE Suspension Frequently Asked Questions
APPENDIX B	SELPA form D/M 68L - CAASPP Testing Matrix
APPENDIX C	SELPA form D/M 68L - CELDT and PFT Testing Matrix
APPENDIX D	Timeline and Differences – CELDT vs. English Language Proficiency Assessment for California (ELPAC)

Introduction

All California students are required to participate in a variety of state and districtwide assessments that are designed to assess progress of the students towards established performance goals. The Individuals with Disabilities Education Act (IDEA) 2004 and California Education Code (EC) require the inclusion of students with disabilities in state and districtwide assessment programs with appropriate accommodations being made for the students where necessary. The California approved achievement tests are administered each spring to all students in grades 3-8, and 11. Local Education Agencies (LEAs) utilize the information that is gathered to make decisions regarding how to design and implement instruction for their students.

Section A - Profiles of State Assessment Programs

Testing Accommodations

California Education Code § 56345(a). The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with [state and federal law] and includes the following: (6)(A) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments; (B) If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of pupil achievement, a statement of the following: (i) The reason why the pupil cannot participate in the regular assessment; (ii) The reason why the particular alternate assessment selected is appropriate for the pupil.

Academically Rigorous Content Standards

California Education Code § 60850(a). Existing law requires the Superintendent of Public Instruction, with the approval of the State board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the State Board of Education pursuant to Section 60605. To facilitate the development of the examination, the superintendent shall review any existing high school subject matter examinations that are linked to, or can be aligned with, the statewide academically rigorous content standards for English language arts and mathematics adopted by the State Board of Education. By October 1, 2000, the State Board of Education shall adopt a high school exit examination that is aligned with statewide academically rigorous content standards.

California Assessment of Student Performance and Progress (CAASPP)

California Education Code § 60640 established the California Alternate Assessment of Student Performance and Progress (CAASPP). The CAASPP System, which replaced the Standardized Testing and Reporting (STAR) Program is the new state academic testing program. It is a system intended to provide information that can be used to monitor student progress and ensure that all children leave high school ready for college and career. The CAASPP encompasses the following assessments and student participation requirements:

- Smarter Balanced Summative Assessments for English language arts/literacy (ELA) and mathematics in grades three through eight and 11;

- Alternate assessments for English language arts/literacy and mathematics in grades three through eight and 11; and
- Standards-based Tests in Spanish (STS) for reading/language arts in grades two through 11 (optional).

California High School Exit Examination (CAHSEE)

The goal of the high school exit exam has been to assess the level of competency that students have acquired throughout their participation in high school in preparation for college, the work place, and their communities.

On October 7, 2015, Senate Bill (SB) No. 172 was signed and enacted into law by the Governor of California. As a result, all students, with and without disabilities are no longer required to participate in and/or pass the California High School Exit Examination (CAHSEE) as a condition of receiving a diploma of graduation or as a condition of graduation from high school for each student completing grade 12, for the 2015-16, 2016-17, and 2017-18 school years. SB 172 suspends the administration of the CAHSEE until July 31, 2018, and requires that the governing board or body of a LEA and the State Department of Education on behalf of state special schools, to grant a diploma of graduation from high school to any student who completed grade 12 in the 2003-04 school year or a subsequent school year and has met all applicable graduation requirements other than the passage of the CAHSEE. SB 172 also requires the Superintendent to convene an advisory panel to make recommendations to the Superintendent of Public Instruction on the continuation of the high school exit examination and on alternative pathways to satisfy the high school graduation requirements pursuant to California Education Code sections 51224.5 and 51225.3. This law will take effect on January 1, 2016, at which time LEAs shall be permitted to issue diplomas to eligible students.

The IDEA 2004 and the Elementary and Secondary Education Act (ESEA) require that the Individualized Education Program (IEP) or Section 504 plan address how the student will participate in statewide assessments. Students with only Section 504 plans do not have the same procedural protections as students with IEPs. Federal regulations indicate that one way to guarantee a Free Appropriate Public Education (FAPE) under Section 504 is to provide the same procedural protections as required under the IDEA. However, since the rules are not identical, LEA personnel should consult with local counsel when adopting or applying policies regarding statewide assessments. For purposes of and relating to the CAHSEE, Code 15 should be selected and identified as the reason a student will not be participating in the examination.

For further information about the suspension of the CAHSEE, please refer to the frequently asked questions and answers (Appendix B) about the suspension of the CAHSEE and the implementation of Senate Bill (SB) 172.

English Language Proficiency Assessments for California (ELPAC)

The California Department of Education (CDE) is in the process of replacing the California English Language Development Test (CELDT), which is aligned with the 1999 English Language Development (ELD) Standards, with the English Language Proficiency Assessments for California (ELPAC), which will be aligned with the 2012 California ELD Standards. The CELDT will continue to be administered until the ELPAC becomes operational.

Information about the proposed timelines for the transition from the CELDT to the ELPAC, and the brief differences between the CELDT and the ELPAC can be found in Appendix E. For general information regarding the ELPAC, please refer to the CDE website.

Federal Requirements - IDEA

As appropriate, the state or LEA - (i) develops guidelines for the participation of students with disabilities in alternate assessments for those students who cannot participate in state and districtwide assessment programs; and (ii) develops and, beginning not later than July 1, 2000, conducts those alternate assessments.

Federal Requirements - Title 1 of the Elementary and Secondary Education Act indicates: Guidance from the Assistant Secretary for Elementary and Secondary Education (April 2000)

For students with disabilities whose IEP or Section 504 placement teams have determined that the standard state assessment would not appropriately show what these students know and are able to do, each state must have a statewide alternate assessment system or a comprehensive state policy governing locally developed alternate assessments. Alternate assessments must be valid, reliable, and to the maximum extent appropriate, aligned to state content and performance standards. In addition, states must monitor and collect data from LEAs to ensure the proper use of alternate assessments; they must publicly report the results of alternate assessments; and they must integrate the results of alternate assessments into their accountability systems.

Physical Fitness Test (PFT) Administered at Grade Levels

The SBE designated the FITNESSGRAM® as the Physical Fitness Test (PFT) for children attending California public schools. The FITNESSGRAM® is a comprehensive, health-related physical fitness battery developed by The Cooper Institute. The primary goal of the FITNESSGRAM® is to assist children in establishing lifetime habits of regular physical activity.

Pursuant to Education Code § 60800, all LEAs in California are required to administer the PFT annually to all children in grades five, seven, and nine. Children in grades five, seven, and nine are required to take the PFT, whether or not they are enrolled in a physical education class or participate in a block schedule. These include children who are enrolled in LEAs such as elementary, high, and unified school districts, county offices of education, and charter schools. Charter LEAs must also test all children in alternate programs, including, but not limited to, continuation schools, independent study, community day schools, county community schools, and nonpublic schools. Children who are physically unable to take the entire test battery are to be given as much of the test as his or her condition will permit (*Education Code § 60800; Title 5 of the California Code of Regulations § 1041*).

The PFT provides information that can be used by 1) students to assess and plan personal fitness programs, 2) teachers to design the curriculum for physical education programs, and 3) parents to understand their child's fitness levels. This program also provides results that are used to monitor changes in the physical fitness of California students.

Section B - Guidance for Making Support(s) Decisions

Statewide assessments have the following purpose: 1) to show how much a child has learned, 2) to reveal how successfully a school has educated its students, and 3) to help guide instructional improvement strategies. Since instructional and policy decisions are based on data from standards-based assessments, children with disabilities need to be included to the maximum extent possible. The following guidance offers information about the major assessment programs in California and specific information on how to provide test accommodations when needed.

Section C - Desired Results Developmental Profile (DRDP)

The DRDP is the assessment component of the CDE Desired Results (DR) system. In 2000, the DR system was established within the CDE's Child Development Division (CDD) to improve the quality of programs and services provided to young children, from early infancy through school age, who are enrolled in the thousands of center-based early care and education programs, before and after school programs, and family childcare home education network programs funded by CDD across California. The DRDP assessment is required twice per year for every child in all of these CDD-funded programs. The purpose of the DRDP is to inform and support the curricular decisions and program improvement decisions made by teachers and program staff, and to inform and support the policy decisions made by stakeholders in early childhood at the state and local levels.

DRDP is a system of authentic assessment for individual children. The teacher who knows the child best uses the broad range of DRDP observational protocols to record the specific levels of development that have been observed across multiple domains of development over at least 60 days of interaction with the child. DRDP is assessment that is embedded in program activities. The teacher is not required to set up activities for the purpose of assessment. DRDP includes observation during the developmentally age-appropriate play-based and instructional activities that are typical in high-quality programs and kindergarten classrooms.

Section D - Guide to the Accommodations Matrix: California English Language Development Testing (CELDT) and Physical Fitness Testing (PFT)

SELPA form D/M 68L (Appendix D) was designed to help IEP and 504 teams make informed decisions about accommodations on statewide assessments. It is not an exhaustive list of possible accommodations, but it gives an idea of how common accommodations mesh with the constructs of each of the major statewide assessments. Please check the CDE website for regular updates on the testing matrices.

Who is eligible for accommodations?

Those accommodations designated as Category 1, may be described as flexibility in administration of the test and do not alter what is measured by the test. These accommodations are available for any student who uses the accommodation regularly for classroom instruction and/or assessment. Accommodations are not only for students receiving special education or 504 services, but these students are the only ones for whom the law requires that accommodations be provided. Even though Category 1 accommodations are available for all students, they should be documented in the IEP or 504 plans for those students with disabilities who need the accommodation to access the test and minimize the effects of their disability.

Accommodations designated as Category 2, are allowed only for students who have them documented in their IEP or 504 plans and are similar to those used by the student or classroom instruction and/or classroom assessment. In general, Category 2 accommodations require a more significant alteration in presentation, timing/scheduling, setting, or response and, in most cases, require more preplanning in order to ensure the availability of needed resources.

Modifications designated as Category 3, fundamentally alter what the test measures. They are available only to students with documentation in their IEP or Section 504 plans. Students who use a modification on any assessment are not included in the participation calculation for Annual Yearly Progress (AYP).

Section E - Guide to the Accommodations Matrix: California Assessment of Student Performance and Progress (CAASPP)

Signed into law on October 2, 2013, Assembly Bill (AB) 484 establishes the CAASPP. The provisions of AB 484 became effective January 1, 2014. The CAASPP system is based on the state's new California Common Core Standards for English language arts (ELA) and mathematics adopted by the State Board of Education (SBE) in 2010. The CAASPP system replaces the Standardized Testing and Reporting (STAR) Program. The primary purpose of the CAASPP system is to assist teachers, administrators, and students and their parents by promoting high quality teaching and learning through the use of a variety of assessment approaches and item responses.

A. Types of Support

- (1) **Embedded Supports** are digitally-delivered features or settings available as part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.
- (2) **Non-embedded Supports** are available, when provided by the LEA for either computer-administered or paper-pencil CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

B. Who is eligible?

- (1) **Universal Tools** are available to all students. Students may turn the support(s) on/off when embedded as part of the technology platform for the computer-administered CAASPP tests or may choose to use it/them when provided as part of a paper-pencil test.
- (2) **Designated Supports** are features that are available for use by any student for whom the need has been indicated prior to the assessment, by an educator or group of educators.
- (3) **Accommodations** are available for eligible students if specified in the student's IEP or 504 plan.
- (4) **Unlisted Resource(s)** If an IEP team or Section 504 plan identifies and designates a resource not identified in the CAASPP matrix, the LEA CAASPP Coordinator or the CAASPP Test Site Coordinator may submit, on behalf of the child who has an IEP or Section 504 plan, a request through the Test Operations Management System (TOMS) to the CDE, prior to the administration of a CAASPP achievement test, to allow the use and approval of an Unlisted Resource. The LEA CAASPP Coordinator or the CAASPP Test Site Coordinator shall make the request on behalf of the LEA 10 business days prior to the child's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of the electronic transmission.

Unlisted Resources are not Universal Tools, Designated Supports, or Accommodations. Unlisted Resources means an instructional support that a child regularly uses in daily instruction and/or assessment that has not been previously identified as a universal tool,

designated support, or accommodation. Because an Unlisted Resource has not been identified as a universal tool, designated support, or accommodation, it may or may not change the construction of the assessment.

The use of an Unlisted Resource by a child will not be allowed if the CDE determines its use threatens the security of the test. In addition to determining whether the Unlisted Resource may be used, the CDE will determine whether the Unlisted Resource changes the construct being measured by the CAASPP achievement test. If the CDE determines the Unlisted Resource changes the construct being measured, the Unlisted Resource will not be approved but may still be used by the child and the child will receive an individual score report. The child will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the Charter LEA. If the CDE determines the Unlisted Resource does not change the construct being measured, the Unlisted Resource will be approved and the child will receive an individual score report and will be counted as participating in statewide testing. Refer to Title 5 of the California Code of Regulations § 853.8 for a list of non-embedded Unlisted Resources that have already been determined to change the construct being measured on the CAASPP achievement tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and will not be approved. The use of an Unlisted Resource must be requested annually by the Charter LEA.

IEP teams should be made aware of the impact of the use of Unlisted Resources pursuant to Title 5 of the California Code of Regulations, but should not allow the impact of the LEA's accountability to outweigh the needs of the child.

Title 5 of the California Code of Regulations § 853.8(d)(1). If the CDE determines the unlisted resource changes the construct being measured, the unlisted resource will not be approved but may still be used by the pupil and the pupil will receive an individual score report. The pupil will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA.

Section F - An Overview of Alternate Assessment

IDEA 2004 and similar amendments to California law require the inclusion of students with disabilities in general state and districtwide assessment programs with appropriate accommodations, where necessary. Alternate assessment is required for students with severe disabilities who cannot participate in general larger-scale assessment programs. The law states:

“As appropriate, the State or local educational agency - (i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and districtwide assessment programs; and (ii) develops and, beginning no later than July 1, 2000, conducts those alternate assessments.”

(d) “Alternate assessments” means any assessments as provided in Education Code section 60640(k) and the test materials developed to measure the level of performance for a pupil with significant cognitive disabilities who is unable to take the consortium summative assessments in English language arts (ELA) and mathematics pursuant to Education Code section 60640(b)(1) or is unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with resources.

California Alternate Assessments (CAA)

Pursuant to Title 5 of the California Code of Regulations § 850(h), California Alternate Assessments (CAAs) are the alternate assessments and corresponding test materials in ELA and mathematics as provided for in Education Code § 60640(k) for children with significant cognitive disabilities. The CAA is the success alternate assessment for ELA and mathematics as identified in Education Code § 60640(b)(3).

Children in grades three through eight and grade 11 who have an IEP that designates the use of an alternate assessment are eligible to take the CAA in lieu of the Smarter Balanced Summative Assessments for ELA and mathematics. The goal of the CAA is to ensure that children with significant cognitive disabilities attain increasingly higher achievement levels and leave high school ready for academic or career options.

California Alternate Performance Assessment (CAPA) for Science

The CAPA for ELA and mathematics are given in grades three through eight and grade 11. The CAAs, have replaced the CAPA for ELA and CAPA for mathematics, which were eliminated in 2015. Only eligible children may participate in the administration of the CAAs. The CAPA for science in grades five, eight, and 10 will continue to be administered during the transition to the state's newly adopted science standards, Next Generation Science Standards (NGSS). The state is currently developing assessments that are aligned with the NGSS. During the transition to new science assessments, children in grades five, eight, and 10 who have a significant cognitive disability are eligible to take the CAPA. The CDE encourages LEAs to work with administrators, teachers, parents, and students to initiate the implementation of the NGSS.

Draft for Review 9/22/2017

APPENDIX A

pupil of similar age without disabilities would be eligible to participate. However, the right to participate in graduation ceremonies does not equate a certificate or document of educational achievement with a regular diploma.

Questions and Answers Excerpted from “Individuals with Disabilities Education Law Report”
(Special Report No. 18, LRP Publications)

Question: Are students with disabilities subject to the high school exit exam or other state and district requirements for graduation?

Answer: Assuming that adequate prior notice has been provided, identified students will be subject to the high school exit exam requirements, course requirements, or other district or statewide requirements.

Question: Does a student who completes IEP goals and objectives automatically graduate with a diploma?

Answer: The state and district establish high school graduation requirements. If the IEP goals do not meet the diploma requirements, the student does not have a reasonable expectation of receiving a diploma.

Questions: Can a district’s local diploma requirements be waived for students with disabilities?

Answer: A waiver of local requirements is an option for districts, not a mandate. If the district chooses to waive local requirements, adequate prior notice has been provided, and such modification is made on the IEP, the student may meet local requirements for graduation. However, beginning in the 2003-04 school years, the state’s requirement to pass the high school exit exam must be met in order to graduate.

Question: What is a “reasonable” accommodation?

Answer: A reasonable accommodation is generally defined as changes in the testing materials, administration, or procedures in order to provide students with disabilities equal opportunity to participate when those changes do not lower or substantially alter the standards.

Question: Are accommodations permitted that substantially alter or lower the standards?

Answer: Under IDEA ‘97, such accommodations would only be appropriate for a small percentage of students who are enrolled in alternate programs and would necessarily lead to alternate grading and graduation standards. Currently, there are no alternate statewide standards for graduation in California.

Question: How are decisions about accommodations made?

Answer: The selection of accommodations must be made on an individual basis. IDEA ‘97 specifies that the IEP team should make these decisions, thereby providing parents with notice and the opportunity to accept or reject the district’s proposal.

Question: How do student needs and the right to a FAPE balance with tougher district and statewide standards for graduation?

Answer: On one side, it would be discrimination if the disability of an otherwise qualified student prevented demonstration of his or her learning. On the other side, states and districts are not required to lower or substantially modify standards to accommodate students with disabilities. Striking a balance requires that districts: 1) establish districtwide, schoolwide

APPENDIX A

standards and/or implement statewide standards for all students; 2) provide adequate advance notice to all students so they have a reasonable time to prepare (opportunity to learn) or to make an informed decision that the student will not pursue a regular diploma; and 3) make individualized decisions, considering the student's needs for accommodations and what is appropriate. A key issue is whether the student has had the opportunity to learn the material on the test. Assuming that adequate advance notice has been provided and a decision is made to pursue a regular diploma, students must receive instruction that covers the skills and knowledge required.

If you have questions or need further clarification, please contact Mark Fetler, Assessment, Evaluation, and Support Unit at mfetler@cde.ca.gov or (916) 322-0373.

References

EC §§ 56345(a), 56375, 56376, 60641(b), 60850(a), 60851



Home / Testing & Accountability / Testing / California High School Exit Examination (CAHSEE)

FAQs About the Suspension of the CAHSEE

Frequently asked questions about the suspension of the California High School Exit Examination (CAHSEE) and the implementation of Senate Bill 172.

1. What is Senate Bill 172?
2. Who is eligible to receive their diploma without having passed the CAHSEE?
3. Are school districts responsible for contacting students who may qualify for a diploma under this new law?
4. Does this law include students in adult education programs?
5. Are there any additional requirements that eligible students must meet to receive their diploma?
6. When can eligible students obtain their diploma?
7. Where can students go for information about receiving their diploma?
8. For students who moved to an adult education program or changed schools or districts to finish requirements for their diploma, which school/district is responsible for issuing the diploma?
9. If students completed all diploma requirements except for the CAHSEE prior to January 1, 2016, what should be the issuance date of the diploma?
10. Are LEAs required to update any data in the California Longitudinal Pupil Achievement Data System (CALPADS)?
11. Will the state's four-year cohort graduation rate be updated to include these students?
12. What do students do if the school they attended is now closed?
13. How will students know if all of their graduation requirements have been met?

1. **What is Senate Bill 172?**

Senate Bill (SB) 172 (Liu), signed by Governor Brown on October 7, 2015, suspends the administration of the California High School Exit Examination (CAHSEE) and the requirement that students completing grade twelve successfully pass the high school exit examination as a condition of receiving a diploma of graduation from high school for the 2015–16, 2016–17, and 2017–18 school years. The law also requires local educational agencies (LEAs) to grant a diploma of graduation to any student who

completed grade twelve in the 2003-04 school year, or a subsequent school year, and has met all applicable graduation requirements other than passing the high school exit examination. The bill also requires the Superintendent to convene an advisory panel to make recommendations to the Superintendent on the continuation of the high school exit examination and on alternative pathways to satisfy the high school graduation requirements pursuant to California *Education Code* sections 51224.5 and 51225.3. The law will take effect on January 1, 2016, at which time LEAs shall be permitted to issue diplomas to eligible students.

2. Who is eligible to receive their diploma without having passed the CAHSEE?

Students who completed grade twelve in the 2003–04 school year, or a subsequent school year, and have met all applicable graduation requirements other than passing the high school exit examination will be eligible to receive a diploma. “Applicable graduation requirements” would include all local and state graduation requirements that were applicable to a student at the time he or she completed grade twelve.

3. Are school districts responsible for contacting students who may qualify for a diploma under this new law?

There is nothing in SB 172 which requires school districts to contact students who may be eligible to receive their diploma. Outreach to students directly or through local media markets is a local decision but is encouraged

4. Does this law include students in adult education programs?

Yes. Students in adult education programs in the 2003–04 school year, or a subsequent school year, who have met all applicable graduation requirements other than passing the high school exit examination will be eligible to receive a diploma under this law.

5. Are there any additional requirements that eligible students must meet to receive their diploma?

No. As long as all applicable graduation requirements have been found to have been met, eligible students should receive their diploma.

6. When can eligible students obtain their diploma?

The law will take effect on January 1, 2016. On or after that date, LEAs may begin issuing diplomas to eligible students.

7. Where can students go for information about receiving their diploma?

Eligible students should contact the LEA (school district, county office of education, or charter school) where they completed grade twelve. The LEA must verify that the student had met all state and local requirements for their diploma, with the exception of

passing the CAHSEE. The LEA is responsible for issuing the diploma.

- **For students who moved to an adult education program or changed schools or districts to finish requirements for their diploma, which school/district is responsible for issuing the diploma?**

A student's transcript is maintained by the school or school district in which they were last enrolled. Students should contact that school or school district of last enrollment to request their diploma.

- **If students completed all diploma requirements except for the CAHSEE prior to January 1, 2016, what should be the issuance date of the diploma?**

Although SB 172 was chaptered on October 7, 2015, the law does not go into effect until January 1, 2016. The issuance date of the diploma will be on or after January 1, 2016.

10. **Are LEAs required to update any data in the California Longitudinal Pupil Achievement Data System (CALPADS)?**

□ With the passage of Senate Bill 172, the data in CALPADS will continue to reflect the implementation of graduation requirements at the time the data were reported. □ Prior year graduate counts will not be recalculated □ therefore, LEAs do not need to change or update any CALPADS data as a result of the suspension of the CAHSEE requirement except in two scenarios in compliance with SB 725. See the [CAHSEE FAQs](#) on the [CALPADS FAQs](#) web page for more details and additional technical FAQs related to reporting in CALPADS.

11. **Will the state's four-year cohort graduation rate be updated to include these students?**

State and federal law requires that graduates must receive their diplomas within four years of their first enrollment in grade nine to be included in the cohort graduation rate. Students who meet this requirement will be included in any upcoming calculations of graduation rates. □ Prior four-year cohort graduation rates will not be recalculated.

12. **What do students do if the school they attended is now closed?**

Students should contact the local school district where they last attended school.

13. **How will students know if all of their graduation requirements have been met?**

The local school district where a student last attended school will make the final determination, based on the state and local graduation requirements that were in effect when the student completed grade twelve.

Questions: High School and Physical Fitness Assessment Office |
cahsee@cde.ca.gov | 916-445-9449

Last viewed Wednesday, October 21, 2015

Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAASPP)

PURPOSE AND USE: This document should be used in conjunction with the Smarter Balanced Consortium: Usability, Accessibility, and Accommodations Guidelines, and California Code of Regulations, Title 5 (5 CCR), sections 850 through 868 of the California Assessment of Student Performance and Progress (CAASPP) regulations, to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on CAASPP tests is restricted to only those identified in this document.

PART 1 EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)			MATHEMATICS	California Science Test (CAST)	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING			
American Sign Language (ASL) <i>(Video portion does not apply to CAA)</i>	-	-	A	A	A	-
Braille <i>(Does not apply to CAA)</i>	A	A	A	A	A	-
Breaks	U	U	U	U	U	-
Calculator	-	-	-	U (Grades 6-8 & 11; for specific items)	U (Four-function calculator for Grade 5; scientific calculator for Grade 8 and HS)	-
Closed Captioning <i>(Does not apply to CAA)</i>	-	-	A	-	-	-
Color Contrast	D	D	D	D	-	-
Digital Notepad	U	U	U	U	U	-
English Dictionary	-	U (For ELA full write performance tasks, not short response)	-	-	-	-
English Glossary	U	U	U	U	-	-
Expandable Passages	U	U	U	U	-	-
Global Notes	-	U (For ELA full write performance tasks, not short response)	-	-	-	-
Highlighter	U	U	U	U	U	-
Keyboard Navigation	U	U	U	U	U	-
Mark for Review	U	U	U	U	U	-
Masking	D	D	D	D	-	-
Math Tools (i.e., embedded ruler, embedded protractor)	-	-	-	U (For specific items)	U	-
Science Charts (i.e., calendar, periodic table of the elements, conversion charts)	-	-	-	-	U	-
Science Tools (i.e., analog clock, laboratory equipment)	-	-	-	-	U	-
Spell Check	-	U (For specific items)	-	-	U	-
Streamline	A	A	A	A	-	-
Strikethrough	U	U	U	U	U	-

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NON-EMBEDDED SUPPORTS: Supports available, when provided by the Local Educational Agency (LEA), for either computer-administered or paper-pencil CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

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UNIVERSAL TOOLS (U): Available to all students on the basis of student preference and selection.

DESIGNATED SUPPORTS (D): Available to all students when determined for use by an educator or team of educators (with parent/guardian and student input, as appropriate) or specified in the student's IEP or Section 504 plan.

ACCOMMODATIONS (A): Must be permitted on CAASPP tests to all eligible students if specified in his/her IEP or Section 504 plan.

UNLISTED RESOURCES (X): Unlisted Resources that change the construct of the test being measured.

Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAASPP)

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PART 1 EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)			MATHEMATICS	California Science Test (CAST)	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING			
Text-to-Speech <i>(Does not apply to CAA)</i>	D (For ELA items, not passages) ----- A (For ELA reading passages)	D	D	D	D	-
Translated Test Directions <i>(Does not apply to CAA)</i>	-	-	-	D (w/Spanish stacked translation only)	-	-
Translations (see Embedded Designated Support Glossaries) <i>(Does not apply to CAA)</i>	-	-	-	D	-	-
Translations (Spanish Stacked) <i>(Does not apply to CAA)</i>	-	-	-	D	-	-
Turn Off Any Universal Tool	D	D	D	D	D	-
Writing Tools for Student-Generated Responses (i.e., bold, italic, bullets, undo,redo)	U (For specific items)	U (For specific items)	U (For specific items)	U (For specific items)	U	-
Zoom (in/out)	U	U	U	U	U	-

PART 2 NON-EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)			MATHEMATICS	SCIENCE	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING			
100s Number Table	-	-	-	A (Beginning in Grade 4)	A	-
Abacus	-	-	-	A	A	-
Alternate Response Options (i.e., adapted keyboards, large keyboards, StickyKeys, MouseKeys, FilterKeys, adapted mouse, touch screen, head wand, and switches)	A	A	A	A	-	-
American Sign Language	-	-	-	-	-	-
Bilingual Dictionary	-	D (For ELA full write performance tasks, no short ¶ responses)	-	-	-	-
Braille (paper-pencil tests)	A	A	A	A	-	A
Breaks	U	U	U	U	U	U
Calculator	-	-	-	A (For allowed items, Grades 6-8, and 11)	A (Four-function calculator for Grade 5; scientific calculator for Grade 8 and HS)	-

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PART 2 NON-EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)			MATHEMATICS	SCIENCE	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING			
Color Contrast	D	D	D	D	-	-
Color Overlay	D	D	D	D	D	U
English Dictionary	-	U (For ELA full write performance tasks, not short responses)	-	-	-	-
Large-print Versions of a Paper-pencil Test (as available)	A	A	A	A	-	A
Magnification	D	D	D	D	D	D
Math Tools (i.e., embedded ruler, embedded protractor)	-	-	-	-	-	-
Multiplication Table	-	-	-	A (Beginning in Grade 4)	A	-
Noise Buffers (e.g., individual carrel or study enclosure or noise-canceling headphones)	D	D	D	D	D	D
Print on Demand (to set, e-mail caitac@ets.org)	A	A	A	A	A	-
Read Aloud (see Read Aloud Guidelines)	D (For items not passages) ----- A (For ELA reading passages)	D	D	D (For Spanish stacked translation, see Read Aloud Spanish Guidelines)	D	A
Science Charts (state-approved only, i.e., calendar, Periodic Table of the Elements, conversion charts)	-	-	-	-	D	-
Science Tools (i.e., ruler, analog clock, laboratory equipment)	-	-	-	-	-	-
Scratch Paper (blank, lined, graph, white board, electronic assistive devices without internet as allowed)	U	U	U	U	U	U
Scribe (see Scribing Protocol)	D	A	D	D	D	A
Separate setting (i.e., most beneficial time, special lighting or acoustics, adaptive furniture)	D	D	D	D	D	D
Simplified Test Directions (see Simplified Test Directions Guidelines)	D	D	D	D	D	D
Speech-to-Text	A	A	A	A	A	A
Thesaurus	-	U (For ELA full write performance tasks, not short responses)	-	-	-	-

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Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAASPP)

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PART 2 NON-EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)			MATHEMATICS	SCIENCE	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING			
Translated Test Directions	D (Consortium-provided PDFs for online test)	D (Consortium-provided PDFs for online test)	D (Consortium-provided PDFs for online test)	D (Consortium-provided PDFs for online test)	-	D
Translations (glossary)	-	-	-	D (Consortium-provided PDFs for paper-pencil tests only)	-	D
Unlisted Resources	The LEA CAASPP coordinator or CAASPP testing site coordinator may submit a request through the Test Operations Management System (TOMS) for an unlisted resource. Requests must be received at least 10 business days before the student's first day of CAASPP testing. For more information about the unlisted resources and a list of the pre-identified unlisted resources, refer to Part 4 of the matrix)					

PART 3 CAA	INSTRUCTIONAL SUPPORTS AND RESOURCES
	CALIFORNIA ALTERNATE ASSESSMENT
<p>Most universal tools, designated supports, and accommodations listed in Parts 1 and 2 are available for the California Alternate Assessments (CAAs) for ELA and mathematics through the online testing interface. However, because the CAAs are administered to students one-on-one by a test examiner and because they may also be administered in the "language of instruction," some embedded resources are not provided. For the CAA Science Pilot, due to the design, any instructional supports used in daily instruction may be used for the embedded performance tasks. The following embedded resources <u>are not</u> available for CAA:</p> <ul style="list-style-type: none"> • Braille (either by means of an embosser or a refreshable display) * • Closed captioning • Text-to-Speech • American Sign Language videos (The test examiner is allowed to sign to the student as the language of instruction) • Translation glossaries <p>* Test examiner can request print-on-demand functionality to produce such documents. For a handful of ELA items in Grades three and four that have decoding as part of the construct, support and guidance will be available to LEAs for brailing the appropriate text.</p> <p>The "language of instruction" may include instructional or physical supports needed for communication and instruction. Some test practices (e.g., hand-over-hand), as noted in the Test Administration Manual, are inappropriate and not allowed. Examples of permissible instructional and physical supports include:</p> <p>(1) INSTRUCTIONAL SUPPORTS:</p> <ul style="list-style-type: none"> • Alternate text to describe illustrations as needed • Allowing the student to use an augmentative communication device (e.g., Audiovox, switch) • Allowing nonverbal students to respond with gestures, movements, or vocalization in place of speech • Accepting eye gaze as a way of indicating a response • Accepting a change in muscle tone or a change in facial expression as an observed behavior • Allowing students to direct another person (aide or test examiner) in performing physical tasks • Allowing use of the student's calculator, 100s number table, or other instructional supports instead of the embedded supports provided through the testing platform as long as those supports do not impact the test construct. 	

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Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAASPP)

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PART 3 CAA	INSTRUCTIONAL SUPPORTS AND RESOURCES	
	CALIFORNIA ALTERNATE ASSESSMENT	
(2) PHYSICAL SUPPORTS:		
<ul style="list-style-type: none"> Structuring the test environment to eliminate distractions for students who are particularly distractible Positioning and stabilizing the student to allow for the most controlled movement possible 		

PART 4a UNLISTED RESOURCES	INSTRUCTIONAL SUPPORTS AND RESOURCES	
	CALIFORNIA ALTERNATE ASSESSMENT	
<p>Unlisted resources <u>are not</u> universal tools, designated supports, or accommodations. Unlisted resources shall be made available if specified in the eligible student's individualized education program (IEP) or Section 504 plan and only on approval by the California Department of Education (CDE).</p> <p>To request the use of an unlisted resource, the LEA CAASPP coordinator or CAASPP test site coordinator may submit a request through the Test Operations Management System (TOMS) a minimum of 10 business days before the student's first day of testing. The CDE will reply to the request within four business days.</p> <p>Approval of an unlisted resource that has not been previously identified (see Part 4b Identified Non-embedded Unlisted Resources) will be granted by the CDE on the basis of the IEP team's and/or Section 504 plan's designation and if the unlisted resource does not compromise the test's security. The CDE shall make a determination of whether the requested unlisted resource changes the construct being measured after testing has been completed.</p> <p>IEP teams should be made aware of the following regulation, although teams should not allow the impact of an LEA's accountability to outweigh the needs of the student in making decisions related to accessibility supports. If the CDE determines the unlisted resource changes the construct being measured, the unlisted resource will not be approved but may still be used by the student and the student will receive an individual score report. The student will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA." (Title 5 of the California Code of Regulations § 854.9)</p> <p>The CDE and/or the Smarter Balanced Assessment Consortium has identified non-embedded unlisted resources for English language arts, mathematics, science, and primary language that change the construct being tested. The LEA may use the CAASPP Unlisted Resources Request form, available in TOMS, to request the use of these identified and other unlisted resources required by a student's IEP or Section 504 plan.</p>		

PART 4b UNLISTED RESOURCES	IDENTIFIED NON-EMBEDDED UNLISTED RESOURCES THAT CHANGE THE CONSTRUCT BEING MEASURED				
	Reading	Writing	Listening	Mathematics	Primary Language - STS for Reading Language Arts
American Sign Language	X	X	X	X	
100s Number Table				X (Grade 3)	
Bilingual <input type="checkbox"/> ictionary	X			X	X
Calculator (used on non-allowed items)				X (Grades 6-8, and 11)	
Calculator				X (Grades 3-5)	
English <input type="checkbox"/> ictionary	X		X	X	X

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PART 4b UNLISTED RESOURCES	IDENTIFIED NON-EMBEDDED UNLISTED RESOURCES THAT CHANGE THE CONSTRUCT BEING MEASURED				
	Reading	Writing	Listening	Mathematics	Primary Language - STS for Reading Language Arts
<input type="checkbox"/> Math Tools (i.e., non-embedded ruler, non-embedded protractor)				X	
<input type="checkbox"/> Multiplication Table				X (Grade 3)	
Signed Exact English	X	X	X	X	X (for reading passages)
Thesaurus	X		X	X	X
Translations (not provided by Smarter Balanced)	X	X	X	X	
Translated <input type="checkbox"/> Word Lists	X	X	X	X	

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Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAHSEE/CELDT/PFT)

DIRECTIONS: SELECT ALL IEP TEAM APPROVED ACCOMMODATIONS / MODIFICATIONS FOR UTILIZATION ON THE NEXT TEST ADMINISTRATION. CATEGORY 3 MODIFICATIONS CAN BE USED FOR THE CELDT AND THE CAHSEE IF SPECIFIED IN THE STUDENT'S IEP OR SECTION 504 PLAN.

TEST VARIATION (1) / ACCOMMODATION (2) / MODIFICATION (3)

ACCOMMODATIONS / MODIFICATIONS	CAHSEE	CELDT	PFT
** Access to translation glossaries/word lists (English-to-primary language). Glossaries/word lists shall not include definitions or formulas	Variation Allowed		N/A
** Additional supervised breaks within a testing day or following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it	Variation Allowed		N/A
Administration of the test at the most beneficial time of day to the student	2	2	2
Arithmetic table or formulas (not provided on the mathematics tests)	3	N/A	N/A
Arithmetic table or formulas (not provided on the science tests)	N/A	N/A	N/A
Assistive device that does not interfere with the independent work of the student on the multiple-choice and/or essay responses (writing portion of the test)	2	2	N/A
Assistive device that interferes with the independent work of the student on the multiple-choice and/or essay responses	3	3	N/A
Audio amplification equipment	1	1	1
Braille transcriptions provided by the test contractor	2	2	N/A
Calculator on the mathematics tests	3	N/A	N/A
Calculator on the science tests	N/A	N/A	N/A
Colored overlay, mask, or other means to maintain visual attention	1	1	N/A
Dictionary	3	3	N/A
** English learners (ELs) may have the opportunity to be tested separately with other ELs provided that the student is directly supervised by an employee of the school who has signed the test security affidavit and the student has been provided such a flexible setting as part of his/her regular instruction or assessment	Variation Allowed		Variation Allowed
Essay responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter and the student provides all spelling and language conventions	2	2	N/A
Essay responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe audio recorder, or speech-to-text converter (scribe provides spelling, grammar, and language conventions)	3	3	N/A
Extra time on a test within a testing day	ALL	ALL	ALL
** Hear the test directions printed in the test administration manual translated into the student's primary language. Ask clarifying questions about the test directions in the student's primary language	Variation Allowed		Variation Allowed
Large-print versions or test items enlarged (not duplicated) to a font size larger than that used on large print versions	2	2	N/A
Manually Coded English or American Sign Language to present directions for administration (does not apply to test questions)	1	1	1
Math manipulatives on the mathematics tests	3	N/A	N/A
Manually Coded English or American Sign Language to present test questions and answer options	2 Math	2 Writing	N/A
	3 ELA	3 Reading, Listening, Speaking	
	2 Writing Task		
Math manipulatives on the science tests	N/A	N/A	N/A
Noise buffers (e.g., individual carrel or study enclosure)	1	1	N/A
Special lighting or acoustics; special or adaptive furniture	1	1	N/A
Student dictates multiple-choice question responses orally, or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter for selected-response items	2	2	N/A
Student marks in test booklet (other than responses) including highlighting	ALL	ALL	N/A
Student marks responses in test booklet and responses are transferred to a scorable answer document by an employee of the school, district, or nonpublic school	2	2	N/A
Supervised breaks within a section of the test	2	2	N/A

Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAHSEE/CELDT/PFT)

DIRECTIONS: SELECT ALL IEP TEAM APPROVED ACCOMMODATIONS / MODIFICATIONS FOR UTILIZATION ON THE NEXT TEST ADMINISTRATION. CATEGORY 3 MODIFICATIONS CAN BE USED FOR THE CELDT AND THE CAHSEE IF SPECIFIED IN THE STUDENT'S IEP OR SECTION 504 PLAN.

TEST VARIATION (1) / ACCOMMODATION (2) / MODIFICATION (3)

ACCOMMODATIONS / MODIFICATIONS	CAHSEE	CELDT	PFT
Test administered at home or in hospital by a test examiner	2	2	2
Test administration directions that are simplified or clarified (does not apply to test questions)	ALL	ALL	ALL
Test individual student separately, provided that a test examiner directly supervises the student	1	1	1
Test over more than one day for a test or test part to be administered in a single sitting	2	2	N/A
Test questions and answer options read aloud to student or used audio CD presentation	2	2	N/A
	Math	Writing 3	
	3	3	
	ELA			Reading
2			
Writing Task			
Test students in a small group setting	ALL	ALL	ALL
Visual magnifying equipment	1	1	N/A
Word processing software with spell and grammar check tools enabled on the essay responses writing portion of test	3	3	N/A
Word processing software with spell and grammar check tools turned off for the essay responses (writing portion of the test)	2	2	N/A
Unlisted Accommodation	Check with CAHSEE/PFT Office Prior to Use	Check with CELDT Office Prior to Use	Check with CAHSEE/PFT Office Prior to Use
Unlisted Modification	Check with CAHSEE/PFT Office Prior to Use	Check with CELDT Office Prior to Use	Check with CAHSEE/PFT Office Prior to Use

** Because the CELDT and STS are tests specifically for English Learners, there are no separate guidelines for administering the CELDT and STS to this population. Please refer to the Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments for additional variations for ALL students, including English learners.

NOTE: Refer to the California Code of Regulations, Title 5 Education, for each specific program for more details.

Test Variation (1)

Students may have these testing variations if regularly used in the classroom.

Accommodation (2)

Eligible students shall be permitted to take the examination/test with accommodations if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.

Modification (3)

For the CELDT, eligible students shall be permitted to take the tests with modifications if specified in the eligible student's IEP or Section 504 Plan. Eligible students shall be permitted to take the CAHSEE with modifications if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.

TYPE OF DRDP: Code A - S (Continue to receive infant/toddler special education servicestransition to preschoolexit special education services)
 Code B - E (Continue to receive preschool special education servicestransition to transitional kindergartentransition to kindergartenexit special education services)

ADAPTATIONS USED WITH THE DRDP ACCESS (MARK THE APPROPRIATE BOX(ES))

Augmentative/Alternative Communication System Alternative Mode for Written Language Visual Support Assistive Equipment/Device Functional Positioning Sensory Support Alternative Response Mode



Home Testing Accountability Testing English Language Proficiency Assessments for California (ELPAC)

CELDT to ELPAC Proposed Transition Timeline

Transitioning from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC).

Assessment Type	2015–16	2016–17	2017–18	2018–19
ELPAC Pilot Testing	December 2015 ¹	N/A	N/A	N/A
Field Test Administration (No scores reported)	N/A	ELPAC ² Summative (Spring 2017)	ELPAC ³ Initial (Fall 2017)	N/A
Operational Administrations (scores reported)	CELDT ¹	CELDT ²	CELDT ³ Initial only ELPAC ⁴ Summative (Spring 2018)	ELPAC ⁵ Initial (July 1, 2018) ELPAC ⁶ Operational (Initial and Summative)

¹ In 2015–16, the CELDT will be administered as usual. Pilot testing for the ELPAC will occur in December 2015. The purpose of the pilot is to ensure that new task types planned for the ELPAC elicit useful information about language proficiency, as described in the 2012 California English Language Development Standards.

² In 2016–17, the CELDT will continue to be administered as usual. In spring 2017, a sample of school districts will participate in the ELPAC Summative Assessment field test. The purpose of each ELPAC field test (Summative and Initial Assessments) is to gather information on the performance of items that will inform final decisions related to test length,

test composition, and score scales to ensure the ELAC is valid and reliable.

³ In 2017–18, the CELT will be administered for the purpose of initial identification only from July 1, 2017 to June 30, 2018. In fall 2017, field testing for the ELAC Initial Assessment will occur.

⁴ In spring 2018, the ELAC Summative Assessment will be operational.

⁵ On July 1, 2018, the ELAC Initial Assessment will be operational.

⁶ In 2018–19, the ELAC assessments will be fully operational, and the CELT will no longer be administered.

[Word version of the CELT to ELAC Proposed Transition Timeline \(DOC\)](#)

Questions: English Language Proficiency Assessments Office | elpac@cde.ca.gov | 916-319-0784

Last reviewed Friday, January 22, 2016



Chapter 16: State and District Assessment Programs

Legal References

CA Education Code Sections
~~51224.5; 51225.3;~~
~~56345(a); 56375;~~
~~56376; 60640;~~
~~60641(b); 60800;~~
~~60850(a); 60851~~

Title 5 CA Code of Regulations
~~850-860: 1041-860~~

Last Updated:
~~9/22/2017~~~~04/08/2016~~

- SECTION A Profiles of State Assessment Programs
- SECTION B Guidance for Making ~~Accommodation~~ Support(s) Decisions
- SECTION C Desired Results Developmental Profile (DRDP)
- SECTION D Guide to the Accommodation Matrix: California English language Development (CELDT), and Physical Fitness Testing (PFT)
- SECTION E Guide to the Accommodation Matrix: California Assessment of Student Performance and Progress (CAASPP)
- SECTION F An Overview of Alternate Assessment
- ~~APPENDIX A — Memo from Dr. Alice Parker: Differential Proficiency Standards and the High School Exit Exam~~
- APPENDIX ~~B~~A CAHSEE Suspension Frequently Asked Questions
- APPENDIX ~~C~~B SELPA form D/M 68L - CAASPP Testing Matrix
- APPENDIX ~~D~~C SELPA form D/M 68L - CELDT and PFT Testing Matrix
- APPENDIX ~~E~~ D Timeline and Differences – CELDT vs. English Language Proficiency Assessment for California (ELPAC)

Introduction

All California students are required to participate in a variety of state and districtwide assessments that are designed to assess progress of the students towards established performance goals. The Individuals with Disabilities Education Act (IDEA) 2004 and California Education Code (EC) require the inclusion of students with disabilities in state and districtwide assessment programs with appropriate accommodations being made for the students where necessary. The California approved achievement tests are administered each spring to all students in grades 3-8, and 11. Local Education Agencies (LEAs) utilize the information that is gathered to make decisions regarding how to design and implement instruction for their students.

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Section A - Profiles of State Assessment Programs

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Testing Accommodations

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California Education Code § 56345(a). The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with [state and federal law] and includes the following: (6)(A) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments; (B) If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of pupil achievement, a statement of the following: (i) The reason why the pupil cannot participate in the regular assessment; (ii) The reason why the particular alternate assessment selected is appropriate for the pupil.

Academically Rigorous Content Standards

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California Education Code § 60850(a). Existing law requires the Superintendent of Public Instruction, with the approval of the State board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the State Board of Education pursuant to Section 60605. To facilitate the development of the examination, the superintendent shall review any existing high school subject matter examinations that are linked to, or can be aligned with, the statewide academically rigorous content standards for English language arts and mathematics adopted by the State Board of Education. By October 1, 2000, the State Board of Education shall adopt a high school exit examination that is aligned with statewide academically rigorous content standards.

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~~The goal of the high school exit exam has been to assess the level of competency that students have acquired throughout their participation in high school in preparation for college, the work place, and their communities.~~

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~~On October 7, 2015, Senate Bill (SB) No. 172 was signed and enacted into law by the Governor of California. As a result, all students, with and without disabilities are no longer required to participate in and/or pass the California High School Exit Examination (CAHSEE) as a condition of receiving a diploma of graduation or as a condition of graduation from high school for each student completing grade 12, for the 2015-16, 2016-17, and 2017-18 school years. SB 172 suspends the administration of the CAHSEE until July 31, 2018, and requires that the governing board or body of a LEA and the State Department of Education on behalf of state special schools, to grant a diploma of graduation from high school to any student who completed grade 12 in the 2003-04 school year or a subsequent school year and has met all applicable graduation requirements other than the passage of the CAHSEE. SB 172 also requires the Superintendent to convene an advisory panel to make recommendations to the Superintendent of Public Instruction on the continuation of the high school exit examination and on alternative pathways to satisfy the high school graduation requirements pursuant to California Education Code sections 51224.5 and 51225.3. This law will take effect on January 1, 2016, at which time LEAs shall be permitted to issue diplomas to eligible students.~~

~~The IDEA 2004 and the Elementary and Secondary Education Act (ESEA) require that the Individualized Education Program (IEP) or Section 504 plan address how the student will participate in statewide assessments. Students with only Section 504 plans do not have the same procedural protections as students with IEPs. Federal regulations indicate that one way to guarantee a Free Appropriate Public Education (FAPE) under Section 504 is to provide the same procedural protections as required under the IDEA. However, since the rules are not identical, LEA personnel should consult with local counsel when adopting or applying policies regarding statewide assessments. For purposes of and relating to the CAHSEE, Code 15 should be selected and identified as the reason a student will not be participating in the examination.~~

~~For further information about the suspension of the CAHSEE, please refer to the frequently asked questions and answers (Appendix B) about the suspension of the CAHSEE and the implementation of Senate Bill (SB) 172, **California Assessment of Student Performance and Progress (CAASPP)**~~

~~California Education Code § 60640 established the California Alternate Assessment of Student Performance and Progress (CAASPP). The CAASPP System, which replaced the Standardized Testing and Reporting (STAR) Program is the new state academic testing program. It is a system intended to provide information that can be used to monitor student progress and ensure that all children leave high school ready for college and career. The CAASPP encompasses the following assessments and student participation requirements:~~

- ~~• **Smarter Balanced Summative Assessments for English language arts/literacy (ELA) and mathematics in grades three through eight and 11;**~~
- ~~• **Alternate assessments for English language arts/literacy and mathematics in grades three through eight and 11; and**~~
- ~~• **Standards-based Tests in Spanish (STS) for reading/language arts in grades two through 11 (optional).**~~

California High School Exit Examination (CAHSEE)

~~The goal of the high school exit exam has been to assess the level of competency that students have acquired throughout their participation in high school in preparation for college, the work place, and their communities.~~

~~On October 7, 2015, Senate Bill (SB) No. 172 was signed and enacted into law by the Governor of California. As a result, all students, with and without disabilities are no longer required to participate in and/or pass the California High School Exit Examination (CAHSEE) as a condition of receiving a diploma of graduation or as a condition of graduation from high school for each student completing grade 12, for~~

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the 2015-16, 2016-17, and 2017-18 school years. SB 172 suspends the administration of the CAHSEE until July 31, 2018, and requires that the governing board or body of a LEA and the State Department of Education on behalf of state special schools, to grant a diploma of graduation from high school to any student who completed grade 12 in the 2003-04 school year or a subsequent school year and has met all applicable graduation requirements other than the passage of the CAHSEE. SB 172 also requires the Superintendent to convene an advisory panel to make recommendations to the Superintendent of Public Instruction on the continuation of the high school exit examination and on alternative pathways to satisfy the high school graduation requirements pursuant to California Education Code sections 51224.5 and 51225.3. This law will take effect on January 1, 2016, at which time LEAs shall be permitted to issue diplomas to eligible students.

The IDEA 2004 and the Elementary and Secondary Education Act (ESEA) require that the Individualized Education Program (IEP) or Section 504 plan address how the student will participate in statewide assessments. Students with only Section 504 plans do not have the same procedural protections as students with IEPs. Federal regulations indicate that one way to guarantee a Free Appropriate Public Education (FAPE) under Section 504 is to provide the same procedural protections as required under the IDEA. However, since the rules are not identical, LEA personnel should consult with local counsel when adopting or applying policies regarding statewide assessments. For purposes of and relating to the CAHSEE, Code 15 should be selected and identified as the reason a student will not be participating in the examination.

For further information about the suspension of the CAHSEE, please refer to the frequently asked questions and answers (Appendix B) about the suspension of the CAHSEE and the implementation of Senate Bill (SB) 172.

English Language Proficiency Assessments for California (ELPAC):

The California Department of Education (CDE) is in the process of replacing the California English Language Development Test (CELDT), which is aligned with the 1999 English Language Development (ELD) Standards, with the English Language Proficiency Assessments for California (ELPAC), which will be aligned with the 2012 California ELD Standards. The CELDT will continue to be administered until the ELPAC becomes operational.

Information about the proposed timelines for the transition from the CELDT to the ELPAC, and the brief differences between the CELDT and the ELPAC can be found in Appendix E. For general information regarding the ELPAC, please refer to the CDE website.

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Federal Requirements - IDEA ~~states:~~

As appropriate, the state or LEA - (i) develops guidelines for the participation of students with disabilities in alternate assessments for those students who cannot participate in state and districtwide assessment programs; and (ii) develops and, beginning not later than July 1, 2000, conducts those alternate assessments.

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Federal Requirements - Title 1 of the Elementary and Secondary Education Act indicates: Guidance from the Assistant Secretary for Elementary and Secondary Education (April 2000):

For students with disabilities whose IEP or Section 504 placement teams have determined that the standard state assessment would not appropriately show what these students know and are able to do, each state must have a statewide alternate assessment system or a comprehensive state policy governing locally developed alternate assessments. Alternate assessments must be valid, reliable, and to the maximum extent appropriate, aligned to state content and performance standards. In addition, states must monitor and collect

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data from LEAs to ensure the proper use of alternate assessments; they must publicly report the results of alternate assessments; and they must integrate the results of alternate assessments into their accountability systems.

Physical Fitness Test (PFT) Administered at Grade Levels

The SBE designated the FITNESSGRAM® as the Physical Fitness Test (PFT) for children attending California public schools. The FITNESSGRAM® is a comprehensive, health-related physical fitness battery developed by The Cooper Institute. The primary goal of the FITNESSGRAM® is to assist children in establishing lifetime habits of regular physical activity.

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Pursuant to Education Code § 60800, all LEAs in California are required to administer the PFT annually to all children in grades five, seven, and nine. Children in grades five, seven, and nine are required to take the PFT, whether or not they are enrolled in a physical education class or participate in a block schedule. These include children who are enrolled in LEAs such as elementary, high, and unified school districts, county offices of education, and charter schools. Charter LEAs must also test all children in alternate programs, including, but not limited to, continuation schools, independent study, community day schools, county community schools, and nonpublic schools. Children who are physically unable to take the entire test battery are to be given as much of the test as his or her condition will permit (Education Code § 60800; Title 5 of the California Code of Regulations § 1041).

The PFT provides information that can be used by 1) students to assess and plan personal fitness programs, 2) teachers to design the curriculum for physical education programs, and 3) parents to understand their child's fitness levels. This program also provides results that are used to monitor changes in the physical fitness of California students.

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Section B - Guidance for Making Accommodation Support(s) Decisions

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Statewide assessments have the following purpose: 1) to show how much a ~~child~~ student has learned, 2) to reveal how successfully a school has educated its students, and 3) to help guide instructional improvement strategies. Since instructional and policy decisions are based on data from standards-based assessments, ~~children~~ students with disabilities need to be included to the maximum extent possible. The following guidance offers information about the major assessment programs in California and specific information on how to provide test accommodations when needed.

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~~The term "accommodation" is commonly used to define changes in format, response, timing, or scheduling that do not alter in any significant way what the test measures or the comparability of scores. When changes in the assessment alter what the test is supposed to measure or the comparability of scores, terms such as "modification," "nonstandard administration," or "not allowed" are often used. Without accommodations, an assessment may not accurately measure the student's knowledge and skills. The purpose of an accommodation is to level the playing field, not to provide an advantage to some students.~~

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~~Decisions about accommodations should be made by the people who know the student's strengths and weaknesses. It is important that the student and his/her parents are comfortable with the accommodations. Accommodations should be reviewed annually, and if necessary modified. Information about the student's test behavior can guide future use of accommodations, such as, how the student responded and utilized the provided accommodation(s).~~

~~The following may be used as guidelines in making accommodation decisions:~~

- ~~• Accommodations should facilitate an accurate demonstration of what the student knows or can do;~~
- ~~• Accommodations should not provide the student with an unfair advantage or interfere with the validity of a test; they must not change the underlying skills that are being measured by the test;~~
- ~~• Accommodations must be the same or nearly the same as adaptations used by the students in completing classroom assignments and classroom assessment activities;~~
- ~~• Accommodations must be necessary for enabling the student to demonstrate knowledge, ability, skills, or mastery; and~~
- ~~• Accommodations must be familiar to the student and must not be used for the first time on state assessments.~~

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Section C - Desired Results Developmental Profile (DRDP)

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The DRDP is the assessment component of the CDE Desired Results (DR) system. In 2000, the DR system was established within the CDE's Child Development Division (CDD) to improve the quality of programs and services provided to young children, from early infancy through school age, who are enrolled in the thousands of center-based early care and education programs, before and after school programs, and family childcare home education network programs funded by CDD across California. The DRDP assessment is required twice per year for every child in all of these CDD-funded programs. The purpose of the DRDP is to inform and support the curricular decisions and program improvement decisions made by teachers and program staff, and to inform and support the policy decisions made by stakeholders in early childhood at the state and local levels.

DRDP is a system of authentic assessment for individual children. The teacher who knows the child best uses the broad range of DRDP observational protocols to record the specific levels of development that have been observed across multiple domains of development over at least 60 days of interaction with the child. DRDP is assessment that is embedded in program activities. The teacher is not required to set up activities for the purpose of assessment. DRDP includes observation during the developmentally age-appropriate play-based and instructional activities that are typical in high-quality programs and kindergarten classrooms.

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Section D - Guide to the Accommodations Matrix: California English Language Development Testing (CELDT) and Physical Fitness Testing (PFT)

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SELPA Form D/M 68L (Appendix D) was designed to help IEP and 504 teams make informed decisions about accommodations on statewide assessments. It is not an exhaustive list of possible accommodations, but it gives an idea of how common accommodations mesh with the constructs of each of the major statewide assessments. Please check the CDE website for regular updates on the testing matrices.

Who is eligible for accommodations?

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Those accommodations designated as Category 1, may be described as flexibility in administration of the test and do not alter what is measured by the test. These accommodations are available for any student who uses the accommodation regularly for classroom instruction and/or assessment. Accommodations are not only for students receiving special education or 504 services, but these students are the only ones for whom the law requires that accommodations be provided. Even though Category 1 accommodations are available for all students, they should be documented in the IEP or 504 plans for those students with disabilities who need the accommodation to access the test and minimize the effects of their disability.

Accommodations designated as Category 2, are allowed only for students who have them documented in their IEP or 504 plans and are similar to those used by the student or classroom instruction and/or classroom assessment. In general, Category 2 accommodations require a more significant alteration in presentation, timing/scheduling, setting, or response and, in most cases, require more preplanning in order to ensure the availability of needed resources.

Modifications designated as Category 3, fundamentally alter what the test measures. They are available only to students with documentation in their IEP or Section 504 plans. Students who use a modification on any assessment are not included in the participation calculation for Annual Yearly Progress (AYP).

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Section E - Guide to the Accommodations Matrix: California Assessment of Student Performance and Progress (CAASPP)

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Signed into law on October 2, 2013, Assembly Bill (AB) 484 establishes the CAASPP. The provisions of AB 484 became effective January 1, 2014. The CAASPP system is based on the state's new California Common Core Standards for English language arts (ELA) and mathematics adopted by the State Board of Education (SBE) in 2010. The CAASPP system replaces the Standardized Testing and Reporting (STAR) Program. The primary purpose of the CAASPP system is to assist teachers, administrators, and students and their parents by promoting high quality teaching and learning through the use of a variety of assessment approaches and item responses.

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A. Types of supportSupport:

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(1) **Embedded Supports** are digitally-delivered features or settings available as part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

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(2) **Non-embedded Supports** are available, when provided by the LEA for either computer-administered or paper-pencil CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

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B. Who is eligible?

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(1) **Universal Tools** are available to all students. Students may turn the support(s) on/off when embedded as part of the technology platform for the computer-administered CAASPP tests or may choose to use it/them when provided as part of a paper-pencil test.

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(2) **Designated Supports** are features that are available for use by any student for whom the need has been indicated prior to the assessment, by an educator or group of educators.

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(3) **Accommodations** are available for eligible students if specified in the student's IEP or 504 plan.

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(4) **Unlisted Resource(s)** is instructional support(s) that a student regularly uses in daily instruction and/or assessment that has not been previously identified as a Universal Tool, Designated Support, or Accommodation. It may or may not change the construct of the assessment. Unlisted Resource(s) is available if specified in the eligible student's IEP or 504 plan. If an IEP team or Section 504 plan identifies and designates a resource not identified in the CAASPP matrix, the LEA CAASPP Coordinator or the CAASPP Test Site Coordinator may submit, on behalf of the child who has an IEP or Section 504 plan, a request through the Test Operations Management System (TOMS) to the CDE, prior to the administration of a CAASPP achievement test, to allow the use and approval of an Unlisted Resource. The LEA CAASPP Coordinator or the CAASPP Test Site Coordinator shall make the request on behalf of the LEA 10 business days prior to the child's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of the electronic transmission.

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Unlisted Resources are not Universal Tools, Designated Supports, or Accommodations. Unlisted Resources means an instructional support that a child regularly uses in daily instruction and/or assessment that has not been previously identified as a universal tool, designated support, or accommodation. Because an Unlisted Resource has not been identified as a universal tool, designated support, or accommodation, it may or may not change the construction of the assessment.

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The use of an Unlisted Resource by a child will not be allowed if the CDE determines its use threatens the security of the test. In addition to determining whether the Unlisted Resource may be used, the CDE will determine whether the Unlisted Resource changes the construct being measured by the CAASPP achievement test. If the CDE determines the Unlisted Resource changes the construct being measured, the Unlisted Resource will not be approved but may still be used by the child and the child will receive an individual score report. The child will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the Charter LEA. If the CDE determines the Unlisted Resource does not change the construct being measured, the Unlisted Resource will be approved and the child will receive an individual score report and will be counted as participating in statewide testing. Refer to Title 5 of the California Code of Regulations § 853.8 for a list of non-embedded Unlisted Resources that have already been determined to change the construct being measured on the CAASPP achievement tests for English language arts (including the components for reading, writing, and listening).

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mathematics, science, and primary language and will not be approved. The use of an Unlisted Resource must be requested annually by the Charter LEA.

IEP teams should be made aware of the impact of the use of Unlisted Resources pursuant to Title 5 of the California Code of Regulations, but should not allow the impact of the LEA's accountability to outweigh the needs of the child.

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Title 5 of the California Code of Regulations § 853.8(d)(1). If the CDE determines the unlisted resource changes the construct being measured, the unlisted resource will not be approved but may still be used by the pupil and the pupil will receive an individual score report. The pupil will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA.

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~~An LEA may submit on behalf of a student who has an IEP or Section 504 plan, a request for an Unlisted Resource(s) through the Test Operations Management System (TOMS) to the CDE prior to the administration of the CAASPP, to allow the use and approval of an unlisted resource(s). The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA 10 business days prior to the student's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of the electronic transmission.~~

~~The use of an unlisted resource(s) by a student will not be allowed if the CDE determines its use threatens the security of the test. In addition, whether the unlisted resource(s) may be used, the CDE will determine whether the unlisted resource(s) changes the construct being measured by the CAASPP achievement test. If the CDE determines the unlisted resource(s) changes the construct being measured, the unlisted resource(s) will not be approved but may still be used by the student and the student will receive an individual score report. The student will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA. If the CDE determines the unlisted resource(s) does not change the construct being measured, the unlisted resource(s) will be approved and the student will receive an individual score report and will be counted as participating in statewide testing. The use and approval of an unlisted resource(s) must be requested annually by the LEA.~~

~~IEP teams should be made aware of the impact of the use of unlisted resources pursuant to Title 5 of the California Code of Regulations section 853.8(d)(1) (2), but should not allow the impact of the LEA's accountability to outweigh the needs of the student.~~

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Section F - An Overview of Alternate Assessment

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IDEA 2004 and similar amendments to California law require the inclusion of students with disabilities in general state and districtwide assessment programs with appropriate accommodations, where necessary. Alternate assessment is required for students with severe disabilities who cannot participate in general larger-scale assessment programs. The law states:

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“As appropriate, the State or local educational agency - (i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and districtwide assessment programs; and (ii) develops and, beginning no later than July 1, 2000, conducts those alternate assessments.”

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(d) “Alternate assessments” means any assessments as provided in Education Code section 60640(k) and the test materials developed to measure the level of performance for a pupil with significant cognitive disabilities who is unable to take the consortium summative assessments in English language arts (ELA) and mathematics pursuant to Education Code section 60640(b)(1) or is unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with resources.

California Alternate Assessments (CAA)

Pursuant to Title 5 of the California Code of Regulations § 850(h), California Alternate Assessments (CAAs) are the alternate assessments and corresponding test materials in ELA and mathematics as provided for in Education Code § 60640(k) for children with significant cognitive disabilities. The CAA is the success alternate assessment for ELA and mathematics as identified in Education Code § 60640(b)(3).

Children in grades three through eight and grade 11 who have an IEP that designates the use of an alternate assessment are eligible to take the CAA in lieu of the Smarter Balanced Summative Assessments for ELA and mathematics. The goal of the CAA is to ensure that children with significant cognitive disabilities attain increasingly higher achievement levels and leave high school ready for academic or career options.

California Alternate Performance Assessment (CAPA) for Science

The CAPA for ELA and mathematics are given in grades three through eight and grade 11. The CAAs, have replaced the CAPA for ELA and CAPA for mathematics, which were eliminated in 2015. Only eligible children may participate in the administration of the CAAs. The CAPA for science in grades five, eight, and 10 will continue to be administered during the transition to the state’s newly adopted science standards, Next Generation Science Standards (NGSS). The state is currently developing assessments that are aligned with the NGSS. During the transition to new science assessments, children in grades five, eight, and 10 who have a significant cognitive disability are eligible to take the CAPA. The CDE encourages LEAs to work with administrators, teachers, parents, and students to initiate the implementation of the NGSS.

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There are additional specific requirements to report the number of children in alternate assessments, report the performance of children on alternate assessments after July 1, 2000, if doing so would be statistically sound and not disclose the results of individual children, ensure that IEP teams determine how each student will participate in large-scale assessment, and if not participating, describe how the student will be assessed, and reflect the performance of all students with disabilities in performance goals and indicators that are used to guide State Improvement Plans.

An estimated 10-20% of students with disabilities, or 1-2% of the general student population, will be unable to participate in the CAASPP program even with accommodations, and therefore must receive an alternate assessment. In determining the assessment procedure to be used for any student, the student’s curriculum should drive the choice. The IEP team should consider:

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- Whether the student participates in an academic or functional curriculum;
- Types of instructional modifications employed by the student;
- Whether the student is working toward a standard high school diploma;
- Preference of the parent;
- Where applicable, the preference of the student; and

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Input from other involved agencies.

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The decision should not be influenced by the student's social, cultural or economic background, attendance, or previous record of achievement. Any decisions regarding accommodations, participation in alternate assessment or exemption by parental request must be documented in the IEP.

The following information appeared in The Special Edge, Summer 2000, Volume 13, Number 2, as an accompaniment to "Accountability in the Classroom" by Judy Elliott.

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What does an alternate assessment evaluate?

The current framework that exists for alternate assessments, developed by the National Center on Educational Outcomes, identifies six areas for alternate assessments to evaluate: academic and functional literacy, physical health, responsibility and independence, citizenship, personal and social well-being, and satisfaction.

For whom are alternate assessments designed?

Students who have significant cognitive disabilities are eligible for alternate assessments. As a rule, these students do not meet the same requirements as those for students who are graduating with a regular high school diploma. Instead, these students are working on life skills curricula. Many of them are preparing for a future that includes supported employment, sheltered workshops, group homes, or supervised independent living arrangements.

How does alternate assessment differ from alternative assessment?

An alternative assessment is simply a means of assessing what a student has learned in a manner that departs from more traditional approaches, like multiple-choice tests. Forms of alternative assessment include portfolios, dramatic presentations, and various types of exhibits and demonstrations. These assessments, when rigorously aligned with a school's curriculum, and academic and performance standards, are appropriate for all students.

How does alternate assessment differ from eligibility assessment?

The most familiar type of assessment in special education is the one used to determine whether or not a student is eligible for special education services. This form of evaluation serves a purpose entirely different from those assessments that demonstrate the academic success or ranking of a student. Eligibility or identification assessments can help to locate those students who need special services.

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California's Guidelines for Alternate Assessments:

Students with IEPs or 504 plans who are not able to take large-scale assessments, even with accommodations, should take the alternate assessment. It is anticipated only 1% of all students or 10% of students receiving special education will take alternate assessments. The decision is individualized and made by the 504 team or IEP team. Currently, the alternate assessment assigns each IEP goal to a functional life skill content area.

At this time, there are 24 states participating in the National Center and State Collaborative (NCSC) project to build an alternate assessment based on alternate achievement standards (AA-AAS) for students with the

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~~most significant cognitive disabilities. The goal of the NCSC is to ensure that students with the most significant cognitive disabilities achieve increasingly higher academic outcomes and leave high school ready for postsecondary options. For updates regarding the AA AAS, go to www.ncspartners.org.~~

APPENDIX A

Memo from Dr. Alice Parker dated March 14, 2000

<http://www.cde.ca.gov/spbranch/sed/ofeimem/om031400.htm>

STATE OF CALIFORNIA DEPARTMENT OF EDUCATION SPECIAL EDUCATION DIVISION

MEMORANDUM

TO: _____ Special Education Local Plan Area (SELPA)
_____ State Operated Programs (SOP) Directors/Administrators
_____ Special Education Administrator at County Offices (SEACO)

DATE: _____ March 14, 2000

FROM: _____ Dr. Alice D. Parker, Assistant Superintendent Director, Special Education

SUBJECT: _____ Differential Proficiency Standards and the High School Exit Exam

Senate Bill 2 (Chapter 1, Statutes of 1999), approved by the Governor in March 1999, stated that "Local proficiency standards established pursuant to Section 51215 of the Education Code are generally set below a high school level and are not consistent with state adopted academic content standards." Section 4 of Senate Bill 2 stated that "Article 2.5 (commencing with Section 51215 of Part 28 of the Education Code shall become inoperative on July 31, 1999, and as of January 1, 2000, is repealed."

The repealed Section 51215 of the Education Code required local districts to adopt differential proficiency standards and assessment procedures for students who were enrolled in special education programs as determined by an IEP team. The old law prohibited a student with disabilities from receiving a regular diploma of graduation from high school if he or she had not met the differential proficiency standards prescribed by the school district. On January 1, 2000, California's requirement that local boards adopt differential proficiency standards was repealed. California's prohibition from receiving a regular diploma if those differential standards were unmet no longer exists.

Education Code Section 60851 (a), beginning in the 2003/04 school year, requires each student completing grade 12 to successfully pass a high school exit examination adopted by the State Board of Education as a condition of receiving a diploma of graduation or a condition of graduation from high school. The exit examination shall be offered to individuals with exceptional needs in accordance with the requirements of state and federal law with appropriate accommodations where necessary.

Although the state no longer requires differential proficiency standards, districts may at their discretion continue to use differential proficiency standards described in the IEP as a local policy. Whether or not a district retains local differential proficiency standards, beginning in 2003/04, all students must pass the high school exit examination in order to receive a regular diploma. Of course, students who do not receive a regular diploma, or who receive any document other than a regular diploma, are entitled to FAPE if they are in the eligible age range.

Assembly Bill 1062 (Chapter 392, Statutes of 1999) added Section 56375 to the Education Code requiring that an individual with exceptional needs who meets locally approved criteria for a certificate or document of educational achievement is eligible to participate in any graduation ceremony in which

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~~a pupil of similar age without disabilities would be eligible to participate. However, the right to participate in graduation ceremonies does not equate a certificate or document of educational achievement with a regular diploma.~~

~~Questions and Answers Excerpted from "Individuals with Disabilities Education Law Report"
(Special Report No. 18, LRP Publications)~~

~~Question: Are students with disabilities subject to the high school exit exam or other state and district requirements for graduation?~~

~~Answer: Assuming that adequate prior notice has been provided, identified students will be subject to the high school exit exam requirements, course requirements, or other district or statewide requirements.~~

~~Question: Does a student who completes IEP goals and objectives automatically graduate with a diploma?~~

~~Answer: The state and district establish high school graduation requirements. If the IEP goals do not meet the diploma requirements, the student does not have a reasonable expectation of receiving a diploma.~~

~~Question: Can a district's local diploma requirements be waived for students with disabilities?~~

~~Answer: A waiver of local requirements is an option for districts, not a mandate. If the district chooses to waive local requirements, adequate prior notice has been provided, and such modification is made on the IEP, the student may meet local requirements for graduation. However, beginning in the 2003-04 school years, the state's requirement to pass the high school exit exam must be met in order to graduate.~~

~~Question: What is a "reasonable" accommodation?~~

~~Answer: A reasonable accommodation is generally defined as changes in the testing materials, administration, or procedures in order to provide students with disabilities equal opportunity to participate when those changes do not lower or substantially alter the standards.~~

~~Question: Are accommodations permitted that substantially alter or lower the standards?~~

~~Answer: Under IDEA '97, such accommodations would only be appropriate for a small percentage of students who are enrolled in alternate programs and would necessarily lead to alternate grading and graduation standards. Currently, there are no alternate statewide standards for graduation in California.~~

~~Question: How are decisions about accommodations made?~~

~~Answer: The selection of accommodations must be made on an individual basis. IDEA '97 specifies that the IEP team should make these decisions, thereby providing parents with notice and the opportunity to accept or reject the district's proposal.~~

~~Question: How do student needs and the right to a FAPE balance with tougher district and statewide standards for graduation?~~

~~Answer: On one side, it would be discrimination if the disability of an otherwise qualified student prevented demonstration of his or her learning. On the other side, states and districts are not required to lower or substantially modify standards to accommodate students with disabilities. Striking a balance requires that districts: 1) establish districtwide,~~

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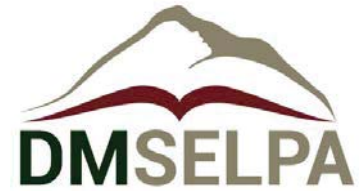
~~schoolwide standards and/or implement statewide standards for all students; 2) provide adequate advance notice to all students so they have a reasonable time to prepare (opportunity to learn) or to make an informed decision that the student will not pursue a regular diploma; and 3) make individualized decisions, considering the student's needs for accommodations and what is appropriate. A key issue is whether the student has had the opportunity to learn the material on the test. Assuming that adequate advance notice has been provided and a decision is made to pursue a regular diploma, students must receive instruction that covers the skills and knowledge required.~~

~~If you have questions or need further clarification, please contact Mark Fetler, Assessment, Evaluation, and Support Unit at mfetler@ede.ca.gov or (916) 322-0373.~~

References

~~EC §§ 56345(a), 56375, 56376, 60641(b), 60850(a), 60851~~

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Chapter 18: Nonpublic Schools and Agencies

Legal References

CA Education Code
Sections
56034; 56035; 56365;
56366, 56366.3

Title 5, CA Code of
Regulations
3060-3061, 3064,
3068-3069

Government Code
7572.55

Welfare & Institution
Code
362.2, 727.i

Last Updated:
8/3/2017

SECTION A	Nonpublic, Nonsectarian School Services
SECTION B	Placement and Services
SECTION C	Out-of-State Placements
SECTION D	Placement Procedures
SECTION E	Children Residing in Group Homes/Foster Homes
APPENDIX A	Guidelines for Parent Reimbursement for Students in Residential Placement
APPENDIX B	Parent Reimbursement Claim Form

Introduction

Nonpublic, nonsectarian school and agency (NPS/NPA) services are provided when the needs of a child are more intensive than can be met in the public-school setting. All program options and modifications should be exhausted prior to an Individualized Education Program (IEP) team recommending consideration of a NPS/NPA placement. This chapter contains information regarding the placement of children with disabilities in NPS/NPA placements.

Each Local Education Agency (LEA) that contracts with a NPS shall evaluate the placement of children attending such schools on at least an annual basis as part of the annual IEP review. The LEA representative shall review the Master Contract, Individual Service Agreement (ISA), and the IEP to ensure that all services agreed upon and specified in the IEP are provided.

NPS' are required by the Master Contract and the IEP to annually evaluate children attending the NPS, to determine if they are making appropriate educational progress. The LEA representative shall collaboratively review with the NPS the evaluations conducted by the NPS to ensure that they were appropriate and valid for measuring student progress. The LEA may choose to administer additional assessments as necessary with parent consent, to determine whether the child is making appropriate educational progress.

DEFINITIONS

California Education Code § 56034. *“Nonpublic, nonsectarian school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college. A nonpublic, nonsectarian school also shall meet standards as prescribed by the Superintendent and board.*

California Education Code § 56035. *“Nonpublic, nonsectarian agency” means a private, nonsectarian establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupils' educational program pursuant to an individualized education program and that is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, a public university or college, or a public hospital. The nonpublic, nonsectarian agency shall also meet standards as prescribed by the superintendent and board.*

California Education Code § 56366. *It is the intent of the Legislature that the role of a nonpublic, nonsectarian school or agency shall be maintained and continued as an alternative special education service available to a local educational agency and parents.*

Section A – Nonpublic, Nonsectarian School Services

NPS services are an instructional component of the Desert/Mountain Special Education Local Plan Area (SELPA) administrative unit. It is recognized that public schools cannot provide services to meet the needs of all children with disabilities. Some children will need such individualized and specialized services as can only be provided outside public education. NPS services will be provided only when the IEP team determines that no appropriate placement is available in the public school to meet the individual child's needs.

In addition, NPS services can be used when the resources available to the SELPA LEA staff are not sufficient to adequately identify the child's needs. A child may be referred with parent consent to a public or private agency for diagnosis. If payment for such diagnostic services is required, the SELPA and LEA will coordinate to provide such payment. Reports from these agencies will become a permanent part of the child's records. Such referrals will be made on an individual case basis and only when the service cannot be provided through public school services available within the SELPA. The SELPA will ensure that the NPS or NPA meets the following standards:

- The agency has adequately trained personnel to do the diagnostic work;
- The agency has appropriate facilities and equipment' and
- The agency meets local health, fire, and safety standards.

The SELPA Nonpublic School Coordinator will annually monitor NPS' for compliance with the provisions set forth in Assembly Bill (AB) 1858. AB 1858 includes requirements for NPS' that provide special education and related services to children with disabilities residing in a Licensed Children's Institution or Foster Family Home (FFH).

Every attempt will be made to assure student progress so that a child may ultimately be able to return to some form of public school program. It is the LEA's responsibility to monitor the progress of children placed in NPS programs. The SELPA Nonpublic School Coordinator shall act as a liaison between the SELPA, the LEA, and the NPS in all matters concerning a child's placement.

Children with disabilities may be enrolled concurrently in both a public and NPS, provided one is the major enrollment and the other is supplemental. This determination will be made by the SELPA/IEP team based upon the educational needs of the child with a disability and will be provided only when this arrangement best meets these needs.

Children placed in a NPS must complete graduation requirements of their LEAs of residence, which will issue a diploma. Children will be able to participate in their LEA's graduation ceremony.

The SELPA will consider NPS/NPA placement and/or services for all children who require such services in order to benefit from their educational program as determined by the IEP team. In order to ensure that the child is being provided such a program within the least restrictive environment (LRE), the IEP team shall utilize such NPS/NPA services only after exploring all public-school program alternatives.

NPS/NPA contracts are developed to meet state and federal mandates, including approval by the California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Chief Executive Officer (CEO). The NPS/NPA contracts are to include, but not be limited to:

- Negotiation of length of service time;
- Provisions of change in the agreement;
- Provisions for termination of the contract;
- Financial agreements for the services; and
- Description of services to be provided.

Further, each NPS/NPA site must furnish the following information to the SELPA on at least an annual basis:

- Evidence of compliance with local fire, sanitation, and building safety standards;
- Current written procedures for Behavioral Emergency Interventions (*Title 5 of the California Code of Regulations § 3052(k)*);
- Copies of the special education credentials for each staff member providing direct or indirect services to children placed by the in that NPS/NPA site;
- Copies of the NPS/NPA state certification; and
- Other items as specified in the Master Contract.

It is the intent of the SELPA to abide by, carry out, and implement its responsibilities regarding NPS/NPA facilities as per California Education Code §§ 56365 et seq.

After thoroughly reviewing available services, some children with disabilities will need intensive, individualized, and specialized educational services that can only be provided outside public education.

Rationale for Nonpublic School/Agency (NPS/NPA) Referral

- Must be documented that there is no available public program that can appropriately meet the child's needs, even with modification;
- Must be documented that no existing contracting agency (California Children's Services (CCS), Inland Regional Center (IRC)) can meet the child's needs appropriately;
- Must be documented that the service is required for the child to benefit from an educational program; and
- All public resources must be exhausted and proven inappropriate.

Section B – Placement and Services

Procedures specified in law shall govern the selection of appropriate NPS/NPA services.

NOTE: *As amended in Register 99, No. 13, Title 5 of the California Code of Regulations §§ 3060 and 3061 specify new requirements regarding special education classes offered in nonpublic, nonsectarian schools and agencies. These requirements detail the staffing requirements for instructors, including the credentials that instructors must hold; the eligibility requirements for such credentials, and the number of instructors required per school or agency. Pursuant to Title 5 of the California Code of Regulations §*

3064, the California Department of Education (CDE) may issue conditional certifications to allow agencies and schools to comply with the new requirements.

Contracts with a NPS/NPA shall include an Individual Service Agreement (ISA) negotiated for each child. ISAs shall be for the length of time for which NPS/NPA services are specified in the child's IEP, not to exceed one year. Changes in educational instruction, services, or placement shall be made based only on revisions to the child's IEP (*Education Code § 56366*). NOTE: *Additional requirements related to contracts and personnel with NPS/NPA are specified in Education Code §§ 56366 and 56366.3.*

The Master Contract shall specify the general administrative and financial agreements between the NPS/NPA and the LEA/SELPA to provide the special education and related services, as well as transportation specified in the child's IEP. The administrative provisions of the contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the contracting LEA/SELPA to ensure that appropriate high school graduation credit is received by the child. The contract may allow for partial or full-time attendance at the NPS (*Education Code § 56366*). NOTE: *The NPS/NPA must be certified as meeting state standards pursuant to Education Code § 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent agrees to transfer the child to the program.*

The Master Contract shall include a description of the process being utilized by the LEA/SELPA to oversee and evaluate placements in a NPS. This description shall include a method for evaluating whether the child is making appropriate educational progress (*Education Code § 56366*).

The LEA superintendent or designee of an elementary LEA shall notify a high school LEA of all children placed in NPS/NPA programs prior to the annual review of the IEP for each child who may transfer to the high school LEA (*Title 5 of the California Code of Regulations § 3068*).

When a child with a disability meets the LEA requirements for completion of the prescribed course of study as designated in his/her IEP, the LEA, which developed the IEP, shall award the diploma (*Title 5 of the California Code of Regulations § 3069*). Children with disabilities shall be able to participate in their LEA's graduation ceremony.

Section C – Out-of-State Placements

Before contracting with a NPS/NPA outside California, the LEA/SELPA shall document the LEA's efforts to find an appropriate program offered by a NPS/NPA within California (*Education Code § 56365*). NOTE: *Government Code § 7572.55 and Welfare and Institutions Code §§ 362.2 and 727.i, as amended by SB 933 (Ch. 311, Statutes of 1998) relate to the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.*

Within 15 days of any decision for an out-of-state placement, the child's IEP team shall submit to the California Department of Education (CDE) Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the LEA's efforts to locate an appropriate public school or NPS/NPA within California (*Education Code § 56365*).

If the LEA decides to place a child with a NPS/NPA outside the state, the LEA shall indicate the anticipated date of the child's return to a placement within California, and shall document efforts during the previous year to return the child to California (*Education Code § 56365*).

Section D – Placement Procedures

The LEA CEO or designee shall review all documented efforts to utilize all public-school options prior to utilizing a NPS/NPA. NPS/NPA services are provided when the needs of a child are more intensive than can be met in the public-school setting. All program options and modifications should be exhausted prior to an IEP team recommending consideration of a NPS/NPA placement. The LEA/SELPA shall review the Master Contract, ISA, and the IEP to ensure that all services agreed upon and specified in the IEP are provided. The LEA/SELPA will process referrals and locate an appropriate NPS to meet the child's needs. The SELPA may assist and/or collaborate with the LEA to locate an appropriate NPS.

Each LEA agrees to use the Master Contract and ISA adopted by the SELPA. SELPA administration will ensure that the Master Contract has been approved by the California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP JPA) Governance Council and/or legal counsel, and is updated per federal or state requirements.

NPS' are required by the Master Contract and the IEP team to annually evaluate the child (formally and informally) to determine if the child is making appropriate educational progress. As part of the IEP review process, each LEA that contracts with a NPS shall evaluate the placement of its student(s) in such a school on at least an annual basis. The LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring student progress. The LEA may determine to conduct the evaluation(s) and/or choose to administer additional assessments with parental consent.

Section E – Children Residing in Group Homes/Foster Homes

LEAs within the SELPA have an obligation to place children who are homeless or who are foster children in school as required under the McKinney-Vento Education for Homeless Children and Youths Program. Under McKinney-Vento, these children must be provided access to a free appropriate public education (FAPE) and other services needed without following standard enrollment practices. No proof of residency, immunization records, tuberculosis skin-test results, school records, or legal guardianship papers are required for a child under McKinney-Vento to receive educational services. This process will also apply to Administrative Transfers into the LEA from a LEA, NPS, or county-operated programs. The following are guidelines that LEAs should follow for processing and expediting the enrollment of foster placed/homeless children with disabilities:

1. The LEA will notify the SELPA immediately upon obtaining knowledge of a child who meets the criteria of homeless and/or foster youth with special needs who has transferred into the LEA.
2. Based upon the information available to the LEA (e.g., child's current IEP), the LEA will immediately consider a range of possible placement options for the child, including LEA options, if appropriate, and notify the SELPA. If the child is appropriate for a LEA program, the LEA will immediately enroll the child.
3. If the child's IEP indicates that the child previously attended a NPS, the LEA will do the following:
 - a. Complete the Transfer into LEA form (D/M 52) and obtain the parent and/or guardian signature.

- b. Complete the NPS Referral form (D/M 134) and obtain the signatures of the person making the referral and the Director of Special Education. Specify the IEP team's preference for a specific NPS, if applicable.
- c. Juvenile Hall/NPS Students: If the child's last placement was a local NPS prior to being moved to a juvenile detention center, only complete form D/M 134 upon the child's return to the LEA in lieu of preparing a new transfer NPS referral packet.
- d. Forward the following completed documents to the SELPA Nonpublic School Coordinator:
 - 1) D/M 52 Transfer into LEA form;
 - 2) D/M 134 Nonpublic School Placement Referral form;
 - 3) IEP or IEP Addendum dated within one year of the transfer referral for NPS placement that documents the previous NPS placement;
 - 4) Psycho-educational evaluation dated within three years of the transfer referral for NPS placement;
 - 5) If the last triennial was completed with a Triennial Assessment Determination form (D/M 119), include the last full psycho-educational report; and
 - 6) Any additional information.
- e. Within 10 business days of receipt of the completed referral packet, the SELPA Nonpublic School Coordinator will review the packet for completion and forward it to the LEA's NPS school of choice. The NPS will contact the parent and/or guardian and placement will be made within 10 business days.

The NPS will work directly with the LEA to schedule an IEP within 30 days of the child's placement at the school. The placement should be listed on an IEP or IEP Addendum including the NPS, start date, duration, and frequency. The IEP or IEP Addendum should be forwarded to the Nonpublic School Coordinator at the SELPA.

NOTE: Within 30 days of placement, the LEA will make every effort to locate student records including IEPs, psychological assessments, immunization records, and birth certificates. If no school records can be located, the LEA will assess the child in all suspected areas of disability. Every effort will be made to assess these children within the 30-day placement.

Within five business days of receipt of the Addendum to the IEP, the SELPA Nonpublic School Coordinator will develop a Master Contract with the NPS if one does not currently exist and an ISA. The ISA will be forwarded to the appropriate NPS for signature. The SELPA will enter the NPS placement into the SELPA Management Information System (MIS) database.

The LEA may access additional support from the SELPA psychologist for group home and foster-placed children.

The federal McKinney-Vento Homeless Assistance Act requires schools to enroll new students who are homeless even if their immunization records are missing or unavailable at the time of enrollment. California law requires schools to immediately enroll foster children transferring to their school even if a foster child is unable to produce immunization records normally required for school entry. LEAs, parents, caregivers, foster parents, and group home staff should work with their local county health agencies to assist children in obtaining immunization records and/or immunizations for those children who are identified as needing additional immunizations. The law still requires that the school obtain the child's immunization record and ensure that the foster child has met all immunization requirements (i.e., Senate Bill (SB) 277 requirements, June 2015). LEAs must also track children they admit without proof of immunization so that they can be protected in case of an outbreak of any vaccine-covered disease.

California school immunization law allows schools to give students who are transferring in from other states up to 30 days to produce their immunization records. LEAs, parents, caregivers, foster parents, and group home staff should work with their local county health agencies to assist children in obtaining immunization records and/or immunizations for those children who are identified as needing additional immunizations. LEAs must also track children they admit without proof of immunization so that those children can be protected in case of an outbreak of any vaccine-covered disease.

Draft for Review 9/22/2017

Guidelines for Parent Reimbursement/Reunification Visits

Introduction

The following information is established to provide guidelines to participating Local Education Agencies (LEAs) regarding authorized travel-related expenses/reimbursement of parent reunification visits for residentially-placed children receiving special education services.

The role of the Desert/Mountain Special Education Local Plan Area (SELPA) in this process is primarily to facilitate the assessment and referral process for residential placement for mental health purposes on behalf of participating LEAs. Parent reunification visits are family meetings that are agreed upon through an IEP and arranged by the SELPA, LEA, and the parent. The LEA is the authorized agent to approve all necessary parent reimbursements relating to the reunification visit(s). Therefore, parent reimbursement claims should be submitted to the LEA for verification and reimbursement.

Parent reimbursement will only be provided when the child's IEP specifies a residential placement located outside the boundaries of the SELPA member LEAs. Reimbursement may include transportation, lodging, and meals.

Additionally, parent reimbursement claims for additional family member(s) participation at approved family meeting(s) is not uncommon and has been accommodated for reimbursement based on the IEP team's determination of the child's needs and/or the IEP team's approval of the recommendation of the mental health treatment plan. The approval of additional requests for reimbursement beyond those determined to be educationally necessary by the IEP team will be at the discretion of the LEA under its adopted policy.

Reimbursement to Parent (Children receiving mental health services)

The LEA is financially responsible for reasonable expenses associated with the transportation of a pupil with a disability to and from the mental health services that are specified on the pupil's IEP. The determination of the appropriate number of trips home from a residential facility as well as the frequency of reunification visits required in order for a child to benefit from special education, should be determined by the IEP team on a case-by-case basis (Letter to Dorman, 211 IDELR 70 (OSEP 1978); Letter to Anonymous, 213 IDELR 164 (OSEP 1988)).

The residential facility may arrange for transportation of the child to the residential facility. Cost for this transportation is to be submitted as an invoice and paid directly by the LEA. In some instances, however, it may be necessary for a parent to transport their child to the residential facility. In this case, the following parameters and procedures for parent reimbursement shall apply:

A. Transportation of Student to/from Residential Placement Facility

1. Parent reimbursement will be provided for transportation costs for the initial delivery or final return of the child to or from the residential facility. Reimbursement will be for the child and one parent escort using one of the following modes of transportation: airplane, personal vehicle, bus, train, or rental car. If a rental car is used, original receipts for gas purchased must be submitted and documented in the parent reimbursement claim form. The LEA may cap the allowable reimbursement.

Should the IEP team determine that a child needs to be transported to or from the residential facility using an escort service, the need for this service shall be documented in the child's IEP, and the LEA will reimburse the Nonpublic School (NPS) for actual escort services, or will pay the escort company directly if there is enough lead time to

Guidelines for Parent Reimbursement/Reunification Visits

initiate a transportation contract. If the parent chooses to pay for the escort service, the parent should submit the reimbursement claim form directly to the LEA and the LEA will reimburse the parent within 60 days of receiving/verifying the claim form. The dated, itemized, original receipt should be attached to the claim form.

2. If the parent elects to drive their personal vehicle, reimbursement will be provided for mileage at the established governmental rate per LEA policy. The total reimbursement amount for mileage shall not exceed the cost of economy airfare for the parent and child to the residential placement site. *Example, if parent's roundtrip airfare and child's one-way airfare plus airport parking and ground transportation to the residential placement site would be \$650 and the mileage reimbursement to the residential facility site is \$700; the mileage reimbursement will be reduced to the \$650 amount.*
3. Mileage reimbursement for personal vehicle mileage will be provided for the roundtrip distance between the child's home and the residential facility site. Parent should document the vehicle mileage in the parent reimbursement claim form and submit the form to the LEA. An independent mileage website (i.e., Yahoo maps, MapQuest, etc.) will be used by the LEA to verify the mileage calculation.
4. Lodging expenses will be reimbursed for no more than one night during the trip to either deliver or pick the student up from the residential facility located at least 200 miles from the child's home. Maximum reimbursement for lodging is \$100 per night and does not include phone calls, in-room movies, room service, or other miscellaneous expenses incurred. Under no circumstances may personal expenses be reimbursed other than those specified in this policy. Parent should complete the reimbursement claim form and attach the dated, itemized, original lodging receipt, and submit the documents to the LEA for reimbursement.
5. If travel is by airplane, parking at the departure airport and ground transportation (the lesser expense for either a shuttle or taxi) from the destination airport to the residential facility will be reimbursed with submission of the original receipt(s).

NOTE: Many residential facilities provide ground transportation from the airport to their facility. Parent should check with the residential facility prior to making ground transportation arrangements.

6. Rental cars must be selected from the Economy or Compact class. Additional CDW insurance coverage on the rental car will not be reimbursed.
7. Requests for reimbursement must be submitted to the LEA within 30 days of travel. Parent must complete and submit the attached Parent Reimbursement Claim form to the LEA. Original itemized receipts for allowable expenses for the date(s) of travel must be attached to the claim form.
8. Reimbursement payment will be made within 50 days of the LEA's receipt of the properly completed claim form and original receipts. No claim form will be processed without the original itemized receipts.

B. Parent Visitation to/from Residential Placement Facility

1. Reimbursement will only be provided by the LEA for parent(s) visitation to the residential facility if the purpose of the visit is specifically related directly to the child's education and/or reunification and is documented in the child's IEP.

Guidelines for Parent Reimbursement/Reunification Visits

2. The costs of additional visitations, which are not included in the child's IEP, will be the responsibility of the parents. Consideration may be given for an additional visit(s) if recommended by the residential facility, considered programmatically required, and documented in the child's IEP.
3. Reimbursement for parent visitation specified on the IEP will only be provided for the custodial parent(s). Reimbursement may be for the following: air, train, bus, personal vehicle, or rental car; lodging; and meals. If using a rental car, actual cost of gas will be reimbursed if original gas receipts are provided.
4. If the parent elects to drive their personal vehicle, reimbursement will be provided for mileage at the established governmental rate per LEA policy. However, the total reimbursement amount may not exceed the cost of economy airfare for the parent to the residential placement site. *Example, if parent's roundtrip airfare plus airport parking and ground transportation to the residential placement site would be \$350 and the mileage reimbursement to the residential facility site is \$600; the mileage reimbursement will be reduced to the \$350 amount.*
5. Mileage reimbursement for private vehicle mileage will be provided for the distance between the child's home and the residential facility site. An independent mileage website (i.e., Yahoo maps, MapQuest, etc.) will be used by the LEA to verify the mileage calculation.
6. Lodging expenses will be reimbursed for no more than two nights during the approved visit to the residential facility located at least 200 miles from the child's home. Maximum reimbursement for lodging is \$100 per night and does not include phone calls, in-room movies, room service, or other miscellaneous expenses. Under no circumstances may personal expenses be reimbursed other than those expenses specified in this policy. The dated, itemized, original lodging receipt is required for reimbursement and must be attached to the reimbursement claim form.
7. If travel is by airplane, parking at the departure airport and ground transportation (the lesser expense for a shuttle, rental car or taxi) from the destination airport to the residential facility will be reimbursed with submission of the original receipt(s).

NOTE: Many residential facilities provide ground transportation from the airport to their facility. Parent should check with the residential facility prior to making ground transportation arrangements.
8. Rental cars must be selected from the Economy or Compact class. Additional CDW insurance coverage on the rental car will not be reimbursed.
9. Parent must submit requests for reimbursement to the LEA within 30 days of travel. The parent must complete and submit the attached Parent Reimbursement Claim form to the LEA. Original itemized receipts for allowable expenses must be attached.
10. Reimbursement payment will be made within 50 days of the LEA's receipt of the properly completed Parent Reimbursement Claim form and original receipts prepared and submitted as specified herein. No claim form will be processed without the original itemized receipts.

**School District Name
Parent Reimbursement Claim for Student Residential Care**

Please forward this reimbursement claim form to: School District: _____
Address: _____

INSTRUCTIONS:

Parent **MUST**: (1) Complete all information requested below; (2) attach original itemized receipts for all expenses; (3) sign and date the claim form; and (4) mail the completed form and receipts to the district. If requested information is omitted, reimbursement payment will be delayed.

Student Name: _____ Parent Name: _____
Student's Home Address: _____
Parent's Home Address: _____ Work or Cell No.: _____
Residential Placement Facility: _____
Travel Dates: From: _____ To: _____

ITEM DESCRIPTION (Receipts Attached)	AMOUNT REQUESTED
Air travel, train, bus, rental car *	\$ _____
Lodging *	\$ _____
Meals *	\$ _____
Airport Parking	\$ _____
Ground Transportation to Residential Placement Facility	\$ _____
Private Vehicle Mileage _____	\$ _____
Rental Car Gas	\$ _____
Escort Service as documented in Student's IEP	\$ _____
<i>* Reimbursement amount and/or limit shall be determined according to the district's travel policy.</i>	
TOTAL REIMBURSEMENT REQUESTED	\$ _____

I certify that the above information is true and accurate.

Parent Signature

Date



Chapter 18: Nonpublic Schools and Agencies

<p>Legal References CA Education Code Sections 56034; 56035; 56365; 56366, <u>56366.3</u></p> <p><u>Title 5, CA Code of Regulations</u> <u>3060-3061, 3064, 3068-3069</u></p> <p><u>Government Code</u> <u>7572.55</u></p> <p><u>Welfare & Institution Code</u> <u>362.2, 727.i</u></p> <p>Last Updated: <u>8/3/2017/9/16/2011</u></p>	<p>Nonpublic, Nonsectarian School Services <u>SECTION A Nonpublic, Nonsectarian School Services</u></p> <p><u>SECTION B Placement and Services</u></p> <p><u>SECTION C Out-of-State Placemetns</u></p> <p><u>SECTION D Placement Procedures</u></p> <p><u>SECTION E Children Residing in Group Homes/Foster Homes</u></p> <p>APPENDIX A Guidelines for Parent Reimbursement for Students in Residential Placement</p> <p>APPENDIX B <u>Parent Reimbursement Claim Form</u></p>	<p>Formatted: Font: Bold</p> <p>Formatted: Font: Bold</p> <p>Formatted: Font: Bold</p>
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Introduction

Nonpublic, ~~nonsectarian~~ school and agency (~~NPS/NPA~~) services are provided when the needs of a ~~child/student~~ are more intensive than can be met in the public school setting. All program options and modifications should be exhausted prior to an Individualized Education Program (IEP) team recommending consideration of a ~~NPS/NPA nonpublic school or agency~~ placement. This chapter contains information regarding the placement of ~~children with disabilities~~ ~~students with special needs~~ in ~~NPS/NPA placements~~ ~~nonpublic schools and agencies~~.

Each Local Education Agency (LEA) that contracts with a ~~NPS nonpublic, nonsectarian school~~ shall evaluate the placement of ~~children attending its students in~~ such schools on at least an annual basis as part of the annual IEP review. The LEA representative shall review the ~~Master Contract~~, Individual Services Agreement (ISA), and the IEP to ensure that all services agreed upon and specified in the IEP are provided.

~~NPS' nonpublic, nonsectarian schools~~ are required by the ~~Master Contract with the nonpublic school~~ and the IEP to annually evaluate ~~children attending the NPS, the students~~ to determine if they are making appropriate educational progress. The LEA representative shall collaboratively review with the ~~NPS nonpublic, nonsectarian school~~ the evaluations conducted by the ~~NPS nonpublic, nonsectarian school~~ to ensure that they were appropriate and valid for measuring student progress. The LEA may choose to administer additional assessments as necessary, with parent consent, to determine whether the ~~child/student~~ is making appropriate educational progress.

DEFINITIONS

~~Section A – Nonpublic, Nonsectarian School Services~~

California Education Code § 56034. “Nonpublic, nonsectarian school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college. A nonpublic, nonsectarian school also shall meet standards as prescribed by the Superintendent and board.

California Education Code § 56035. “Nonpublic, nonsectarian agency” means a private, nonsectarian establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupils’ educational program pursuant to an individualized education program and that is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, a public university or college, or a public hospital. The nonpublic, nonsectarian agency shall also meet standards as prescribed by the superintendent and board.

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California Education Code § 56366. It is the intent of the Legislature that the role of a nonpublic, nonsectarian school or agency shall be maintained and continued as an alternative special education service available to a local educational agency and parents.

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Section A – Nonpublic, Nonsectarian School Services

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~~Nonpublic school~~PS services are an instructional component of the Desert/Mountain Special Education Local Plan Area (SELPA) administrative unit. It is recognized that public schools cannot provide services to meet the needs of all ~~exceptional children with disabilities~~. Some ~~children students~~ will need such individualized and specialized services as can only be provided outside public education. ~~NPS nonpublic school~~ services will be provided only when the IEP team determines that no appropriate placement is available in the public schools to meet the individual ~~child student~~'s needs.

In addition, ~~NPS nonpublic~~ services can be used when the resources available to the ~~Desert/Mountain~~ SELPA LEA staff are not sufficient to adequately identify the ~~child student~~'s needs. A ~~child student~~ may be referred with parent consent to a public or private agency for diagnosis. If payment for such diagnostic services is required, the SELPA and LEA will coordinate to provide such payment. Reports from these agencies will become a permanent part of the ~~child student~~'s records. Such referrals will be made on an individual case basis and only when the service cannot be provided through public school services available within the ~~Desert/Mountain~~-SELPA. The SELPA will ensure that the ~~NPS nonpublic school~~ or ~~NPA agency~~ meets the following standards:

- The agency has adequately trained personnel to do the diagnostic work;-
- The agency has appropriate facilities and equipment' and-
- The agency meets local health, fire, and safety standards.

The SELPA Nonpublic School Coordinator will ~~annually monitor~~, ~~annually~~, ~~NPS' nonpublic schools~~ for compliance with the provisions set forth in ~~Assembly Bill (AB) 1858~~. AB 1858 includes requirements for ~~NPS' nonpublic, nonsectarian schools~~ that provide special education and related services to ~~children individuals~~ with ~~disabilities exceptional needs~~ residing in a ~~Licensed eChildren's Institution~~ or ~~Foster fFamily Hhome (FFH)~~.

Every attempt will be made to assure student progress so that a ~~child student~~ may ultimately be able to return to some form of public school program. It is the LEA's responsibility to monitor the progress of ~~children students~~ placed in ~~NPS nonpublic school~~ programs. The SELPA Nonpublic School Coordinator shall act as a liaison between the SELPA, the LEA, and the ~~NPS nonpublic school~~ in all matters concerning a ~~child student~~'s placement.

~~Children with disabilities Individuals with exceptional needs~~ may be enrolled concurrently in both a public and ~~NPS nonpublic school services~~, provided one is the major enrollment and the other is supplemental. This determination will be made by the ~~Desert/Mountain~~-SELPA/IEP team based upon the educational needs of the ~~child with a disability exceptional student~~ and will be provided only when this arrangement best meets these needs.

~~Children Students~~ placed in a ~~NPS nonpublic secondary schools~~ must complete graduation requirements of their LEAs of residence, which will issue a diploma. ~~Children Students~~ will be able to participate in their LEA's graduation ceremony.

The ~~Desert/Mountain~~-SELPA will consider ~~NPS/NPA nonpublic~~ placement and/or services for all ~~children students~~ who require such services in order to benefit from their educational program as determined by the IEP team. In order to ensure that the ~~childstudent~~ is being provided such a program within the least restrictive environment (LRE), the IEP team shall utilize such ~~NPS/NPA nonpublic school/agency~~ services only after exploring all public school program alternatives.

~~NPS/NPA nonpublic school/agency~~ contracts are developed to meet state and federal mandates, including approval by the ~~Desert/Mountain SELPA Board of Directors~~, California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Chief Executive Officer (CEO). The ~~NPS/NPA nonpublic school/agency~~ contracts are to include, but not be limited to:

- Negotiation of length of service time;
- Provisions of change in the agreement;
- Provisions for termination of the contract;
- Financial agreements for the services; and
- Description of services to be provided.

Further, each ~~NPS/NPA nonpublic school/agency~~ site must furnish the following information to the ~~Desert/Mountain~~-SELPA on at least an annual basis:

- Evidence of compliance with local fire, sanitation, and building safety standards;
- Current written procedures for Behavioral Emergency Interventions (~~as per Title 5 of the California Code of Regulations § V, Section 3052(k)~~);
- Copies of the special education credentials for each staff member providing direct or indirect services to ~~children students~~ placed by the ~~Desert/Mountain SELPA~~ in that ~~NPS/NPA nonpublic school/agency~~ site;
- Copies of the ~~NPS/NPA nonpublic school/agency~~ sState certification; and
- Other items as specified in the ~~M~~master ~~e~~Contract.

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It is the intent of the ~~Desert/Mountain~~-SELPA to abide by, carry out, and implement its responsibilities regarding ~~NPS/NPA nonpublic school/agency~~ facilities as per California Education Code §§ sections 56365 et seq.

After thoroughly reviewing available services, some ~~children students~~ with disabilities will need intensive, individualized, and specialized educational services that can only be provided outside public education.

Rationale for Nonpublic School/Agency (NPS/NPA) Referral

- Must be documented that there is no available public program that can appropriately meet the ~~childstudent~~'s needs, even with modification;
- Must be documented that no existing contracting agency (California Children's Services (CCS), Inland Regional Center (IRC)) can meet the ~~childstudent~~'s needs appropriately;

- Must be documented that the service is required for the childstudent to benefit from an educational program; and
- All public resources must be exhausted and proven inappropriate.

Section B – Placement and Services

Procedures specified in law shall govern the selection of appropriate NPS/NPA services.

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NOTE: *As amended in Register 99, No. 13, Title 5 of the California Code of Regulations §§ 3060 and 3061 specify new requirements regarding special education classes offered in nonpublic, nonsectarian schools and agencies. These requirements detail the staffing requirements for instructors, including the credentials that instructors must hold; the eligibility requirements for such credentials, and the number of instructors required per school or agency. Pursuant to Title 5 of the California Code of Regulations § 3064, the California Department of Education (CDE) may issue conditional certifications to allow agencies and schools to comply with the new requirements.*

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Contracts with a NPS/NPA shall include an Individual Service Agreement (ISA) negotiated for each child. ISAs shall be for the length of time for which NPS/NPA services are specified in the child's IEP, not to exceed one year. Changes in educational instruction, services, or placement shall be made based only on revisions to the child's IEP (*Education Code § 56366*). NOTE: *Additional requirements related to contracts and personnel with NPS/NPA are specified in Education Code §§ 56366 and 56366.3.*

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The Master Contract shall specify the general administrative and financial agreements between the NPS/NPA and the LEA/SELPA to provide the special education and related services, as well as transportation specified in the child's IEP. The administrative provisions of the contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the contracting LEA/SELPA to ensure that appropriate high school graduation credit is received by the child. The contract may allow for partial or full-time attendance at the NPS (*Education Code § 56366*). NOTE: *The NPS/NPA must be certified as meeting state standards pursuant to Education Code § 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent agrees to transfer the child to the program.*

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The Master Contract shall include a description of the process being utilized by the LEA/SELPA to oversee and evaluate placements in a NPS. This description shall include a method for evaluating whether the child is making appropriate educational progress (*Education Code § 56366*).

The LEA superintendent or designee of an elementary LEA shall notify a high school LEA of all children placed in NPS/NPA programs prior to the annual review of the IEP for each child who may transfer to the high school LEA (*Title 5 of the California Code of Regulations § 3068*).

When a child with a disability meets the LEA requirements for completion of the prescribed course of study as designated in his/her IEP, the LEA, which developed the IEP, shall award the diploma (*Title 5 of the California Code of Regulations § 3069*). Children with disabilities shall be able to participate in their LEA's graduation ceremony.

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Section C – Out-of-State Placements

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Before contracting with a NPS/NPA outside California, the LEA/SELPA shall document the LEA's efforts to find an appropriate program offered by a NPS/NPA within California (Education Code § 56365). NOTE: Government Code § 7572.55 and Welfare and Institutions Code §§ 362.2 and 727.i, as amended by SB 933 (Ch. 311, Statutes of 1998) relate to the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Within 15 days of any decision for an out-of-state placement, the child's IEP team shall submit to the California Department of Education (CDE) Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the LEA's efforts to locate an appropriate public school or NPS/NPA within California (Education Code § 56365).

If the LEA decides to place a child with a NPS/NPA outside the state, the LEA shall indicate the anticipated date of the child's return to a placement within California, and shall document efforts during the previous year to return the child to California (Education Code § 56365).

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Section D – Placement Procedures

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The LEA CEO or designee shall review all documented efforts to utilize all public school options prior to utilizing a NPS/NPA. NPS/NPA services are provided when the needs of a child are more intensive than can be met in the public school setting. All program options and modifications should be exhausted prior to an IEP team recommending consideration of a NPS/NPA placement. The LEA/SELPA shall review the Master Contract, ISA, and the IEP to ensure that all services agreed upon and specified in the IEP are provided. The LEA/SELPA will process referrals and locate an appropriate NPS to meet the child's needs. The SELPA may assist and/or collaborate with the LEA to locate an appropriate NPS.

Each LEA agrees to use the Master Contract and ISA adopted by the SELPA. SELPA administration will ensure that the Master Contract has been approved by the California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP JPA) Governance Council and/or legal counsel, and is updated per federal or state requirements.

NPS' are required by the Master Contract and the IEP team to annually evaluate the child (formally and informally) to determine if the child is making appropriate educational progress. As part of the IEP review process, each LEA that contracts with a NPS shall evaluate the placement of its student(s) in such a school on at least an annual basis. The LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring student progress. The LEA may determine to conduct the evaluation(s) and/or choose to administer additional assessments with parental consent.

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Section E – Children Residing in Group Homes/Foster Homes

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LEAs within the SELPA have an obligation to place children who are homeless or who are foster children in school as required under the McKinney-Vento Education for Homeless Children and Youths Program. Under McKinney-Vento, these children must be provided access to a free appropriate public education (FAPE) and other services needed without following standard enrollment practices. No proof of residency, immunization records, tuberculosis skin-test results, school records, or legal guardianship papers are required for a child under McKinney-Vento to receive educational services. This process will

also apply to Administrative Transfers into the LEA from a LEA, NPS, or county-operated programs. The following are guidelines that LEAs should follow for processing and expediting the enrollment of foster placed/homeless children with disabilities:

1. The LEA will notify the SELPA immediately upon obtaining knowledge of a child who meets the criteria of homeless and/or foster youth with special needs who has transferred into the LEA.
2. Based upon the information available to the LEA (e.g., child's current IEP), the LEA will immediately consider a range of possible placement options for the child, including LEA options, if appropriate, and notify the SELPA. If the child is appropriate for a LEA program, the LEA will immediately enroll the child.
3. If the child's IEP indicates that the child previously attended a NPS, the LEA will do the following:
 - a. Complete the Transfer into LEA form (D/M 52) and obtain the parent and/or guardian signature.
 - b. Complete the NPS Referral form (D/M 134) and obtain the signatures of the person making the referral and the Director of Special Education. Specify the IEP team's preference for a specific NPS, if applicable.
 - c. Juvenile Hall/NPS Students: If the child's last placement was a local NPS prior to being moved to a juvenile detention center, only complete form D/M 134 upon the child's return to the LEA in lieu of preparing a new transfer NPS referral packet.
 - d. Forward the following completed documents to the SELPA Nonpublic School Coordinator:
 - 1) D/M 52 Transfer into LEA form;
 - 2) D/M 134 Nonpublic School Placement Referral form;
 - 3) IEP or IEP Addendum dated within one year of the transfer referral for NPS placement that documents the previous NPS placement;
 - 4) Psycho-educational evaluation dated within three years of the transfer referral for NPS placement;
 - 5) If the last triennial was completed with a Triennial Assessment Determination form (D/M 119), include the last full psycho-educational report; and
 - 6) Any additional information.
 - e. Within 10 business days of receipt of the completed referral packet, the SELPA Nonpublic School Coordinator will review the packet for completion and forward it to the LEA's NPS school of choice. The NPS will contact the parent and/or guardian and placement will be made within 10 business days.

The NPS will work directly with the LEA to schedule an IEP within 30 days of the child's placement at the school. The placement should be listed on an IEP or IEP Addendum including the NPS, start date, duration, and frequency. The IEP or IEP Addendum should be forwarded to the Nonpublic School Coordinator at the SELPA.

NOTE: Within 30 days of placement, the LEA will make every effort to locate student records including IEPs, psychological assessments, immunization records, and birth

certificates. If no school records can be located, the LEA will assess the child in all suspected areas of disability. Every effort will be made to assess these children within the 30-day placement.

Within five business days of receipt of the Addendum to the IEP, the SELPA Nonpublic School Coordinator will develop a Master Contract with the NPS if one does not currently exist and an ISA. The ISA will be forwarded to the appropriate NPS for signature. The SELPA will enter the NPS placement into the SELPA Management Information System (MIS) database.

The LEA may access additional support from the SELPA psychologist for group home and foster-placed children.

The federal McKinney-Vento Homeless Assistance Act requires schools to enroll new students who are homeless even if their immunization records are missing or unavailable at the time of enrollment. California law requires schools to immediately enroll foster children transferring to their school even if a foster child is unable to produce immunization records normally required for school entry. LEAs, parents, caregivers, foster parents, and group home staff should work with their local county health agencies to assist children in obtaining immunization records and/or immunizations for those children who are identified as needing additional immunizations. The law still requires that the school obtain the child's immunization record and ensure that the foster child has met all immunization requirements (i.e., Senate Bill (SB) 277 requirements, June 2015). LEAs must also track children they admit without proof of immunization so that they can be protected in case of an outbreak of any vaccine-covered disease.

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Referral Process for Placement of Students with Special Needs who are currently residing in Group Homes, Foster Homes, and/or who are transferring into the LEA

This will establish and/or implement a uniform process regarding LEAs within the Desert/Mountain SELPA obligation to place students who are homeless or who are foster children in school as required under the McKinney-Vento Education for Homeless Children and Youths Program. Under McKinney-Vento, these children must be provided access to a Free and Appropriate Public Education (FAPE) and other services needed without following standard enrollment practices. No proof of residency, immunization records, tuberculosis skin test results, school records, or legal guardianship papers are required in order for a student under McKinney-Vento to receive educational services. This process will also apply to Administrative Transfers into the LEA from LEA, NPS or county operated programs.

The following are guidelines that LEAs should follow for processing and expediting the enrollment of foster placed/home students with special needs:

- A. The LEA will notify the SELPA immediately upon obtaining knowledge of a student who meets the criteria of homeless and/or foster youth with special needs and who has transferred into the LEA.
- B. Based upon the information available to the LEA (e.g., the student's current IEP), the LEA will immediately consider a range of possible placement options for the student, including LEA options, if appropriate, and notify the SELPA. If the student is appropriate for a LEA program, the LEA will immediately enroll the student.
- C. If the student's IEP indicates that the student previously attended a nonpublic school, the LEA will do the following:

- ~~1. The LEA will fax to the SELPA a completed *Transfer into District (D/M 85)* and any school information available on the student.~~
- ~~2. The LEA will request that the caregivers from group homes provide the LEA with student information sheets. A copy of the student information sheet should be faxed to the SELPA.~~
- ~~3. Once notified of a possible placement, the SELPA NPS Coordinator will review the information in the NPS packet and when approved, will send the transfer packet to the approved NPS. The NPS will contact the LEA and the person/organization holding educational rights to coordinate an intake meeting.~~
- ~~4. Within 30 days of the NPS placement, an IEP meeting will be held (30 day transfer IEP). Within 30 days of placement, the LEA will make every effort to locate student records including IEPs, psychological assessments, immunization records, and birth certificates.~~
- ~~5. If no school records can be located, the LEA will assess the student in all suspected areas of disability. Every effort will be made to assess these students within the 30 day placement.~~
- ~~6. LEAs may access additional support from the SELPA psychologist for group home and foster placed students.~~

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California school immunization law allows schools to give students who are transferring in from other states up to 30 days to produce their immunization records. LEAs, parents, caregivers, foster parents, and group home staff should work with their local county health agencies to assist ~~children~~ students in obtaining immunization records and/or immunizations for those ~~children~~ students who are identified as needing additional immunizations. LEAs must also track ~~children~~ students they admit without proof of immunization so that those ~~children~~ students can be protected in case of an outbreak of any vaccine-covered disease.

APPENDIX A

Guidelines for Parent Reimbursement for Students in Residential Placements

Introduction

The following information is established to provide guidelines to participating Local Education Agencies (LEAs) regarding authorized travel-related expenses/reimbursement of parent reunification visits for residentially-placed ~~children students~~ receiving special education services.

The role of the Desert/Mountain Special Education Local Plan Area (SELPA) in this process is primarily to facilitate the assessment and referral process for residential placement for mental health purposes on behalf of participating LEAs. Parent reunification visits are family meetings that are agreed upon through an IEP and arranged by the SELPA, LEA, and the parent. The LEA is the authorized agent to approve all necessary parent reimbursements relating to the reunification visit(s). Therefore, parent reimbursement claims should be submitted to the LEA for verification and reimbursement.

Parent reimbursement will only be provided when the ~~childstudent~~'s IEP specifies a residential placement located outside the boundaries of the ~~Desert/Mountain~~-SELPA member LEAs. Reimbursement may include transportation, lodging, and meals.

Additionally, parent reimbursement claims for additional family member(s) participation at approved family meeting(s) is not uncommon and has been accommodated for reimbursement based on the IEP team's determination of the ~~childstudent~~'s needs and/or the IEP team's approval of the recommendation of the mental health treatment plan. The approval of additional requests for reimbursement beyond those determined to be educationally necessary by the IEP team will be at the discretion of the LEA under its adopted policy.

~~Section A~~—Reimbursement to Parent (~~ChildrenStudents~~ receiving mental health services)

The LEA is financially responsible for reasonable expenses associated with the transportation of a pupil with a disability to and from the mental health services that are specified on the pupil's IEP. The determination of the appropriate number of trips home from a residential facility as well as the frequency of reunification visits required in order for a child to benefit from special education, should be determined by the IEP team on a case-by-case basis (Letter to Dorman, 211 IDELR 70 (OSEP 1978); Letter to Anonymous, 213 IDELR 164 (OSEP 1988)).

The residential facility may arrange for transportation of the ~~childstudent~~ to the residential facility. Cost for this transportation is to be submitted as an invoice and paid directly by the LEA. In some instances, however, it may be necessary for a parent to transport their child to the residential facility. In this case, the following parameters and procedures for parent reimbursement shall apply:

A. Transportation of Student to/from Residential Placement Facility

1. Parent reimbursement will be provided for transportation costs for the initial delivery or final return of the ~~student-child~~ to or from the residential facility. Reimbursement will be for the ~~childstudent~~ and one parent escort using one of the following modes of transportation: airplane, personal vehicle, bus, train, or rental car. If a rental car is used, original receipts for gas purchased must be submitted and documented in the parent reimbursement claim form. The LEA may cap the allowable reimbursement.

Should the IEP team determine that a ~~childstudent~~ needs to be transported to or from the residential facility using an escort service, the need for this service shall be documented in the ~~childstudent~~'s IEP, and the LEA will reimburse the Nonpublic School (NPS) for

actual escort services, or will pay the escort company directly if there is enough lead time to initiate a transportation contract. If the parent chooses to pay for the escort service, the parent should submit the reimbursement claim form directly to the LEA and the LEA will reimburse the parent within ~~sixty (60)~~ days of receiving/verifying the claim form. The dated, itemized, original receipt should be attached to the claim form.

2. If the parent elects to drive their personal vehicle, reimbursement will be provided for mileage at the established governmental rate per LEA policy. The total reimbursement amount for mileage shall not exceed the cost of economy airfare for the parent and ~~child/student~~ to the residential placement site. *Example, if parent's roundtrip airfare and ~~child/student~~'s one-way airfare plus airport parking and ground transportation to the residential placement site would be \$650 and the mileage reimbursement to the residential facility site is \$700; the mileage reimbursement will be reduced to the \$650 amount.*
3. Mileage reimbursement for personal vehicle mileage will be provided for the roundtrip distance between the ~~child/student~~'s home and the residential facility site. Parent should document the vehicle mileage in the parent reimbursement claim form and submit the form to the LEA. An independent mileage website (i.e., Yahoo maps, MapQuest, etc.) will be used by the LEA to verify the mileage calculation.
4. Lodging expenses will be reimbursed for no more than one night during the trip to either deliver or pick the student up from the residential facility located at least 200 miles from the ~~child/student~~'s home. Maximum reimbursement for lodging is \$100 per night and does not include phone calls, in-room movies, room service, or other miscellaneous expenses incurred. Under no circumstances may personal expenses be reimbursed other than those specified in this policy. Parent should complete the reimbursement claim form and attach the dated, itemized, original lodging receipt, and submit the documents to the LEA for reimbursement.
5. If travel is by airplane, parking at the departure airport and ground transportation (the lesser expense for either a shuttle or taxi) from the destination airport to the residential facility will be reimbursed with submission of the original receipt(s).

NOTE: Many residential facilities provide ground transportation from the airport to their facility. Parent should check with the residential facility prior to making ground transportation arrangements.

6. Rental cars must be selected from the Economy or Compact class. Additional CDW insurance coverage on the rental car will not be reimbursed.
7. Requests for reimbursement must be submitted to the LEA within ~~thirty (30)~~ days of travel. Parent must complete and submit the attached Parent Reimbursement Claim form to the LEA. Original itemized receipts for allowable expenses for the date(s) of travel must be attached to the claim form.
8. Reimbursement payment will be made within ~~fifty (50)~~ days of the LEA's receipt of the properly completed claim form and original receipts. No claim form will be processed without the original itemized receipts.

B. Parent Visitation to/from Residential Placement Facility

1. Reimbursement will only be provided by the LEA for parent(s) visitation to the residential facility if the purpose of the visit is specifically related directly to the

childstudent's education and/or reunification and is documented in the childstudent's IEP.

2. The costs of additional visitations₂ which are not included in the childstudent's IEP₂ will be the responsibility of the parents. Consideration may be given for an additional visit(s) if recommended by the residential facility, considered programmatically required, and documented in the childstudent's IEP.
3. Reimbursement for parent visitation specified on the IEP will only be provided for the custodial parent(s). Reimbursement may be for the following: air, train, ~~or bus-fare~~, personal vehicle₂ or rental car₂; lodging₂ and meals. If using a rental car, actual cost of gas will be reimbursed if original gas receipts are provided.
4. If the parent elects to drive their personal vehicle, reimbursement will be provided for mileage at the established governmental rate per LEA policy. However, the total reimbursement amount may not exceed the cost of economy airfare for the parent to the residential placement site. *Example, if parent's roundtrip airfare plus airport parking and ground transportation to the residential placement site would be \$350 and the mileage reimbursement to the residential facility site is \$600; the mileage reimbursement will be reduced to the \$350 amount.*
5. Mileage reimbursement for private vehicle mileage will be provided for the distance between the childstudent's home and the residential facility site. An independent mileage website (i.e., Yahoo maps, MapQuest, etc.) will be used by the LEA to verify the mileage calculation.
6. Lodging expenses will be reimbursed for no more than two nights during the approved visit to the residential facility located at least 200 miles from the childstudent's home. Maximum reimbursement for lodging is \$100 per night and does not include phone calls, in-room movies, room service₂ or other miscellaneous expenses. Under no circumstances may personal expenses be reimbursed other than those expenses specified in this policy. The dated, itemized, original lodging receipt is required for reimbursement and must be attached to the reimbursement claim form.
7. If travel is by airplane, parking at the departure airport and ground transportation (the lesser expense for a shuttle, rental car or taxi) from the destination airport to the residential facility will be reimbursed with submission of the original receipt(s).
NOTE: Many residential facilities provide ground transportation from the airport to their facility. Parent should check with the residential facility prior to making ground transportation arrangements.
8. Rental cars must be selected from the Economy or Compact class. Additional CDW insurance coverage on the rental car will not be reimbursed.
9. Parent must submit requests for reimbursement to the LEA within ~~thirty (30)~~ days of travel. The parent must complete and submit the attached Parent Reimbursement Claim form to the LEA. Original itemized receipts for allowable expenses must be attached.
10. Reimbursement payment will be made within ~~fifty (50)~~ days of the LEA's receipt of the properly completed Parent Reimbursement Claim form and original receipts prepared and submitted as specified herein. No claim form will be processed without the original itemized receipts.

School District Name
Parent Reimbursement Claim for Student Residential Care

Please forward this reimbursement claim form to: School District: _____
 Address: _____

INSTRUCTIONS:
 Parent **MUST**: (1) Complete all information requested below; (2) attach original itemized receipts for all expenses; (3) sign and date the claim form; and (4) mail the completed form and receipts to the district. If requested information is omitted, reimbursement payment will be delayed.

Student Name: _____ Parent Name: _____

Student's Home Address: _____

Parent's Home Address: _____ Work or Cell No.: _____

Residential Placement Facility: _____

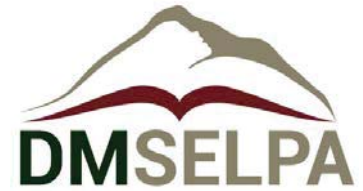
Travel Dates: From: _____ To: _____

ITEM DESCRIPTION (Receipts Attached)	AMOUNT REQUESTED
Air travel, train, bus, rental car *	\$ _____
Lodging *	\$ _____
Meals *	\$ _____
Airport Parking	\$ _____
Ground Transportation to Residential Placement Facility	\$ _____
Private Vehicle Mileage _____	\$ _____
Rental Car Gas	\$ _____
Escort Service as documented in Student's IEP	\$ _____
<i>* Reimbursement amount and/or limit shall be determined according to the district's travel policy.</i>	
TOTAL REIMBURSEMENT REQUESTED	\$ _____

I certify that the above information is true and accurate.

Parent Signature

Date



Chapter 21: Civil Rights Protection and 504 Accommodations

Legal References

Section 504 of the
Rehabilitation Act of
1973
Regulations 104.3

IDEA 2004

Americans with
Disabilities Act
Title II, III

Last Updated:
9/22/2017

SECTION A	Section 504 of the Rehabilitation Act of 1973
SECTION B	Americans with Disabilities Act (ADA)
APPENDIX A	Office of Civil Rights (OCR) Response to Veir Inquiry Re: Various Matters
APPENDIX B	Sample Section 504 and the ADA Notice of Procedural Safeguards

Introduction

Section 504 of the Rehabilitation Act of 1973 provides regulations to prevent discriminatory actions to those individuals defined as disabled. The definition of an individual with disabilities is provided within this chapter.

Section A - Section 504 of the Rehabilitation Act of 1973

Children may be disabled as defined in Section 504, even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). Children who are identified as individuals with disabilities according to IDEA criteria are not addressed under the Section 504 guidelines. The needs of IDEA-eligible children are provided under state and federal laws.

Each Local Education Agency (LEA) within the Desert/Mountain Special Education Local Plan Area (SELPA) is required to develop policies and procedures to ensure children who are disabled within the meaning of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with the required general education modifications, as well as related aids or services that are designed to meet the needs of each child with a disability as adequately as the needs of each child without a disability.

DEFINITIONS

Title 34 of the Code of Federal Regulations Subpart A § 104.3 provides the following definitions:

Handicapped person: Any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

Physical or mental impairment: (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major life activities: Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Has a record of such impairment: Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as having an impairment: (a) Has a physical or mental impairment that does not substantially limit major life activities, but that is treated by a recipient as constituting such a limitation; (b) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (c) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

Identification and Referral Procedures

Children who, because of a disability, need or who are believed to need Section 504 support, special education, or related services in order to receive a free appropriate public education (FAPE) may be referred by a parent, teacher, other certificated school personnel, or community agency. This referral is submitted to the LEA Section 504 team for consideration.

The Section 504 team will review the child's school history, individual needs, the meaning of evaluation data, and the modification options as well as academic, and social and behavioral records to determine if an evaluation under Section 504 or IDEA is appropriate. If a request for evaluation is denied, the parent shall be informed in writing of this decision as well as provided information regarding their procedural rights to appeal.

Evaluation of the Child

Evaluation of the child for Section 504 eligibility should be completed by a Section 504 team. This evaluation should include an evaluation of the nature of the child's disability and the impact of the disability on the child's education. The evaluation should include consideration of any behaviors that interfere with regular participation of a child who otherwise meets the criteria for participation in the educational program or activities.

No final determination will be made by the Section 504 team of whether the child will or will not be identified as a child with a disability within the meaning of Section 504, without first inviting the parent of the child to participate in the meeting concerning such determination.

A final decision will be made by the Section 504 team in writing. The parent of the child shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review pursuant to Title 34 of the Code of Federal Regulations § 104.36.

Plan for Services

The Section 504 team will complete a service plan document that describes the disability and the modifications as well as related aids or supports needed. The plan will specify how the interventions will be provided and by whom. All staff who work with the child in the school will be informed of the Section 504 plan.

A child with a disability requiring interventions in accordance with Section 504 shall be placed in the general education environment with the use of supplementary aids and services unless it is demonstrated that such placement cannot be achieved satisfactorily. Children with disabilities shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the child.

Review of Student Progress

The Section 504 team will coordinate the monitoring of the child's progress as well as the effectiveness of the service plan annually. Prior to any subsequent significant change in placement, a comprehensive reevaluation of the child's needs will be conducted. If the Section 504 plan for services is implemented and then found to be ineffective, the child should then be assessed for IDEA eligibility.

Procedural Safeguards

The parents shall be notified in writing of all LEA decisions concerning the identification, evaluation, or educational placement of children pursuant to Section 504. The parent shall have the right to request an impartial Section 504 Administrative Hearing with opportunity for participation by the parent and their counsel.

Section B - Americans with Disabilities Act (ADA)

Barriers to employment, transportation, public accommodations, public services, and telecommunications have imposed staggering economic and social costs on American society and have undermined well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities. By breaking down these barriers, the Americans with Disabilities Act (ADA) enables society to benefit from the skills and talents of individuals with disabilities, will allow all to gain from their increased purchasing power and ability to use it, and will lead to fuller, more productive lives for all Americans.

The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local services, and telecommunications.

It is divided into five titles:

Title I - Employment

Business must provide reasonable accommodations to protect the rights of individuals with disabilities in all aspects of employment. Possible changes may include restructuring jobs, altering the layout of workstations, or modifying equipment. Employment aspects may include the application process, hiring, wages, benefits, and all other aspects of employment. Medical examinations are highly regulated.

Title II - Public Services

Public services, which include state and local government instrumentalities, the National Railroad Passenger Corporation, and other commuter authorities, cannot deny services to individuals with disabilities, participation in programs or activities which are available to individuals without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities.

Title III - Public Accommodations

All new construction and modifications must be accessible to individuals with disabilities. For existing facilities, barriers to services must be removed if readily achievable. Public accommodations include facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

Title IV - Telecommunications

Telecommunications companies offering telephone service to the general public must have telephone relay service to individuals who use telecommunication devices for the deaf (TTYs) or similar devices.

Title V - Miscellaneous

Includes a provision prohibiting either (a) coercing or threatening, or (b) retaliating against the disabled or those attempting to aid individuals with disabilities in asserting their rights under the ADA.

The ADA's protection applies primarily, but not exclusively, to "disabled" individuals. An individual is "disabled" if he or she meets at least any one of the following tests:

- He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities.

- He or she has a record of such an impairment.
- He or she is regarded as having such an impairment.

Other individuals who are protected in certain circumstances include (1) those, such as parents, who have an association with an individual known to have a disability, and (2) those who are coerced or subjected to retaliation for assisting individuals with disabilities in asserting their rights under the ADA.

While the employment provisions of the ADA apply to employers of fifteen employees or more, its public accommodations provisions apply to all sizes of business, regardless of number of employees. State and local governments are covered regardless of size.

Effective enforcement of this landmark civil rights legislation is a high priority of the Federal Government. Find out more about the ADA and other laws that protect the rights of individuals with disabilities at https://www.ada.gov/ada_intro.htm.

For answers to additional questions, call the ADA Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TDD).

Additional ADA resources are listed in the Resources section located at the web site listed above.

Addresses for ADA Information

Architectural and Transportation Barriers Compliance Board
1331 F Street, NW Suite 1000
Washington, DC 20004-1111

Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAY
Washington, DC 20530

U.S. Department of Transportation
Federal Transit Administration
400 Seventh Street, SW
Washington, DC 20590

U.S. Equal Employment Opportunity Commission
1801 L Street, NW
Washington, DC 20507

OCR Response to Veir Inquiry Re: Various Matters

20 IDELR 864

Carole Veir, Ed.D.
TACHO President
Texas Association of Section 504
Coordinators & Hearing Officers
P.O. Box 1826
Wimbereley, TX 78676

Digest of Inquiry

[Date Not Provided]

- May a medical statement from a student suspected of being disabled be required when the district is unable to identify a specific medical or physical impairment that substantially limits a major life activity?
- Must a district provide special types of food when a student is determined to need dietary modifications at school?
- Are districts responsible for providing services to private school students with disabilities? Must districts conduct child find activities at private schools?
- Do students who are referred for special education eligibility but who do not meet IDEA criteria, automatically become eligible under Section 504?
- Can a student who is identified as eligible under both the IDEA and Section 504 receive certain IDEA services while still being provided Section 504 services within the regular classroom, or should such a student receive all services for his/her disability pursuant to the IDEA?
- Do districts have the right to take parents to due process hearings under Section 504?
- If a student is identified as in need of modifications or services under Section 504, but the parent chooses to provide the student with home schooling, does the district continue to be responsible for providing services to the student within the home environment?
- What is the difference between the terms “related aids and services” and “supplemental aids and services” under the Section 504 regulations? What is the difference between the phrases “regular or special education and related aids and services” and “special education or related services...in a regular or special education program” under the Section 504 regulations?
- If a student with a disability, who is eligible under Section 504, is constantly disruptive on the school bus, may the district revoke the student’s bus privileges, even if the student requires transportation to get to school?

OCR Response to Veir Inquiry Re: Various Matters

Digest of Response
(December 1, 1993)

Medical Assessment Required Only if District Suspects a Disability

A district may not require a parent or a student to provide a medical statement if the district suspects that the student has a disability that would result in Section 504 eligibility. In such a circumstance, the district is obligated to conduct an evaluation of the student, including a medical assessment, if necessary, at no cost to the parents. On the other hand, if the district does not believe that the student has a disability that would result in Section 504 eligibility, then the district must inform the parents of their due process rights to challenge the decision not to evaluate.

Special Foods May be Required for Students with Disabilities

Unlike medication, which a district is not responsible for providing to any student, if the district provides food services to students generally, then it would also be required to provide appropriate food services to a student with a disability who has special dietary needs, on the same basis that food services are provided to students without disabilities. Thus, as determined on a case-by-case basis, the district may be required to provide special foods to meet the individual needs of a student with a disability.

Parentally-Placed Students Lack Entitlement to Services

If a district has made FAPE available to a student with disabilities, and the parent or guardian nevertheless places the student at a private school, then the district is not required to provide services to the student at the private school. Furthermore, while districts are required to take steps annually to identify and locate students with disabilities who are not receiving public educations, the Section 504 regulations do not specify the manner in which a district may undertake this child find responsibility. Accordingly, steps other than conducting child find activities at private school locations may be sufficient, such as disseminating notices to private schools and state and local agencies and placing notices in newspapers.

IDEA Ineligibility Does Not Automatically Result in Section 504 Eligibility

Depending on the severity of their disabling conditions, students who do not meet IDEA eligibility criteria may or may not fit within the definition of Section 504 eligibility. Section 504 eligibility is not automatically bestowed on a student who is referred for a special education evaluation and who is subsequently determined not to be IDEA-eligible.

Section 504 Requirements Met by Compliance with IDEA

OCR cannot conceive of any situation in which children identified as IDEA-eligible are not also entitled to Section 504 protection. However, pursuant to the Section 504 regulations, the implementation of an IEP in accordance with the IDEA is one means of meeting the Section 504 requirements for a student with a disability, assuming that the student is being served for the same disability under both the IDEA and Section 504.

Districts May Take Parents to Section 504 Hearings

Districts may take parents to due process hearings under Section 504, and in some circumstances, are required to do so. For example, if a child is receiving Section 504 services and the parents subsequently withdraw their consent to the provision of these services, then the district may not simply accede to the parents' wishes, but rather, must take the parents to a hearing under Section 504, if the district continues to believe that the services are necessary.

OCR Response to Veir Inquiry Re: Various Matters

Home-Schooled Students Not Entitled to Section 504 Services

If a district has offered FAPE to a student who has been identified under Section 504, but the parent decides not to enroll the student in public education program (such as a parental decision to provide the student with home schooling), then the district is not responsible under Section 504 for the provision of educational services to the student.

Certain Section 504 Terms and Definitions are Interchangeable

The meaning of the terms “related aids and services” and “Supplemental aids and services” under the Section 504 regulations at 34 CFR 104.33(b) and 104.34(a), respectively, are identical and, therefore, interchangeable. The phrases “regular or special education and related aids and services” and “special education or related services...in a regular or special education program” under the Section 504 regulations at 34 CFR 104.33(b) and 104.35(a), respectively, also have identical meanings.

Transportation Services May Not be Unilaterally Terminated

If transportation is deemed to be a related service for a student with a disability, then the district may not revoke transportation services, even when the student has exhibited disruptive or dangerous behavior during transit to and from school, without taking steps to conform to all of the Section 504 requirements that are applicable to disciplinary sanctions. A district may, however, seek to change the mode or method of providing transportation services if a student with a disability poses a danger to himself or others.

I am pleased to respond to your letter to Assistant Secretary for Civil Rights, Norma V. Cantu, on behalf of the Texas Association of Section 504 Coordinators and Hearing Officers. In your letter, you ask 10 questions. I will restate each question, and follow each with a response.

1. **Can a district require a medical statement for students for whom they cannot pinpoint a medical or physical impairment that is substantially limiting a major life activity within the schools and for which assistance is needed in the school? If the incident was many years ago, must the district have a medical record or statement prior to ruling eligibility?**

A district cannot require a parent or student to provide a medical statement *if* the district suspects that the student has a disability that would necessitate the provision of regular or special education and related aids and services under the regulations implementing Section 504 of the Rehabilitation Act of 1973 (Section 504). However, a school district is not required to evaluate a student who the school district does not believe has a disability, *e.g.* a mental or physical impairment which substantially limits a major life activity, such as learning. A district is required to conduct an evaluation of any person who, because of disability, needs, or whom the district believes to need, regular or special education and related services before placing the person in a regular or special education program with related services, 34 C.F.R. §104.35(a). If a school district determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to make an appropriate evaluation consistent with 34 C.F.R. § 104.35(a) and (b), the district must ensure that the child receives this assessment at no cost to the parents. If alternate assessment methods meet the evaluation criteria, these methods may be used in lieu of a medical assessment. If a district does not believe that a student has a disability and refuses to evaluate the child, the district must inform the parents of their due process rights under 34 C.F.R § 104.36.

Please note that we did not respond to the second question regarding a medical record because we did not understand the context, *e.g.*, What does “if the incident was many years ago” mean?

OCR Response to Veir Inquiry Re: Various Matters

2. **Are districts required to provide the food when dietary modifications are needed? Or do parents provide the food and the school prepare it (like with medication)?**

It depends. A recipient, in providing any aid, benefit, or service, may not deny or afford a person with a disability an opportunity to participate in, or benefit from, an aid, benefit, or service, such as the provision of food services, that is not equal to, or as effective as, that provided to persons without disability. The recipient also is required to provide free appropriate public education to each qualified person with a disability. The provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met. 34 C.F.R. § 104.33 (a) and (b). Unlike medicine, which the school is not required to provide for any student, if the school provides food to students generally, it would also have to provide an appropriate lunch to the student with disabilities who has special dietary needs on the same basis that food is provided to students without disabilities. Depending on the circumstances, the school may have to provide special foods to meet the individual needs of the student with disabilities. This responsibility is determined on a case-by-case basis.

3. **Are the public schools that have responsibilities under Section 504 also responsible for providing services to students in private schools? Must a child find be conducted in the private schools by the public entity? Must the public schools provide evaluations for private school children who are suspected of having a substantial limitation in one or more life activities if the parents request one? If the public school must serve these children, must the public school provide the transportation? Can these services be after school, or must they be held during the school hours? Is there a potential for a conflict such as that in *Aquilar v. Felton* and Chapter 1 issues?**

If a recipient has made available a free appropriate public education to a person with a disability and the person's parent or guardian chooses to place the person in a private school, Section 504 does not require the recipient to provide services in the private school. 34 C.F.R. § 104.33(c)(4). Please note I have not answered your other questions because they were premised on the notion that under Section 504, public schools must serve persons with disabilities, placed in private school by a parent.

The Section 504 regulation at 34 C.F.R. § 104.32 does not require public schools to take steps annually to identify and locate children with disabilities who are not receiving a public education and to publicize to children with disabilities and their parents the rights and duties established by Section 504 and the regulation implementing Section 504. The regulation does not specify the manner in which a district must meet its location and notification responsibility. There are many means available including notices to private schools, state and local agencies, and notices placed in newspapers.

4. **For students who are referred to Special Education but do not qualify under IDEA criteria, do they automatically become Section 504 students? (Board policies of most districts state that the students automatically become Section 504 if they do not qualify for IDEA services.)**

Under Section 504, a "person with disabilities" is defined as any person who has a physical or mental impairment which substantially limits a major life activity. Thus, depending on the severity of their condition, students who do not meet the standards under Part B of the Individuals with Disabilities Education Act (IDEA) may or may not fit within the Section 504 definition. It is not automatic.

OCR Response to Veir Inquiry Re: Various Matters

5. **Can a student be identified as IDEA eligible and be receiving some services under IDEA, and also be identified as a Section 504 student and be receiving different assistance in the regular classroom under Section 504? If the child is eligible for IDEA for the disability, shouldn't they receive all services for their disability under IDEA?**

For purposes of this response, we assumed that the student described in the question is being served for the same disability under IDEA and Section 504. In order to be eligible for services under the IDEA, a child must be found to have one or more of the 13 disability categories specified *and* must also be found to need special education. The Office for Civil Rights cannot conceive of any situation in which these children would not also be entitled to the protection extended by Section 504. A student identified as IDEA eligible and receiving services under the IDEA in order to receive a free and appropriate public education could receive the same assistance in order to comply with Section 504. Section 104.33(b)(2) states that implementation of an individualized education program developed in accordance with IDEA is one means of meeting Section 504's requirement for the provision of regular and special education and related aids and services designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

6. **It is clear that a parent can take the school district to a hearing regarding their Section 504 student. Can a district take a parent to hearing as well?**

Yes. For instance, if a child is receiving services the school district thinks are necessary for the provision of a free appropriate public education under Section 504, and the parent decides he/she no longer wants the child to receive the services; the district cannot simply accede to the parent's wishes. It *must* use the Section 504 due process hearing requirements or other proceedings if the school district believes the child needs the services.

7. **If a child is identified as in need of modifications/services under Section 504, and the parent decides to home-school the child, is the district still responsible for providing services in the home for this child because they are in the jurisdictional area of the school's responsibility?**

No. Where a district has offered an appropriate education, a district is not responsible, under Section 504, for the provision of educational services to students not enrolled in the public education program based on the personal choice of the parent or guardian. 34 C.F.R. § 104.33 (o)(4).

8. **Section 104.33(b) speaks to "related aids and services." What is the difference between this and 104.34(a) "supplemental aid and services?" Section 104.33(b) speaks to "regular or special education and related aids and services," whereas 104.35 speaks to "special education or related services ... in a regular or special education program." Please provide clarification as to the meaning of these phrases and how they are to be interpreted.**

Under Section 504, the meaning of the terms "related aids and services" and "supplemental aids and services" is identical, and the terms are interchangeable. The phrases "regular or special education and related aids and services" in Section 104.35(a) and "special education or related services ... in a regular or special education program" also have identical meanings.

9. **If a Section 504 child is, due to his handicapping condition, constantly disruptive on the school bus, can the district have the child's bus privileges removed if s/he needs the transportation to**

OCR Response to Veir Inquiry Re: Various Matters

get to school? If so, must the district still provide transportation? How about when the child is a threat to the safety of other children on the bus?

If transportation is a related service for a child with disabilities, any incident of misconduct on the bus should be viewed in the same manner as any disciplinary incident in the school. A district cannot revoke transportation services just as a district could not suspend a student with disabilities in excess of 10 days or, in some cases, impose cumulative suspensions exceeding 10 days without taking a number of prior actions. A district can change the mode or method of providing transportation services if a student with disabilities is endangering himself or others, just as a district can place a child with disabilities in a more restrictive setting if the child becomes dangerous.

- 10. Must a child who has a record of impairment, who was protected by Section 503 at one time but is no longer in need of any special accommodations, be disciplined in the same manner as a child who is currently receiving accommodations due to a current impairment? In other words, both students are Section 504, one is current and the other has a record of an impairment although not currently receiving services, but is the student who is not currently receiving Section 504 services and protection still entitled to the manifestation determination prior to disciplinary actions?**

Your question was somewhat confusing because we could not determine whether you were concerned about a person who no longer has a disability or who no longer requires services. A child with a disability who *does* not require services is still entitled to the protections afforded by Section 504.

I hope this information has been helpful. If you have any questions, please call Ms. Gale Barron Black at (202) 205-8524.

Jean P. Peelan

Director, Elementary and Secondary Education, Policy Division, Office for Civil Rights

Sample Section 504 and the ADA Notice of Procedural Safeguards

(Source: Perry A. Zirkel)

For students suspected of being eligible solely under the Section 504 and the Americans with Disabilities Act definition of an individual with a disability, but not also eligible under the generally more limited “disability” definition in the Individuals with Disabilities Education Act, questions commonly arise as to compliance procedures with the regard to parental notice.

In the accompanying box, we provide the essential ingredients of such a form.

In addition, districts may wish to add other, discretionary features, such as:

1. An introductory section citing and describing the nondiscrimination obligation of Section 504 and the ADA.
2. More details about the listed procedural rights, such as an explanation of the term “educational placement” and “significant change in placement” in this pure (rather than overlapping with the IDEA) 504/ADA context and about the regulatory requirements for evaluation and placement.
3. A list of the eligible child’s substantive rights, such as the Sec. 504 definition of free and appropriate public education and its least restrictive environment requirements for academic and nonacademic settings.
4. And other, more general requirements, such as your grievance procedure and 504/ADA coordinator. In any event, it is advisable to develop a procedure to document parents’ receipt of this notice.

Do not confuse this notice of procedural safeguards with its IDEA counterpart (34 C.F.R. §§ 300.503-300.504), which is more extensive and only applies to “double-covered” students, i.e., those who are eligible under the IDEA, not just 504/ADA. Similarly, do not confuse this Sec. 504 individual-notice requirement (34 C.F.R. § 104.36) with its more general minimal institutional-notice requirement (34 C.F.R. § 104.8 and 28 C.F.R. § 35.106) of nondiscrimination based on disability.

Sample Section 504 and the ADA Notice of Procedural Safeguards

(Source: Perry A. Zirkel)

Use this procedural safeguards notice drafted by Perry Zirkel to ensure that you are in compliance with Section 504 and the Americans with Disabilities Act. Refer to the article above for ideas on how you can customize this form to fit the needs of your particular district.

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the _____ School District provides you, as the parent or guardian, with the following procedural safeguards in relation to your child:

1. You have a right to receive a copy of this notice upon the district's identification, evaluation, refusal to provide an evaluation, educational placement, denial of educational placement and any significant change in said placement of your child.
2. You have the right to an evaluation of your child if the district has reason to believe that your child has a mental or physical impairment that substantially limits learning or some other major life activity ...
 - a) Before the initial placement.
 - b) Before any subsequent significant change in placement.
3. You have the right to an opportunity to examine all relevant records for your child.
4. You have the right to an impartial hearing, with participation by you and representation by counsel, concerning the identification, evaluation or educational placement of your child.
5. You have the right to appeal the final decision of the impartial hearing officer to a court of competent jurisdiction.

Draft for Review 9/22/2017



Chapter 21: Civil Rights Protection and 504 Accommodations

Legal References

Section 504 of the
Rehabilitation Act of
1973
Regulations 104.3

IDEA 2004

Americans with
Disabilities Act
Title II, III

Last Updated:
[9/22/2017#26/17](#)

SECTION A	Section 504 of the Rehabilitation Act of 1973
SECTION B	Americans with Disabilities Act (ADA)
APPENDIX A	Office of Civil Rights (OCR) Response to Veir Inquiry Re: Various Matters
APPENDIX B	Sample Section 504 and the ADA Notice of Procedural Safeguards

Introduction

Section 504 of the Rehabilitation Act of 1973 provides regulations to prevent discriminatory actions to those individuals defined as disabled. The definition of an ~~disabled~~ individual with disabilities is provided within this chapter.

Section A - Section 504 of the Rehabilitation Act of 1973

~~Children/Students~~ may be disabled as defined in Section 504, even though they do not require services pursuant to the Individuals with Disabilities Education Act ~~of 2004~~ (IDEA). ~~Children/Students~~ who are identified as individuals with ~~disabilities/exceptional needs~~ according to IDEA criteria are not addressed under the Section 504 guidelines. The needs of IDEA-eligible ~~children/students~~ are provided under state and federal laws.

Each ~~L~~ocal ~~E~~ducation ~~A~~gency (LEA) within the Desert/Mountain Special Education Local Plan Area (SELPA) is required to develop policies and ~~procedures/regulations~~ to ensure ~~children/students~~ who are disabled within the meaning of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with the required general education modifications, as well as related aids or services that are designed to meet the needs of each child with a disability ~~disabled student~~ as adequately as the needs of each child without a disability ~~nondisabled student~~.

DEFINITIONS

Title 34 of the Code of Federal Regulations Subpart A § 104.3 ~~(f)~~ provides the following definitions:

~~“Handicapped person”;~~ ~~—a~~ Any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

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~~“Physical or mental impairment”;~~ ~~—(a)~~ Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; ~~hem~~ic and lymphatic; skin; and endocrine; or ~~(b)~~ any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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~~“Major life activities”;~~ ~~—f~~ Functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

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~~“Has a record of such impairment”;~~ ~~—h~~ Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

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~~“Is regarded as having an impairment”;~~ ~~(a)~~ ~~—H~~ has a physical or mental impairment that does not substantially limit major life activities, but that is treated by a recipient as constituting such a limitation; ~~(b)~~ has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others

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toward such impairment; or (c) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

Identification and Referral Procedures

~~Children~~Students who, because of a disability, need or who are believed to need Section 504 support, special education, or related services in order to receive a free appropriate public education (FAPE) may be referred by a parent, teacher, other certificated school personnel, or community agency. This referral is submitted to the LEA ~~Section 504~~child study team for consideration.

The ~~Section 504~~ child study team will review the ~~child~~student's school history, individual needs, the meaning of evaluation data, and the modification options as well as academic, and social and behavioral records to determine if an evaluation under Section 504 or IDEA is appropriate. If a request for evaluation is denied, the parent shall be informed in writing of this decision as well as provided information regarding their procedural rights to appeal.

Evaluation of the ~~Child~~Student

Evaluation of the ~~child~~student for Section 504 eligibility should be completed by a ~~Section 504~~ the child study team. This evaluation should include an evaluation of the nature of the ~~child~~student's disability and the impact of the disability on the ~~child~~student's education. The evaluation should include consideration of any behaviors that interfere with regular participation of a ~~child~~student who otherwise meets the criteria for participation in the educational program or activities.

No final determination will be made by the ~~Section 504~~ team of whether the ~~child~~student will or will not be identified as a ~~child with a disability~~disabled individual within the meaning of Section 504. ~~will be made by the child study team~~ without first inviting the parent or guardian of the ~~child~~student to participate in the meeting concerning such determination.

A final decision will be made by the ~~Section 504~~ child study team in writing. The parent or guardian of the ~~child~~student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review pursuant to ~~Title 34 of the Code of Federal Regulations § Section 504, 34 C.F.R. 104.36.~~

Plan for Services

The ~~Section 504~~child study team will complete a service plan document that describes the disability and the modifications as well as related aids or ~~supports~~services needed. The plan will specify how the interventions will be provided and by whom. All ~~staff~~students who work with the ~~child~~student in the school will be informed of the ~~Section 504~~service plan.

A ~~child with a disability~~disabled student requiring interventions in accordance with Section 504 shall be placed in the general education environment with the use of supplementary aids and services unless it is demonstrated that such placement cannot be achieved satisfactorily. ~~Children with disabilities~~Disabled students shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the ~~child~~student.

Review of Student Progress

The ~~Section 504~~ child study team will coordinate the monitoring of the ~~child~~student's progress as well as the effectiveness of the service plan annually. Prior to any subsequent significant change in placement, a comprehensive reevaluation of the ~~child~~student's needs will be conducted. If the Section 504 plan for

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services is implemented and then found to be ~~ineffective~~appropriate, the ~~child~~student should then be assessed for IDEA eligibility.

Procedural Safeguards

The parents ~~or guardian~~ shall be notified in writing of all LEA decisions concerning the identification, evaluation, or educational placement of ~~children~~students pursuant to Section 504. The parent ~~or guardian~~ shall have the right to request an impartial Section 504 Administrative Hearing with opportunity for participation by the parent ~~or guardian~~ and their counsel.

Section B - Americans with Disabilities Act (ADA)

Barriers to employment, transportation, public accommodations, public services, and telecommunications have imposed staggering economic and social costs on American society and have undermined well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities. By breaking down these barriers, the Americans with Disabilities Act (ADA) enables society to benefit from the skills and talents of individuals with disabilities, will allow all to gain from their increased purchasing power and ability to use it, and will lead to fuller, more productive lives for all Americans.

The ~~Americans with Disabilities Act~~DA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local services, and telecommunications.

It is divided into five titles:

Title I - Employment

Business must provide reasonable accommodations to protect the rights of individuals with disabilities in all aspects of employment. Possible changes may include restructuring jobs, altering the layout of workstations, or modifying equipment. Employment aspects may include the application process, hiring, wages, benefits, and all other aspects of employment. Medical examinations are highly regulated.

Title II - Public Services

Public services, which include state and local government instrumentalities, the National Railroad Passenger Corporation, and other commuter authorities, cannot deny services to ~~individuals~~people with disabilities, participation in programs or activities which are available to ~~individuals~~people without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities.

Title III - Public Accommodations

All new construction and modifications must be accessible to individuals with disabilities. For existing facilities, barriers to services must be removed if readily achievable. Public accommodations include facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

Title IV - Telecommunications

Telecommunications companies offering telephone service to the general public must have telephone relay service to individuals who use telecommunication devices for the deaf (TTYs) or similar devices.

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Title V - Miscellaneous

Includes a provision prohibiting either (a) coercing or threatening, or (b) retaliating against the disabled or those attempting to aid ~~individuals~~people with disabilities in asserting their rights under the ADA.

The ADA's protection applies primarily, but not exclusively, to "disabled" individuals. An individual is "disabled" if he or she meets at least any one of the following tests:

- He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities.
- He or she has a record of such an impairment.
- He or she is regarded as having such an impairment.

Other individuals who are protected in certain circumstances include (1) those, such as parents, who have an association with an individual known to have a disability, and (2) those who are coerced or subjected to retaliation for assisting ~~individuals~~people with disabilities in asserting their rights under the ADA.

While the employment provisions of the ADA apply to employers of fifteen employees or more, its public accommodations provisions apply to all sizes of business, regardless of number of employees. State and local governments are covered regardless of size.

Effective enforcement of this landmark civil rights legislation is a high priority of the Federal Government. ~~A booklet designed to provide answers to some of the most often asked questions about the ADA is available at the following web site-~~ Find out more about the ADA and other laws that protect the rights of individuals with disabilities at https://www.ada.gov/ada_intro.htm.

For answers to additional questions, call the ADA Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TDD).

Additional ADA resources are listed in the Resources section located at the web site listed above.

Addresses for ADA Information

Architectural and Transportation Barriers Compliance Board
1331 F Street, NW Suite 1000
Washington, DC 20004-1111

Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAY
P.O. Box 66738
Washington, DC 20530035-6738

U.S. Department of Transportation

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Federal Transit Administration
400 Seventh Street, SW
Washington, DC 20590

U.S. Equal Employment Opportunity Commission
1801 L Street, NW
Washington, DC 20507

APPENDIX A

OCR Response to Veir Inquiry Re: Various Matters

20 IDELR 864

Carole Veir, Ed.D.
TACHO President
Texas Association of Section 504
Coordinators & Hearing Officers
P.O. Box 1826
Wimberley, TX 78676

Digest of Inquiry

[Date Not Provided]

- May a medical statement from a student suspected of being disabled be required when the district is unable to identify a specific medical or physical impairment that substantially limits a major life activity?
- Must a district provide special types of food when a student is determined to need dietary modifications at school?
- Are districts responsible for providing services to private school students with disabilities? Must districts conduct child find activities at private schools?
- Do students who are referred for special education eligibility but who do not meet IDEA criteria, automatically become eligible under Section 504?
- Can a student who is identified as eligible under both the IDEA and Section 504 receive certain IDEA services while still being provided Section 504 services within the regular classroom, or should such a student receive all services for his/her disability pursuant to the IDEA?
- Do districts have the right to take parents to due process hearings under Section 504?
- If a student is identified as in need of modifications or services under Section 504, but the parent chooses to provide the student with home schooling, does the district continue to be responsible for providing services to the student within the home environment?
- What is the difference between the terms “related aids and services” and “supplemental aids and services” under the Section 504 regulations? What is the difference between the phrases “regular or special education and related aids and services” and “special education or related services...in a regular or special education program” under the Section 504 regulations?
- If a student with a disability, who is eligible under Section 504, is constantly disruptive on the school bus, may the district revoke the student’s bus privileges, even if the student requires transportation to get to school?

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APPENDIX A

OCR Response to Veir Inquiry Re: Various Matters

Digest of Response

(December 1, 1993)

Medical Assessment Required Only if District Suspects a Disability

A district may not require a parent or a student to provide a medical statement if the district suspects that the student has a disability that would result in Section 504 eligibility. In such a circumstance, the district is obligated to conduct an evaluation of the student, including a medical assessment, if necessary, at no cost to the parents. On the other hand, if the district does not believe that the student has a disability that would result in Section 504 eligibility, then the district must inform the parents of their due process rights to challenge the decision not to evaluate.

Special Foods May be Required for Students with Disabilities

Unlike medication, which a district is not responsible for providing to any student, if the district provides food services to students generally, then it would also be required to provide appropriate food services to a student with a disability who has special dietary needs, on the same basis that food services are provided to students without disabilities. Thus, as determined on a case-by-case basis, the district may be required to provide special foods to meet the individual needs of a student with a disability.

Parentally-Placed Students Lack Entitlement to Services

If a district has made FAPE available to a student with disabilities, and the parent or guardian nevertheless places the student at a private school, then the district is not required to provide services to the student at the private school. Furthermore, while districts are required to take steps annually to identify and locate students with disabilities who are not receiving public educations, the Section 504 regulations do not specify the manner in which a district may undertake this child find responsibility. Accordingly, steps other than conducting child find activities at private school locations may be sufficient, such as disseminating notices to private schools and state and local agencies and placing notices in newspapers.

IDEA Ineligibility Does Not Automatically Result in Section 504 Eligibility

Depending on the severity of their disabling conditions, students who do not meet IDEA eligibility criteria may or may not fit within the definition of Section 504 eligibility. Section 504 eligibility is not automatically bestowed on a student who is referred for a special education evaluation and who is subsequently determined not to be IDEA-eligible.

Section 504 Requirements Met by Compliance with IDEA

OCR cannot conceive of any situation in which children identified as IDEA-eligible are not also entitled to Section 504 protection. However, pursuant to the Section 504 regulations, the implementation of an IEP in accordance with the IDEA is one means of meeting the Section 504 requirements for a student with a disability, assuming that the student is being served for the same disability under both the IDEA and Section 504.

Districts May Take Parents to Section 504 Hearings

Districts may take parents to due process hearings under Section 504, and in some circumstances, are required to do so. For example, if a child is receiving Section 504 services and the parents subsequently withdraw their consent to the provision of these services, then the district may not simply accede to the parents' wishes, but rather, must take the parents to a hearing under Section 504, if the district continues to believe that the services are necessary.

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APPENDIX A

OCR Response to Veir Inquiry Re: Various Matters

Home-Schooled Students Not Entitled to Section 504 Services

If a district has offered FAPE to a student who has been identified under Section 504, but the parent decides not to enroll the student in public education program (such as a parental decision to provide the student with home schooling), then the district is not responsible under Section 504 for the provision of educational services to the student.

Certain Section 504 Terms and Definitions are Interchangeable

The meaning of the terms “related aids and services” and “Supplemental aids and services” under the Section 504 regulations at 34 CFR 104.33(b) and 104.34(a), respectively, are identical and, therefore, interchangeable. The phrases “regular or special education and related aids and services” and “special education or related services...in a regular or special education program” under the Section 504 regulations at 34 CFR 104.33(b) and 104.35(a), respectively, also have identical meanings.

Transportation Services May Not be Unilaterally Terminated

If transportation is deemed to be a related service for a student with a disability, then the district may not revoke transportation services, even when the student has exhibited disruptive or dangerous behavior during transit to and from school, without taking steps to conform to all of the Section 504 requirements that are applicable to disciplinary sanctions. A district may, however, seek to change the mode or method of providing transportation services if a student with a disability poses a danger to himself or others.

I am pleased to respond to your letter to Assistant Secretary for Civil Rights, Norma V. Cantu, on behalf of the Texas Association of Section 504 Coordinators and Hearing Officers. In your letter, you ask 10 questions. I will restate each question, and follow each with a response.

- 1. Can a district require a medical statement for students for whom they cannot pinpoint a medical or physical impairment that is substantially limiting a major life activity within the schools and for which assistance is needed in the school? If the incident was many years ago, must the district have a medical record or statement prior to ruling eligibility?**

A district cannot require a parent or student to provide a medical statement *if* the district suspects that the student has a disability that would necessitate the provision of regular or special education and related aids and services under the regulations implementing Section 504 of the Rehabilitation Act of 1973 (Section 504). However, a school district is not required to evaluate a student who the school district does not believe has a disability, *e.g.* a mental or physical impairment which substantially limits a major life activity, such as learning. A district is required to conduct an evaluation of any person who, because of disability, needs, or whom the district believes to need, regular or special education and related services before placing the person in a regular or special education program with related services, 34 C.F.R. §104.35(a). If a school district determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to make an appropriate evaluation consistent with 34 C.F.R. § 104.35(a) and (b), the district must ensure that the child receives this assessment at no cost to the parents. If alternate assessment methods meet the evaluation criteria, these methods may be used in lieu of a medical assessment. If a district does not believe that a student has a disability and refuses to evaluate the child, the district must inform the parents of their due process rights under 34 C.F.R § 104.36.

Please note that we did not respond to the second question regarding a medical record because we did not understand the context, *e.g.*, What does “if the incident was many years ago” mean?

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APPENDIX A

OCR Response to Veir Inquiry Re: Various Matters

2. **Are districts required to provide the food when dietary modifications are needed? Or do parents provide the food and the school prepare it (like with medication)?**

It depends. A recipient, in providing any aid, benefit, or service, may not deny or afford a person with a disability an opportunity to participate in, or benefit from, an aid, benefit, or service, such as the provision of food services, that is not equal to, or as effective as, that provided to persons without disability. The recipient also is required to provide free appropriate public education to each qualified person with a disability. The provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met. 34 C.F.R. § 104.33 (a) and (b). Unlike medicine, which the school is not required to provide for any student, if the school provides food to students generally, it would also have to provide an appropriate lunch to the student with disabilities who has special dietary needs on the same basis that food is provided to students without disabilities. Depending on the circumstances, the school may have to provide special foods to meet the individual needs of the student with disabilities. This responsibility is determined on a case-by-case basis.

3. **Are the public schools that have responsibilities under Section 504 also responsible for providing services to students in private schools? Must a child find be conducted in the private schools by the public entity? Must the public schools provide evaluations for private school children who are suspected of having a substantial limitation in one or more life activities if the parents request one? If the public school must serve these children, must the public school provide the transportation? Can these services be after school, or must they be held during the school hours? Is there a potential for a conflict such as that in *Aquilar v. Felton* and Chapter 1 issues?**

If a recipient has made available a free appropriate public education to a person with a disability and the person's parent or guardian chooses to place the person in a private school, Section 504 does not require the recipient to provide services in the private school. 34 C.F.R. § 104.33(c)(4). Please note I have not answered your other questions because they were premised on the notion that under Section 504, public schools must serve persons with disabilities, placed in private school by a parent.

The Section 504 regulation at 34 C.F.R. § 104.32 does not require public schools to take steps annually to identify and locate children with disabilities who are not receiving a public education and to publicize to children with disabilities and their parents the rights and duties established by Section 504 and the regulation implementing Section 504. The regulation does not specify the manner in which a district must meet its location and notification responsibility. There are many means available including notices to private schools, state and local agencies, and notices placed in newspapers.

4. **For students who are referred to Special Education but do not qualify under IDEA criteria, do they automatically become Section 504 students? (Board policies of most districts state that the students automatically become Section 504 if they do not qualify for IDEA services.)**

Under Section 504, a "person with disabilities" is defined as any person who has a physical or mental impairment which substantially limits a major life activity. Thus, depending on the severity of their condition, students who do not meet the standards under Part B of the Individuals with Disabilities Education Act (IDEA) may or may not fit within the Section 504 definition. It is not automatic.

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APPENDIX A

OCR Response to Veir Inquiry Re: Various Matters

5. **Can a student be identified as IDEA eligible and be receiving some services under IDEA, and also be identified as a Section 504 student and be receiving different assistance in the regular classroom under Section 504? If the child is eligible for IDEA for the disability, shouldn't they receive all services for their disability under IDEA?**

For purposes of this response, we assumed that the student described in the question is being served for the same disability under IDEA and Section 504. In order to be eligible for services under the IDEA, a child must be found to have one or more of the 13 disability categories specified *and* must also be found to need special education. The Office for Civil Rights cannot conceive of any situation in which these children would not also be entitled to the protection extended by Section 504. A student identified as IDEA eligible and receiving services under the IDEA in order to receive a free and appropriate public education could receive the same assistance in order to comply with Section 504. Section 104.33(b)(2) states that implementation of an individualized education program developed in accordance with IDEA is one means of meeting Section 504's requirement for the provision of regular and special education and related aids and services designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

6. **It is clear that a parent can take the school district to a hearing regarding their Section 504 student. Can a district take a parent to hearing as well?**

Yes. For instance, if a child is receiving services the school district thinks are necessary for the provision of a free appropriate public education under Section 504, and the parent decides he/she no longer wants the child to receive the services; the district cannot simply accede to the parent's wishes. It *must* use the Section 504 due process hearing requirements or other proceedings if the school district believes the child needs the services.

7. **If a child is identified as in need of modifications/services under Section 504, and the parent decides to home-school the child, is the district still responsible for providing services in the home for this child because they are in the jurisdictional area of the school's responsibility?**

No. Where a district has offered an appropriate education, a district is not responsible, under Section 504, for the provision of educational services to students not enrolled in the public education program based on the personal choice of the parent or guardian. 34 C.F.R. § 104.33 (o)(4).

8. **Section 104.33(b) speaks to "related aids and services." What is the difference between this and 104.34(a) "supplemental aid and services?" Section 104.33(b) speaks to "regular or special education and related aids and services," whereas 104.35 speaks to "special education or related services ... in a regular or special education program." Please provide clarification as to the meaning of these phrases and how they are to be interpreted.**

Under Section 504, the meaning of the terms "related aids and services" and "supplemental aids and services" is identical, and the terms are interchangeable. The phrases "regular or special education and related aids and services" in Section 104.35(a) and "special education or related services ... in a regular or special education program" also have identical meanings.

9. **If a Section 504 child is, due to his handicapping condition, constantly disruptive on the school bus, can the district have the child's bus privileges removed if s/he needs the transportation to**

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APPENDIX A

OCR Response to Veir Inquiry Re: Various Matters

get to school? If so, must the district still provide transportation? How about when the child is a threat to the safety of other children on the bus?

If transportation is a related service for a child with disabilities, any incident of misconduct on the bus should be viewed in the same manner as any disciplinary incident in the school. A district cannot revoke transportation services just as a district could not suspend a student with disabilities in excess of 10 days or, in some cases, impose cumulative suspensions exceeding 10 days without taking a number of prior actions. A district can change the mode or method of providing transportation services if a student with disabilities is endangering himself or others, just as a district can place a child with disabilities in a more restrictive setting if the child becomes dangerous.

- 10. Must a child who has a record of impairment, who was protected by Section 503 at one time but is no longer in need of any special accommodations, be disciplined in the same manner as a child who is currently receiving accommodations due to a current impairment? In other words, both students are Section 504, one is current and the other has a record of an impairment although not currently receiving services, but is the student who is not currently receiving Section 504 services and protection still entitled to the manifestation determination prior to disciplinary actions?**

Your question was somewhat confusing because we could not determine whether you were concerned about a person who no longer has a disability or who no longer requires services. A child with a disability who *does* not require services is still entitled to the protections afforded by Section 504.

I hope this information has been helpful. If you have any questions, please call Ms. Gale Barron Black at (202) 205-8524.

Jean P. Peelan
Director, Elementary and Secondary Education, Policy Division, Office for Civil Rights

APPENDIX B

Sample Section 504 and the ADA Notice of Procedural Safeguards

(Source: Perry A. Zirkel)

For students suspected of being eligible solely under the Section 504 and the Americans with Disabilities Act definition of an individual with a disability, but not also eligible under the generally more limited “disability” definition in the Individuals with Disabilities Education Act, questions commonly arise as to compliance procedures with the regard to parental notice.

In the accompanying box, we provide the essential ingredients of such a form.

In addition, districts may wish to add other, discretionary features, such as:

1. An introductory section citing and describing the nondiscrimination obligation of Section 504 and the ADA.
2. More details about the listed procedural rights, such as an explanation of the term “educational placement” and “significant change in placement” in this pure (rather than overlapping with the IDEA) 504/ADA context and about the regulatory requirements for evaluation and placement.
3. A list of the eligible child’s substantive rights, such as the Sec. 504 definition of free and appropriate public education and its least restrictive environment requirements for academic and nonacademic settings.
4. And other, more general requirements, such as your grievance procedure and 504/ADA coordinator. In any event, it is advisable to develop a procedure to document parents’ receipt of this notice.

Do not confuse this notice of procedural safeguards with its IDEA counterpart (34 C.F.R. §§ 300.503-300.504), which is more extensive and only applies to “double-covered” students, i.e., those who are eligible under the IDEA, not just 504/ADA. Similarly, do not confuse this Sec. 504 individual-notice requirement (34 C.F.R. § 104.36) with its more general minimal institutional-notice requirement (34 C.F.R. § 104.8 and 28 C.F.R. § 35.106) of nondiscrimination based on disability.

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APPENDIX B

Sample Section 504 and the ADA Notice of Procedural Safeguards

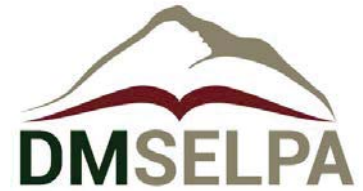
(Source: Perry A. Zirkel)

Use this procedural safeguards notice drafted by Perry Zirkel to ensure that you are in compliance with Section 504 and the Americans with Disabilities Act. Refer to the article above for ideas on how you can customize this form to fit the needs of your particular district.

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the _____ School District provides you, as the parent or guardian, with the following procedural safeguards in relation to your child:

1. You have a right to receive a copy of this notice upon the district's identification, evaluation, refusal to provide an evaluation, educational placement, denial of educational placement and any significant change in said placement of your child.
2. You have the right to an evaluation of your child if the district has reason to believe that your child has a mental or physical impairment that substantially limits learning or some other major life activity ...
 - a) Before the initial placement.
 - b) Before any subsequent significant change in placement.
3. You have the right to an opportunity to examine all relevant records for your child.
4. You have the right to an impartial hearing, with participation by you and representation by counsel, concerning the identification, evaluation or educational placement of your child.
5. You have the right to appeal the final decision of the impartial hearing officer to a court of competent jurisdiction.

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Chapter 22: Personnel Development

Legal References

CA Education Code
Sections
44250-44279; 44256;
44265; 56068; 56070;
56195.8; 56361;
56205(a); 56362;
56362.1; 56262.5;
56362.7; 56363.3;
56441.7;
56205(a)(13); 56058;
56070

Title 5, CA Code of
Regulations
3051.1; 3100; 6100-
6126; 80046.5;
80048-80048.6

Title 34, Code of
Federal Regulations
200.55-200.57;
200.61; 300.18;
300.156; 300.201

Title 20, USC
1401; 1412(a)(14-15);
1413(a)(3); 6319;
7801

Last Updated:
9/22/2017

SECTION A	Comprehensive System of Personnel Development
SECTION B	Desert/Mountain SELPA Personnel Standards
SECTION C	Regional Training
SECTION D	On-Site Training
SECTION E	Special Education Staff
SECTION F	Resource Specialists
SECTION G	Related Services Personnel and Paraprofessionals

Introduction

It shall be the policy of the Desert/Mountain Special Education Local Plan Area (SELPA) to ensure that personnel providing special education and related services meet the highly-qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual child for the failure of a Local Education Agency (LEA) staff member to be highly qualified or to prevent a parent from filing a state complaint with the California Department of Education (CDE) about staff qualifications.

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The Every Student Succeeds Act (ESSA) amended the Individuals with Disabilities Education Act (IDEA) by removing the definition of "highly qualified" in § 602(10), and the requirement in § 612(a)(14)(C), that special education teachers be "highly qualified" by the deadline established in § 1119(a)(2) of the Elementary Secondary Education Act (ESEA), as amended by No Child Left Behind. Accordingly, a state is not required to ensure that special education teachers are "highly qualified" as defined in the ESEA beginning with the 2016-17 school year but must ensure that they meet the requirements noted in the following paragraph.

Definition of Highly Qualified - Federal Requirements related to the Professional Qualifications of Teachers under ESSA

§ 9214(d)(2) of the ESSA amended § 612(a)(14)(C) of the IDEA by incorporating the requirement previously in § 602(10)(B), that an individual employed as a special education teacher in elementary school, middle school, or secondary school must: (1) have obtained full certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the state special education teacher licensing examination and hold a license to teach in the state as a special education teacher, except that a special education teacher teaching a public charter school must meet the requirements set forth in the state's public charter school law; (2) not have had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and (3) hold at least a bachelor's degree. Each state must continue to comply with these certification requirements during the 2016-17 school year.

Each state is not required to comply with the requirements in §§ 1119 and 2141 of the ESEA, as amended by No Child Left Behind, in the 2016-17 school year because these provisions are not continued under ESSA.

- § 1119 of the ESEA, as amended by NCLB, which requires that each LEA hire highly qualified teachers; that each state and LEA report on progress toward all teachers being highly qualified;
- § 2141 of the ESEA, as amended by NCLB, which requires an LEA not making progress toward all teachers being highly qualified to create and implement an improvement plan and requires the state to provide technical assistance to such LEA.

Section A - Comprehensive System of Personnel Development (CSPD)

California Education Code § 56205(a), Title 20 of the United States Code §§ 1412(a) (44-15) and 1413(a)(3). Each special education local plan area submitting a local plan to the Superintendent under this part shall ensure, in conformity with Sections 1412(a) and 1413(a)(1) of Title 20 of the United States Code, and in accordance with Section 300.201 of Title 34 of the Code of Federal Regulations, that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing the following...(a)(13) Personnel qualifications to ensure that personnel, including special education teachers and personnel and paraprofessionals providing related services, necessary to implement this part are appropriately and adequately prepared and trained in accordance with Section 56058 and 56070 and Section 1412(a)(14) and 1413(a)(3) of Title 20 of the United States Code.

The Desert/Mountain Special Education Local Plan Area (SELPA) provides a comprehensive system of development for Local Education Agency (LEA) personnel and parents. Opportunities for professional development include: workshops, intensive subject specific training, participation on workgroups, job specific councils, coaching, follow-up support, demonstrations, and one-to-one support. Parent support occurs through parent training services, parent meetings and councils, school site presentations, and individual meetings. Services are delivered at the local schools, regionally, and through state-sponsored activities.

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Section B - Desert/Mountain SELPA Personnel Standards

Providing Powerful Professional Development

In 1995 the National Staff Development Council developed *Standards for Staff Development*. These standards were revised in 2001, and that revision incorporated what educators have learned about staff development that improves the learning of all students. These standards focus on staff development that is standards-based, results-driven, and job-embedded. The *NSDC Standards for Staff Development* are divided into context, process, and content standards, and focuses on improvement in learning for all students.

The revised *NSDC Standards for Staff Development* are:

Context Standards

Staff development that improves the learning of all students:

- Organizes adults into learning communities whose goals are aligned with those of the school and LEA (Learning Communities).
- Requires skillful school and LEA leaders who guide continuous instructional improvement (Leadership).
- Requires resources to support adult learning and collaboration (Resources).

Process Standards

Staff development that improves the learning of all students:

- Uses disaggregated student data to determine adult learning priorities, monitor progress, and help sustain continuous improvement (Data-Driven).
- Uses multiple sources of information to guide improvement and demonstrate its impact (Evaluation).
- Prepares educators to apply research to decision-making (Research-Based).
- Uses learning strategies appropriate to the intended goal (Design).
- Applies knowledge about human learning and change (Learning).
- Provides educators with the knowledge and skills to collaborate (Collaboration).

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Staff development that improves the learning of all students:

- Prepares educators to understand and appreciate all students; create safe, orderly, and supportive learning environments; and hold high expectations for their academic achievement (Equity).
- Deepens educators' content knowledge, provides them with research-based instructional strategies to assist students in meeting rigorous academic standards, and prepares them to use various types of classroom assessments appropriately (Quality Teaching).
- Provides educators with knowledge and skills to involve families and other stakeholders appropriately (Family Involvement) (NSDC, 2001).

The NSDC *Standards for Staff Development* are the construct by which SELPA staff development opportunities are designed. The Desert/Mountain SELPA seeks to create on-going collaborative relationships with member LEAs. It is through these collaborative relationships, characterized by facilitation of systems change efforts and on-site coaching, that school improvement will occur.

Desert/Mountain SELPA trainings are offered at *low or no cost* to LEAs and are focused on research-based best practices. It is the goal of the Desert/Mountain SELPA that these trainings will be a component of a SELPA-wide systematic plan for professional development that is clearly articulated and focused on student learning. Sparks (2002) states that, "*Quality teaching in all classrooms and skillful leadership in all schools will not occur by accident, however. They require the design and implementation of the most*

powerful forms of professional development” (p. 14). It is our desire to team with LEAs to provide powerful professional development that will result in superior student achievement.

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Bryk, A.S., & Schneider, B. (2002). “Trust in Schools: A Core Resource for Improvement.” Russell Sage Foundation, NY.

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For events that require payment, individuals must register online and follow up with payment forwarded to the Desert/Mountain SELPA office. When an individual initially registers online, he/she will receive an email indicating that his/her registration will be confirmed once payment is received. Once the SELPA has received payment, registrants will be sent another email confirming registration. **Those who do not receive a confirmation email prior to the day of the training should check with their LEA to determine whether payment has been sent.** If payment has been sent and the registration has not yet been confirmed, individuals should contact the SELPA office to confirm/verify registration and that all materials will be available for all participants on the day of the training.

Many of the Desert/Mountain SELPA trainings fill up quickly and, unfortunately, the SELPA has had to turn away some individuals on the day of the training due to nonreceipt of payment, and because the training was full. It is in the individual’s best interest to register early and ensure that payment is sent promptly so that your registration can be confirmed. The SELPA hopes the electronic system streamlines the registration process and allows individuals to verify registration via email prior to the event.

Section D - On-Site Training

To request training from the Desert/Mountain SELPA, LEA staff must fill out an on-site request form. This form needs to be signed by the LEA Special Education Director and sent to the Desert/Mountain SELPA office. The request form can be scanned and emailed or faxed to the SELPA Program Manager for Regional Services at 17800 Highway 18, Apple Valley, CA 92307, (760) 242-5363. The Special Education Director and requestor’s email addresses should be included in the form so that the SELPA can verify receipt of the training request via email. Because program specialists book trainings several months

in advance, the SELPA will need approximately six week's advance notice to fulfill requests for on-site training. The SELPA program team meets every Monday to review all requests and to assign requests to the appropriate program specialist. The requestor and the Special Education Director will be notified via email when the request has been assigned and a program specialist or support person will contact the requesting individual to make final arrangements.

Section E – Special Education Staff

Teachers assigned to serve children with disabilities shall possess the credential that authorizes them to teach the primary disability of children within the special education setting as determined by the program placement recommendation in the child's Individualized Education Program (IEP) (*Title 5 of the California Code of Regulations § 80046.5 through 80048.6*). Special education teachers who teach core academic subjects shall possess the qualifications required by the NCLB Act (*Title 20 of the United States Code §§ 1401, 6319, 7801; Title 34 of the Code of Federal Regulations §§ 200.55-200.57, 300.18*)

NOTE: *The federal NCLB Act (Title 20 of the United States Code § 6319; Title 34 of the Code of Federal Regulations §§ 200.55-200.57) requires all teachers of core academic subjects, in both Title I and non-Title I programs, to be "highly qualified" as defined in Title 20 of the United States Code § 7801 and Title 5 of the California Code of Regulations §§ 6100-6126. A teacher is defined as "new to the profession" if they have graduated from an accredited institution of higher education and received a credential, or began an approved intern program, on or after July 1, 2002. A teacher is defined as "not new to the profession" if they graduated from an accredited institution of higher education and received a credential, or were enrolled in, or had completed, an approved intern program before July 1, 2002 (Title 5 of the California Code of Regulations § 6100).*

An elementary teacher who holds at least a bachelor's degree, is currently enrolled in an approved intern program for less than three years (or has a credential), and meets the applicable requirements in §§ 6102 or 6103 as noted in the next two paragraphs, meets NCLB requirements as "highly qualified" (*Title 5 of the California Code of Regulations § 6101*).

An elementary teacher who is new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed a validated statewide subject matter examination certified by the Commission on Teacher Credentialing (CTC), including, but not limited to the California Subject Examination for Teachers (CSET) Multiple Subjects, Multiple Subject Assessment for Teachers (MSAT), and National Teaching Exams (NTE) (*Title 5 of the California Code of Regulations § 6102*).

An elementary teacher who is not new to the profession at the elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have completed either:

1. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes; or
2. A High Objective Uniform State Standard Evaluation (HOUSSE) conducted pursuant to Title 5 of the California Code of Regulations § 6104, and in conjunction with the teacher's evaluation and assessment pursuant to Education Code § 44662 (*Title 5 of the California Code of Regulations § 6103*).

A middle or high school teacher, who holds at least a bachelor's degree, is currently enrolled in an approved intern program for less than three years or has a full credential, and who meets the applicable requirements in §§ 6111 or 6112, as noted in the next two paragraphs, meets NCLB requirements as "highly qualified".

A middle or high school teacher who is new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

1. A validated statewide subject matter examination certified by the CTC;
2. University subject matter program approved by the CTC;
3. Undergraduate major in the subject taught;
4. Graduate degree in the subject taught; or
5. Coursework equivalent to undergraduate major.

NOTE: A new special education teacher who is currently enrolled in an approved special education intern program for less than three years or who holds a special education credential, and can demonstrate subject matter competence in mathematics, language arts, or science, may demonstrate competence in the other core academic subjects in which the teacher teaches through the HOUSSE contained in Title 5 of the California Code of Regulations § 6104, not later than two years after date of employment.

A middle or high school teacher who is not new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed or completed one of the following for every core subject currently assigned:

1. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes;
2. University subject matter program approved by the CTC;
3. Undergraduate major in the subject taught;
4. Graduate degree in the subject taught;
5. Coursework equivalent to undergraduate major;
6. Advanced certification or credentialing (National Board Certification); or
7. A high objective uniform state standard evaluation pursuant to Title 5 of the California Code of Regulations § 6104.

The Charter LEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

Caseloads for special education staff are specified in Education Code § 56362 for resource specialists (see "Resource Specialists" section below) and in Education Code §§ 56363.3 and 56441.7 for language, speech and hearing specialists.

California Education Code § 56362(c). Caseloads for resource specialists shall be stated in the local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board. No resource specialist shall have a caseload which exceeds 28 pupils.

California Education Code § 56363.3. The average caseload for language, speech, and hearing specialists in special education local plan areas shall not exceed 55 cases, unless the local plan specifies a higher average caseload and the reasons for the greater average caseload.

California Education Code § 56441.7. (a) The maximum caseload for a speech and language specialist providing services exclusively to individuals with exceptional needs, between the ages of three and five years, inclusive, as defined in Section 56441.11 or 56026, shall not exceed a count of 40. (b) The Superintendent shall issue caseload guidelines or proposed regulations to local educational agencies for individuals with exceptional needs between the ages of three and five years, inclusive, by January 1, 1988.

The Charter LEA Chief Executive Officer (CEO) or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, or set by the Charter LEA.

Section F - Resource Specialists

Education Code § 56195.8, mandates entities providing special education to adopt policy related to resource specialists. The following section fulfills this mandate and should be revised for consistency with the policy and regulations of the Charter SELPA in which the Charter LEA participates.

The Charter LEA Governing Board shall employ certificated resource specialists to provide services which shall include, but not be limited to (*Education Code § 56362*):

1. Instruction and services for children whose needs have been identified in an IEP and who are assigned to regular classroom teachers for a majority of the school day.
2. Information and assistance to children with disabilities and their parents.
3. Consultation with and provision of resource information and material regarding children with disabilities to their parents and other staff members.
4. Coordination of special education services with the regular school programs for each child with a disability enrolled in the resource specialist program.
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of children who do not demonstrate sufficient progress to the IEP team.
6. Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

The resource specialist program shall be directed by a resource specialist who is a credentialed special education teacher or who has a clinical services credential with a special class authorization, and who has three or more years of teaching experience, including both general and special education teaching experience (*Education Code § 56362(b)*).

No resource specialist shall have a caseload which exceeds 28 students (*Education Code § 56362(c)*). As necessary and with the agreement of the resource specialist, the Charter LEA Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that, an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver (*Education Code § 56362; Title 5 of the California Code of Regulations § 3100*).

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes (*Education Code § 56362(d)*).

***Title 5 of the California Code of Regulations § 3100.** A school district, SELPA, county office of education, or any other public agency providing special education or related services may request the SBE to grant a waiver of the maximum resource specialist caseload, as set forth in Education Code section 56362(c), only if the waiver is necessary or beneficial either (1) to the content and implementation of a pupil's IEP and does not abrogate any right provided individuals with exceptional needs by specified federal law or (2) to the agency's compliance with specified federal law.*

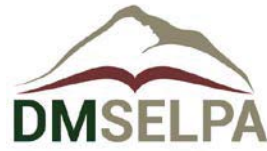
Section G - Related Services Personnel and Paraprofessionals

Related services personnel and paraprofessionals must have qualifications established by the Charter LEA that are consistent with any state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services.

The Charter LEA must ensure that related services personnel who deliver services in their discipline or profession meet the requirements to be licensed within their profession, having not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

The Charter LEA must allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with state law, regulation, or written policy, to be used to assist in the provision of special education and related services under this part to children with disabilities.

Outside agencies contracted by Charter LEAs to provide related services must be certified as a nonpublic, nonsectarian agency (NPA) by the CDE.



Chapter 22: Personnel Development

Legal References

CA Education Code
Sections

[56205\(a\)-56058;](#)
[56070-44250-44279;](#)
[44256-44265-56068;](#)
[56070-56195.8;](#)
[56361-56205\(a\);](#)
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Section C - Regional Training

The Desert/Mountain SELPA utilizes electronic communication for all professional development. All training flyers are available on the California Association of Health and Education Linked Professions (CAHELP) –(<http://cahelpdmselpa.org>) and all registration is handled through the Organizational Management System (OMS) at <http://oms.sbcss.k12oms.org.ca.us>

For events that require payment, individuals must register online and follow up with payment forwarded to the Desert/Mountain SELPA office. When an individual initially registers online, he/she will receive an email indicating that his/her registration will be confirmed once payment is received. Once the SELPA has received payment, registrants will be sent another email confirming registration. **Those who do not receive a confirmation email prior to the day of the training should check with their LEA to determine whether payment has been sent.** If payment has been sent and the registration has not yet been confirmed, individuals should contact the SELPA office to confirm/verify registration and that all materials will be available for all participants on the day of the training.

Many of the Desert/Mountain SELPA trainings fill up quickly and, unfortunately, the SELPA has had to turn away some individuals on the day of the training due to nonreceipt of payment, and because the training was full. It is in the individual’s best interest to register early and ensure that payment is sent promptly so that your registration can be confirmed. The SELPA hopes the electronic system streamlines the registration process and allows individuals to verify registration via email prior to the event.

Section D - On-site Site Training

To request training from the Desert/Mountain SELPA, LEA staff must fill out an on-site request form. This form needs to be signed by the LEA Special Education Director and sent to the Desert/Mountain SELPA office. The request form can be scanned and emailed or faxed to the SELPA Program Manager for Regional Services at 17800 Highway 18, Apple Valley, CA 92307, (760) 242-5363. The Special

Education Director and requestor's email addresses should be included in the form so that the SELPA can verify receipt of the training request via email. Because program specialists book trainings several months in advance, the SELPA will need approximately six weeks' advance notice to fulfill requests for on-site training. The SELPA program team meets every Monday to review all requests and to assign requests to the appropriate program specialist. The requestor and the Special Education Director will be notified via email when the request has been assigned and a program specialist or support person will contact the requesting individual to make final arrangements.

Section E – Special Education Staff

Teachers assigned to serve children with disabilities shall possess the credential that authorizes them to teach the primary disability of children within the special education setting as determined by the program placement recommendation in the child's Individualized Education Program (IEP) (*Title 5 of the California Code of Regulations § 80046.5 through 80048.6*). Special education teachers who teach core academic subjects shall possess the qualifications required by the ~~NCLB o Child Left Behind~~ Act (*Title 20 of the United States Code §§ 1401, 6319, 7801; Title 34 of the Code of Federal Regulations §§ 200.55-200.57, 300.18*)

NOTE: ~~The federal NCLB o Child Left Behind~~ Act (*Title 20 of the United States Code § 6319; Title 34 of the Code of Federal Regulations §§ 200.55-200.57*) requires all teachers of core academic subjects, in both Title I and non-Title I programs, to be "highly qualified" as defined in Title 20 of the United States Code § 7801 and Title 5 of the California Code of Regulations §§ 6100-6126. A teacher is defined as "new to the profession" if they have graduated from an accredited institution of higher education and received a credential, or began an approved intern program, on or after July 1, 2002. A teacher is defined as "not new to the profession" if they graduated from an accredited institution of higher education and received a credential, or were enrolled in, or had completed, an approved intern program before July 1, 2002 (*Title 5 of the California Code of Regulations § 6100*).

An elementary teacher who holds at least a bachelor's degree, is currently enrolled in an approved intern program for less than three years (or has a credential), and meets the applicable requirements in §§ 6102 or 6103 as noted in the next two paragraphs, meets NCLB requirements as "highly qualified" (*Title 5 of the California Code of Regulations § 6101*).

An elementary teacher who is new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed a validated statewide subject matter examination certified by the Commission on Teacher Credentialing CTC), including, but not limited to the California Subject Examination for Teachers (CSET) Multiple Subjects, Multiple Subject Assessment for Teachers (MSAT), and National Teaching Exams (NTE) (*Title 5 of the California Code of Regulations § 6102*).

An elementary teacher who is not new to the profession at the elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have completed either:

1. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes; or
2. A High Objective Uniform State Standard Evaluation (HOUSSE) conducted pursuant to Title 5 of the California Code of Regulations § 6104, and in conjunction with the teacher's evaluation

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and assessment pursuant to Education Code § 44662 (*Title 5 of the California Code of Regulations § 6103*).

A middle or high school teacher, who holds at least a bachelor's degree, is currently enrolled in an approved intern program for less than three years or has a full credential, and who meets the applicable requirements in §§ 6111 or 6112, as noted in the next two paragraphs, meets NCLB requirements as "highly qualified".

A middle or high school teacher who is new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

1. A validated statewide subject matter examination certified by the CTC;
2. University subject matter program approved by the CTC;
3. Undergraduate major in the subject taught;
4. Graduate degree in the subject taught; or
5. Coursework equivalent to undergraduate major.

NOTE: A new special education teacher who is currently enrolled in an approved special education intern program for less than three years or who holds a special education credential, and can demonstrate subject matter competence in mathematics, language arts, or science, may demonstrate competence in the other core academic subjects in which the teacher teaches through the HOUSSE contained in Title 5 of the California Code of Regulations § 6104, not later than two years after date of employment.

A middle or high school teacher who is not new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed or completed one of the following for every core subject currently assigned:

1. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes;
2. University subject matter program approved by the CTC;
3. Undergraduate major in the subject taught;
4. Graduate degree in the subject taught;
5. Coursework equivalent to undergraduate major;
6. Advanced certification or credentialing (National Board Certification); or
7. A high objective uniform state standard evaluation pursuant to Title 5 of the California Code of Regulations § 6104.

The Charter LEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

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Caseloads for special education staff are specified in Education Code § 56362 for resource specialists (see "Resource Specialists" section below) and in Education Code §§ 56363.3 and 56441.7 for language, speech and hearing specialists.

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***California Education Code § 56362(c).** Caseloads for resource specialists shall be stated in the local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board. No resource specialist shall have a caseload which exceeds 28 pupils.*

***California Education Code § 56363.3.** The average caseload for language, speech, and hearing specialists in special education local plan areas shall not exceed 55 cases, unless the local plan specifies a higher average caseload and the reasons for the greater average caseload.*

***California Education Code § 56441.7.** (a) The maximum caseload for a speech and language specialist providing services exclusively to individuals with exceptional needs, between the ages of three and five years, inclusive, as defined in Section 56441.11 or 56026, shall not exceed a count of 40. (b) The Superintendent shall issue caseload guidelines or proposed regulations to local educational agencies for individuals with exceptional needs between the ages of three and five years, inclusive, by January 1, 1988.*

The Charter LEA Chief Executive Officer (CEO) or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, or set by the Charter LEA.

Section F - Resource Specialists

Education Code § 56195.8, mandates entities providing special education to adopt policy related to resource specialists. The following section fulfills this mandate and should be revised for consistency with the policy and regulations of the Charter SELPA in which the Charter LEA participates.

The Charter LEA Governing Board shall employ certificated resource specialists to provide services which shall include, but not be limited to (*Education Code § 56362*):

1. Instruction and services for children whose needs have been identified in an IEP and who are assigned to regular classroom teachers for a majority of the school day.
2. Information and assistance to children with disabilities and their parents.
3. Consultation with and provision of resource information and material regarding children with disabilities to their parents and other staff members.
4. Coordination of special education services with the regular school programs for each child with a disability enrolled in the resource specialist program.
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of children who do not demonstrate sufficient progress to the IEP team.
6. Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

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The resource specialist program shall be directed by a resource specialist who is a credentialed special education teacher or who has a clinical services credential with a special class authorization, and who has three or more years of teaching experience, including both general and special education teaching experience (*Education Code § 56362(b)*).

No resource specialist shall have a caseload which exceeds 28 students (*Education Code § 56362(c)*). As necessary and with the agreement of the resource specialist, the Charter LEA Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that, an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver (*Education Code § 56362; Title 5 of the California Code of Regulations § 3100*).

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes (*Education Code § 56362(d)*).

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Title 5 of the California Code of Regulations § 3100. A school district, SELPA, county office of education, or any other public agency providing special education or related services may request the SBE to grant a waiver of the maximum resource specialist caseload, as set forth in Education Code section 56362(c), only if the waiver is necessary or beneficial either (1) to the content and implementation of a pupil's IEP and does not abrogate any right provided individuals with exceptional needs by specified federal law or (2) to the agency's compliance with specified federal law.

Section G - Related Services Personnel and Paraprofessionals

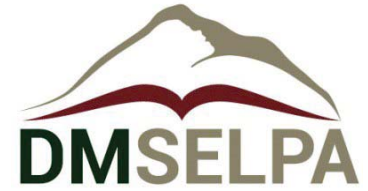
Related services personnel and paraprofessionals must have qualifications established by the Charter LEA that are consistent with any state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services.

The Charter LEA must ensure that related services personnel who deliver services in their discipline or profession meet the requirements to be licensed within their profession, having not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

The Charter LEA must allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with state law, regulation, or written policy, to be used to assist in the provision of special education and related services under this part to children with disabilities.

Outside agencies contracted by Charter LEAs to provide related services must be certified as a nonpublic, nonsectarian agency (NPA) by the CDE.

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Chapter 25: Guidelines for Independent Educational Evaluation (IEE)

Legal References

CA Education Code
Sections
56320, 56322, 56327

34 Code of Federal
Regulations
300.502(a),
300.502(b),
300.502(e)

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SECTION A	Introduction/Consideration of Independent Educational Evaluations (IEEs)
SECTION B	Procedures for Parents Requesting an IEE at Public Expense
SECTION C	Criteria for Obtaining an IEE at Public Expense
SECTION D	Criteria for Determination of IEE Fees
SECTION E	Circumstances Resulting in Evaluations Not Funded at LEA Expense
APPENDIX A	Notice to Parents Regarding IEEs
APPENDIX B	Non-Exclusive List of Qualified Examiners
APPENDIX C	Suggested Guidelines for Assessment
APPENDIX D	Test Protocols (OSEP Policy Letter)
APPENDIX E	Reimbursement Request (SELPA Form D/M 83)
APPENDIX F	Referral to the D/M SELPA Children’s Center for IEE for Occupational Occupational Therapy (OT), Psychoeducational, or Speech and Language

Introduction

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Local Education Agency (LEA) or public agency responsible for the education of the child (*Title 34 of the Code of Federal Regulations § 300.502*). Since a child's educational program and placement are determined by the results of assessments, a parent who disagrees with an LEA's evaluation has the right to obtain an IEE at public expense to identify the child's disabilities and resulting educational needs. A parent is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees (*Title 34 of the Code of Federal Regulations § 300.502*).

Each participating LEA within the Desert/Mountain Special Education Local Plan Area (SELPA) is provided with a yearly stipend to help offset the expenses for Assistive Technology Assessments (ATAs) and IEEs. This process, adopted in May 2004, enables LEAs to request such assessments independent of the SELPA. No prior approval is required by the SELPA. To be reimbursed for the cost of an ATA or IEE, the LEA must complete the SELPA reimbursement form (D/M 83) and supporting documentation, and submit the reimbursement form to the SELPA before the end of each fiscal year. The disagreement of the LEA's evaluation must be on an evaluation conducted within the last two years.

DEFINITIONS

Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child in question (*Title 34 of the Code of Federal Regulations § 300.502*).

Qualified Examiner: An examiner who is competent to perform the evaluations through criteria established within the Desert/Mountain SELPA Policy and Procedure Manual and in accordance with Education Code § 56322.

Unilateral Parent Initiated Evaluation: An evaluation obtained by the parent at private expense without prior approval of the LEA.

Public Expense: The LEA pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

Section A - Introduction/Consideration of IEEs

An IEE is designed to assist in determining the educational needs of a child with a disability including eligibility, program decisions, and educational services. The Individualized Education Program (IEP) team is responsible for determining placements and services; therefore, the IEP team will consider recommendations designed to assist the child in making educational progress in accordance with this policy. IEEs will be considered in any decisions with respect to providing a Free Appropriate Public Education (FAPE) to the child.

A private educational evaluation that is initiated by the parent shall be considered in any decision made with respect to the provisions of FAPE to the child. A private evaluation obtained by the parent is different from an IEE. An IEE may be presented as evidence at a due process hearing regarding the child. All requirements outlined in the criteria for IEEs must be followed.

Federal regulations require that whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluator, must be the same as the criteria that the public agency uses when performing a similar evaluation (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

Section B - Procedures for Parents Requesting an IEE at Public Expense

A parent has the right to obtain an IEE at public expense when the parent disagrees with the assessment obtained by the LEA (*Title 34 of the Code of Federal Regulations § 300.502(b)*). The LEA may initiate a due process hearing to show that its evaluation is appropriate (*Title 34 of the Code of Federal Regulations § 300.502(b)(2)(i)*). If the LEA initiates a hearing and the final decision is that the LEA's assessment is appropriate, the parent has the right to an IEE, but not at public expense (*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*).

The LEA is not responsible for providing or reimbursing an evaluation when parents merely feel the need for additional information about their child, and which is not based on a disagreement with LEA assessment results or IEP team findings. Further, when multiple reports are obtained by the parents in the same assessment areas, the LEA will not reimburse the cost of more than one IEE in any one area assessed when the parent disagrees with an assessment previously conducted by the LEA (*Title 34 of the Code of Federal Regulations § 300.502*).

Upon request for an IEE, the LEA will provide information to the parents regarding where an appropriate IEE may be obtained (*Title 34 of the Code of Federal Regulations § 300.502(a)(2)*).

The independent examiner must meet LEA/SELPA qualifications to be funded at public expense (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

Steps to be followed by Parents Requesting an IEE at Public Expense:

1. Contact the LEA's Director of Special Education for assistance in requesting an IEE. The parents may be asked the reasons why they object to the LEA's evaluation, however, there is no requirement that the parents specify areas of disagreement with the LEA's evaluation as a prior condition for obtaining an IEE.
2. The LEA's Director of Special Education will provide a Prior Written Notice (PWN) letter to the parent stating whether the LEA is accepting or denying the IEE. If the IEE is denied, the LEA will file for due process to determine the appropriateness of its assessment.
3. If the IEE request is accepted, the LEA will provide the parents with copies of the Notice to Parents Regarding Independent Educational Evaluation (Appendix A) and a non-exclusive list of qualified examiners (Appendix B). If a specific independent examiner is desired by the parents, the name and resume of the examiner must be provided so that the LEA may:
 - Verify the qualifications, certifications and/or license of the examiner;
 - Apply the location criteria; and
 - Initiate and negotiate a contract with the examiner.

Section C - Criteria for Obtaining an IEE at Public Expense

The IEE must be administered by the independent examiner in the same type of location and/or setting as that used by the LEA in providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e)*). If the LEA evaluation included classroom observations, the independent examiner will be given access to the classroom (*Education Code § 56327*).

Clinical psychologists selected to perform independent evaluations must base the assessment on the required eligibility criteria (*Title 34 of the Code of Federal Regulations § 300.8; Title 5 of the California Code of Regulations § 3030*) that school psychologists utilize to determine eligibility for special education services and related services. While it is understood that psychological evaluations performed by clinical psychologists, who typically work outside of the school setting or in private practice, can include many of the same formal assessments as psychoeducational and neuropsychological evaluations in order to examine an individual’s psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. Therefore, independent examiners conducting psychological assessments under an IEE should align assessment with the eligibility requirements in federal and state law that school psychologists rely on to determine eligibility for special education and related services. The examiner’s assessment should assist in determining specific areas of need, services, or supplemental aides that will support children with disabilities in educational settings. The assessment must be sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category being considered for the child, and should help seek to understand the child’s learning style, and then guide the development of classroom accommodations and supports from an educational perspective.

The IEE must be provided by an examiner who holds equivalent certifications, licenses, or other qualifications that would be required of the LEA staff providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e); and Education Code § 56322*). All assessments must be conducted in accordance with all requirements of federal and state law including, but not limited to, observing the child in the appropriate setting (*Education Code § 56327*), and conducting evaluations in accordance with *Education Code § 56320*. Independent examiners must meet the credentialing criteria listed below. All assessments, including all tests and subtests must be conducted by persons competent to perform the assessment as determined by the LEA (*Education Code § 56322*).

Type of Assessment	Proposed Estimate	Qualifications
Academic Achievement	\$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Adaptive Behavior	\$400	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Auditory Acuity	\$280	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist

Type of Assessment	Proposed Estimate	Qualifications
Auditory Perception	\$300	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Assistive Technology	\$550	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Cognitive	\$650	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Educationally Relevant Mental Health	\$2,000	Marriage Family Therapist (MFT) Marriage Family Therapist Intern (under the supervision of MFT) Licensed Clinical Social Worker (LCSW) Licensed Clinical Social Worker Intern (under the supervision of the LCSW) Professional Clinical Counselor (PCC) Professional Clinical Counselor Intern (under the supervision of the PCC) PsyD – Doctorate in Clinical Psychology Ph.D. – Doctorate in Psychology Clinical Psychologist
Health	\$300	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the student
Independent Multi-Disciplinary Evaluation	\$4,000	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$5,000	See individual evaluator qualifications
Motor (Fine or Gross)	\$700	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Social / Emotional / Behavioral (FAA / Behavioral Intervention Plan)	\$2,000	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist Licensed Psychiatrist
Speech and Language	\$800	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Vision (Functional)	\$300	Credentialed Teacher of the Visually Impaired
Visual Acuity / Developmental Vision	\$300	Licensed Ophthalmologist Optometrist
Visual Motor Integration	\$300	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Perception	\$250	Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher

It is recommended that when selecting an independent examiner not on the non-exclusive list of qualified examiners (Appendix B), the LEA request a copy of the examiner's resume, two references by LEAs, a sample evaluation report, and itemized costs for the evaluation including writing the report and attending the IEP meeting. Prior to making the final selection of an examiner, the LEA should review the resume to ensure proper licensure/credential certification, and contact the references provided.

The independent examiner must be located within an 85-mile radius of the Desert/Mountain SELPA office or a 40-mile radius of the LEA responsible for the IEE. Examiners outside of this area may be approved by the LEA if the parents can demonstrate the necessity of using an examiner outside of the geographical determined location. Unless an out of area evaluation is required for the child to receive an IEE, costs beyond the evaluation (i.e., transportation, lodging, food, etc.) are not covered in the contract or reimbursement to the parent.

Independent examiners must comply with all state and federal requirements (*Title 34 of the CFR 300.502(e)*).

The independent examiner must provide the LEA and parent with a copy of the report five days prior to the IEP team meeting. The report should include:

- Examiner's name, title, license, certification number;
- Original signature of the examiner; and
- Original assessment protocols (attached to the report) - see Appendix D for information on protocols.

A public agency may not impose conditions or timelines related to obtaining an IEE at public expense (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

Section D - Criteria for Determination of IEE Fee

The LEA will pay a fee that is routine and reasonable for the IEE, similar to those performed by qualified professionals in the local geographical area. Routine and reasonable fee is based on an average of a random sampling of fees charged by professionals providing service in the LEA/SELPA's area. The LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at LEA expense.

An excessive fee is defined as one that is more than 25% higher than the routine and reasonable rate as defined in the cost guidelines in Appendix C. Parents will be allowed the opportunity to demonstrate to the LEA that unique circumstances justify IEE fees that do not fall within the criteria described in Appendix C.

Cost Guidelines:

When the LEA is negotiating the fee for an independent evaluation to be conducted at public expense, the following should be included in the fees:

- cost to conduct the assessment;
- mileage (for student observation and to IEP location);

- developing a written report and providing copies to the parent and LEA; and
- attending the IEP team meeting.

The independent examiner must agree to release their written report, test protocols (see OSEP Policy Letter - Appendix D), assessment information, and results to the LEA prior to the receipt of payment for services and at least five days prior to the IEP meeting. The results from the IEE will be considered in the eligibility, program decisions, and educational services to the child with disabilities as required by IDEA 2004. IEEs will be considered in any decisions made with respect to offers of FAPE made by the IEP team.

Section E - Circumstances Resulting in Evaluation Not Funded at LEA Expense

The LEA does not have an obligation to reimburse parents for private evaluations obtained prior to the date that the LEA's evaluation is completed and discussed in an IEP meeting.

Parent request for reimbursement for private evaluation may be allowable if:

1. The LEA's evaluation has not been provided in compliance with federal and state laws.
2. The privately obtained evaluation appropriately assessed the child in an area(s) of suspected disability, which was not assessed appropriately by the LEA.

Any reimbursement will be in accordance with LEA procedures, cost guidelines outlined in Appendix C, and in an amount no greater than the actual cost to the parent. Reimbursement does not include observations/consultation with outside consultants.

If an IEE is requested as a result of a settlement agreement in a due process hearing, the Desert/Mountain SELPA will cover the costs incurred for the IEE as outlined in the settlement agreement.

If the LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to obtain an IEE at their own expense. If the LEA initiates a due process hearing and the final decision is that the LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer (*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*).

Notice to Parents Regarding Independent Educational Evaluations (IEEs)

Please read the information below before obtaining an Independent Educational Evaluation (IEE). Before obtaining an IEE, contact the Director of Special Education within your Local Education Agency (LEA) to discuss your assessment questions. An IEE obtained on a unilateral basis will not automatically be reimbursed. All requests for an IEE will be processed in accordance with the policy, procedures, and criteria set forth herein.

DEFINITIONS

Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the Local Education Agency (LEA) responsible for the education of the child in question (*Title 34 of the Code of Federal Regulations § 300.502*).

Qualified Examiner: An examiner who is competent to perform the evaluations through criteria established within the Desert/Mountain SELPA Policy and Procedure Manual and in accordance with Education Code § 56322.

Unilateral Parent Initiated Evaluation: An evaluation obtained by the parent at private expense without prior approval of the LEA.

Public Expense: The LEA pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

CONSIDERATION OF INDEPENDENT EDUCATIONAL EVALUATIONS

An IEE is designed to assist in determining the educational needs of a child with a disability including eligibility, program decisions, and educational services. The IEP team is responsible for determining placements and services; therefore, the IEP team will consider recommendations designed to assist the child in making educational progress in accordance with this policy. IEEs will be considered in any decision made with respect to providing a Free Appropriate Public Education (FAPE) for the child.

A private educational evaluation that is initiated by the parent shall be considered in any decision made with respect to the provisions of FAPE to the child. A private evaluation obtained by the parent is different from an IEE. An IEE may be presented as evidence at a due process hearing regarding the child. All requirements outlined in the criteria for IEEs must be followed.

Federal regulations require that whenever an IEE is granted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when performing a similar evaluation (*Title 34 of the Code of Federal Regulations § 300.502(a)*).

PROCEDURES FOR PARENTS REQUESTING AN INDEPENDENT EDUCATIONAL EVALUATION AT PUBLIC EXPENSE

If a parent disagrees with an evaluation completed by the LEA and seeks an IEE, the LEA shall either initiate a due process hearing to obtain a determination that its evaluation is appropriate or will provide the parent with an opportunity to obtain an IEE within this policy (*Title 34 of the Code of Federal Regulations §§ 300.502(b) and 300.502(b)(2)(i)*).

The parent should contact the LEA's Director of Special Education for assistance in seeking an IEE.

The parent may be asked the reason that they object to the LEA's evaluation; however, there is no requirement that the parent specify areas of disagreement with the LEA's evaluation as a prior condition for obtaining the IEE.

If the IEE requested is accepted, the LEA shall provide the parents with the policy, procedures, and criteria for an IEE (Appendix A) (*Title 34 of the Code of Federal Regulations § 300.502(a)(2)*). The LEA shall offer the parent a non-exclusive list of public agencies and private individuals whom the LEA has determined are "qualified" in their respective areas of assessment (see Appendix B). The LEA does not specifically endorse any listed agency or individual. Other agencies and individuals may be considered if they meet the IEE qualified provider criteria. Cost guidelines are available for consideration (Appendix C). If a specific independent examiner is desired by the parents, the name and resume of the examiner must be provided so that the LEA may:

- Verify the qualifications, certifications and/or licensure of the examiner;
- Apply the location criteria; and
- Initiate and negotiate a contract with the examiner.

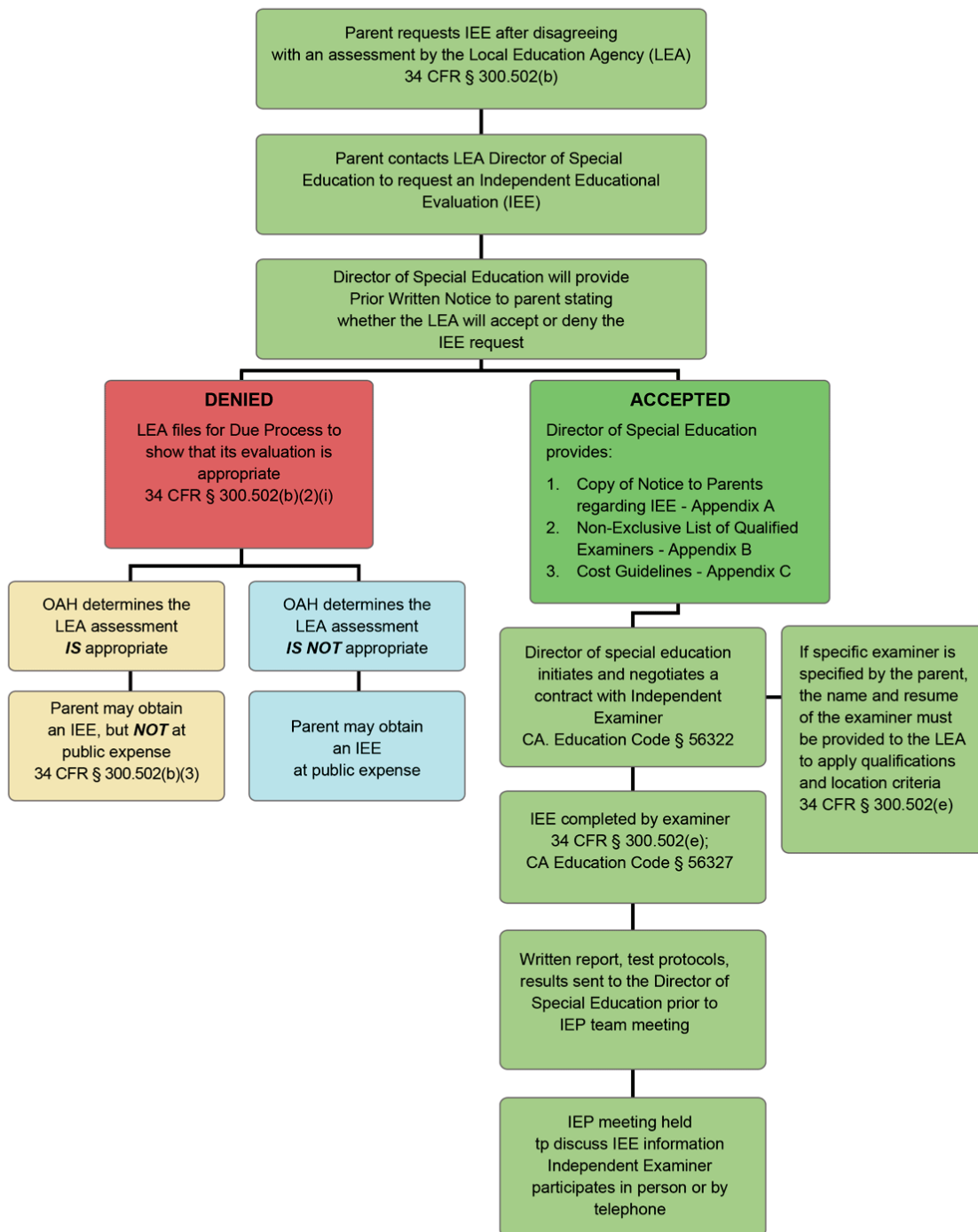
The LEA's Director of Special Education will provide Prior Written Notice (PWN) to the parent stating whether the LEA is accepting or denying the IEE. If the IEE is denied, the LEA will file for due process to determine the appropriateness of its assessment.

The LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at LEA expense.

If the LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to retain another individual to conduct an evaluation, but not at LEA expense (*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*). If the LEA initiates a due process hearing and the final decision is that the LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

All independent examiners are required to provide a written report and copies of the test protocols (Appendix D) to the LEA five days prior to the IEP meeting to review the IEE. The results of the IEE will be considered in making educational decisions required by IDEA 2004. The independent examiner will be required to participate in the IEP meeting by telephone or in person, at which time the IEE is being discussed. The cost of the independent examiner's participation in the IEP meeting will be included as part of the cost of conducting the IEE.

FLOW CHART OF IEE PROCESS



CRITERIA FOR OBTAINING AN IEE AT PUBLIC EXPENSE

1. Local Limitations for Independent Examiners

The independent examiner must be located within an 85-mile radius of the Desert/Mountain SELPA office or within a 40-mile radius of the LEA responsible for the IEE.

2. Minimum Qualifications for Independent Examiners

All assessments must be conducted in accordance with all requirements of federal and state laws including, but not limited to, observing the child in the appropriate setting (*Education Code § 56327*) and conducting evaluations in accordance with *Education Code § 56320*. Examiners must meet the credentialing/licensing criteria listed below. All assessments must be conducted by individuals certified as competent as determined by the LEA (*Education Code § 56322*).

Clinical psychologists selected to perform independent evaluations must base the assessment on the required eligibility criteria (*Title 34 of the Code of Federal Regulations § 300.8; Title 5 of the California Code of Regulations § 3030*) that school psychologists utilize to determine eligibility for special education services and related services. While it is understood that psychological evaluations performed by clinical psychologists, who typically work outside of the school setting or in private practice, can include many of the same formal assessments as psychoeducational and neuropsychological evaluations in order to examine an individual’s psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. Therefore, independent examiners conducting psychological assessments under an IEE should align assessment with the eligibility requirements in federal and state law that school psychologists rely on to determine eligibility for special education and related services. The examiner’s assessment should assist in determining specific areas of need, services, or supplemental aides that will support children with disabilities in educational settings. The assessment must be sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category being considered for the child, and should help seek to understand the child’s learning style, and then guide the development of classroom accommodations and supports from an educational perspective.

The IEE must be administered by the examiner in the same type of location and/or setting as that used by the LEA in providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e)*). If the LEA evaluation included classroom observations, the independent examiner will be given access to the classroom (*Education Code § 56327*).

Type of Assessment	Proposed Estimate	Qualifications
Academic Achievement	\$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist
Adaptive Behavior	\$400	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist
Auditory Acuity	\$280	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist

Type of Assessment	Proposed Estimate	Qualifications
Auditory Perception	\$300	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist
Assistive Technology	\$550	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive
Cognitive	\$650	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Educationally Relevant Mental Health	\$2,000	Marriage Family Therapist (MFT) Marriage Family Therapist Intern (under the supervision of MFT) Licensed Clinical Social Worker (LCSW) Licensed Clinical Social Worker Intern (under the supervision of the LCSW) Professional Clinical Counselor (PCC) Professional Clinical Counselor Intern (under the supervision of the PCC) PsyD – Doctorate in Clinical Psychology Ph.D. – Doctorate in Psychology Clinical Psychologist
Health	\$300	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the
Independent Multi-disciplinary Evaluation	\$4,000	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$5,000	See individual evaluator qualifications
Motor (Fine or Gross)	\$700	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Social / Emotional / Behavioral (FAA / Behavior Intervention Plan)	\$2,000	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Licensed Clinical Social worker Licensed Marriage and Family Therapist
Speech and Language	\$800	Credentialed Speech and Language Pathologist Licensed Speech and Language
Vision (Functional)	\$300	Credentialed Teacher of the Visually Impaired
Visual Acuity / Developmental Vision	\$300	Licensed Ophthalmologist Optometrist
Visual Motor Integration	\$300	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Perception	\$250	Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher

For a neuro-psychological evaluation, the specialist must possess an educational psychologist license or credential and appropriate education, training and experience in the administration and interpretation of neuro-psychological assessment tools.

3. Independent examiners must comply with all state and federal requirements (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

4. Provision and/or Release of Independent Examiner's Written Report

Independent educational examiners must agree to release their written report, test protocols (Appendix D), assessment information and results to the LEA prior to receipt of payment for services. The report should include:

- Examiner's name, title, license, certification number;
- Original signature of the examiner; and
- Original assessment protocols (attached to the report) - see Appendix D for information on test protocols.

All independent educational examiners are required to provide a written report and copies of the test protocols five days prior to the IEP team meeting. The results from the IEE will be considered in the eligibility, program decisions, and educational services to the child with disabilities as required by IDEA 2004 and Section 504 of the Rehabilitation Act of 1973.

5. A public agency may not impose conditions or timelines related to obtaining an IEE at public expense (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

CRITERIA FOR DETERMINATION OF IEE FEES

The LEA will pay a fee that is routine and reasonable for the IEE, similar to those performed by qualified professionals in the local geographical area. Routine and reasonable fee is based on an average of a random sampling of fees charged by professionals providing service in the LEA/SELPA's area. The LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at LEA expense.

An excessive fee is defined as one that is more than 25% higher than the routine and reasonable rate as defined in the cost guidelines in Appendix C. Parents will be allowed the opportunity to demonstrate to the LEA that unique circumstances justify IEE fees that do not fall within the criteria described in Appendix C.

Cost Guidelines:

When the LEA is negotiating the fee for an independent evaluation to be conducted at public expense, the following should be included in the fees:

- Cost to conduct the assessment;
- Mileage (for student observation and to IEP location);
- Developing a written report and providing copies to the parent and LEA; and
- Attending the IEP team meeting.

The independent educational examiner must agree to release their written report, test protocols (see OSEP Policy Letter - Appendix D), assessment information, and results to the LEA prior to receipt of payment for services and at least five days prior to the IEP meeting. The results from the IEE will be considered in the eligibility, program decisions, and educational services to the child with disabilities as required by IDEA 2004. IEEs will be considered in any decisions made with respect to offers of FAPE made by the IEP team.

CIRCUMSTANCES RESULTING IN EVALUATIONS NOT FUNDED AT LEA EXPENSE

The LEA does not have an obligation to reimburse parents for private evaluations obtained prior to the date that the LEA's evaluation is completed and discussed in an IEP meeting.

Parent request for reimbursement for private evaluation may be allowable if:

1. The LEA's evaluation has not been provided in compliance with federal and state laws.
2. The privately obtained evaluation appropriately assessed the child in an area(s) of suspected disability, which was not assessed appropriately by the LEA.

Reimbursement will be in accordance with LEA procedures, cost guidelines outlined in Appendix C, and in an amount no greater than the actual cost to the parent. Reimbursement does not include observations/consultations with outside consultants.

If an IEE is requested as the result of a settlement agreement in a due process hearing, the Desert/Mountain SELPA will cover the costs incurred for the IEE as outlined in the settlement agreement.

If the LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to obtain an IEE at their own expense. If the LEA initiates a due process hearing and the final decision is that the LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer (*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*).

Sources of Independent Evaluation by the Area of Assessment*(updated 03/2017)*

The following is a non-exclusive list of public agencies and private individuals whom the LEA has determined are qualified in their respective areas of assessment. The LEA does not specifically endorse any listed agencies or individuals. Other agencies and individuals will be considered if they meet LEA criteria. All private individuals who qualify under criteria established by the LEA are encouraged to apply. The fee schedule will be used periodically to ensure parents the opportunity to choose from qualified assessors in the area.

SPEECH AND LANGUAGE	
<p>Ardor Health Solutions, Inc. 5830 Coral Ridge Dr., Ste 300 • Coral Springs, FL 33076 (866) 425-5768 • (888) 308-1147 Website: http://www.ardorhealth.com/</p>	<p>Augmentative Communication Therapies Cindy Cottier 3850 Startouch Dr. • Pasadena, CA 91106 (626) 351-5402 Email: cacottier@cacottier.com (NOTE: Evaluation does not include general special and language or articulation)</p>
<p>Casa Colina Children’s Services Center Michele Alaniz, Clinical Director 255 East Bonita Ave. • Pomona, CA 91769 P.O. Box 6001 • Pomona, CA 91769 (909) 596-7733, ext. 4200 • (909) 596-3548 FAX Email: malaniz@casacolina.org Website: www.casacolina.org</p>	<p>Denise Parks, MA, CCC-SLP Corona, CA 92883 (951) 347-0155 Email: couponqueenslp@gmail.com</p>
<p>El Paseo Children’s Center Brent M. Cooper 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX Email: brent@epccsolutions.com Website: http://www.elpaseotesting.com/</p>	<p>Sound Therapies Rachel Zijlstra 3551 Redwood St. • San Diego, CA 92104 (619) 641-7744 • (866) 547-8918 FAX Website: http://soundtherapiesinc.com/</p>
<p>Specialized Therapy Services Steven Oas Satellite Clinic: 2820 Roosevelt Rd., Ste 104 • San Diego, CA 92106 Main Clinic: 4204-A Adams Ave. • San Diego, CA 92116 (619) 252-4557 • (619) 431-5049 Website: https://www.theoascenter.com/</p>	
AUTISM / BEHAVIOR	
<p>Applied Behavior Consultants, Inc. (ABC) 800 Ferrari Lane, Ste 100 • Ontario, CA 91764 (909) 484-2848, ext. 15 • (909) 484-3504 FAX Website: www.appliedbehaviorconsultants.com/</p>	<p>Autism Behavioral Consultants 1880 Town & Country Rd., Ste B-101 • Norco, CA 92860 (951) 737-6300 • (951) 737-8779 FAX Website: www.autismbehaviorconsultants.net/</p>
<p>Autism Spectrum Therapies, Inc. 337 N. Vineyard Ave. • Ontario, CA 91764 28581 Old Town Front St. • Temecula, CA 92590 4719 Viewridge Ave., Ste 100, San Diego, CA 92123 147 E. Olive Ave. • Monrovia, CA 91016 (866) 727-8274 • (800) 459-4245 FAX Website: http://www.autismtherapies.com/</p>	<p>Behavioral and Education Support Team (BEST) 411 S. Magnolia Ave. • El Cajon, CA 92020 (619) 442-1271 • (619) 444-8182 FAX Website: http://bestautismservices.com/</p>

AUTISM / BEHAVIOR	
<p>Center for Autism & Related Disorders (CARD) 802 Magnolia Ave., Ste 202 • Corona, CA 92879 (951) 686-2020 • (951) 686-2120 FAX Website: http://www.centerforautism.com/</p>	<p>Desert/Mountain Children's Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-6700 • (760) 242-5363 FAX Website: http://www.cahelp.org/</p>
<p>El Paseo Children's Center <i>Brent M. Cooper</i> 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX</p>	<p>LeafWing Center 15972 Tuscola Rd., Ste 102 • Apple Valley, CA 92307 (760) 242-3353 • (760) 242-3332 FAX 13440 Ventura Blvd., Ste 200 • Sherman Oaks, CA 91423</p>
<p>People's Care Autism Services 13901 Amargosa Rd., Ste 202 • Victorville, CA 92392 (760) 512-1925 • (760) 301-0097 FAX Website: http://www.peoplescare.com/autism-services</p>	<p>Specialized Therapy Services <i>Steven Oas</i> Satellite Clinic: 2820 Roosevelt Rd., Ste 104 • San Diego, CA 92106 Main Clinic: 4204-A Adams Ave. • San Diego, CA 92116 (619) 252-4557 • (619) 431-5049 Website: https://www.theoascenter.com/</p>

VISION ASSESSMENT	
<p>El Paseo Children's Center <i>Brent M. Cooper</i> 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX Email: brent@epccsolutions.com Website: http://www.elpaseotesting.com/</p>	<p>Ami Patel, O.D. 2771 S. Diamond Bar Blvd. • Diamond Bar, CA 91765 (909) 598-4393</p>
<p>Southern California College of Optometry Eye Care Center at Fullerton <i>Catherine Heyman, O.D.</i> 2575 Yorba Linda Blvd. • Fullerton, CA 92831 (714) 992-7845 Email: cheyman@ketchum.edu Website: www.ketchumhealth.org</p>	

OCCUPATIONAL / PHYSICAL THERAPY	
<p>Casa Colina Children's Services Center <i>Michele Alaniz, Clinical Director</i> 255 East Bonita Ave. • Pomona, CA 91769 P.O. Box 6001 • Pomona, CA 91769 (909) 596-7733, ext. 4200 • (909) 596-3548 FAX Email: malaniz@casacolina.org Website: www.casacolina.org</p>	<p>Desert/Mountain Children's Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-65700 • (760) 242-5363 FAX Website: http://cahelp.org/</p>
<p>El Paseo Children's Center <i>Brent M. Cooper</i> 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX Email: brent@epccsolutions.com Website: http://www.elpaseotesting.com/</p>	<p>Horizon Therapy Services <i>Kathleen Pinto, OT</i> 8265 White Oak Ave. • Rancho Cucamonga, CA 91730 (909) 373-1641 • (909) 481-7657 or 0444 FAX Email: info@horizontherapyservices.com Website: http://www.horizontherapyservices.com/</p>

PSYCHOLOGISTS	
<p>Doran A. Dula, Psy.D. 250 West First St., Ste 352 • Claremont, CA 91711 (909) 624-TEST • (909) 626-4507</p>	<p>Veronica Escoffery-Runnels, Ed.D. University of LaVerne 1950 Third St. • LaVerne, CA 91750 (909) 593-3511, ext. 4387</p>

PSYCHOLOGISTS	
<p>Madison M. Kendrick, LMFT Licensed Educational Psychologist, #3031 P.O. Box 2888 • Wrightwood, CA 92397 (760) 912-5780 Email: mmkendrick@msn.com</p>	<p>Richard J. Kleindienst, Ph.D. 2823 Nevada Way • Riverside, CA 92506 (951) 660-8394</p>
<p>Wendy Ness Victorville, CA 92392 (760) 900-6845 Email: wendyness@outlook.com</p>	<p>Federico Parres, Ph.D. Etiwanda, CA (909) 241-8582</p>
<p>Rebecca L. Parres Etiwanda, CA (909) 938-2477</p>	<p>Karina Quezada, Psy.D., LEP, NCSP Bilingual Licensed Educational Psychologist, #3470 Apple Valley, CA 92307 (760) 964-8293 Email: kmquezada@gmail.com</p>
<p>Paul Rosell, M.S., C.C.B.T. Licensed Educational Psychologist, #2084 19167 Highway 18, Suite 2 • Apple Valley, CA 92307 (760) 900-0289</p>	<p>Dr. Dudley Wiest 1110 East Chapman, Ste 202 • Orange, CA 92866 (714) 744-9754 • (714) 744-1830 FAX Website: www.dudleywiestphd.com</p>
<p>Desert/Mountain Children's Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-6700 • (760) 242-5363 FAX Website: http://cahelp.org/</p>	<p>El Paseo Children's Center Brent M. Cooper 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX Email: brent@epccsolutions.com Website: http://www.elpasotesting.com/</p>
ASSISTIVE TECHNOLOGY	
<p>Augmentative Communication Therapies Cindy Cottier 3850 Startouch Dr. • Pasadena, CA 91106 (626) 351-5402 Email: cacottier@cacottier.com</p>	<p>Hillside Therapy Inc. Larry Silcock, OTR/L, Assistive Technology Specialist Alta Loma, CA 91737 (909) 208-8784</p>
<p>Kouba Tech Solutions Barbara J. Kouba P.O. Box 1106 • Helendale, CA 92342 (760) 784-5059 Email: bjkouba@gmail.com</p>	<p>Orange County Goodwill – ATEC Lauren Wetzler, Manager 1601 East St. Andrew Place • Santa Ana, CA 92705 (714) 361-6200, ext. 226 Email: atec@ocgoodwill.org Website: http://www.ocgoodwill.org/</p>
<p>Kathleen M. Phillips P.O. Box 2805 • Wrightwood, CA 92397 (760) 680-9497 Email: kathie@focuspointed.com</p>	

Suggested Cost Guidelines for Assessments

Costs listed below are suggested guidelines for a LEA to consider in contracting with an independent educational examiner. The routine and reasonable fees listed below are based on an average of a random sampling of fees charged by professionals providing services in the LEA/SELPA's area.

Cost exceeding the suggested amounts may be approved by the LEA if the parent is able to demonstrate unique circumstances which justify going outside of the LEA's fee parameters.

Type of Assessment	Proposed Estimate	Qualifications
Academic Achievement	\$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist
Adaptive Behavior	\$400	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist
Auditory Acuity	\$280	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Auditory Perception	\$300	Credentialed Speech and Language Pathologist Licensed Speech and language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Assistive Technology	\$550	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology
Cognitive	\$650	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Educationally Relevant Mental Health	\$2,000	Marriage Family Therapy (MFT) Marriage Family Therapist Intern (under the supervision of MFT) Licensed Clinical Social Worker (LCSW) Licensed Clinical Social Worker Intern (under the supervision of the LCSW) Professional Clinical Counselor (PCC) Professional Clinical Counselor Intern (under the supervision of the PCC) PsyD – Doctorate in Clinical Psychology Ph.D. – Doctorate in Psychology Clinical Psychologist
Health	\$300	Licensed Physician Credentialed School Nurse – trained and prepared to access cultural and ethnic factors appropriate to the student
Independent Multi-disciplinary Evaluation	\$4,000	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$5,000	See individual evaluator qualifications

Type of Assessment	Proposed Estimate	Qualifications
Motor (Fine or Gross)	\$700	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Social / Emotional / Behavioral (FAA / Behavior Intervention Plan)	\$2,000	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Licensed Clinical Social worker Licensed Marriage and Family Therapist
Speech and Language	\$800	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Vision (Functional)	\$300	Credentialed Teacher of the Visually Impaired
Visual Acuity / Developmental Vision	\$300	Licensed Ophthalmologist Optometrist
Visual Motor Integration	\$300	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Perception	\$250	Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher

For a neuro-psychological evaluation, the specialist must possess an educational psychologist license or credential and appropriate education, training and experience in the administration and interpretation of neuro-psychological assessment tools.

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Letter to Shuster
**Office of Special Education
Programs
N/A August
7, 2007**

Case Summary

A parent of a student with disabilities expressed dissatisfaction over his inability to access his son's test protocols. OSEP noted that under certain circumstances, a protocol would not be considered a part of a student's education records and, as such, there would be no right to automatic access by a parent. For example, a protocol is not considered an education record of the student if it is separate from the sheet on which the student records his or her answers to the test and if it does not contain any personally identifiable information about the student. However, OSEP also noted that both the IDEA and FERPA require districts to respond to reasonable requests for explanations and interpretations of education records. Accordingly, if the district maintained a copy of a student's test answer sheet (an "education record"), the parent would have a right to request an explanation and interpretation of the record. The explanation and interpretation by the school could entail showing the parent the test question booklet (i.e., the protocol), reading the questions to the parent, or providing an interpretation for the response in some other adequate manner that would inform the parent. OSEP also noted that federal copyright law protects against the distribution of copies of copyrighted document, such as a test protocols. But it said that since the IDEA and FERPA "generally do not require the distribution of copies of an education record, but rather parental access to inspect and review, federal copyright law generally should not be implicated under these regulations." OSEP did not address the implications of copyright law to the circumstances when parents are entitled to copies because it is impossible or impracticable for them to inspect the records in person.

Judge / Administrative

Officer Patricia J. Guard,

Acting Director **Full Text**

Honorable Bill
Shuster

U.S.
Representative

Ninth District of
Pennsylvania

647 Philadelphia Street, Suite
304

Indiana, PA
15701

Dear Congressman
Shuster:

Thank you for your letter of June 9, 2007 to Dr. Alexa Posny, then Director of the Office of Special Education Programs with the U.S. Department of Education, on behalf of your constituent []. In the letter to Dr. Posny, you indicated that your office received a June 4, 2007 letter from [] in which he expressed dissatisfaction with the issues and records being released for his son in accordance with the Family Educational Rights and Privacy Act (FERPA). You used your letter as an opportunity to follow up with Dr. Posny about the status of his case, and requested information be offered in a letter that would be helpful to you in responding to your constituent.

As stated in an April 12, 2007 letter to your from Dr. Posny, in an effort to resolve this matter, Hugh Reid, then the Office of Special Education Programs (OSEP) contact to Pennsylvania contacted [] on April 10, 2007 seeking, and receiving, permission to speak with the Pennsylvania Department of Education (PDE) Bureau of Special Education

(BSE). Mr. Reid contacted BSE and spoke with Mr. Thomas Reich, Acting Chief, Division of Compliance, Monitoring and Planning for Western Pennsylvania. Mr. Reich indicated that he would contact [] directly, specifically to: (1) assist [] with the resolution of his issues with PDE; (2) if necessary, assist [] with filing a complaint under the Individuals with Disabilities Education Act (IDEA) as specified in 34 CFR §§ 300.151 through 300.153; and (3) provide oversight of the process on behalf of Mr. John Tommasini, Director of Special Education, PDE.

Since [] continues to express dissatisfaction with PDE and the U.S. Department of Education's efforts to resolve his concerns, it might be helpful in this correspondence to explain how the IDEA regulations define "education records" and access to those records. 34 CFR § 300.611(b) defines education records as the type of records covered by FERPA as implemented by regulations in 34 CFR part 99. Under § 99.3 (of the FERPA regulations), the term "education records" is broadly defined to mean those records that directly relate to a student that are maintained by an educational agency or institution. (FERPA applies to all educational agencies and institutions to which funds have been made available under any program administered by the Secretary of Education. 34 CFR § 99.1.

Parents of children with disabilities have access rights to education records under 34 CFR § 300.613. This provision requires that, "Each participating agency must permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the agency under this part." The provision does not necessarily require the agency to provide copies of the records unless the "failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records." 34 CFR § 300.613(b)(2).

Since [] request for his son's education records includes a request for test protocols, we are providing to you our long-standing policy regarding test protocols as education records and our policy regarding providing copies of copyrighted materials (such as test protocols) to parents. This policy is contained in the Analysis of Comments and Changes section of the 1999 IDEA regulations. Our policy remains the same. The discussion from the 1999 regulations regarding those issues states:

Records that are not directly related to a student and maintained by an agency or institution are not "education records" under FERPA and parents do not have a right to inspect and review such records. For example, a test protocol or question booklet which is separate from the sheet on which a student records

answers and which is not personally identifiable to the student would not be a part of his or her "education records." However, Part B and FERPA provide that an educational agency or institution shall respond to reasonable requests for explanations and interpretations of education records. (34 CFR § 300.562(b)(1); 34 CFR § 99.10(c)). Accordingly, if a school were to maintain a copy of a student's test answer sheet (an "education record"), the parent would have a right under Part B and FERPA to request an explanation and interpretation of the record. The explanation and interpretation by the school could entail showing the parent the test question booklet, reading the questions to the parent, or providing an interpretation for the response in some other adequate manner that would inform the parent.

...

With respect to the issue of liability for disclosing information to parents when other laws or contractual obligations would prohibit it, public agencies are required to comply with the provisions of IDEA and FERPA, and must ensure that State law and other contractual obligations do not interfere with compliance with IDEA and FERPA. Federal copyright law protects against the distribution of copies of copyrighted document, such as a test protocol. Since IDEA and FERPA generally do not require the distribution of copies of an education record, but rather parental access to inspect and review, Federal copyright law generally should not be implicated under these regulations.

There is nothing in the legislative history of section 615(b)(1) of the Act to suggest that it expanded the scope of information available to parent examination beyond those records that they would have access to under FERPA.
64 Fed. Reg. 12605, 12641 (March 12, 1999).

If, after reviewing this information, [] continues to believe that PDE has denied his right to access his son's education records, he may file a State complaint under 34 CFR § 300.153.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

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Publications**

DESERT/MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA
DESERT/MOUNTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA
17800 HIGHWAY 18 • APPLE VALLEY, CA 92307
(760) 552-6700 • (760) 242-5363 FAX



**Assistive Technology Assessment and Independent Educational Evaluation
Reimbursement Request Form**

LEA USE ONLY

DIRECTIONS: COMPLETE THE ATA AND IEE REIMBURSEMENT REQUEST FORM AND SUBMIT THE FORM TO THE DESERT/MOUNTAIN SELPA FOR APPROVAL.

LEA: _____ Fiscal or School Year: _____

Prepared By: _____ Title/Position: _____ Contact Phone: _____

I HEREBY CERTIFY THAT THE EXPENDITURES REPORTED BELOW HAVE BEEN MADE AND THE FUNDS HAVE BEEN EXPENDED IN ACCORDANCE WITH FEDERAL AND STATE LAWS AND REGULATIONS. I FURTHER ACKNOWLEDGE THAT THE LEA MUST SUBMIT ALL RECORDS OF RECEIPTS AND EXPENDITURES FOR SELPA REVIEW/AUDIT.

Authorized Representative Name: _____ Title/Position: _____

Authorized Representative Signature: _____ Date: _____

ASSESSMENT DATE	STUDENT NAME	ASSESSING AGENCY	TYPE OF ASSESSMENT	TOTAL COST FOR ASSESSMENT	AMOUNT TO BE REIMBURSED

LEA ACCOUNT NUMBER TO RECEIVE PAYMENT OR TRANSFER TO: _____ - _____ - _____ - _____ - _____ - _____ - _____ - _____

SELPA USE ONLY

SELPA Approval: _____ Date: _____

SELPA Administrator

AMOUNT REQUESTED
\$ _____

AMOUNT APPROVED
\$ _____

Purchase Order #: _____

INDEPENDENT EDUCATIONAL EVALUATION (IEE) Occupational Therapy, Psycho-educational, & Speech *Referrals to the Desert/Mountain Children's Center (DMCC)*

The Desert/Mountain Children's Center (DMCC) provides independent educational evaluations (IEEs) in the areas of occupational therapy, psycho-educational, and speech and language. These services are provided to participating local educational agencies (LEAs) on a fee-for-service basis. The LEA may request reimbursement of the IEE under the yearly stipend, if available, by completing and submitting the Assistive Technology and Independent Educational Evaluation Reimbursement Request form (D/M 83), and supporting documentation. Form D/M 83 must be submitted to the SELPA office before the end of each year.

An IEE is an evaluation conducted by a qualified examiner who is not employed by the LEA or public agency responsible for the education of the student. Since the student's educational program are determined by the results of assessments, a parent/guardian who disagrees with an LEA's evaluation has the right to obtain an IEE at public expense to identify the student's disabilities and resulting educational needs. A parent/guardian is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent/guardian disagrees (34 CFR 300.502). The disagreement of the LEA's evaluation has a two-year window.

The Referral for Independent Educational Evaluation (DMCC 100F) is a contractual agreement between the DMCC and the LEA requesting an IEE.

PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Provide parent/guardian with a Prior Written Notice (PWN) letter stating the LEA is accepting the request for an IEE in the appropriate area to be evaluated by the DMCC.
2. Provide the parent/guardian copies of the following:
 - Notice to Parents Regarding IEEs (SELPA Policy Appendix A, Chapter 25: Guidelines for IEE)
 - Non-exclusive List of Qualified Examiners (SELPA Policy Appendix B, Chapter 25: Guidelines for IEE)

NOTE: The LEA is obligated to inform the parent/guardian of their right to obtain an IEE, where they may obtain an IEE, and conditions for obtaining an IEE at public expense. (Refer to SELPA Policy, Chapter 25, Appendices A, B, and C).

3. Complete the *Referral for Independent Educational Evaluation* form (DMCC 100F) selecting the type evaluation being requested: whether “**Occupational Therapy, Psycho-educational, or Speech and Language,**” and obtain the signature of the director of special education. By signing the referral, the director of special education acknowledges the LEA is responsible for the cost of the IEE.
4. Complete the *Authorization for Use and/or Disclosure of Information* form (D/M 63) and obtain the parent/guardian signature. Specify the receiving agency as the Desert/Mountain Children's Center.

REFERRAL PROCEDURES

Forward the following documents to the attention of the Director of the DMCC.

- ✎ DMCC 100F *Referral for Independent Educational Evaluation* form
- ✎ D/M 63 *Authorization for Use and/or Disclosure of Information* form
- ✎ Occupational Therapy, Psycho-educational, or Speech and Language prior evaluation report, if available and as applicable to the IEE request, that specifies services the student was receiving and the goals related to the services
- ✎ IEP or IEP Addendum dated within one year of the referral for an IEE to the DMCC to assess in the identified area of need
- ✎ Psycho-educational evaluation dated within three years of the referral for an IEE to the DMCC
- ✎ Any additional supporting information

🕒 Timeline for Assessment

Within five business days of receipt of the completed referral packet, the Director of the DMCC shall:

1. Assign and forward the *Referral for Independent Educational Evaluation* form (DMCC 100F) to a credentialed, certified and/or licensed DMCC evaluator.
2. Forward a copy of the *Referral for Independent Educational Evaluation* form (DMCC 100F) to the appropriate support person to document in client file and route to the DMCC Business Office.

The assigned DMCC evaluator shall:

1. Contact the parent/guardian and LEA to coordinate assessment needs. Parent/guardian is responsible for making the child available for the assessment (including transportation).
3. Release a copy of his/her written evaluation report to the LEA prior to the IEP team meeting. Report must include examiner's name, title, license, certification number; original signature of the examiner; and original assessment protocols (SELPA Policy Chapter 25, Appendix D)
4. Attend/participate in IEP meeting to be scheduled by the LEA, to review his/her evaluation report.

NOTE: Although a public agency may not impose conditions or timelines related to obtaining an IEE at public expense (34 CFR 300.502(e)), the IEE must be completed without unreasonable delay.

🕒 Timeline for Services

Based on the IEP team's review and considerations at the IEP team meeting, the team shall develop an appropriate IEP for the student and implement those services and supports necessary to provide the student with educational benefit.



Desert/Mountain Children's Center

- ◆ 17800 Highway 18, Apple Valley, CA 92307 (760) 552-6700 (760) 948-0819 FAX 42007
- ◆ Fox Farm Rd. Ste 2A, P.O. Box 1963, Big Bear Lake, CA 92315 (909) 866-2165 (909) 866-5653 FAX
- ◆ 58967 Business Center Dr., C, D & E, Yucca Valley, CA 92284 (760) 369-3130 (760) 365-2695 FAX

Referral for Independent Educational Evaluation (IEE)

- Occupational Therapy (OT) Psycho-educational Speech and Language

Referred by: _____ Title/Position: _____ Date: _____
LEA: _____ Phone Number: _____
Client/Student Name: _____ Social Security Number: _____
Date of Birth: _____ Age: _____ Grade: _____ Gender: Male Female
Attending School: _____ Teacher: _____
Parent/Guardian: _____ Home Phone: _____ Work Phone: _____
Street Address: _____ City: _____ Zip Code: _____
Mailing Address: _____ City: _____ Zip Code: _____

Please attach the following documents to this referral:

- Current IEP or IEP Addendum
 Psycho-educational report dated within three years
 Signed Authorization for Use and/or Disclosure of Information (D/M 63)
 Other supporting information: _____

Authorization for Use and/or Disclosure of Information: Authorizes the LEA to exchange confidential/privilege information, including information regarding mental health treatment, in order to develop and implement an individualized education program for the above mentioned student. By signing the Authorization for Use and/or Disclosure of information (D/M 63), the parent/guardian acknowledges that he/she consents to the IEE and authorizes the LEA and the DMCC to exchange confidential/privileged information, including information regarding mental health treatment, in order to develop and implement an individualized education program for the student.

The LEA and DMCC understand that the exchange of information may not further be used or disclosed outside of its intended purpose under this referral for evaluation, unless another authorization is obtained or unless such use or disclosure is specifically required or permitted by law.

ADDITIONAL INFORMATION REQUIRED



Chapter 25: Guidelines for Independent Educational Evaluation (IEE)

Legal References

CA Education Code
Sections
56320, 56322, 56327

34 Code of Federal
Regulations
300.502(a),
300.502(b),
300.502(e)

Last Updated:
7/13/2017

SECTION A	Introduction/Consideration of Independent Educational Evaluations (IEEs)
SECTION B	Procedures for Parents Requesting an IEE at Public Expense
SECTION C	Criteria for Obtaining an IEE at Public Expense
SECTION D	Criteria for Determination of IEE Fees
SECTION E	Circumstances Resulting in Evaluations Not Funded at LEA Expense
APPENDIX A	Notice to Parents Regarding IEEs
APPENDIX B	Non-Exclusive List of Qualified Examiners
APPENDIX C	Suggested Guidelines for Assessment
APPENDIX D	Test Protocols (OSEP Policy Letter)
APPENDIX E	Reimbursement Request (SELPA Form D/M 83)
APPENDIX F	Referral to the D/M SELPA Children's Center for IEE for Occupational Occupational Therapy (OT), Psychoeducational, or Speech and Language

Introduction

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Local Education Agency (LEA) or public agency responsible for the education of the ~~studentchild~~ (~~Title 34 of the Code of Federal Regulations (CFR) §section 300.502~~). Since a ~~student's child's~~ educational program and placement are determined by the results of assessments, ~~a parents~~ who disagrees with an LEA's evaluation ~~hasve~~ the right to obtain an IEE at public expense to identify the ~~student's child's~~ disabilities and resulting educational needs. A parent is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees (~~Title 34 of the Code of Federal Regulations § 300.502~~).

Each participating LEA within the Desert/Mountain Special Education Local Plan Area (SELPA) is provided with a yearly stipend to help offset the expenses for Assistive Technology Assessments (ATAs) and IEEs. This process, adopted in May 2004, enables LEAs to request such assessments independent of the SELPA. No prior approval is required by the SELPA. ~~TIn order to~~ be reimbursed for the cost of an ATA or IEE, the LEA must complete the SELPA reimbursement form (D/M 83) and supporting documentation, and submit the reimbursement form to the SELPA before the end of each fiscal year. The disagreement of the LEA's evaluation ~~has a must be on an evaluation conducted within the last two -years- window.~~

DEFINITIONS

Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child in question (~~Title 34 of the Code of Federal Regulations § 300.502~~).

Qualified Examiner: An examiner who is competent to perform the evaluations through criteria established within the Desert/Mountain SELPA Policy and Procedure Manual and in accordance with ~~California~~ Education Code (~~EC~~) ~~section~~ § 56322.

Unilateral Parent Initiated Evaluation: An evaluation obtained by the parent at private expense without prior approval of the LEA.

Public Expense: The LEA pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

Section A - Introduction/Consideration of IEEs

An IEE is designed to assist in determining the educational needs of a ~~student-child~~ with a disability including ~~diagnosiseligibility~~, program decisions, and educational services. The Individualized Education Program (IEP) team is responsible for determining placements and services; therefore, ~~the~~ IEP team will consider recommendations designed to assist the ~~student-child~~ in making educational progress in accordance with this policy. IEEs will be considered in any decisions with respect to providing a Free Appropriate Public Education (FAPE) to the ~~studentchild~~.

A private educational evaluation that is initiated by the parent shall be considered in any decision made with respect to the provisions of FAPE to the ~~studentchild~~. A private evaluation obtained by the parent is different

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from an IEE. An IEE may be presented as evidence at a due process hearing regarding the student child. All requirements outlined in the criteria for IEEs must be followed.

Federal regulations require that whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluator, must be the same as the criteria that the public agency uses when performing a similar evaluation (~~§ Title 34 of the Code of Federal Regulations § 300.502(e)~~).

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Section B - Procedures for Parents Requesting an IEE at Public Expense

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A parent has the right to obtain an IEE at public expense when the parent disagrees with the assessment obtained by the LEA (~~§ Title 34 of the Code of Federal Regulations § 300.502(b)~~). The LEA may initiate a due process hearing to show that its evaluation is appropriate (~~§ Title 34 of the Code of Federal Regulations § 300.502(b)(2)(i)~~). If the LEA initiates a hearing and the final decision is that the LEA's assessment is appropriate, the parent has the right to an IEE, but not at public expense (~~§ Title 34 of the Code of Federal Regulations § 300.502(b)(3)~~).

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The LEA is not responsible for providing or reimbursing an evaluation when parents merely feel the need for additional information about their child, and which is not based on a disagreement with LEA assessment results or IEP team findings. Further, when multiple reports are obtained by the parents in the same assessment areas, the LEA will not reimburse the cost of more than one IEE in any one area assessed when the parent disagrees with an assessment previously conducted by the LEA (~~§ Title 34 of the Code of Federal Regulations § 300.502~~).

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Upon request for an IEE, the LEA will provide information to the parents regarding where an appropriate IEE may be obtained (~~§ Title 34 of the Code of Federal Regulations § 300.502(a)(2)~~).

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The independent examiner must meet LEA/SELPA qualifications to be funded at public expense (~~§ Title 34 of the Code of Federal Regulations § 300.502(e)~~).

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Steps to be followed by Parents Requesting an IEE at Public Expense:

1. Contact the LEA's ~~director~~ Director of ~~special~~ Special education-Education for assistance in requesting an IEE. The parents may be asked the reasons why they object to the LEA's evaluation, however, there is no requirement that the parents specify areas of disagreement with the LEA's evaluation as a prior condition for obtaining an IEE.
2. The LEA's ~~director~~ Director of ~~special~~ Special education-Education will provide a Prior Written Notice (PWN) letter to the parent stating whether the LEA is accepting or denying the IEE. If the IEE is denied, the LEA will file for due process to determine the appropriateness of its assessment.
3. If the IEE request is accepted, the LEA will provide the parents with copies of the Notice to Parents Regarding Independent Educational Evaluation (Appendix A) and ~~the n~~ Non-Exclusive List of ~~q~~ Qualified Examiners (Appendix B). If a specific independent examiner is desired by the parents, the name and resume of the examiner must be provided so that the LEA may:

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- Verify the qualifications, certifications and/or license of the examiner;
- Apply the location criteria; and
- Initiate and negotiate a contract with the examiner.

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Section C - Criteria for Obtaining an IEE at Public Expense

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The IEE must be administered by the independent examiner in the same type of location and/or setting as that used by the LEA in providing similar evaluations (~~Title 34 of the Code of Federal Regulations § 300.502(e)~~). If the LEA evaluation included classroom observations, the independent examiner will be given access to the classroom (~~Education Code § 56327~~).

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~~Examiners-Clinical psychologists~~ selected to perform independent evaluations must ~~base the align~~ assessment ~~on data with~~ the required eligibility criteria (~~Title 34 of the Code of Federal Regulations § 300.8; Title 5 of the California Code of Regulations §(CCR) section 3030~~) that ~~are utilized by~~ school ~~psychologists~~ ~~personnel~~ ~~utilize~~ to determine eligibility for special education services ~~and related services~~. ~~WFor example, while it is understood that psychological evaluations performed by clinical psychologists, who typically work in private practice and outside of the school an educational setting or in private practice, can include many several~~ of the same formal assessments as psychoeducational and neuropsychological evaluations ~~in order when to~~ examining an individual's psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. ~~Therefore, independent examiners conducting psychological assessments under an IEE should align assessment with the eligibility requirements in federal and state law that school psychologists same would be true for other areas of assessment (i.e., assessments for physical therapy, occupational therapy, speech language, etc.). The assessment findings should assist IEP teams in determining specific accommodations and/or services that will support students with disabilities in educational settings. Therefore, examiners conducting assessments under an IEE should align assessment data with the eligibility requirements that school personnel rely on to determine eligibility for special education and related services. The examiner's assessment should assist in determining specific areas of need, services, or supplemental aides that will support children with disabilities in educational settings. The assessment must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category being considered for the studentchild, and should help seek to the IEP team to understand the student's-child's learning style, and then guide the development of classroom accommodations and supports from an team in revising the IEP, if needed, from an educational perspective.~~

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4. The IEE must be provided by an examiner who holds ~~equivalent~~ certifications, licenses, or other qualifications that would be required of the LEA staff providing similar evaluations (~~Title 34 of the Code of Federal Regulations § 300.502(e); and Education Code § 56322~~). All assessments must be conducted in accordance with all requirements of federal and state law including, but not limited to, observing the ~~student-child~~ in the appropriate setting (~~Education Code § 56327~~), and conducting evaluations in accordance with ~~Education Code § 56320~~. Independent examiners must meet the credentialing criteria listed below. All assessments, including all tests and subtests must be conducted by persons competent to perform the assessment as determined by the LEA (~~Education Code § 56322~~).

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Type of Assessment	Proposed Estimate	Qualifications
Academic Achievement	\$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Adaptive Behavior	\$400	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Auditory Acuity	\$280	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Auditory Perception	\$300	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Assistive Technology	\$550	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Cognitive	\$650	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
<u>Educationally Relevant Mental Health</u>	<u>\$2,000</u>	<u>Marriage Family Therapist (MFT)</u> <u>Marriage Family Therapist Intern (under the supervision of MFT)</u> <u>Licensed Clinical Social Worker (LCSW)</u> <u>Licensed Clinical Social Worker Intern (under the supervision of the LCSW)</u> <u>Professional Clinical Counselor (PCC)</u> <u>Professional Clinical Counselor Intern (under the supervision of the PCC)</u> <u>PsyD – Doctorate in Clinical Psychology</u> <u>Ph.D. – Doctorate in Psychology</u> <u>Clinical Psychologist</u>
Health	\$300	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the student
Independent Multi-disciplinary Evaluation	\$4,000	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$5,000	See individual evaluator qualifications
Motor (Fine or Gross)	\$700	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Social / Emotional / Behavioral (FAA / Behavioral Intervention Plan)	\$2,000	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist Licensed Psychiatrist

Type of Assessment	Proposed Estimate	Qualifications
Speech and Language	\$800	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Vision (Functional)	\$300	Credentialed Teacher of the Visually Impaired
Visual Acuity / Developmental Vision	\$300	Licensed Ophthalmologist Optometrist
Visual Motor Integration	\$300	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Perception	\$250	Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher

It is recommended that when selecting an independent examiner not on the ~~non-Exclusive List~~ of ~~Qualified Examiners~~ (Appendix B), the LEA request a copy of the examiner’s resume, two references by LEAs, ~~a sample evaluation report~~, and itemized costs for the evaluation including writing the report and attending the IEP meeting. Prior to ~~making the final selection of an examiner, authorizing funding of an examiner~~, the LEA should review the resume to ensure proper licensure/credential certification, and contact the references provided.

2.—The independent examiner must be located within an 85 mile radius of the Desert/Mountain SELPA office or a 40 mile radius of the LEA responsible for the IEE. Examiners outside of this area may be approved by the LEA if the parents can demonstrate the necessity of using an examiner outside of the geographical determined location. Unless an out of area evaluation is required for the ~~student-child~~ to receive an IEE, costs beyond the evaluation (i.e., transportation, lodging, food, etc.) are not covered in the contract or reimbursement to the parent.

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3. ~~Independent examiners must comply with all state and federal requirements~~ ~~(Title 34 of the CFR 300.502(e))~~.

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4. ~~The independent examiner must provide the LEA and parent with a copy of the report~~ ~~five days~~ prior to the IEP team meeting. The report should include:

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- ~~Examiner’s~~ name, title, license, certification number;
- ~~Original~~ signature of the examiner; and
- ~~Original~~ assessment protocols (attached to the report) - see Appendix D for information on protocols.

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A public agency may not impose conditions or timelines related to obtaining an IEE at public expense ~~(Title 34 of the Code of Federal Regulations § 300.502(e))~~.

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Section D - Criteria for Determination of IEE Fee

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The LEA will pay a fee that is routine and reasonable for the IEE, similar to those performed by qualified professionals in the local geographical area. Routine and reasonable fee is based on an average of a

random sampling of fees charged by professionals providing service in the LEA/SELPA's area. The LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at LEA expense.

An excessive fee is defined as one that is more than 25% higher than the routine and reasonable rate as defined in the cost guidelines in Appendix C. Parents will be allowed the opportunity to demonstrate to the LEA that unique circumstances justify IEE fees that do not fall within the criteria described in Appendix C.

Cost Guidelines:

When the LEA is negotiating the fee for an independent evaluation to be conducted at public expense, the following should be included in the fees:

- ~~c~~Cost to conduct the assessment;
- ~~m~~Mileage (for student observation and to IEP location);
- ~~d~~Developing a written report and providing copies to the parent and LEA; and
- ~~a~~Attending the IEP team meeting.

The independent examiner must agree to release their written report, test protocols (see OSEP Policy Letter - Appendix D), assessment information, and results to the LEA prior to the receipt of payment for services and at least five days prior to the IEP meeting. The results from the IEE will be considered in the ~~diagnosis~~eligibility, program decisions, and educational services to the ~~student-child~~ with disabilities as required by IDEA 2004. IEEs will be considered in any decisions made with respect to offers of FAPE made by the IEP team.

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Section E - Circumstances Resulting in Evaluation Not Funded at LEA Expense

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The LEA does not have an obligation to reimburse parents for private evaluations obtained prior to the date that the LEA's evaluation is completed and discussed in an IEP meeting.

Parent request for reimbursement for private evaluation may be allowable if:

1. The LEA's evaluation has not been provided in compliance with federal and state laws.
2. The privately obtained evaluation appropriately assessed the ~~student-child~~ in an area(s) of suspected disability, which was not assessed appropriately by the LEA.

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Any reimbursement will be in accordance with LEA procedures, cost guidelines outlined in Appendix C, and in an amount no greater than the actual cost to the parent. Reimbursement does not include observations/consultation with outside consultants.

If an IEE is requested as a result of a settlement agreement in a due process hearing, the Desert/Mountain SELPA will cover the costs incurred for the IEE as outlined in the settlement agreement.

If the LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to obtain an IEE at their own expense. If the LEA initiates a due process hearing and the final decision is that the LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer (~~*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*~~).

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APPENDIX A

Notice to Parents Regarding Independent Educational Evaluations (IEEs)

Please read the information below before obtaining an Independent Educational Evaluation (IEE). Before obtaining an IEE, contact the Director of Special Education within your Local Education Agency (LEA/school district) to discuss your assessment questions. An IEE obtained on a unilateral basis will not automatically be reimbursed. All requests for an IEE will be processed in accordance with the policy, procedures, and criteria set forth herein.

DEFINITIONS

Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the Local Education Agency (LEA) responsible for the education of the child in question (Title 34 of the Code of Federal Regulations § 300.502).

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Qualified Examiner: An examiner who is competent to perform the evaluations through criteria established within the Desert/Mountain SELPA Policy and Procedure Manual and in accordance with Education Code § 56322.

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Unilateral Parent Initiated Evaluation: An evaluation obtained by the parent at private expense without prior approval of the LEA.

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Public Expense: The LEA pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

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INDEPENDENT EDUCATIONAL EVALUATION (IEE):	An evaluation conducted by a qualified examiner who is not employed by the Local Education Agency (LEA) responsible for the education of the child in question (Title 34 of the Code of Federal Regulations (CFR), section 300.502).
QUALIFIED EXAMINER:	An examiner who is competent to perform the evaluations through criteria established within the Desert/Mountain Special Education Local Plan Area (SELPA) Policy and Procedure Manual and in accordance with California Education Code (EC) section 56322.
PUBLIC EXPENSE:	The LEA pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

CONSIDERATION OF INDEPENDENT EDUCATIONAL EVALUATIONS

An IEE is designed to assist in determining the educational needs of a student child with a disability including diagnosis/eligibility, program decisions, and educational services. The IEP team is responsible for determining placements and services; therefore, the IEP team will consider recommendations designed to assist the student child in making educational progress in accordance with this policy. IEEs will be considered in any decision made with respect to providing a Free Appropriate Public Education (FAPE) for the student child.

APPENDIX A

A private educational evaluation that is initiated by the parent shall be considered in any decision made with respect to the provisions of FAPE to the ~~student~~child. A private evaluation obtained by the parent is different from an IEE. An IEE may be presented as evidence at a due process hearing regarding the ~~student~~child. All requirements outlined in the criteria for IEEs must be followed.

Federal regulations require that whenever an IEE is granted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when performing a similar evaluation (~~§ Title 34 of the Code of Federal Regulations § 300.502(a)~~).

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PROCEDURES FOR PARENTS REQUESTING AN INDEPENDENT EDUCATIONAL EVALUATION AT PUBLIC EXPENSE

If a parent disagrees with an evaluation completed by the LEA and seeks an ~~IEE~~independent educational evaluation, the LEA shall either initiate a due process hearing to obtain a determination that its evaluation is appropriate or will provide the parent with an opportunity to obtain an IEE within this policy (~~§ Title 34 of the Code of Federal Regulations §§ 300.502(b) and § 34 CFR 300.502(b)(2)(i)~~).

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The parent should contact the LEA's ~~D~~irector of ~~S~~pecial ~~E~~ducation for assistance in seeking an IEE.

The parent may be asked the reason that they object to the LEA's evaluation; however, there is no requirement that the parent specify areas of disagreement with the LEA's evaluation as a prior condition for obtaining the IEE.

If the IEE requested is accepted, the LEA shall provide the parents with the policy, procedures, and criteria for an IEE (Appendix A) (~~§ Title 34 of the Code of Federal Regulations § 300.502(a)(2)~~). The LEA shall offer the parent a non-exclusive list of public agencies and private individuals whom the LEA has determined are "qualified" in their respective areas of assessment (see Appendix B). The LEA does not specifically endorse any listed agency or individual. Other agencies and individuals may be considered if they meet the IEE qualified provider criteria. Cost guidelines are available for consideration (Appendix C). If a specific independent examiner is desired by the parents, the name and resume of the examiner must be provided so that the LEA may:

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- Verify the qualifications, certifications and/or licensure of the examiner;
- Apply the location criteria; and
- Initiate and negotiate a contract with the examiner.

The LEA's ~~D~~irector of ~~S~~pecial ~~E~~ducation will provide Prior Written Notice (PWN) to the parent stating whether the LEA is accepting or denying the IEE. If the IEE is denied, the LEA will file for due process to determine the appropriateness of its assessment.

The LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at LEA expense.

If the LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to retain another individual to conduct an evaluation, but not at LEA expense (~~§ Title 34 of the Code of Federal Regulations § 300.502(b)(3)~~). If the LEA initiates a due process hearing and the final

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APPENDIX A

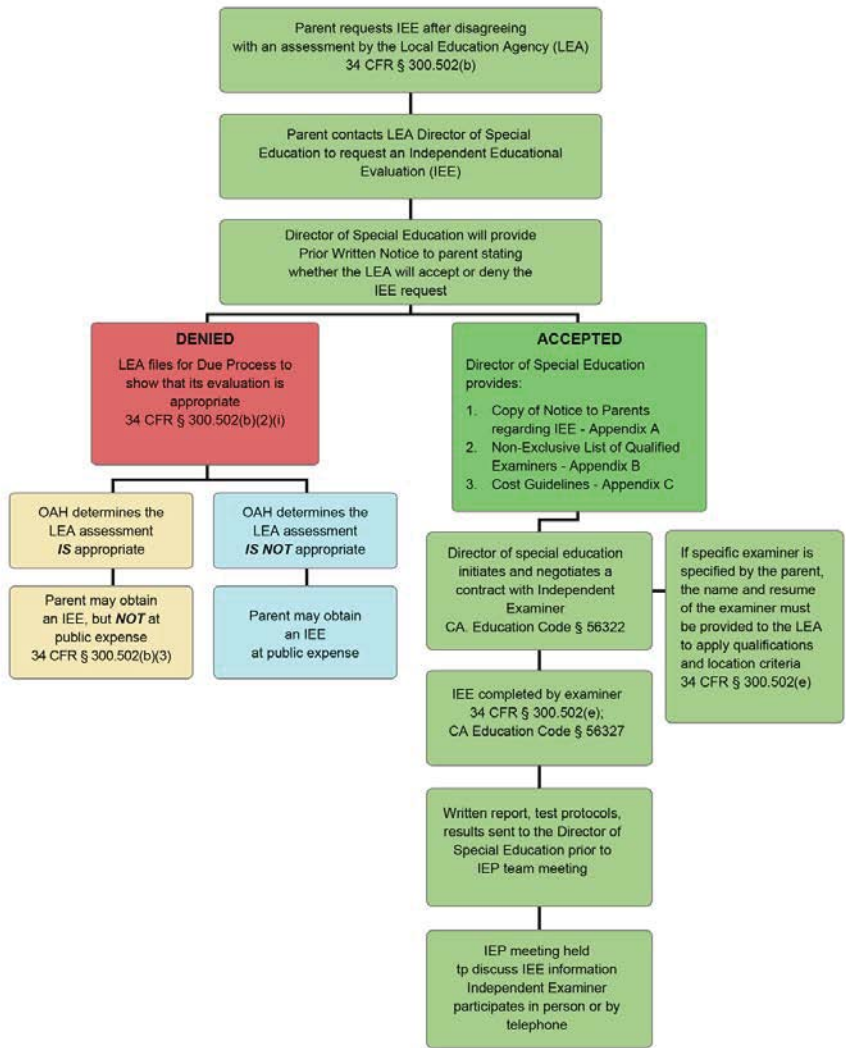
decision is that the LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

All independent examiners are required to provide a written report and copies of the test protocols (Appendix D) to the LEA five days prior to the IEP meeting to review the IEE. The results of the IEE will be considered in making educational decisions required by ~~the~~ IDEA 2004. The independent examiner will be required to participate in the IEP meeting by telephone or in person, at which time the IEE is being discussed. The cost of the independent examiner's participation in the IEP meeting will be included as part of the cost of conducting the IEE.

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APPENDIX A

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APPENDIX A

CRITERIA FOR OBTAINING AN IEE AT PUBLIC EXPENSE

1. Local Limitations for Independent Examiners

The independent examiner must be located within an 85 mile radius of the Desert/Mountain SELPA office or within a 40 mile radius of the LEA responsible for the IEE.

2. Minimum Qualifications for Independent Examiners

All assessments must be conducted in accordance with all requirements of federal and state laws including, but not limited to, observing the child in the appropriate setting (~~Education Code § 56327~~) and conducting evaluations in accordance with Education Code § 56320. Examiners must meet the credentialing/licensing criteria listed below. All assessments must be conducted by individuals certified as competent as determined by the LEA (~~Education Code § 56322~~).

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Clinical psychologists selected to perform independent evaluations must base the assessment on the required eligibility criteria (Title 34 of the Code of Federal Regulations § 300.8; Title 5 of the California Code of Regulations § 3030) that school psychologists utilize to determine eligibility for special education services and related services. While it is understood that psychological evaluations performed by clinical psychologists, who typically work outside of the school setting or in private practice, can include many of the same formal assessments as psychoeducational and neuropsychological evaluations in order to examine an individual's psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. Therefore, independent examiners conducting psychological assessments under an IEE should align assessment with the eligibility requirements in federal and state law that school psychologists rely on to determine eligibility for special education and related services. The examiner's assessment should assist in determining specific areas of need, services, or supplemental aides that will support children with disabilities in educational settings. The assessment must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category being considered for the child, and should help seek to understand the child's learning style, and then guide the development of classroom accommodations and supports from an educational perspective.

~~Examiners selected to perform independent evaluations must align assessment data with the required eligibility criteria (34 CFR 300.8; Title 5 of the California Code of Regulations (CCR) section 3030) that are utilized by school personnel to determine eligibility for special education services. For example, while it is understood that psychological evaluations performed by clinical psychologists in private practice and outside of an educational setting can include several of the same formal assessments as psychoeducational and neuropsychological evaluations when examining an individual's psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. The same would be true for other areas of assessment (i.e., assessments for physical therapy, occupational therapy, speech language, etc.). The assessment findings should assist IEP teams in determining specific accommodations and/or services that will support students with~~

APPENDIX A

~~disabilities in educational settings. Therefore, examiners conducting assessments under an IEE should align assessment data with the eligibility requirements that school personnel rely on to determine eligibility for special education and related services. The assessment must be sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category being considered for the student, and should help the IEP team to understand the student’s learning style and then guide the team in revising the IEP, if needed, from an educational perspective.~~

The IEE must be administered by the examiner in the same type of location and/or setting as that used by the LEA in providing similar evaluations (~~§Title 34 of the Code of Federal Regulations § 300.502(e)~~). If the LEA evaluation included classroom observations, the independent examiner will be given access to the classroom (~~§Education Code § 56327~~).

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Type of Assessment	Proposed Estimate	Qualifications
Academic Achievement	\$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist
Adaptive Behavior	\$400	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist
Auditory Acuity	\$280	Licensed or Credentialed Audiologist- Credentialed Speech and Language Pathologist- Licensed Speech and Language Pathologist
Auditory Perception	\$300	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist
Assistive Technology	\$550	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive
Cognitive	\$650	Credentialed School Psychologist- Licensed Clinical Psychologist Licensed Educational Psychologist
<u>Educationally Relevant Mental Health</u>	<u>\$2,000</u>	<u>Marriage Family Therapist (MFT)</u> <u>Marriage Family Therapist Intern (under the supervision of MFT)</u> <u>Licensed Clinical Social Worker (LCSW)</u> <u>Licensed Clinical Social Worker Intern (under the supervision of the LCSW)</u> <u>Professional Clinical Counselor (PCC)</u> <u>Professional Clinical Counselor Intern (under the supervision of the PCC)</u> <u>PsyD – Doctorate in Clinical Psychology</u> <u>Ph.D. – Doctorate in Psychology</u> <u>Clinical Psychologist</u>
Health	\$300	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the
Independent Multi-disciplinary Evaluation	\$4,000	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$5,000	See individual evaluator qualifications

APPENDIX A

Type of Assessment	Proposed Estimate	Qualifications
Motor (Fine or Gross)	\$700	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Social / Emotional / Behavioral (FAA / Behavior Intervention Plan)	\$2,000	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Licensed Clinical Social worker Licensed Marriage and Family Therapist
Speech and Language	\$800	Credentialed Speech and Language Pathologist Licensed Speech and Language
Vision (Functional)	\$300	Credentialed Teacher of the Visually Impaired
Visual Acuity / Developmental Vision	\$300	Licensed Ophthalmologist Optometrist
Visual Motor Integration	\$300	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Perception	\$250	Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher

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For a neuro-psychological evaluation, the specialist must possess an educational psychologist license or credential and appropriate education, training and experience in the administration and interpretation of neuro-psychological assessment tools.

- Independent examiners must comply with all state and federal requirements (~~of Title 34 of the Code of Federal Regulations § 300.502(e)~~).

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- Provision and/or Release of Independent Examiner’s Written Report

Independent educational examiners must agree to release their written report, test protocols (Appendix D), assessment information and results to the LEA prior to receipt of payment for services. The report should include:

- Examiner’s name, title, license, certification number;
- Original signature of the examiner; and
- Original assessment protocols (attached to the report) - see Appendix D for information on test protocols.

All independent educational examiners are required to provide a written report and copies of the test protocols five days prior to the IEP team meeting. The results from the IEE will be considered in the ~~diagnosis~~eligibility, program decisions, and educational services to the ~~student~~child with a ~~disabilities~~ as required by ~~the~~IDEA 2004 and Section 504 of the Rehabilitation Act of 1973.

- A public agency may not impose conditions or timelines related to obtaining an IEE at public expense (~~of Title 34 of the Code of Federal Regulations § 300.502(e)~~).

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APPENDIX A

CRITERIA FOR DETERMINATION OF IEE FEES

The LEA will pay a fee that is routine and reasonable for the IEE, similar to those performed by qualified professionals in the local geographical area. Routine and reasonable fee is based on an average of a random sampling of fees charged by professionals providing service in the LEA/SELPA's area. The LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at LEA expense.

An excessive fee is defined as one that is more than 25% higher than the routine and reasonable rate as defined in the cost guidelines in Appendix C. Parents will be allowed the opportunity to demonstrate to the LEA that unique circumstances justify IEE fees that do not fall within the criteria described in Appendix C.

Cost Guidelines:

When the LEA is negotiating the fee for an independent evaluation to be conducted at public expense, the following should be included in the fees:

- Cost to conduct the assessment;
- Mileage (for student observation and to IEP location);
- Developing a written report and providing copies to the parent and LEA; and
- Attending the IEP team meeting.

The independent educational examiner must agree to release their written report, test protocols (see OSEP Policy Letter - Appendix D), assessment information, and results to the LEA prior to receipt of payment for services and at least five days prior to the IEP meeting. The results from the IEE will be considered in the diagnosis/eligibility, program decisions, and educational services to the student-child with disabilities as required by IDEA 2004. IEEs will be considered in any decisions made with respect to offers of FAPE made by the IEP team.

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CIRCUMSTANCES RESULTING IN EVALUATIONS NOT FUNDED AT ~~DISTRICT-LEA~~ EXPENSE

The LEA does not have an obligation to reimburse parents for private evaluations obtained prior to the date that the LEA's evaluation is completed and discussed in an IEP meeting.

Parent request for reimbursement for private evaluation may be allowable if:

1. The LEA's evaluation has not been provided in compliance with federal and state laws.
2. The privately obtained evaluation appropriately assessed the student-child in an area(s) of suspected disability, which was not assessed appropriately by the LEA.

Reimbursement will be in accordance with LEA procedures, cost guidelines outlined in Appendix C, and in an amount no greater than the actual cost to the parent. Reimbursement does not include observations/consultations with outside consultants.

If an IEE is requested as the result of a settlement agreement in a due process hearing, the Desert/Mountain SELPA will cover the costs incurred for the IEE as outlined in the settlement agreement.

APPENDIX A

If the LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to obtain an IEE at their own expense. If the LEA initiates a due process hearing and the final decision is that the LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer (~~*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*~~).

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APPENDIX B

Sources of Independent Evaluation by the Area of Assessment

(updated 03/2017)

The following is a non-exclusive list of public agencies and private individuals whom the LEA has determined are qualified in their respective areas of assessment. The LEA does not specifically endorse any listed agencies or individuals. Other agencies and individuals will be considered if they meet LEA criteria. All private individuals who qualify under criteria established by the LEA are encouraged to apply. The fee schedule will be used periodically to ensure parents the opportunity to choose from qualified assessors in the area.

SPEECH AND LANGUAGE	
Ardor Health Solutions, Inc. 5830 Coral Ridge Dr., Ste 300 • Coral Springs, FL 33076 (866) 425-5768 • (888) 308-1147 Website: http://www.ardorhealth.com/	Augmentative Communication Therapies Cindy Cottier 3850 Startouch Dr. • Pasadena, CA 91106 (626) 351-5402 Email: cacottier@cacottier.com (NOTE: Evaluation does not include general special and language or articulation)
Casa Colina Children’s Services Center Michele Alaniz, Clinical Director 255 East Bonita Ave. • Pomona, CA 91769 P.O. Box 6001 • Pomona, CA 91769 (909) 596-7733, ext. 4200 • (909) 596-3548 FAX Email: malaniz@casacolina.org Website: www.casacolina.org	Denise Parks, MA, CCC-SLP Corona, CA 92883 (951) 347-0155 Email: couponqueenslp@gmail.com
El Paseo Children’s Center Brent M. Cooper 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX Email: brent@epccsolutions.com Website: http://www.elpaseotesting.com/	Sound Therapies Rachel Zijlstra 3551 Redwood St. • San Diego, CA 92104 (619) 641-7744 • (866) 547-8918 FAX Website: http://soundtherapiesinc.com/
Specialized Therapy Services Steven Oas Satellite Clinic: 2820 Roosevelt Rd., Ste 104 • San Diego, CA 92106 Main Clinic: 4204-A Adams Ave. • San Diego, CA 92116 (619) 252-4557 • (619) 431-5049 Website: https://www.theoascenter.com/	
AUTISM / BEHAVIOR	
Applied Behavior Consultants, Inc. (ABC) 800 Ferrari Lane, Ste 100 • Ontario, CA 91764 (909) 484-2848, ext. 15 • (909) 484-3504 FAX Website: www.appliedbehaviorconsultants.com/	Autism Behavioral Consultants 1880 Town & Country Rd., Ste B-101 • Norco, CA 92860 (951) 737-6300 • (951) 737-8779 FAX Website: www.autismbehaviorconsultants.net/

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AUTISM / BEHAVIOR	
<p>Autism Spectrum Therapies, Inc. 337 N. Vineyard Ave. • Ontario, CA 91764 28581 Old Town Front St. • Temecula, CA 92590 4719 Viewridge Ave., Ste 100, San Diego, CA 92123 147 E. Olive Ave. • Monrovia, CA 91016 (866) 727-8274 • (800) 459-4245 FAX Website: http://www.autismtherapies.com/</p>	<p>Behavioral and Education Support Team (BEST) 411 S. Magnolia Ave. • El Cajon, CA 92020 (619) 442-1271 • (619) 444-8182 FAX Website: http://bestautismservices.com/</p>
<p>Center for Autism & Related Disorders (CARD) 802 Magnolia Ave., Ste 202 • Corona, CA 92879 (951) 686-2020 • (951) 686-2120 FAX Website: http://www.centerforautism.com/</p>	<p>Desert/Mountain Children’s Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-6700 • (760) 242-5363 FAX Website: http://www.cahelp.org/</p>
<p>El Paseo Children’s Center <i>Brent M. Cooper</i> 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX</p>	<p>LeafWing Center 15972 Tuscola Rd., Ste 102 • Apple Valley, CA 92307 (760) 242-3353 • (760) 242-3332 FAX 13440 Ventura Blvd., Ste 200 • Sherman Oaks, CA 91423</p>
<p>People’s Care Autism Services 13901 Amargosa Rd., Ste 202 • Victorville, CA 92392 (760) 512-1925 • (760) 301-0097 FAX Website: http://www.peoplescare.com/autism-services</p>	<p>Specialized Therapy Services <i>Steven Oas</i> Satellite Clinic: 2820 Roosevelt Rd., Ste 104 • San Diego, CA 92106 Main Clinic: 4204-A Adams Ave. • San Diego, CA 92116 (619) 252-4557 • (619) 431-5049 Website: https://www.theoascenter.com/</p>
VISION ASSESSMENT	
<p>El Paseo Children’s Center <i>Brent M. Cooper</i> 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX Email: brent@epccsolutions.com Website: http://www.elpaseotesting.com/</p>	<p>Ami Patel, O.D. 2771 S. Diamond Bar Blvd. • Diamond Bar, CA 91765 (909) 598-4393</p>
<p>Southern California College of Optometry Eye Care Center at Fullerton <i>Catherine Heyman, O.D.</i> 2575 Yorba Linda Blvd. • Fullerton, CA 92831 (714) 992-7845 Email: heyman@ketchum.edu Website: www.ketchumhealth.org</p>	
OCCUPATIONAL / PHYSICAL THERAPY	
<p>Casa Colina Children’s Services Center <i>Michele Alaniz, Clinical Director</i> 255 East Bonita Ave. • Pomona, CA 91769 P.O. Box 6001 • Pomona, CA 91769 (909) 596-7733, ext. 4200 • (909) 596-3548 FAX Email: malaniz@casacolina.org Website: www.casacolina.org</p>	<p>Desert/Mountain Children’s Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-65700 • (760) 242-5363 FAX Website: http://cahelp.org/</p>

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OCCUPATIONAL / PHYSICAL THERAPY	
<p>El Paseo Children’s Center Brent M. Cooper 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX Email: brent@epccsolutions.com Website: http://www.elpaseotesting.com/</p>	<p>Horizon Therapy Services Kathleen Pinto, OT 8265 White Oak Ave. • Rancho Cucamonga, CA 91730 (909) 373-1641 • (909) 481-7657 or 0444 FAX Email: info@horizontherapyservices.com Website: http://www.horizontherapyservices.com/</p>
PSYCHOLOGISTS	
<p>Doran A. Dula, Psy.D. 250 West First St., Ste 352 • Claremont, CA 91711 (909) 624-TEST • (909) 626-4507</p>	<p>Veronica Escoffery-Runnels, Ed.D. University of LaVerne 1950 Third St. • LaVerne, CA 91750 (909) 593-3511, ext. 4387</p>
<p>Madison M. Kendrick, LMFT Licensed Educational Psychologist, #3031 P.O. Box 2888 • Wrightwood, CA 92397 (760) 912-5780 Email: mmkendrick@msn.com</p>	<p>Richard J. Kleindienst, Ph.D. 2823 Nevada Way • Riverside, CA 92506 (951) 660-8394</p>
<p>Wendy Ness Victorville, CA 92392 (760) 900-6845 Email: wendyness@outlook.com</p>	<p>Federico Parres, Ph.D. Etiwanda, CA (909) 241-8582</p>
<p>Rebecca L. Parres Etiwanda, CA (909) 938-2477</p>	<p>Karina Quezada, Psy.D., LEP, NCSP Bilingual Licensed Educational Psychologist, #3470 Apple Valley, CA 92307 (760) 964-8293 Email: kmquezada@gmail.com</p>
<p>Paul Rosell, M.S., C.C.B.T. Licensed Educational Psychologist, #2084 19167 Highway 18, Suite 2 • Apple Valley, CA 92307 (760) 900-0289</p>	<p>Dr. Dudley Wiest 1110 East Chapman, Ste 202 • Orange, CA 92866 (714) 744-9754 • (714) 744-1830 FAX Website: www.dudleywiestphd.com</p>
<p>Desert/Mountain Children’s Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-6700 • (760) 242-5363 FAX Website: http://cahelp.org/</p>	<p>El Paseo Children’s Center Brent M. Cooper 74075 El Paseo Ste A6 • Palm Desert, CA (760) 342-4900 • (760) 342-0499 FAX Email: brent@epccsolutions.com Website: http://www.elpaseotesting.com/</p>
ASSISTIVE TECHNOLOGY	
<p>Augmentative Communication Therapies Cindy Cottier 3850 Startouch Dr. • Pasadena, CA 91106 (626) 351-5402 Email: cacottier@cacottier.com</p>	<p>Hillside Therapy Inc. Larry Silcock, OTR/L, Assistive Technology Specialist Alta Loma, CA 91737 (909) 208-8784</p>

APPENDIX B

ASSISTIVE TECHNOLOGY	
Kouba Tech Solutions <i>Barbara J. Kouba</i> P.O. Box 1106 • Helendale, CA 92342 (760) 784-5059 Email: bjkouba@gmail.com	Orange County Goodwill – ATEC <i>Lauren Wetzler, Manager</i> 1601 East St. Andrew Place • Santa Ana, CA 92705 (714) 361-6200, ext. 226 Email: atec@ocgoodwill.org Website: http://www.ocgoodwill.org/
Kathleen M. Phillips P.O. Box 2805 • Wrightwood, CA 92397 (760) 680-9497 Email: kathie@focuspointed.com	

APPENDIX C

Suggested Cost Guidelines for Assessments

Costs listed below are suggested guidelines for a LEA to consider in contracting with an independent educational examiner. The routine and reasonable fees listed below are based on an average of a random sampling of fees charged by professionals providing services in the LEA/SELPA's area.

Cost exceeding the suggested amounts may be approved by the LEA if the parent is able to demonstrate unique circumstances which justify going outside of the LEA's fee parameters.

Type of Assessment	Proposed Estimate	Qualifications
Academic Achievement	\$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist
Adaptive Behavior	\$400	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist
Auditory Acuity	\$280	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Auditory Perception	\$300	Credentialed Speech and Language Pathologist Licensed Speech and language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Assistive Technology	\$550	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology
Cognitive	\$650	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
<u>Educationally Relevant Mental Health</u>	<u>\$2,000</u>	<u>Marriage Family Therapy (MFT)</u> <u>Marriage Family Therapist Intern (under the supervision of MFT)</u> <u>Licensed Clinical Social Worker (LCSW)</u> <u>Licensed Clinical Social Worker Intern (under the supervision of the LCSW)</u> <u>Professional Clinical Counselor (PCC)</u> <u>Professional Clinical Counselor Intern (under the supervision of the PCC)</u> <u>PsyD – Doctorate in Clinical Psychology</u> <u>Ph.D. – Doctorate in Psychology</u> <u>Clinical Psychologist</u>
Health	\$300	Licensed Physician Credentialed School Nurse – trained and prepared to access cultural and ethnic factors appropriate to the student

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APPENDIX C

Independent Multi-disciplinary Evaluation	\$4,000	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$5,000	See individual evaluator qualifications
Motor (Fine or Gross)	\$700	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Social / Emotional / Behavioral (FAA / Behavior Intervention Plan)	\$2,000	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Licensed Clinical Social worker Licensed Marriage and Family Therapist

Type of Assessment	Proposed Estimate	Qualifications
Speech and Language	\$800	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Vision (Functional)	\$300	Credentialed Teacher of the Visually Impaired
Visual Acuity / Developmental Vision	\$300	Licensed Ophthalmologist Optometrist
Visual Motor Integration	\$300	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Perception	\$250	Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher

For a neuro-psychological evaluation, the specialist must possess an educational psychologist license or credential and appropriate education, training and experience in the administration and interpretation of neuro-psychological assessment tools.

APPENDIX D

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Letter to Shuster
Office of Special Education
Programs
N/A August
7, 2007

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Case Summary

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A parent of a student with disabilities expressed dissatisfaction over his inability to access his son's test protocols. OSEP noted that under certain circumstances, a protocol would not be considered a part of a student's education records and, as such, there would be no right to automatic access by a parent. For example, a protocol is not considered an education record of the student if it is separate from the sheet on which the student records his or her answers to the test and if it does not contain any personally identifiable information about the student. However, OSEP also noted that both the IDEA and FERPA require districts to respond to reasonable requests for explanations and interpretations of education records. Accordingly, if the district maintained a copy of a student's test-answer sheet (an "education record"), the parent would have a right to request an explanation and interpretation of the record. The explanation and interpretation by the school could entail showing the parent the test question booklet (i.e., the protocol), reading the questions to the parent, or providing an interpretation for the response in some other adequate manner that would inform the parent. OSEP also noted that federal copyright law protects against the distribution of copies of copyrighted document, such as a test protocols. But it said that since the IDEA and FERPA "generally do not require the distribution of copies of an education record, but rather parental access to inspect and review, federal copyright law generally should not be implicated under these regulations." OSEP did not address the implications of copyright law to the circumstances when parents are entitled to copies because it is impossible or impracticable for them to inspect the records in person.

Judge / Administrative

Officer Patricia J. Guard,

Acting Director **Full Text**

Honorable Bill
Shuster

U.S.
Representative

Ninth District of
Pennsylvania

APPENDIX D

647 Philadelphia Street, Suite
304

Indiana, PA
15701

Dear Congressman
Shuster:

Thank you for your letter of June 9, 2007 to Dr. Alexa Posny, then Director of the Office of Special Education Programs with the U.S. Department of Education, on behalf of your constituent []. In the letter to Dr. Posny, you indicated that your office received a June 4, 2007 letter from [] in which he expressed dissatisfaction with the issues and records being released for his son in accordance with the Family Educational Rights and Privacy Act (FERPA). You used your letter as an opportunity to follow up with Dr. Posny about the status of his case, and requested information be offered in a letter that would be helpful to you in responding to your constituent.

As stated in an April 12, 2007 letter to your from Dr. Posny, in an effort to resolve this matter, Hugh Reid, then the Office of Special Education Programs (OSEP) contact to Pennsylvania contacted [] on April 10, 2007 seeking, and receiving, permission to speak with the Pennsylvania Department of Education (PDE) Bureau of Special Education

(BSE). Mr. Reid contacted BSE and spoke with Mr. Thomas Reich, Acting Chief, Division of Compliance, Monitoring and Planning for Western Pennsylvania. Mr. Reich indicated that he would contact [] directly, specifically to: (1) assist [] with the resolution of his issues with PDE; (2) if necessary, assist [] with filing a complaint under the Individuals with Disabilities Education Act (IDEA) as specified in 34 CFR §§ 300.151 through 300.153; and (3) provide oversight of the process on behalf of Mr. John Tommasini, Director of Special Education, PDE.

Since [] continues to express dissatisfaction with PDE and the U.S. Department of Education's efforts to resolve his concerns, it might be helpful in this correspondence to explain how the IDEA regulations define "education records" and access to those records. 34 CFR § 300.611(b) defines education records as the type of records covered by FERPA as implemented by regulations in 34 CFR part 99. Under § 99.3 (of the FERPA regulations), the term "education records" is broadly defined to mean those records that directly relate to a student that are maintained by an educational agency or institution. (FERPA applies to all educational agencies and institutions to which funds have been made available under any program administered by the Secretary of Education. 34 CFR § 99.1.

Parents of children with disabilities have access rights to education records under 34 CFR § 300.613. This provision requires that, "Each participating agency must permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the agency under this part." The provision does not necessarily require the agency to provide copies of the records unless the "failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records." 34 CFR § 300.613(b)(2).

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APPENDIX D

Since [] request for his son's education records includes a request for test protocols, we are providing to you our long-standing policy regarding test protocols as education records and our policy regarding providing copies of copyrighted materials (such as test protocols) to parents. This policy is contained in the Analysis of Comments and Changes section of the 1999 IDEA regulations. Our policy remains the same. The discussion from the 1999 regulations regarding those issues states:

Records that are not directly related to a student and maintained by an agency or institution are not "education records" under FERPA and parents do not have a right to inspect and review such records. For example, a test protocol or question booklet which is separate from the sheet on which a student records answers and which is not personally identifiable to the student would not be a part of his or her "education records." However, Part B and FERPA provide that an educational agency or institution shall respond to reasonable requests for explanations and interpretations of education records. (34 CFR § 300.562(b)(1); 34 CFR § 99.10(c)). Accordingly, if a school were to maintain a copy of a student's test answer sheet (an "education record"), the parent would have a right under Part B and FERPA to request an explanation and interpretation of the record. The explanation and interpretation by the school could entail showing the parent the test question booklet, reading the questions to the parent, or providing an interpretation for the response in some other adequate manner that would inform the parent.

...

With respect to the issue of liability for disclosing information to parents when other laws or contractual obligations would prohibit it, public agencies are required to comply with the provisions of IDEA and FERPA, and must ensure that State law and other contractual obligations do not interfere with compliance with IDEA and FERPA. Federal copyright law protects against the distribution of copies of copyrighted document, such as a test protocol. Since IDEA and FERPA generally do not require the distribution of copies of an education record, but rather parental access to inspect and review, Federal copyright law generally should not be implicated under these regulations.

There is nothing in the legislative history of section 615(b)(1) of the Act to suggest that it expanded the scope of information available to parent examination beyond those records that they would have access to under FERPA.
64 Fed. Reg. 12605, 12641 (March 12, 1999).

If, after reviewing this information, [] continues to believe that PDE has denied his right to access his son's education records, he may file a State complaint under 34 CFR § 300.153.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

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DESERT/MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA
 DESERT/MOUNTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA
 17800 HIGHWAY 18 • APPLE VALLEY, CA 92307
 (760) 552-6700 • (760) 242-5363 FAX



**Assistive Technology Assessment and Independent Educational Evaluation
 Reimbursement Request Form**

LEA USE ONLY

DIRECTIONS: COMPLETE THE ATA AND IEE REIMBURSEMENT REQUEST FORM AND SUBMIT THE FORM TO THE DESERT/MOUNTAIN SELPA FOR APPROVAL.

LEA: _____ Fiscal or School Year: _____
 Prepared By: _____ Title/Position: _____ Contact Phone: _____

I HEREBY CERTIFY THAT THE EXPENDITURES REPORTED BELOW HAVE BEEN MADE AND THE FUNDS HAVE BEEN EXPENDED IN ACCORDANCE WITH FEDERAL AND STATE LAWS AND REGULATIONS. I FURTHER ACKNOWLEDGE THAT THE LEA MUST SUBMIT ALL RECORDS OF RECEIPTS AND EXPENDITURES FOR SELPA REVIEW/AUDIT.

Authorized Representative Name: _____ Title/Position: _____
 Authorized Representative Signature: _____ Date: _____

ASSESSMENT DATE	STUDENT NAME	ASSESSING AGENCY	TYPE OF ASSESSMENT	TOTAL COST FOR ASSESSMENT	AMOUNT TO BE REIMBURSED

LEA ACCOUNT NUMBER TO RECEIVE PAYMENT OR TRANSFER TO: _____

SELPA USE ONLY

SELPA Approval: _____ Date: _____
 SELPA Administrator

AMOUNT REQUESTED	AMOUNT APPROVED
\$ _____	\$ _____

Purchase Order #: _____

INDEPENDENT EDUCATIONAL EVALUATION (IEE) Occupational Therapy, Psycho-educational, & Speech Referrals to the Desert/Mountain Children's Center (DMCC)

The Desert/Mountain Children's Center (DMCC) provides independent educational evaluations (IEEs) in the areas of occupational therapy, psycho-educational, and speech and language. These services are provided to participating local educational agencies (LEAs) on a fee-for-service basis. The LEA may request reimbursement of the IEE under the yearly stipend, if available, by completing and submitting the Assistive Technology and Independent Educational Evaluation Reimbursement Request form (D/M 83), and supporting documentation. Form D/M 83 must be submitted to the SELPA office before the end of each year.

An IEE is an evaluation conducted by a qualified examiner who is not employed by the LEA or public agency responsible for the education of the student. Since the student's educational program are determined by the results of assessments, a parent/guardian who disagrees with an LEA's evaluation has the right to obtain an IEE at public expense to identify the student's disabilities and resulting educational needs. A parent/guardian is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent/guardian disagrees (34 CFR 300.502). The disagreement of the LEA's evaluation has a two-year window.

The Referral for Independent Educational Evaluation (DMCC 100F) is a contractual agreement between the DMCC and the LEA requesting an IEE.

PRE-REFERRAL

Local Education Agency (LEA) Responsibility

1. Provide parent/guardian with a Prior Written Notice (PWN) letter stating the LEA is accepting the request for an IEE in the appropriate area to be evaluated by the DMCC.
2. Provide the parent/guardian copies of the following:
 - Notice to Parents Regarding IEEs (SELPA Policy Appendix A, Chapter 25: Guidelines for IEE)
 - Non-exclusive List of Qualified Examiners (SELPA Policy Appendix B, Chapter 25: Guidelines for IEE)

NOTE: The LEA is obligated to inform the parent/guardian of their right to obtain an IEE, where they may obtain an IEE, and conditions for obtaining an IEE at public expense. (Refer to SELPA Policy, Chapter 25, Appendices A, B, and C).

3. Complete the *Referral for Independent Educational Evaluation* form (DMCC 100F) selecting the type evaluation being requested: whether “**Occupational Therapy, Psycho-educational, or Speech and Language.**” and obtain the signature of the director of special education. By signing the referral, the director of special education acknowledges the LEA is responsible for the cost of the IEE.
4. Complete the *Authorization for Use and/or Disclosure of Information* form (D/M 63) and obtain the parent/guardian signature. Specify the receiving agency as the Desert/Mountain Children's Center.

✓ REFERRAL PROCEDURES

Forward the following documents to the attention of the Director of the DMCC.

- ☞ DMCC 100F *Referral for Independent Educational Evaluation* form
- ☞ D/M 63 *Authorization for Use and/or Disclosure of Information* form
- ☞ Occupational Therapy, Psycho-educational, or Speech and Language prior evaluation report, if available and as applicable to the IEE request, that specifies services the student was receiving and the goals related to the services
- ☞ IEP or IEP Addendum dated within one year of the referral for an IEE to the DMCC to assess in the identified area of need
- ☞ Psycho-educational evaluation dated within three years of the referral for an IEE to the DMCC
- ☞ Any additional supporting information

🕒 Timeline for Assessment

Within five business days of receipt of the completed referral packet, the Director of the DMCC shall:

1. Assign and forward the *Referral for Independent Educational Evaluation* form (DMCC 100F) to a credentialed, certified and/or licensed DMCC evaluator.
2. Forward a copy of the *Referral for Independent Educational Evaluation* form (DMCC 100F) to the appropriate support person to document in client file and route to the DMCC Business Office.

The assigned DMCC evaluator shall:

1. Contact the parent/guardian and LEA to coordinate assessment needs. Parent/guardian is responsible for making the child available for the assessment (including transportation).
3. Release a copy of his/her written evaluation report to the LEA prior to the IEP team meeting. Report must include examiner's name, title, license, certification number; original signature of the examiner; and original assessment protocols (SELPA Policy Chapter 25, Appendix D)
4. Attend/participate in IEP meeting to be scheduled by the LEA, to review his/her evaluation report.

NOTE: Although a public agency may not impose conditions or timelines related to obtaining an IEE at public expense (34 CFR 300.502(e)), the IEE must be completed without unreasonable delay.

🕒 Timeline for Services

Based on the IEP team's review and considerations at the IEP team meeting, the team shall develop an appropriate IEP for the student and implement those services and supports necessary to provide the student with educational benefit.



Desert/Mountain Children's Center

- ◆ 17800 Highway 18, Apple Valley, CA 92307 (760) 552-6700 (760) 948-0819 FAX 42007
- ◆ Fox Farm Rd. Ste 2A, P.O. Box 1963, Big Bear Lake, CA 92315 (909) 866-2165 (909) 866-5653 FAX
- ◆ 58967 Business Center Dr., C, D & E, Yucca Valley, CA 92284 (760) 369-3130 (760) 365-2695 FAX

Referral for Independent Educational Evaluation (IEE)

Occupational Therapy (OT)
 Psycho-educational
 Speech and Language

Referred by: _____ Title/Position: _____ Date: _____
 LEA: _____ Phone Number: _____
 Client/Student Name: _____ Social Security Number: _____
 Date of Birth: _____ Age: _____ Grade: _____ Gender: Male Female
 Attending School: _____ Teacher: _____
 Parent/Guardian: _____ Home Phone: _____ Work Phone: _____
 Street Address: _____ City: _____ Zip Code: _____
 Mailing Address: _____ City: _____ Zip Code: _____

Please attach the following documents to this referral:

- Current IEP or IEP Addendum
- Psycho-educational report dated within three years
- Signed Authorization for Use and/or Disclosure of Information (D/M 63)
- Other supporting information: _____

Authorization for Use and/or Disclosure of Information: Authorizes the LEA to exchange confidential/privilege information, including information regarding mental health treatment, in order to develop and implement an individualized education program for the above mentioned student. By signing the Authorization for Use and/or Disclosure of information (D/M 63), the parent/guardian acknowledges that he/she consents to the IEE and authorizes the LEA and the DMCC to exchange confidential/privileged information, including information regarding mental health treatment, in order to develop and implement an individualized education program for the student.

The LEA and DMCC understand that the exchange of information may not further be used or disclosed outside of its intended purpose under this referral for evaluation, unless another authorization is obtained or unless such use or disclosure is specifically required or permitted by law.

ADDITIONAL INFORMATION REQUIRED



Charter SELPA Policies and Procedures

Policy Chapter	Content	Date
Chapter 1: Identification and Referral of Individuals for Special Education	<ul style="list-style-type: none"> • Updated Section H to remove references to the California English Language Development Test (CELDT); added language regarding the English Language Proficiency Assessments of California (ELPAC) • Added Section I – Teaching and Assessing California’s English Language Development (ELD) and English Language Arts (ELA) Standards for English Learners <p><i>E.C. § 60640, 60641(b), 60810</i></p>	9/14/18
Chapter 7: Participation in Assessments	<ul style="list-style-type: none"> • Modified Sections A, D, and E to remove references to the California High School Exit Exam (CAHSEE) and to the California English Language Development Test (CELDT); added language regarding the English Language Proficiency Assessments of California (ELPAC) • Add Section F for the English Language Proficiency Assessments of California (ELPAC) • Modified references to SELPA Form 68L testing accommodations for CAASPP/PFT/ELPAC to reference Form 68F; Form 68L was renamed/reordered as part of an approved overhaul/modification to the IEP Form packet (forms 68A – 68P) in June 2018 • Removed Appendix A and reordered existing appendix references <p><i>E.C. § 60640, 60641(b), 60800, 60810</i></p>	9/14/18
Chapter 13: Nonpublic Agency/Nonpublic School Services	<ul style="list-style-type: none"> • Modified to provide that the Charter LEA directly enters into contracts with Nonpublic Agencies/Nonpublic Schools for services to Charter LEA services when no appropriate public education services are available within the Charter LEA • Modified to allow the SELPA Program Manager for Compliance/Nonpublic Schools to annually monitor residential placements under AB 1858 and to act as a liaison between the Charter LEA and the NPS, as needed • Modified Section A to require Charter LEA to develop master contracts for NPS/NPA services directly with CDE certified NPS/NPA providers and encourages the use of the SELPA Master Contract template and ISA template • Modified Section B to add the Charter LEA may seek guidance regarding out-of-statement placements from the Charter SELPA and/or CDE NPS/NPA unit <p><i>EC § 56034, 53035, 56366</i></p>	9/14/18



DESERT / MOUNTAIN
CHARTER SELPA

Chapter 1: Identification and Referral of Individuals for Special Education

SECTION A: CHILD FIND

SECTION B: REFERRAL FOR EVALUATION FOR SPECIAL EDUCATION SERVICE

SECTION C: STUDENT STUDY TEAM (SST)

SECTION D: INDIVIDUALIZED EDUCATION PROGRAM (IEP); PROVISION OF FAPE AND LEAST RESTRICTIVE ENVIRONMENT (LRE)

SECTION E: TRANSFER STUDENTS

SECTION F: EARLY IDENTIFICATION OF LEARNING DISABILITIES

SECTION G: OVERIDENTIFICATION AND DISPROPORTIONALITY

SECTION H: STUDENTS WHO ARE CULTURALLY AND LINGUISTICALLY DIVERSE

SECTION I: TEACHING AND ASSESSING CALIFORNIA'S ENGLISH LANGUAGE DEVELOPMENT (ELD) AND ENGLISH LANGUAGE ARTS (ELA) STANDARDS FOR ENGLISH LEARNERS

Introduction

The Desert/Mountain Charter Special Education Local Plan Area (SELPA) recognizes the need to actively seek out and evaluate school-age Charter Local Educational Agency (LEA) residents who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal laws.

Charter schools are currently authorized to serve school-age students (Grades 1-12; *Education Code § 47610(c)*). If at any time the authorization changes, the Charter school would follow all state and federal laws regarding children birth to two and Child Find requirements. Charter schools will assist families and make appropriate referrals for any child they find who would be outside the age or area of responsibility of the Charter schools.

The Charter LEA Chief Executive Officer (CEO) or designee shall implement the designated Charter SELPA process to determine when an individual is eligible for special education services and shall implement the Charter SELPA procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment (*Education Code § 56301*). The Charter LEA's process shall prevent the inappropriate disproportionate representation by race and ethnicity of children with disabilities. Note: *The Individuals with Disabilities Education Act (IDEA), Title 20 of the United States Code § 1412(a)(3), requires that the Charter LEA's "child find" identification system include identification of children with disabilities resident in the Charter LEA including highly mobile children with disabilities, such as migrant and homeless children.*

Services for a private school student, in accordance with an Individualized Education Program (IEP), must be provided by the Charter LEA at no cost to the parent, unless the Charter LEA makes a Free Appropriate Public Education (FAPE) available to the child and the parent chooses to enroll the child in that private school. If the public school is providing services to the child, these services may be provided on the premises of the private school, including a parochial school, to the extent consistent with other provisions of law. Title 34 of the Code of Federal Regulations § 300.451 requires the Charter LEA to consult with appropriate representatives for private school students on how to carry out the "child find" requirement.

The Charter LEA CEO or designee shall implement the designated Charter SELPA's method whereby parents, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of children with needs that cannot be met with modifications to the general instructional program (*Education Code § 56302*).

For assessment purposes, staff shall use appropriate tests to identify specific information about the child's abilities in accordance with Education Code § 56320.

The Charter LEA CEO or designee shall notify parents in writing of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the Charter SELPA's procedures for initiating a referral for assessment to identify individuals who need special education services (*Education Code § 56301*).

The referral for special education assessment is the first step taken when it is suspected that a child will require special education supports and services to be successful in the educational system. Parents, teachers, agencies, appropriate professionals, and other members of the public can make referrals. Once submitted, the referral initiates timelines that are specified in the Education Code. The purpose of the referral process is to afford the assessment team the opportunity to review the referring party's identified areas of concern, previous attempts in program modification, relevant educational history, and other pertinent information about the child to determine areas in need of assessment.

Section A – Child Find

It is the policy of the Charter SELPA that children with disabilities age six through 21 be actively sought and identified by the public schools. The child find process includes a section of the Charter

LEA's annual notice to all parents that references the referral of children with disabilities. All children with disabilities and their parents are guaranteed their procedural safeguards with regard to identification, assessment, and placement in special education programs.

School personnel, parents, outside agencies working with the child, guardians and/or surrogate parents who show legal documentation of educational rights may all serve as sources of referral for a child for possible identification as a child with a disability. Such identification procedures shall be coordinated with school site and Charter LEA procedures for referral of children with needs that cannot be met with modification of the general education instructional program.

California Education Code § 47640. For the purposes of this article, "local educational agency" means a school district as defined in Section 41302.5 or a charter that is deemed a local educational agency pursuant to Section 47641. As used in this article, "local educational agency" also means a charter school that is responsible for complying with all provisions of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations as they relate to local educational agencies.

California Education Code § 47641. (a) A charter school that includes in its petition for establishment or renewal, or that otherwise provides, verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan approved by the State Board of Education shall be deemed a local educational agency for the purposes of compliance with federal law (Individuals with Disabilities Education Act; 20 U.S.C. Sec. 1400 et seq.) and for eligibility for federal and state special education funds. A charter school that is deemed a local educational agency for the purposes of special education pursuant to this article shall be permitted to participate in an approved special education local plan that is consistent with subdivision (a), (b), or (c) of Section 56195.1.

California Education Code § 56300. A local educational agency shall actively and systematically seek out all individuals with exceptional needs, from birth to 21 years of age, inclusive, including children not enrolled in public school programs, who reside in a school district or are under the jurisdiction of a special education local plan area or a county office of education.

California Education Code § 56301(a). All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities attending private, including religious, elementary and secondary schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and assessed and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

Identification and Evaluation of Children Younger than Three

Identification, evaluation, assessment, and instructional planning procedures for children younger than three must conform to Education Code §§ 56425-56432, and the California Early Intervention Services Act Government Code §§ 95000-95029. The California Department of Education (CDE) and LEAs are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairment; the Department of Developmental Services (DDS) and its regional centers must provide services to all other eligible children in this age group. The law also requires regional centers and LEAs to coordinate family service plans for infants and toddlers and their families. Education Code § 56441.11 sets forth eligibility criteria for preschool children age three to five.

A child age three through five enrolled by his/her parents in a private school or facility that does not meet the state's definition of "elementary school" would not be eligible to be considered for equitable services. However, the state's obligation to make FAPE available to such a child remains. IDEA requires that states make FAPE available to eligible children with disabilities age three through 21 in the state's mandated age range (Title 34 of the Code of Federal Regulations § 300.101). Because many LEAs do not offer public preschool programs, particularly for three and four year olds, LEAs often make FAPE available to eligible preschool children with disabilities in private schools or facilities in accordance with Title 34 of the Code of Federal Regulations §§ 300-145 through 300.147. In these circumstances, there is no requirement that the private school or facility be an "elementary school" under state law.

Title 34 of the Code of Federal Regulations § 300.13. Elementary school means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law.

Section B – Referral for Evaluation for Special Education Services

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

Education Code § 56329, provides that, when making a determination of eligibility for special education and related services, Charter LEAs shall not determine that a child is a child with a disability if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to Title 20 of the United States Code § 6368 of the No Child Left Behind Act, lack of instruction in math, or limited English proficiency (LEP).

California Education Code § 56301(d)(1). Each special education local plan area shall establish written policies and procedures pursuant to Section 56205 for use by its constituent local agencies for a continuous child find system that addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their

rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs.

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

Referrals for special education and related services initiate the process to determine if an assessment is warranted and shall be documented. When a verbal referral is made, staff of the Charter LEA shall offer assistance to the parent or any other individual to make a request in writing. The Charter SELPA shall annually distribute information regarding child find activities to private schools for dissemination to parents.

Parents whose primary language is not English shall be informed of the need to file a written request when a verbal request is made. They shall be informed both verbally and in writing in their primary language, unless to do so is clearly not feasible. Assistance in providing a written request will be provided as needed. Written referrals in languages other than English will be accepted.

If a parent requests, in writing, an assessment for possible special education services, the Charter LEA will develop an Assessment Plan (D/M 66) and present it to the parent within 15 days. The proposed assessment may include a classroom observation, review of records, informal screening, and/or a referral for a formal evaluation in suspected areas of disability, such as, but not limited to, vision/hearing, speech-language, academic skills, cognition, adaptive behavior, psychological processing skills, or social-emotional-behavioral status. A copy of the Procedural Safeguards/Parents' Rights (D/M 77) are reviewed and given to the parents at the time the assessment plan is presented. The 15-day period does not include days between the child'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. Charter SELPA forms are available on the website at www.cahelp.org for member Charter LEAs to use upon receipt of a referral for special education assessment (D/M 51 - Identification, Referral, Assessment Log for the IEP Process; D/M 56 - Family Information; D/M 57 - Referral for Special Education; D/M 58 - Educational History and Social Achievement; D/M 59 - Checklist for Student Observation; D/M 63 - Authorization for Use and/or Disclosure of Information; and D/M 79 - Utilized Interventions).

However, an IEP required as a result of an assessment of a child 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 child for whom a referral has been made 30 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time shall recommence on the date that school days reconvene. A meeting to develop an initial IEP for the child shall be conducted within 30 days of a determination that the child needs special education and related services pursuant to Title 34 of the Code of Federal Regulations § 300.343(2)(b); Education Code § 56344.

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

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

All initial referrals resulting from child find of children ages three to five shall be processed through the Charter LEA. The informed parental consent for assessment (D/M 66) shall be completed by the person interacting with the parent and forwarded to the appropriate member of the Charter LEA preschool assessment team (i.e., psychologist, nurse, speech-language pathologist).

For a preschool-age child, a member of the Charter LEA preschool assessment team will contact the parent to discuss concerns, or arrange a home visit for observation.

For a school-age child, the referral for special education assessment may include a referral to the Student Study Team (SST) and/or the scheduling of a parent conference to discuss the concerns and possible interventions.

Upon receiving the proposed assessment plan, the parent 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 parental consent for initial assessment as consent for initial placement or initial provision of special education services (*Education Code § 56321; Title 34 of the Code of Federal Regulations § 300.505*). *Note: Education Code § 56321 provides that, if a parent refuses to consent to the initial evaluation, the Charter LEA may pursue an evaluation by utilizing the mediation and due process procedures pursuant to Title 20 of the United States Code § 1415. In the event that an evaluation is not authorized, Title 20 of the United States Code § 1414(a)(1) specifies that the Charter LEA shall not provide special education services and shall not be considered in violation of the requirement to provide FAPE for failure to provide such services. In addition, the Charter LEA is not required to convene an IEP team meeting or to develop an IEP for that child.*

Informed parental consent means that the parent (Title 34 of the Code of Federal Regulations § 300.500):

- 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.

If the child is a ward of the state and is not residing with his/her parents, Charter LEAs shall make reasonable efforts to obtain informed consent from the parent as defined in Title 20 of the United

States Code § 1401 for an initial evaluation to determine whether the child is a child with a disability (*Title 20 of the United States Code § 1414(a)(1)*).

The Charter LEA shall not be required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if any of the following situations exist (Education Code § 56301; Title 20 of the United States Code § 1414(a)(1)):

1. Despite reasonable efforts to do so, the Charter LEA cannot discover the whereabouts of the parent of the child;
2. The rights of the parent of the child have been terminated in accordance with California law;
3. The rights of the parent 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 child.

As part of the assessment plan, the parent shall receive written notice that (*Education Code § 56329; Title 34 of the Code of Federal Regulations § 300.502*):

1. Upon completion of the administration of tests and other assessment materials, an IEP team meeting that includes the parent or his/her representative shall determine whether or not the child is a child with a disability as defined in Education Code § 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.
2. If the parent disagrees with an assessment obtained by the Charter LEA, the parent has the right to obtain, at public expense, an independent educational assessment of the child from qualified specialists, in accordance with Title 34 of the Code of Federal Regulations § 300.502.

If the Charter LEA observed the child in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a child, an equivalent opportunity shall apply to the independent educational assessment. This equivalent opportunity shall apply to the child'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.

3. The Charter LEA may initiate a due process hearing pursuant to Education Code §§ 56500-56508 to show the assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent maintains the right for an independent educational assessment but not at public expense.

If the parent obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the Charter LEA with respect to the provision of FAPE, and may be presented as evidence at a due process hearing regarding the child. If the Charter LEA observed the child in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a child, an equivalent opportunity shall apply to an independent educational assessment of the child in the child's

current educational placement and setting, if any, proposed by the Charter LEA, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing.

4. If a parent proposes a publicly financed placement of the child in a nonpublic school, the Charter LEA shall have an opportunity to observe the proposed placement and, if the child has already been unilaterally placed in the nonpublic school by the parent, the child in the proposed placement. Any such observation shall only be of the child 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 consents to the observation or assessment. The results of any observation or assessment of another student in violation of Education Code § 56329(d) shall be inadmissible in any due process or judicial proceeding regarding the FAPE of that other student.

An IEP required as a result of an assessment shall be developed within a total time not to exceed 60 days, not counting days between the child's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of the receipt of the parent's consent for assessment, unless the parent agrees, in writing, to an extension (Education Code § 56043).

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. 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 supports for these individuals (Education Code § 56445).

Section 504

Children may be referred for assessment under Section 504 of the Rehabilitation Act of 1973 by parents, school staff, or agencies. Each Charter LEA has defined written Section 504 procedures to assess and meet the educational needs of general education students who are otherwise disabled due to a physical or mental impairment which substantially limits one or more major life activities.

Section C – Student Study Team (SST)

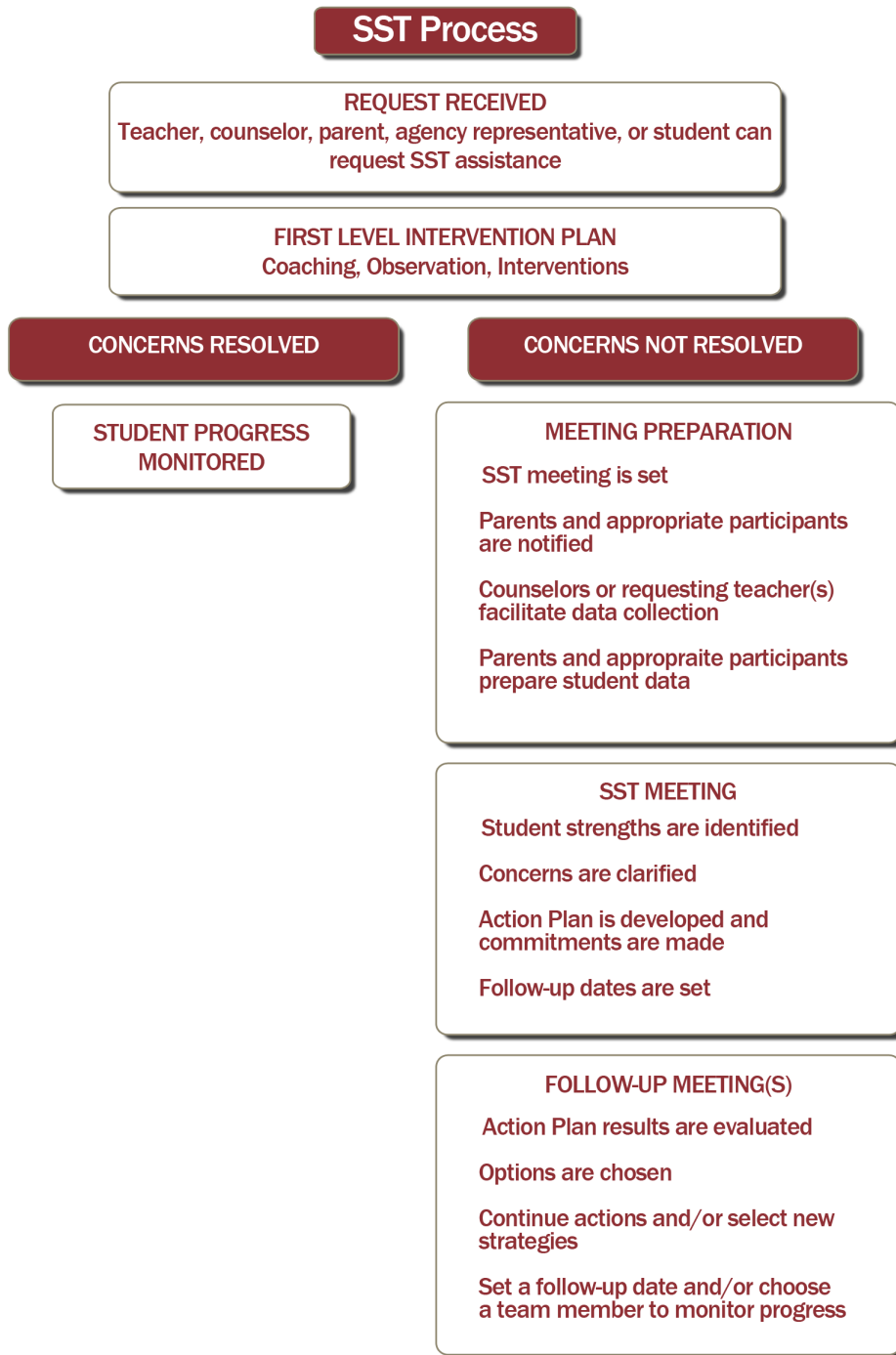
California Education Code § 56303. A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

Procedures have been developed in each Charter LEA for the receipt and processing of referrals for special education assessment. In all LEAs, the school site Student Study Team (SST) meets regarding children for whom there are concerns. The team addresses the implementation and level of success of the general education classroom program modifications and available general education resources and programs, including categorical programs. When the SST determines that all possible modifications have been exhausted or the modifications available are not appropriate, the SST or classroom teacher refers the child for an assessment for possible special education

services. The parent is informed and encouraged to be a part of the SST process. Parents are notified if a referral for a special education assessment is made by the team.

The SST is a regularly scheduled, structured meeting of general educators, supported by special educators and other staff as appropriate. Their purpose is to provide an effective support system in general education that will generate effective interventions for children who are experiencing challenges in learning or behavior difficulties at school. The SST process is designed to meet the needs of all children and result in a team action plan to ensure student success. The structure of the SST may be designed to fit the needs of individual school sites. Team membership varies according to the needs of the child, but should include the people that can best support the child and the classroom teacher. The majority of the team membership must be composed of general education teachers and should include the following team members: the child's classroom teacher, an administrator, the parent, the child, an upper grade teacher, and a lower grade teacher. The SST should also serve as a peer support system, so the more teacher participation the greater the benefits. Specialists should be included based on the potential needs of the child, the classroom teacher, and any others providing support to the child.

The following describes the **SST Process**:



The process begins with a request from a teacher, counselor, parent, agency representative, or child that a concern has been identified. Once the request is made, the school’s first-level intervention plan is implemented. It is important to note that a request does not automatically initiate a SST meeting. If the concerns can be resolved without a SST meeting, then the child is monitored for successful progress. If the concerns are not resolved, SST meeting preparation is started. For the

team to have optimum information to work with, the child's teacher should provide essential information about the child to the team. In Section F of this chapter the information provided under Student Record Review offers a format for teachers/counselors to prepare information that would be beneficial to the SST. During the meeting, an effective practice to utilize is a group memory format to assist the team in efficient documentation of ideas generated during the meeting. On the action plan that is developed, a follow-up date should be set to review the progress of the child for whom there are concerns. The action plan should be evaluated at this meeting and determination made if any further follow-up is necessary.

Section D – Individualized Education Program (IEP); Provision of Free Appropriate Public Education (FAPE) and Least Restrictive Environment (LRE)

The Charter LEA shall provide educational alternatives that afford children with disabilities full educational opportunities. Children with disabilities shall receive FAPE and be placed in the least restrictive environment that meets their needs to the extent provided by law.

The Charter LEA CEO or designee shall implement the Charter SELPA approved procedural guide that outlines the appointment of the IEP team; the contents of the IEP; and the development, review, and revision of the IEP.

Note: Education Code § 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent. Education Code § 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent to make educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education Code § 56055 defines "foster parent" as a licensed person, relative caretaker, or non-relative extended family member.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent (*Education Code § 56055*).

Section E – Transfer Students

To facilitate a transfer student's transition, the Charter LEA shall take reasonable steps to promptly obtain the records of a child with a disability transferring into the Charter LEA, including his/her IEP and the supporting documents related to the provision of special education services (Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325).

If a child with a disability transfers to the Charter LEA during the school year from a Charter LEA within the Desert/Mountain Charter SELPA, the Charter LEA shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the child's parent and Charter LEA agree to develop, adopt, and implement a new IEP that is consistent with state and federal laws (Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325).

If a child with a disability transfers to the Charter LEA during the school year from a California LEA outside of the Desert/Mountain Charter SELPA, the Charter LEA shall provide the child with FAPE, including services comparable to those described in the previous LEA's IEP. Within 30 days, the Charter LEA shall, in consultation with the parents, adopt the other LEA's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal laws (*Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325*). Immediately upon placement of the child, the case carrier shall be responsible for completing page one of the IEP form (D/M 68A), documenting all relevant information concerning the child and his/her educational program. A signature page (D/M 68K) with the following signatures shall be included on the interim IEP:

- Parent signature, as well as initials agreeing to a 30-day interim placement;
- Administrator or designee signature;
- Case carrier signature.

A copy of the interim IEP is forwarded to the Charter LEA office in order for the child's pertinent information to be entered into the special education database management information system (MIS).

At the 30-day review meeting, all aspects of the IEP need to be reviewed. New goals and objectives can be developed or the previous ones continued if those goals continue to be in accordance with the child's needs. If the previous goals and objectives are accepted, the next annual review date must align with the previous goal review date.

If a child with a disability transfers to the Charter LEA within the Desert/Mountain Charter SELPA during the school year from an out-of-state LEA, the Charter LEA shall provide the child with FAPE, including services comparable to the out-of-state LEA's IEP, in consultation with the parent, until such time as the Charter LEA conducts an assessment, if the Charter LEA determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate (*Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325*).

Section F - Early Identification of Learning Disabilities

California Education Code § 49580. The California Department of Education shall develop the testing programs to be utilized at the kindergarten grade level to determine which pupils have a potential for developing learning disability problems. The testing procedure shall include an overall screening test for learning disabilities and testing for dyslexia. To the extent feasible, the department shall use existing tests and screening instruments in developing the early diagnosis of the learning disabilities testing program. In developing the program, the department shall consult with experts in the areas of learning and reading difficulties, including, but not limited to, neurologists, psychologists, persons working in these areas in postsecondary educational institutions, teachers, school nurses, education consultants, school psychologists, and other persons with appropriate knowledge and experience in the detection and treatment of learning problems and reading difficulties in early grades.

California Education Code § 49582. The California Department of Education shall prescribe guidelines for the early diagnosis of the learning disabilities testing program and pilot project.

Student Record Review

Review the child's educational records with attention to the following:

- Amount and quality of classwork and homework, with work samples provided at the meeting;
- Test data, curriculum-based data, math, reading, language, and spelling levels;
- Indicators of resiliency, ability to handle stress, and emotional intelligence;
- Attendance;
- Hearing and vision screening results, and health issues;
- Behaviors observed in class or on the playground that are of concern;
- Retention or referral to other programs; and
- Contacts with the family.

Be prepared to present specific background information about the child, including strengths, interests, and career potential. The strengths and specific interests that motivate the child are the building blocks for the student success plan. Building on them will help the team be more creative while brainstorming strategies and designing the action plan. Examples of strengths are: good in math; likes to read; enjoys art and music; loves to sing; works well on a computer; writes creatively; did an exceptional science project; wants to please adults; and chosen by classmates as a friend and/or leader.

Identify basic concerns, the behaviors that need intervention, and the desired outcomes. Examples of concerns are: reading or math is below grade level; handwriting is difficult to read; completes only 25% of classwork; does not return homework; distracts others during lessons; does not participate in group discussions; and pushes students during recess. Examples of desired outcomes are: better attendance; increase in reading or math skills; passing competency tests; working well with peer tutor; and ability to follow specific playground rules.

Use the Modifications Checklist to indicate the general education modifications that have been tried.

Section G – Overidentification and Disproportionality

It shall be the policy of the Desert/Mountain Charter SELPA and its member LEAs to prevent inappropriate disproportionate representation by race and ethnicity of students with disabilities.

Title 34 of the Code of Federal Regulations § 300.173. Overidentification and disproportionality. The State must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in section 300.8.

The Charter LEA shall, with Charter SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation of racially, ethnically, linguistically, and culturally diverse students (by race and ethnicity of children with disabilities). The Charter SELPA shall provide the following assistance:

- Student trend data pertinent to the disproportionate calculation as reported through the California Special Education Management Information System (CASEMIS) to the California Department of Education (CDE);
- Provide up-to-date training and information provided to the Charter SELPA by the CDE;
- Continue to inform Charter LEAs concerning responsibilities related to the potential transfer of local assistance funds to reduce disproportionality under the Early Intervening requirement of IDEA.

The CDE has in effect, consistent with the purposes of IDEA and with Section 618(d), policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in Section 602(3).

Section H – Students who are Culturally and Linguistically Diverse

Children who are culturally and linguistically diverse have four initial areas of consideration for their school program. First, the language of instruction is considered. According to the IDEA 2004, some children will need special education, which could include related speech and language services. While language diversity may be one of the most frequently discussed topics concerning academic achievement, it is important for an IEP team to consider and document the effect of a child being a second-language learner on his or her ability to make progress in the general education curriculum.

To choose the language of instruction, the IEP team must consider where on the continuum of language acquisition the child assesses for both the primary language and English. The Speech-Language Pathologist (SLP) is consulted to interpret the child's pragmatic and socialization aspects of language, which include eye contact, facial expression, nonverbal messages, and tone. These assessment data are used to determine if errors are made because of a lack of exposure to the curriculum and if exposure has been adequate to master the primary language. A determination is made as to whether the child is struggling with second-language learning or has one or more disabilities that impact learning progress.

Questions developed by Ortiz and Garcia (1988) guide the IEP team through this decision process:

1. What is the child's dominant language in various settings?
2. What is the child's level of proficiency in both the primary language and English for social and academic language?
3. What are the styles of verbal interaction used in the primary language and English?
4. How much exposure has the child had to verbal interactions in English?
5. What is the source of exposure to each language (family, peers, TV, book reading, etc.)?
6. Are the child's language behaviors characteristic of other second-language learners?
7. What types of language intervention has the child already had and what is the duration and outcome of those interventions?

For further information, refer to Education Code §§ 313 and 420 - 421.

The second area of consideration for English Learners (ELs) is for authorization of the teacher to provide instruction. The Bilingual, Cross-cultural, Language and Academic Development (BCLAD) and Cross-cultural, Language and Academic Development (CLAD) certification is required for teaching English language development. The Specially Designed Academic Instruction in English (SDAIE) authorization is required to teach English language development and content for the core subjects in the primary language. Contact your Charter LEA office to verify appropriate certification for teachers of children who are English Learners and who are receiving the core curriculum in English and for those children who are English Learners, but are learning core curriculum in their primary language.

Another consideration is the use of interpreters and translators. It is noted that *interpretation* is for oral language, while *translation* refers to written language. Using an interpreter or translator is a method of choice when the pathologist who is assigned to provide therapy is not fluent enough to provide therapy in both languages. Guidance is provided for service delivery in a resource titled Working Successfully with Interpreters and Translators in Speech-Language Pathology and Audiology, written by Langdon and Cheng.

Children with accents and dialects may be referred for special education services, speech services, or viewed as low achievers. Current efforts by the American Speech and Hearing Association (ASHA), consider these referrals misguided. The organization is attempting to avoid these potential discriminatory actions. An accent is defined as a phonetic trait from a primary language that is carried over to the way a second language is spoken. The level of pronouncement of an accent on the second language depends upon the age and circumstances under which the second language was acquired. A dialect is defined as differences that make one English speaker's speech different from another. Dialects have distinguishing characteristics, which may include: phonology, morphology, semantics, syntax, or pragmatics.

Dialects and accents are considered language variations that are accepted differences in speech (Cole, 1983). A determination by the IEP team to provide special education services must be grounded on what children who are culturally and linguistically diverse need to be successful based on academic standards, not on accent or dialect differences.

The fourth and final consideration, working with families, is one that shows respect and increases the possibility of carry-over from school interventions to the home setting. In addition to cohesive planning during the IEP process, family literacy programs supported by the Charter LEA have been especially meaningful for those who are culturally and linguistically diverse.

The information for this section is attributed to Barbara J. Moore-Brown and Judy K. Montgomery. Their book, Making a Difference for America's Children, Speech-Language Pathologists in Public Schools, 2001, is available from Thinking Publications.

In referring culturally and linguistically diverse children for special education services, care must be taken to determine whether learning, language-speech, and/or behavior problems demonstrated by the child indicate a disability or, instead, manifest cultural, experiential, and/or socio-linguistic differences.

A. All English Learners (ELs) in special education programs must,

- Receive an English Language Development (ELD) curriculum approved by the Charter LEA;
- All academic IEP goals for ELs must be linguistically/culturally appropriate;
- ELD standards are aligned with the Common Core standards and should be used when writing goals for ELs.

Please refer to the following documents posted on the Desert/Mountain Charter SELPA website for in-depth information regarding special education assessment, IEP development, and re-classification criteria: English Language Proficiency Assessments for California (ELPAC) on the CDE website at <https://www.cde.ca.gov/ta/tg/ep/>

B. In General: Child Find/Pre-Referral Activities

It is especially important for the SST to determine whether accommodations and supports in the general education curriculum or in the manner in which instruction is provided may assist the child in overcoming their learning, language-speech, and/or behavioral problems. The child's teacher and SST should gather the following information about the child to help make this determination:

- Background;
- Culture and language;
- Acculturation level;
- Socio-linguistic development; and
- Data showing the child's response to the school and classroom environment when accommodations and supports are provided.

C. Cultural and Linguistic Interventions

Interventions to help resolve difficulties that arise from differences in cultural and linguistic background or from difficulties with the schooling process might include:

- Cross-cultural counseling and
- Peer support groups.

D. Socio-Linguistic Interventions

Interventions to help resolve difficulties that arise from differences in socio-linguistic development might include:

- Instruction in English language development;
- Bilingual assistance;
- Native language development; and
- Assistance in developing basic interpersonal communication skills.

E. In General: English Learners Receiving Special Education Services

(1) IEP Team Membership

- (a) At least one of the Charter LEA IEP team members must have a credential or certification to teach ELs. That person must indicate, next to their signature on the IEP, which credential or certification they possess (e.g., Bilingual Cross-cultural Language and Academic Development (BCLAD) or Cross-cultural Language and Academic Development (CLAD), etc.).
- (b) If the parent has limited English skills, an interpreter must be present at the IEP meeting.

The interpreter must sign the IEP; however, the interpreter is not a participating member of the team. The interpreter's role is only to interpret.

(2) Present Levels of Performance

In addition to previously discussed information:

- (a) Identify the language proficiency assessment instrument(s) used and interpret the results (English Language Proficiency Assessments or California (ELPAC));
- (b) Use the assessment results to indicate the child's instructional program (Biliteracy, Sheltered, Mainstream English Immersion, ELD, etc.) and language of instruction; and
- (c) Identify who will provide the ELD instruction guideline: If the child is removed from English instruction for special education services, that teacher/specialist is the ELD teacher.

(3) Goals/Objectives

The following rubric should be considered for each goal and objective to ensure that it meets the definition of being culturally and linguistically appropriate:

- (a) States specifically in what language the particular goal and objective will be accomplished;
- (b) Is appropriate to the child's level of linguistic development and proficiency in that language;
- (c) Consistent with the known developmental structure of that language; and
- (d) Provides cultural relevance in the curricular framework.

Refer to the document English Language Proficiency Assessments for CA – CalEdFacts on the CDE website at <https://www.cde.ca.gov/ta/tg/ep/cefelpac.asp> for more information.

F. Instructional Program Options

The following is a list of the instructional programs that are offered for students who are EL:

(1) Biliteracy

- (a) For Spanish speaking children at the emerging, early expanding, and bridging level;
- (b) Children who are grouped for instruction in full classroom configuration. The focus is in developing proficiency in both English and Spanish. The instructional emphasis is on ELD and initial access to core curriculum. There is an increase of English as the language of instruction over time; and
- (c) Classes must be taught by a teacher with a BCLAD credential or equivalent certification.

(2) Structured English Immersion with Spanish Instructional Support

- (a) For Spanish speaking children at the emerging, early expanding, and bridging level;
- (b) Children are grouped for instruction in full classroom configuration. The focus is on developing proficiency in English through ELD and Specially Designed Academic Instruction delivered in English (SDAIE), using Spanish as an instructional support; and
- (c) Classes must be taught by a teacher with a BCLAD credential or equivalent certification.

(3) Structured English Immersion – Sheltered

- (a) For children at the emerging, early expanding, and bridging level;

- (b) Classes may be comprised of speakers of many languages. Children are grouped for instruction in full classroom configuration. Children may also be grouped in clusters (about 1/3 English Learners) by English language proficiency. The focus is on developing proficiency in English through ELD and SDAIE strategies; and
 - (c) Classes must be taught by a teacher with a CLAD credential or equivalent certification.
- (4) Mainstream English Cluster
- (a) For children in the early advanced to advanced proficiency level;
 - (b) Classes are designed for children who have a good working knowledge of English. The children are clustered, approximately 1/3 English Learners within a grade level classroom. Instructional emphasis is on high level ELD and grade-level core curriculum using SDAIE strategies; and
 - (c) Classes must be taught by a teacher with a CLAD credential or equivalent certification.

Section I – Teaching and Assessing California’s English Language Development (ELD) and English Language Arts (ELA) Standards for English Learners

A document provided by West Ed, Northern California Comprehensive Assistance Center, 2000, reformats the State of California’s English Language Arts (ELA) standards with those for English Language Development (ELD). The intent is for English Language students to acquire the standards established for language development to become proficient with the English Language Arts skills for reading, writing, listening and speaking. It is further proposed that one document could be provided to cluster standards from both ELA and ELD requirements with a single assessment. The assessment instrument would be helpful to identify students who are English learners, to provide information for instructional decisions, and to determine when reclassification is appropriate.

This paradigm shift promotes current thinking for competent language proficiency for all students. Rather than using language arts standards from an earlier grade level, the ELD standards follow a research-based progression from beginning to advanced language skills, and provide intermediate skills that ELD students need. Additionally the shift for future development is away from isolated use of ELD instruments toward the use of assessments representative of ELA standards.

English Language Proficiency Assessments for California (ELPAC)

School districts in California are required under federal and state laws to administer the ELPAC to determine English proficiency to students in kindergarten through grade twelve, whose primary language is not English. Students with exceptional needs who cannot take the entire ELPAC or a section of the test may be tested with special assistance and/or take alternate tests. All assistance

or alternate tests must be documented in the student’s IEP or Section 504 plan. The purpose of the ELPAC is to determine how well each student tested can listen, speak, read, and write English. ELPAC scores should be used annually in developing educational needs and appropriate goals in order to determine the level of assistance needed and to ensure the student’s placement in an appropriate program.

A Map for Teaching and Assessing ELD and ELA Standards for English Learners

A map developed by West Ed, Northern California Comprehensive Assistance Center matches the standards for English Learner Development and for Language Arts Development in seven strands. Additionally it is divided into the academic areas of reading, writing, listening and speaking. They are available by grade span, (K-2, 3-5, 6-8, 9-10, and 11-12). A model that is generic for all grade level follows:

ELD Standards Alignment with ELA Standards

Reading

<u><i>ELD Reading</i></u>	<u><i>ELA Reading</i></u>
Word Analysis, Fluency and Systematic Vocabulary Development	Word Analysis, Fluency and Systematic Vocabulary Development
Reading Comprehension	Reading Comprehension, Expository Critique (grade 5 and up)
Literacy Response and Analysis	Literary Response and Analysis

Writing

<u><i>ELD Writing</i></u>	<u><i>ELA Writing</i></u>
Strategies and Applications	Strategies, Applications
Conventions	Written (and Oral) English Language Conventions

Listening and Speaking

<u><i>ELD Listening and Speaking</i></u>	<u><i>ELA Listening and Speaking</i></u>
Strategies and Applications	(Written and) Oral English Language Conventions



Chapter 1: Identification & Referral of Individuals for Special Education

Legal References

CA Education Code
 313; 420-421;
 47610(c); 47640;
 47641; 49580; 49582;
 56026; 56043; 56055;
 56300-56303; 56320;
 56321; 56325; 56329;
 56344; 56425-56432;
 56441.11; 56445;
 56500-56508

Title 5, CA Code of Regulations
 3021

Title 34, Code of Federal Regulations
 300.13; 300.101;
 300.145-300.147;
 300.173; 300.323;
 300.343; 300.451;
 300.500; 300.502

Title 20 USC
 1412(a)(3); 1414;
 1415; 6368 NCLB

Government Code
 95000-95029

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Introduction

The Desert/Mountain Charter Special Education Local Plan Area (SELPA) recognizes the need to actively seek out and evaluate school-age Charter Local Educational Agency (LEA) residents who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal laws.

Charter schools are currently authorized to serve school-age students (Grades 1-12; *Education Code § 47610(c)*). If at any time the authorization changes, the Charter school would follow all state and federal laws regarding children birth to two and Child Find requirements. Charter schools will assist families and make appropriate referrals for any child they find who would be outside the age or area of responsibility of the Charter schools.

The Charter LEA Chief Executive Officer (CEO) or designee shall implement the designated Charter SELPA process to determine when an individual is eligible for special education services and shall implement the Charter SELPA procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment (*Education Code § 56301*). The Charter LEA's process shall prevent the inappropriate disproportionate representation by race and ethnicity of children with disabilities. Note: *The Individuals with Disabilities Education Act (IDEA), Title 20 of the United States Code § 1412(a)(3)*, requires that the Charter LEA's "child find" identification system include identification of children with disabilities resident in the Charter LEA including highly mobile children with disabilities, such as migrant and homeless children.

Services for a private school student, in accordance with an Individualized Education Program (IEP), must be provided by the Charter LEA at no cost to the parent, unless the Charter LEA makes a Free Appropriate Public Education (FAPE) available to the child and the parent chooses to enroll the child in that private school. If the public school is providing services to the child, these services may be provided on the premises of the private school, including a parochial school, to the extent consistent with other provisions of law. Title 34 of the Code of Federal Regulations § 300.451 requires the Charter LEA to consult with appropriate representatives for private school students on how to carry out the "child find" requirement.

The Charter LEA CEO or designee shall implement the designated Charter SELPA's method whereby parents, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of children with needs that cannot be met with modifications to the general instructional program (*Education Code § 56302*).

For assessment purposes, staff shall use appropriate tests to identify specific information about the child's abilities in accordance with Education Code § 56320.

The Charter LEA CEO or designee shall notify parents in writing of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the Charter SELPA's procedures for initiating a referral for assessment to identify individuals who need special education services (*Education Code § 56301*).

The referral for special education assessment is the first step taken when it is suspected that a child will require special education supports and services to be successful in the educational system. Parents, teachers, agencies, appropriate professionals, and other members of the public can make referrals. Once submitted, the referral initiates timelines that are specified in the Education Code. The purpose of the

referral process is to afford the assessment team the opportunity to review the referring party's identified areas of concern, previous attempts in program modification, relevant educational history, and other pertinent information about the child to determine areas in need of assessment.

Section A – Child Find

It is the policy of the Charter SELPA that children with disabilities age six through 21 be actively sought and identified by the public schools. The child find process includes a section of the Charter LEA's annual notice to all parents that references the referral of children with disabilities. All children with disabilities and their parents are guaranteed their procedural safeguards with regard to identification, assessment, and placement in special education programs.

School personnel, parents, outside agencies working with the child, guardians and/or surrogate parents who show legal documentation of educational rights may all serve as sources of referral for a child for possible identification as a child with a disability. Such identification procedures shall be coordinated with school site and Charter LEA procedures for referral of children with needs that cannot be met with modification of the general education instructional program.

California Education Code § 47640. *For the purposes of this article, "local educational agency" means a school district as defined in Section 41302.5 or a charter that is deemed a local educational agency pursuant to Section 47641. As used in this article, "local educational agency" also means a charter school that is responsible for complying with all provisions of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations as they relate to local educational agencies.*

California Education Code § 47641. *(a) A charter school that includes in its petition for establishment or renewal, or that otherwise provides, verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan approved by the State Board of Education shall be deemed a local educational agency for the purposes of compliance with federal law (Individuals with Disabilities Education Act; 20 U.S.C. Sec. 1400 et seq.) and for eligibility for federal and state special education funds. A charter school that is deemed a local educational agency for the purposes of special education pursuant to this article shall be permitted to participate in an approved special education local plan that is consistent with subdivision (a), (b), or (c) of Section 56195.1.*

California Education Code § 56300. *A local educational agency shall actively and systematically seek out all individuals with exceptional needs, from birth to 21 years of age, inclusive, including children not enrolled in public school programs, who reside in a school district or are under the jurisdiction of a special education local plan area or a county office of education.*

California Education Code § 56301(a). *All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities attending private, including religious, elementary and secondary schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and assessed and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.*

Identification and Evaluation of Children Younger than Three

Identification, evaluation, assessment, and instructional planning procedures for children younger than three must conform to Education Code §§ 56425-56432, and the California Early Intervention Services Act Government Code §§ 95000-95029. The California Department of Education (CDE) and LEAs are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairment; the Department of Developmental Services (DDS) and its regional centers must provide services to all other eligible children in this age group. The law also requires regional centers and LEAs to coordinate family service plans for infants and toddlers and their families. Education Code § 56441.11 sets forth eligibility criteria for preschool children age three to five.

A child age three through five enrolled by his/her parents in a private school or facility that does not meet the state's definition of "elementary school" would not be eligible to be considered for equitable services. However, the state's obligation to make FAPE available to such a child remains. IDEA requires that states make FAPE available to eligible children with disabilities age three through 21 in the state's mandated age range (*Title 34 of the Code of Federal Regulations § 300.101*). *Because many LEAs do not offer public preschool programs, particularly for three and four year olds, LEAs often make FAPE available to eligible preschool children with disabilities in private schools or facilities in accordance with Title 34 of the Code of Federal Regulations §§ 300-145 through 300.147. In these circumstances, there is no requirement that the private school or facility be an "elementary school" under state law.*

***Title 34 of the Code of Federal Regulations § 300.13.** Elementary school means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law.*

Section B – Referral for Evaluation for Special Education Services

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

Education Code § 56329, provides that, when making a determination of eligibility for special education and related services, Charter LEAs shall not determine that a child is a child with a disability if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to Title 20 of the United States Code § 6368 of the No Child Left Behind Act, lack of instruction in math, or limited English proficiency (LEP).

***California Education Code § 56301(d)(1).** Each special education local plan area shall establish written policies and procedures pursuant to Section 56205 for use by its constituent local agencies for a continuous child find system that addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs.*

All referrals for special education and related services from school staff shall include a brief reason for the referral and description of the general education program resources that were considered and/or modified for use with the child, and their effect (*Title 5 of the California Code of Regulations § 3021*).

Referrals for special education and related services initiate the process to determine if an assessment is warranted and shall be documented. When a verbal referral is made, staff of the Charter LEA shall offer assistance to the parent or any other individual to make a request in writing. The Charter SELPA shall annually distribute information regarding child find activities to private schools for dissemination to parents.

Parents whose primary language is not English shall be informed of the need to file a written request when a verbal request is made. They shall be informed both verbally and in writing in their primary language, unless to do so is clearly not feasible. Assistance in providing a written request will be provided as needed. Written referrals in languages other than English will be accepted.

If a parent requests, in writing, an assessment for possible special education services, the Charter LEA will develop an Assessment Plan (D/M 66) and present it to the parent within 15 days. The proposed assessment may include a classroom observation, review of records, informal screening, and/or a referral for a formal evaluation in suspected areas of disability, such as, but not limited to, vision/hearing, speech-language, academic skills, cognition, adaptive behavior, psychological processing skills, or social-emotional-behavioral status. A copy of the Procedural Safeguards/ Parents' Rights (D/M 77) are reviewed and given to the parents at the time the assessment plan is presented. The 15-day period does not include days between the child'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. Charter SELPA forms are available on the website at www.cahelp.org for member Charter LEAs to use upon receipt of a referral for special education assessment (D/M 51 - Identification, Referral, Assessment Log for the IEP Process; D/M 56 - Family Information; D/M 57 - Referral for Special Education; D/M 58 - Educational History and Social Achievement; D/M 59 - Checklist for Student Observation; D/M 63 - Authorization for Use and/or Disclosure of Information; and D/M 79 - Utilized Interventions).

However, an IEP required as a result of an assessment of a child 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 child for whom a referral has been made 30 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time shall recommence on the date that school days reconvene. A meeting to develop an initial IEP for the child shall be conducted within 30 days of a determination that the child needs special education and related services pursuant to Title 34 of the Code of Federal Regulations § 300.343(2)(b); Education Code § 56344.

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

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

All initial referrals resulting from child find of children ages three to five shall be processed through the Charter LEA. The informed parental consent for assessment (D/M 66) shall be completed by the person interacting with the parent and forwarded to the appropriate member of the Charter LEA preschool assessment team (i.e., psychologist, nurse, speech-language pathologist).

For a preschool-age child, a member of the Charter LEA preschool assessment team will contact the parent to discuss concerns, or arrange a home visit for observation.

For a school-age child, the referral for special education assessment may include a referral to the Student Study Team (SST) and/or the scheduling of a parent conference to discuss the concerns and possible interventions.

Upon receiving the proposed assessment plan, the parent 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 parental consent for initial assessment as consent for initial placement or initial provision of special education services (*Education Code § 56321; Title 34 of the Code of Federal Regulations § 300.505*). Note: *Education Code § 56321 provides that, if a parent refuses to consent to the initial evaluation, the Charter LEA may pursue an evaluation by utilizing the mediation and due process procedures pursuant to Title 20 of the United States Code § 1415. In the event that an evaluation is not authorized, Title 20 of the United States Code § 1414(a)(1) specifies that the Charter LEA shall not provide special education services and shall not be considered in violation of the requirement to provide FAPE for failure to provide such services. In addition, the Charter LEA is not required to convene an IEP team meeting or to develop an IEP for that child.*

Informed parental consent means that the parent (*Title 34 of the Code of Federal Regulations § 300.500*):

- 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.

If the child is a ward of the state and is not residing with his/her parents, Charter LEAs shall make reasonable efforts to obtain informed consent from the parent as defined in Title 20 of the United States Code § 1401 for an initial evaluation to determine whether the child is a child with a disability (*Title 20 of the United States Code § 1414(a)(1)*).

The Charter LEA shall not be required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if any of the following situations exist (*Education Code § 56301; Title 20 of the United States Code § 1414(a)(1)*):

1. Despite reasonable efforts to do so, the Charter LEA cannot discover the whereabouts of the parent of the child;
2. The rights of the parent of the child have been terminated in accordance with California law;
3. The rights of the parent 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 child.

As part of the assessment plan, the parent shall receive written notice that (*Education Code § 56329; Title 34 of the Code of Federal Regulations § 300.502*):

1. Upon completion of the administration of tests and other assessment materials, an IEP team meeting that includes the parent or his/her representative shall determine whether or not the child

is a child with a disability as defined in Education Code § 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.

2. If the parent disagrees with an assessment obtained by the Charter LEA, the parent has the right to obtain, at public expense, an independent educational assessment of the child from qualified specialists, in accordance with Title 34 of the Code of Federal Regulations § 300.502.

If the Charter LEA observed the child in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a child, an equivalent opportunity shall apply to the independent educational assessment. This equivalent opportunity shall apply to the child'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.

3. The Charter LEA may initiate a due process hearing pursuant to Education Code §§ 56500-56508 to show the assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent maintains the right for an independent educational assessment but not at public expense.

If the parent obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the Charter LEA with respect to the provision of FAPE, and may be presented as evidence at a due process hearing regarding the child. If the Charter LEA observed the child in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a child, an equivalent opportunity shall apply to an independent educational assessment of the child in the child's current educational placement and setting, if any, proposed by the Charter LEA, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing.

4. If a parent proposes a publicly financed placement of the child in a nonpublic school, the Charter LEA shall have an opportunity to observe the proposed placement and, if the child has already been unilaterally placed in the nonpublic school by the parent, the child in the proposed placement. Any such observation shall only be of the child 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 consents to the observation or assessment. The results of any observation or assessment of another student in violation of Education Code § 56329(d) shall be inadmissible in any due process or judicial proceeding regarding the FAPE of that other student.

An IEP required as a result of an assessment shall be developed within a total time not to exceed 60 days, not counting days between the child's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of the receipt of the parent's consent for assessment, unless the parent agrees, in writing, to an extension (*Education Code § 56043*).

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. 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 supports for these individuals (*Education Code § 56445*).

Section 504

Children may be referred for assessment under Section 504 of the Rehabilitation Act of 1973 by parents, school staff, or agencies. Each Charter LEA has defined written Section 504 procedures to assess and meet the educational needs of general education students who are otherwise disabled due to a physical or mental impairment which substantially limits one or more major life activities.

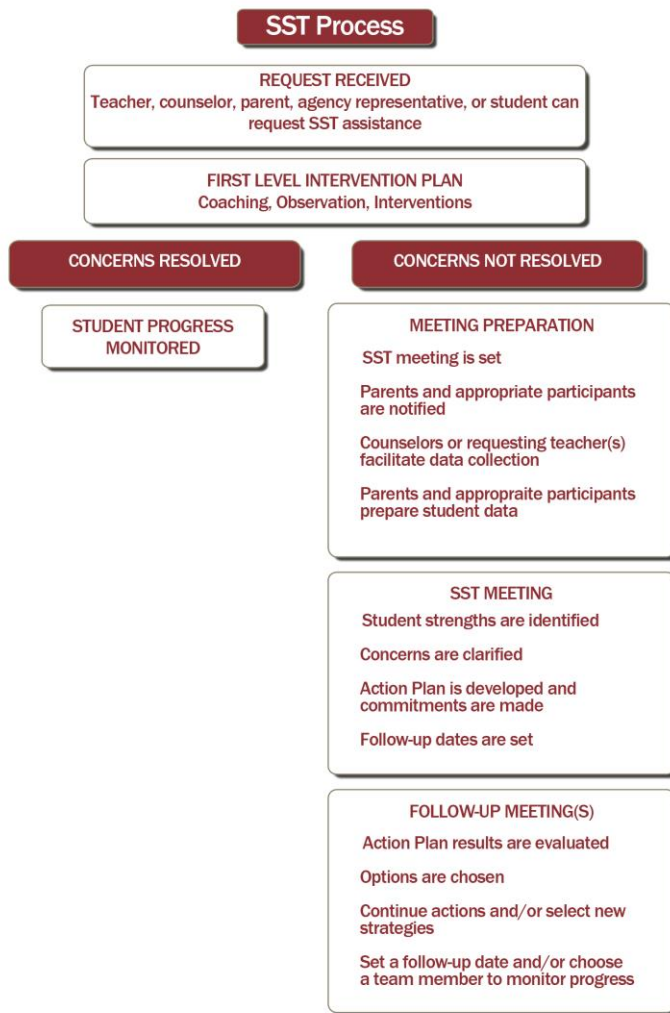
Section C – Student Study Team (SST)

California Education Code § 56303. A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

Procedures have been developed in each Charter LEA for the receipt and processing of referrals for special education assessment. In all LEAs, the school site Student Study Team (SST) meets regarding children for whom there are concerns. The team addresses the implementation and level of success of the general education classroom program modifications and available general education resources and programs, including categorical programs. When the SST determines that all possible modifications have been exhausted or the modifications available are not appropriate, the SST or classroom teacher refers the child for an assessment for possible special education services. The parent is informed and encouraged to be a part of the SST process. Parents are notified if a referral for a special education assessment is made by the team.

The SST is a regularly scheduled, structured meeting of general educators, supported by special educators and other staff as appropriate. Their purpose is to provide an effective support system in general education that will generate effective interventions for children who are experiencing challenges in learning or behavior difficulties at school. The SST process is designed to meet the needs of all children and result in a team action plan to ensure student success. The structure of the SST may be designed to fit the needs of individual school sites. Team membership varies according to the needs of the child, but should include the people that can best support the child and the classroom teacher. The majority of the team membership must be composed of general education teachers and should include the following team members: the child's classroom teacher, an administrator, the parent, the child, an upper grade teacher, and a lower grade teacher. The SST should also serve as a peer support system, so the more teacher participation the greater the benefits. Specialists should be included based on the potential needs of the child, the classroom teacher, and any others providing support to the child.

The following describes the flow of the **SST Process**:



The process begins with a request from a teacher, counselor, parent, agency representative, or child that a concern has been identified. Once the request is made, the school's first-level intervention plan is implemented. It is important to note that a request does not automatically initiate a SST meeting. If the concerns can be resolved without a SST meeting, then the child is monitored for successful progress. If the concerns are not resolved, SST meeting preparation is started. For the team to have optimum information to work with, the child's teacher should provide essential information about the child to the team. In Section F of this chapter the information provided under Student Record Review offers a format for teachers/counselors to prepare information that would be beneficial to the SST. During the meeting, an effective practice to utilize is a group memory format to assist the team in efficient documentation of ideas generated during the meeting. On the action plan that is developed, a follow-up date should be set to review the progress of the child for whom there are concerns. The action plan should be evaluated at this meeting and determination made if any further follow-up is necessary.

Section D – Individualized Education Program (IEP); Provision of Free Appropriate Public Education (FAPE) and Least Restrictive Environment (LRE)

The Charter LEA shall provide educational alternatives that afford children with disabilities full educational opportunities. Children with disabilities shall receive FAPE and be placed in the least restrictive environment that meets their needs to the extent provided by law.

The Charter LEA CEO or designee shall implement the Charter SELPA approved procedural guide that outlines the appointment of the IEP team; the contents of the IEP; and the development, review, and revision of the IEP.

Note: Education Code § 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent. Education Code § 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent to make educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education Code § 56055 defines "foster parent" as a licensed person, relative caretaker, or non-relative extended family member.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent (*Education Code § 56055*).

Section E – Transfer Students

To facilitate a transfer student's transition, the Charter LEA shall take reasonable steps to promptly obtain the records of a child with a disability transferring into the Charter LEA, including his/her IEP and the supporting documents related to the provision of special education services (*Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325*).

If a child with a disability transfers to the Charter LEA during the school year from a Charter LEA within the Desert/Mountain Charter SELPA, the Charter LEA shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the child's parent and Charter LEA agree to develop, adopt, and implement a new IEP that is consistent with state and federal laws (*Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325*).

If a child with a disability transfers to the Charter LEA during the school year from a California LEA outside of the Desert/Mountain Charter SELPA, the Charter LEA shall provide the child with FAPE, including services comparable to those described in the previous LEA's IEP. Within 30 days, the Charter LEA shall, in consultation with the parents, adopt the other LEA's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal laws (*Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325*). Immediately upon placement of the child, the case carrier shall be responsible for completing page one of the IEP form (D/M 68A), documenting all relevant information concerning the child and his/her educational program. A signature page (D/M ~~68G~~68K) with the following signatures shall be included on the interim IEP:

- Parent signature, as well as initials agreeing to a 30-day interim placement;
- Administrator or designee signature;
- Case carrier signature.

A copy of the interim IEP is forwarded to the Charter LEA office in order for the child's pertinent information to be entered into the special education database management information system (MIS).

At the 30-day review meeting, all aspects of the IEP need to be reviewed. New goals and objectives can be developed or the previous ones continued if those goals continue to be in accordance with the child's needs. If the previous goals and objectives are accepted, the next annual review date must align with the previous goal review date.

If a child with a disability transfers to the Charter LEA within the Desert/Mountain Charter SELPA during the school year from an out-of-state LEA, the Charter LEA shall provide the child with FAPE, including services comparable to the out-of-state LEA's IEP, in consultation with the parent, until such time as the Charter LEA conducts an assessment, if the Charter LEA determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate (*Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325*).

Section F - Early Identification of Learning Disabilities

California Education Code § 49580. The California Department of Education shall develop the testing programs to be utilized at the kindergarten grade level to determine which pupils have a potential for developing learning disability problems. The testing procedure shall include an overall screening test for learning disabilities and testing for dyslexia. To the extent feasible, the department shall use existing tests and screening instruments in developing the early diagnosis of the learning disabilities testing program. In developing the program, the department shall consult with experts in the areas of learning and reading difficulties, including, but not limited to, neurologists, psychologists, persons working in these areas in postsecondary educational institutions, teachers, school nurses, education consultants, school psychologists, and other persons with appropriate knowledge and experience in the detection and treatment of learning problems and reading difficulties in early grades.

California Education Code § 49582. The California Department of Education shall prescribe guidelines for the early diagnosis of the learning disabilities testing program and pilot project.

Student Record Review

Review the child's educational records with attention to the following:

- Amount and quality of classwork and homework, with work samples provided at the meeting;
- Test data, curriculum-based data, math, reading, language, and spelling levels;
- Indicators of resiliency, ability to handle stress, and emotional intelligence;
- Attendance;
- Hearing and vision screening results, and health issues;
- Behaviors observed in class or on the playground that are of concern;
- Retention or referral to other programs; and
- Contacts with the family.

Be prepared to present specific background information about the child, including strengths, interests, and career potential. The strengths and specific interests that motivate the child are the building blocks for the student success plan. Building on them will help the team be more creative while brainstorming strategies and designing the action plan. Examples of strengths are: good in math; likes to read; enjoys art and music; loves to sing; works well on a computer; writes creatively; did an exceptional science project; wants to please adults; and chosen by classmates as a friend and/or leader.

Identify basic concerns, the behaviors that need intervention, and the desired outcomes. Examples of concerns are: reading or math is below grade level; handwriting is difficult to read; completes only 25% of classwork; does not return homework; distracts others during lessons; does not participate in group discussions; and pushes students during recess. Examples of desired outcomes are: better attendance; increase in reading or math skills; passing competency tests; working well with peer tutor; and ability to follow specific playground rules.

Use the Modifications Checklist to indicate the general education modifications that have been tried.

Section G – Overidentification and Disproportionality

It shall be the policy of the Desert/Mountain Charter SELPA and its member LEAs to prevent inappropriate disproportionate representation by race and ethnicity of students with disabilities.

Title 34 of the Code of Federal Regulations § 300.173. Overidentification and disproportionality. The State must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in section 300.8.

The Charter LEA shall, with Charter SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation of racially, ethnically, linguistically, and culturally diverse students (by race and ethnicity of children with disabilities). The Charter SELPA shall provide the following assistance:

- Student trend data pertinent to the disproportionate calculation as reported through the California Special Education Management Information System (CASEMIS) to the California Department of Education (CDE);
- Provide up-to-date training and information provided to the Charter SELPA by the CDE;
- Continue to inform Charter LEAs concerning responsibilities related to the potential transfer of local assistance funds to reduce disproportionality under the Early Intervening requirement of IDEA.

The CDE has in effect, consistent with the purposes of IDEA and with Section 618(d), policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in Section 602(3).

Section H – Students who are Culturally and Linguistically Diverse

Children who are culturally and linguistically diverse have four initial areas of consideration for their school program. First, the language of instruction is considered. According to the IDEA 2004, some children will need special education, which could include related speech and language services. While language diversity may be one of the most frequently discussed topics concerning academic achievement, it is important for an IEP team to consider and document the effect of a child being a second-language learner on his or her ability to make progress in the general education curriculum.

To choose the language of instruction, the IEP team must consider where on the continuum of language acquisition the child assesses for both the primary language and English. The Speech-Language Pathologist (SLP) is consulted to interpret the child's pragmatic and socialization aspects of language, which include eye contact, facial expression, nonverbal messages, and tone. These assessment data are used to determine if errors are made because of a lack of exposure to the curriculum and if exposure has been adequate to master the primary language. A determination is made as to whether the child is struggling with second-language learning or has one or more disabilities that impact learning progress.

Questions developed by Ortiz and Garcia (1988) guide the IEP team through this decision process:

1. What is the child's dominant language in various settings?

2. What is the child's level of proficiency in both the primary language and English for social and academic language?
3. What are the styles of verbal interaction used in the primary language and English?
4. How much exposure has the child had to verbal interactions in English?
5. What is the source of exposure to each language (family, peers, TV, book reading, etc.)?
6. Are the child's language behaviors characteristic of other second-language learners?
7. What types of language intervention has the child already had and what is the duration and outcome of those interventions?

For further information, refer to Education Code §§ 313 and 420 - 421.

The second area of consideration for English Learners (ELs) is for authorization of the teacher to provide instruction. The Bilingual, Cross-cultural, Language and Academic Development (BCLAD) and Cross-cultural, Language and Academic Development (CLAD) certification is required for teaching English language development. The Specially Designed Academic Instruction in English (SDAIE) authorization is required to teach English language development and content for the core subjects in the primary language. Contact your Charter LEA office to verify appropriate certification for teachers of children who are English Learners and who are receiving the core curriculum in English and for those children who are English Learners, but are learning core curriculum in their primary language.

Another consideration is the use of interpreters and translators. It is noted that *interpretation* is for oral language, while *translation* refers to written language. Using an interpreter or translator is a method of choice when the pathologist who is assigned to provide therapy is not fluent enough to provide therapy in both languages. Guidance is provided for service delivery in a resource titled [Working Successfully with Interpreters and Translators in Speech-Language Pathology and Audiology](#), written by Langdon and Cheng.

Children with accents and dialects may be referred for special education services, speech services, or viewed as low achievers. Current efforts by the American Speech and Hearing Association (ASHA), consider these referrals misguided. The organization is attempting to avoid these potential discriminatory actions. An accent is defined as a phonetic trait from a primary language that is carried over to the way a second language is spoken. The level of pronunciation of an accent on the second language depends upon the age and circumstances under which the second language was acquired. A dialect is defined as differences that make one English speaker's speech different from another. Dialects have distinguishing characteristics, which may include: phonology, morphology, semantics, syntax, or pragmatics.

Dialects and accents are considered language variations that are accepted differences in speech (Cole, 1983). A determination by the IEP team to provide special education services must be grounded on what children who are culturally and linguistically diverse need to be successful based on academic standards, not on accent or dialect differences.

The fourth and final consideration, working with families, is one that shows respect and increases the possibility of carry-over from school interventions to the home setting. In addition to cohesive planning during the IEP process, family literacy programs supported by the Charter LEA have been especially meaningful for those who are culturally and linguistically diverse.

The information for this section is attributed to Barbara J. Moore-Brown and Judy K. Montgomery. Their book, Making a Difference for America's Children. Speech-Language Pathologists in Public Schools, 2001, is available from Thinking Publications.

In referring culturally and linguistically diverse children for special education services, care must be taken to determine whether learning, language-speech, and/or behavior problems demonstrated by the child indicate a disability or, instead, manifest cultural, experiential, and/or socio-linguistic differences.

A. All English Learners (ELs) in special education programs must,

- Receive an English Language Development (ELD) curriculum approved by the Charter LEA;
- All academic IEP goals for ELs must be linguistically/culturally appropriate;
- ELD standards are aligned with the Common Core standards and should be used when writing goals for ELs.

Please refer to the following documents posted on the Desert/Mountain Charter SELPA website for in-depth information regarding special education assessment, IEP development, and re-classification criteria: California English Language Development Test (CELDT) 2015-16 Information Guide on the CDE website at <http://www.cde.ca.gov/ta/tg/ed/documents/celdt1516guide.pdf>, English Language Proficiency Assessments for California (ELPAC) on the CDE website at <https://www.cde.ca.gov/ta/tg/ep/>

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B. In General: Child Find/Pre-Referral Activities

It is especially important for the SST to determine whether accommodations and supports in the general education curriculum or in the manner in which instruction is provided may assist the child in overcoming their learning, language-speech, and/or behavioral problems. The child's teacher and SST should gather the following information about the child to help make this determination:

- Background;
- Culture and language;
- Acculturation level;
- Socio-linguistic development; and
- Data showing the child's response to the school and classroom environment when accommodations and supports are provided.

C. Cultural & Linguistic Interventions

Interventions to help resolve difficulties that arise from differences in cultural and linguistic background or from difficulties with the schooling process might include:

- Cross-cultural counseling and
- Peer support groups.

D. Socio-Linguistic Interventions

Interventions to help resolve difficulties that arise from differences in socio-linguistic development might include:

- Instruction in English language development;
- Bilingual assistance;
- Native language development; and
- Assistance in developing basic interpersonal communication skills.

E. In General: English Learners Receiving Special Education Services

(1) IEP Team Membership

(a) At least one of the Charter LEA IEP team members must have a credential or certification to teach ELs. That person must indicate, next to their signature on the IEP, which credential or certification they possess (e.g., Bilingual Cross-cultural Language and Academic Development (BCLAD) or Cross-cultural Language and Academic Development (CLAD), etc.).

(b) If the parent has limited English skills, an interpreter must be present at the IEP meeting.

The interpreter must sign the IEP; however, the interpreter is **not** a participating member of the team. The interpreter's role is only to interpret.

(2) Present Levels of Performance

In addition to previously discussed information:

(a) Identify the language proficiency assessment instrument(s) used and interpret the results (~~California English Language Development Test (CELDT)~~ English Language Proficiency Assessments for California (ELPAC));

(b) Use the assessment results to indicate the child's instructional program (Biliteracy, Sheltered, Mainstream English Immersion, ELD, etc.) and language of instruction; and

(c) Identify who will provide the ELD instruction guideline: If the child is removed from English instruction for special education services, that teacher/specialist is the ELD teacher.

(3) Goals/Objectives

The following rubric should be considered for each goal and objective to ensure that it meets the definition of being culturally and linguistically appropriate:

(a) States specifically in what language the particular goal and objective will be accomplished;

(b) Is appropriate to the child's level of linguistic development and proficiency in that language;

(c) Consistent with the known developmental structure of that language; and

(d) Provides cultural relevance in the curricular framework.

Refer to the document ~~California English Language Development Test (CELDT) 2015-16 Information Guide~~ on the CDE website at <http://www.cde.ca.gov/ta/tg/el/documents/celdt1516guide.pdf> for in-depth instruction in writing linguistically appropriate goals. California English Language

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[Proficiency Assessments for CA – CalEdFacts at https://www.cde.ca.gov/ta/tg/ep/cefelpac.asp](https://www.cde.ca.gov/ta/tg/ep/cefelpac.asp)
for more information.

F. Instructional Program Options

The following is a list of the instructional programs that are offered for students who are EL:

(1) Biliteracy

- (a) For Spanish speaking children at the emerging, early expanding, and bridging level;
- (b) Children who are grouped for instruction in full classroom configuration. The focus is in developing proficiency in both English and Spanish. The instructional emphasis is on ELD and initial access to core curriculum. There is an increase of English as the language of instruction over time; and
- (c) Classes must be taught by a teacher with a BCLAD credential or equivalent certification.

(2) Structured English Immersion with Spanish Instructional Support

- (a) For Spanish speaking children at the emerging, early expanding, and bridging level;
- (b) Children are grouped for instruction in full classroom configuration. The focus is on developing proficiency in English through ELD and Specially Designed Academic Instruction delivered in English (SDAIE), using Spanish as an instructional support; and
- (c) Classes must be taught by a teacher with a BCLAD credential or equivalent certification.

(3) Structured English Immersion – Sheltered

- (a) For children at the emerging, early expanding, and bridging level;
- (b) Classes may be comprised of speakers of many languages. Children are grouped for instruction in full classroom configuration. Children may also be grouped in clusters (about 1/3 English Learners) by English language proficiency. The focus is on developing proficiency in English through ELD and SDAIE strategies; and
- (c) Classes must be taught by a teacher with a CLAD credential or equivalent certification.

(4) Mainstream English Cluster

- (a) For children in the early advanced to advanced proficiency level;
- (b) Classes are designed for children who have a good working knowledge of English. The children are clustered, approximately 1/3 English Learners within a grade level classroom. Instructional emphasis is on high level ELD and grade-level core curriculum using SDAIE strategies; and
- (c) Classes must be taught by a teacher with a CLAD credential or equivalent certification.

Section I – Teaching and Assessing California’s English Language Development (ELD) and English Language Arts (ELA) Standards for English Learners

A document provided by West Ed, Northern California Comprehensive Assistance Center, 2000, reformats the State of California’s English Language Arts (ELA) standards with those for English Language Development (ELD). The intent is for English Language students to acquire the standards established for language development to become proficient with the English Language Arts skills for reading, writing, listening and speaking. It is further proposed that one document could be provided to cluster standards from both ELA and ELD requirements with a single assessment. The assessment instrument would be helpful to identify students who are English learners, to provide information for instructional decisions, and to determine when reclassification is appropriate.

This paradigm shift promotes current thinking for competent language proficiency for all students. Rather than using language arts standards from an earlier grade level, the ELD standards follow a research-based progression from beginning to advanced language skills, and provide intermediate skills that ELD students need. Additionally the shift for future development is away from isolated use of ELD instruments toward the use of assessments representative of ELA standards.

English Language Proficiency Assessments for California (ELPAC)

School districts in California are required under federal and state laws to administer the ELPAC to determine English proficiency to students in kindergarten through grade twelve, whose primary language is not English. Students with exceptional needs who cannot take the entire ELPAC or a section of the test may be tested with special assistance and/or take alternate tests. All assistance or alternate tests must be documented in the student’s IEP or Section 504 plan. The purpose of the ELPAC is to determine how well each student tested can listen, speak, read, and write English. ELPAC scores should be used annually in developing educational needs and appropriate goals in order to determine the level of assistance needed and to ensure the student’s placement in an appropriate program.

A Map for Teaching and Assessing ELD and ELA Standards for English Learners

A map developed by West Ed, Northern California Comprehensive Assistance Center matches the standards for English Learner Development and for Language Arts Development in seven strands. Additionally it is divided into the academic areas of reading, writing, listening and speaking. They are available by grade span, (K-2, 3-5, 6-8, 9-10, and 11-12). A model that is generic for all grade level follows:

ELD Standards Alignment with ELA Standards

Reading

<u>ELD Reading</u>	<u>ELA Reading</u>
<u>Word Analysis, Fluency and Systematic Vocabulary Development</u>	<u>Word Analysis, Fluency and Systematic Vocabulary Development</u>
<u>Reading Comprehension</u>	<u>Reading Comprehension, Expository Critique (grade 5 and up)</u>

<u>Literacy Response and Analysis</u>	<u>Literacy Response and Analysis</u>
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Writing

<u><i>ELD Writing</i></u>	<u><i>ELA Writing</i></u>
<u>Strategies and Applications</u>	<u>Strategies, Applications</u>
<u>Conventions</u>	<u>Written (and Oral) English Language Conventions</u>

Listening and Speaking

<u><i>ELD Listening and Speaking</i></u>	<u><i>ELA Listening and Speaking</i></u>
<u>Strategies and Applications</u>	<u>(Written and) Oral English Language Conventions</u>

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Chapter 7: Participation in Assessments

SECTION A: PROFILES OF STATE ASSESSMENT PROGRAMS

SECTION B: GUIDANCE FOR MAKING SUPPORT(S) DECISIONS

SECTION C: GUIDE TO ACCOMMODATION MATRIX: CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)

SECTION D: GUIDE TO THE ACCOMMODATION MATRIX: PHYSICAL FITNESS TEST

SECTION E: GUIDE TO THE ACCOMMODATION MATRIX: ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS OF CALIFORNIA (ELPAC)

SECTION F: OVERVIEW OF ALTERNATE ASSESSMENT

APPENDIX A: SELPA FORM D/M 68F – CAASPP TESTING MATRIX

APPENDIX B: SELPA FORM D/M 68F – PFT TESTING MATRIX

APPENDIX C: SELPA FORM D/M 68F – SELPA FORM D/M 68F – ELPAC TESTING MATRIX

APPENDIX D: CAA WORKSHEET

Introduction

It shall be the policy of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) that all children with disabilities shall participate in state and districtwide assessment programs. The Individualized Education Program (IEP) team determines how a child with a disability will access assessments with or without supports, or access alternate assessments, consistent with state standards governing such determinations.

The Charter Local Education Agency (LEA) shall administer mandatory student assessments as required by law and in accordance with Charter SELPA policy and administrative regulations.

The Charter LEAs within the Charter SELPA are committed to all children having access to state and/or Charter LEA assessments. Through the IEP process each child's strengths and weaknesses will be evaluated to determine areas of educational need.

Each Charter LEA will follow and implement the California State Board of Education (SBE) policies and administrative regulations related to assessment, data collection, and waiver processes.

The Charter SELPA forms include an assessment plan (D/M 66) as well as statements related to statewide assessment.

Children with disabilities shall be tested with the designated state assessments unless their IEP specifically identifies that the child will be tested with an alternate assessment. The IEP team will determine which assessment will be most appropriate for each child based on guidance provided by the California Department of Education (CDE).

A child shall be permitted to take assessments with the supports as identified in his/her IEP or Section 504 plan. These supports must be in compliance with the current “Testing Variations, Accommodations, and Modifications Matrix” provided by the CDE.

School personnel have a responsibility to ensure that children with disabilities have appropriate accommodations and/or modifications to meet their individual needs, and allow access to all state and Charter LEA assessments.

Section A – Profile of State Assessment Programs

Testing Accommodations

California Education Code § 56345(a). The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by Section 1414(d) of Title 20 of the United States Code, and that includes the following: ... (6)(A) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments consistent with Section 1412(a)(16)(A) of Title 20 of the United States Code. (B) If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of pupil achievement, a statement of the following: (i) The reason why the pupil cannot participate in the regular assessment; (ii) The reason why the particular alternate assessment selected is appropriate for the pupil.

Academically Rigorous Content Standards

California Education Code § 60850(a). The Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop a high school exit examination in English language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the State Board of Education pursuant to Section 60605. To facilitate the development of the examination, the superintendent shall review any existing high school subject

matter examinations that are linked to, or can be aligned with, the statewide academically rigorous content standards for English language arts and mathematics adopted by the State Board of Education. By October 1, 2000, the State Board of Education shall adopt a high school exit examination that is aligned with statewide academically rigorous content standards.

California Assessment of Student Performance and Progress (CAASPP)

Education Code § 60640 established the California Assessment of Student Performance and Progress (CAASPP). The CAASPP System, which replaced the Standardized Testing and Report (STAR) Program, is the new state academic testing program. It is a system intended to provide information that can be used to monitor student progress and ensure that all children leave high school ready for college and career. The CAASPP encompasses the following assessments and student participation requirements:

- Smarter Balanced Summative Assessments for English language arts/literacy (ELA) and mathematics in grades three through eight and 11;
- Alternate Assessments for English language arts/literacy and mathematics in grades three through eight and 11; and
- Standards-based Tests in Spanish (STS) for reading/language arts in grades two through 11 (optional).

English Language Proficiency Assessments for California (ELPAC)

In 2018, the CDE replaced the California English Language Development Test (CELDT), which is aligned with the 1999 English Language Development (ELD) Standards, with the English Language Proficiency Assessments for California (ELPAC), which are aligned with the 2012 California ELD Standards.

Federal Requirements – IDEA

As appropriate, the state or LEA - (i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in state and districtwide assessment programs; and (ii) develops and, beginning not later than July 1, 2000, conducts those alternate assessments.

Federal Requirements - Title 1 of the Elementary and Secondary Education Act indicates: Guidance from the Assistant Secretary for Elementary and Secondary Education (April 2000)

For children with disabilities whose IEP or Section 504 placement teams have determined that the state assessments would not appropriately show what a child knows or is able to do, each state must have a statewide alternate assessment system or a comprehensive state policy governing locally developed alternate assessments. Alternate assessments must be valid, reliable, and to the maximum extent appropriate, aligned to state content and performance standards. In addition, states must monitor and collect data from Charter LEAs to ensure the proper use of alternate assessments. Charter LEAs must publicly report the results of alternate assessments; they must integrate the results of alternate assessments into their accountability systems.

Physical Fitness Test (PFT) Administered at Grade Levels

The SBE designated the FITNESSGRAM® as the Physical Fitness Test (PFT) for children attending California public schools. The FITNESSGRAM® is a comprehensive, health-related physical fitness battery developed by The Cooper Institute. The primary goal of the FITNESSGRAM® is to assist children in establishing lifetime habits of regular physical activity.

Pursuant to Education Code § 60800, all LEAs in California are required to administer the PFT annually to all children in grades five, seven, and nine. Children in grades five, seven, and nine are required to take the PFT, whether or not they are enrolled in a physical education class or participate in a block schedule. These include children who are enrolled in LEAs such as elementary, high, and unified school districts, county offices of education, and charter schools. Charter LEAs must also test all children in alternate programs, including, but not limited to, continuation schools, independent study, community day schools, county community schools, and nonpublic schools. Children who are physically unable to take the entire test battery are to be given as much of the test as his or her condition will permit (Education Code § 60800; Title 5 of the California Code of Regulations § 1041).

The PFT provides information that can be used by 1) students to assess and plan personal fitness programs, 2) teachers to design the curriculum for physical education programs, and 3) parents to understand their child's fitness levels. This program also provides results that are used to monitor changes in the physical fitness of California students.

Section B - Guidance for Making Support(s) Decisions

Statewide assessments have the following purpose: 1) to show how much a child has learned, 2) to reveal how successfully a school has educated its children, and 3) to help guide instructional improvement strategies. Since instructional and policy decisions are based on data from standards-based assessments, children with disabilities need to be included to the maximum extent possible. The following guidance offers information about the major assessment programs in California and specific information on how to provide test accommodations when needed.

Section C – Guide to the Accommodations Matrix: California Assessment of Student Performance and Progress (CAASPP)

Signed into law on October 2, 2013, Assembly Bill 484 establishes the CAASPP System. The provisions of AB 484 became effective January 1, 2014. The CAASPP System is based on the state's new Common Core Standards for English language arts (ELA) and mathematics adopted by the SBE in 2010. The CAASPP System replaces the Standardized Testing and Reporting (STAR) Program. The primary purpose of the CAASPP system is to assist teachers, administrators, and children and their parents by promoting high quality teaching and learning through the use of a variety of assessment approaches and item responses.

A. Types of Support

- (1) **Embedded Supports** are digitally-delivered features or settings available as part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured;
- (2) **Non-embedded Supports** are available, when provided by the Charter LEA for either computer-administered or paper-pencil CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

B. Who is Eligible

- (1) **Universal Tools** are available to all children. Children may turn the support(s) on/off when embedded as part of the technology platform for the computer-administered CAASPP tests or may choose to use it/them when provided as part of a paper-pencil test;
- (2) **Designated Supports** are features that are available for use by any child for whom the need has been indicated prior to the assessment, by an educator or group of educators;
- (3) **Accommodations** are available for eligible children if specified in their IEP or Section 504 plan; and
- (4) **Unlisted Resources:** If an IEP team or Section 504 plan identifies and designates a resource not identified in the CAASPP matrix, the Charter LEA CAASPP Coordinator or the CAASPP Test Site Coordinator may submit, on behalf of a child who has an IEP or Section 504 plan, a request through the Test Operations Management System (TOMS) to the CDE, prior to the administration of a CASPP achievement test, to allow the use and approval of an Unlisted Resource. The Charter LEA CAASPP Coordinator or the CAASPP Test Site Coordinator shall make the request on behalf of the Charter LEA 10 business days prior to the child's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of the electronic transmission.

Unlisted Resources are not Universal Tools, Designated Supports, or Accommodations. Unlisted Resources means an instructional support that a child regularly uses in daily instruction and/or assessment that has not been previously identified as a universal tool, designated support, or accommodation. Because an Unlisted Resource has not been identified as a universal tool, designated support, or accommodation, it may or may not change the construction of the assessment.

The use of an Unlisted Resource by a child will not be allowed if the CDE determines its use threatens the security of the test. In addition to determining whether the Unlisted Resource may be used, the CDE will determine whether the Unlisted Resource changes the construct being measured by the CAASPP achievement test. If the CDE determines the Unlisted Resource changes the

construct being measured, the Unlisted Resource will not be approved but may still be used by the child and the child will receive an individual score report. The child will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the Charter LEA. If the CDE determines the Unlisted Resource does not change the construct being measured, the Unlisted Resource will be approved and the child will receive an individual score report and will be counted as participating in statewide testing. Refer to Title 5 of the California Code of Regulations § 853.8 for a list of non-embedded Unlisted Resources that have already been determined to change the construct being measured on the CAASPP achievement tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and will not be approved. The use of an Unlisted Resource must be requested annually by the Charter LEA.

IEP teams should be made aware of the impact of the use of Unlisted Resources pursuant to Title 5 of the California Code of Regulations, but should not allow the impact of the LEA's accountability to outweigh the needs of the child.

***Title 5 of the California Code of Regulations § 853.8(d)(1).** If the CDE determines the unlisted resource changes the construct being measured, the unlisted resource will not be approved but may still be used by the pupil and the pupil will receive an individual score report. The pupil will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA.*

Section D – Overview of the Alternate Assessment

The Individuals with Disabilities Education Act (IDEA) 2004 and similar amendments to California law require the inclusion of children with disabilities in general state and districtwide assessment programs with appropriate supports, where necessary. An alternate assessment is required for children with severe disabilities who cannot participate in general larger-scale assessment programs. The law states:

“As appropriate, the State or local educational agency - (i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district wide assessment programs; and (ii) develops and, beginning no later than July 1, 2000, conducts those alternate assessments.”

(d) “Alternate assessments” means any assessments as provided in Education Code section 60640(k) and the test materials developed to measure the level of performance for a pupil with significant cognitive disabilities who is unable to take the consortium summative assessments in English language arts (ELA) and mathematics pursuant to Education Code section 60640(b)(1) or is unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with resources.

California Alternate Assessments (CAA)

Pursuant to Title 5 of the California Code of Regulations § 850(h), California Alternate Assessments (CAAs) are the alternate assessments and corresponding test materials in ELA and mathematics as provided for in Education Code § 60640(k) for children with significant cognitive disabilities. The CAA is the success alternate assessment for ELA and mathematics as identified in Education Code § 60640(b)(3).

Children in grades three through eight and grade 11 who have an IEP that designates the use of an alternate assessment are eligible to take the CAA in lieu of the Smarter Balanced Summative Assessments for ELA and mathematics. The goal of the CAA is to ensure that children with significant cognitive disabilities attain increasingly higher achievement levels and leave high school ready for academic or career options.

Section E – Guide to the Accommodations Matrix: Physical Fitness Test (PFT)

Charter SELPA form D/M 68F (Appendix B) was designed to help IEP and Section 504 teams make informed decisions about supports on the Physical Fitness Test.

Who is eligible for accommodations?

Those accommodations designated as Category 1, may be described as flexibility in administration of the test and do not alter what is measured by the test. These accommodations are available for any child who uses the accommodation regularly for classroom instruction and/or assessment. Accommodations are not only for the child receiving special education or Section 504 services, but these children are the only ones for whom the law requires accommodations be provided. Even though Category 1 accommodations are available for all children, they should be documented in the IEP or Section 504 plan for those children with disabilities who need the accommodation to access the test and minimize the effects of their disability.

Accommodations designated as Category 2 are allowed only for children who have them documented in their IEP or Section 504 plan and are similar to those used by the child for classroom instruction and/or classroom assessment. In general, Category 2 accommodations require a more significant alteration in presentation, timing/scheduling, setting, or response and, in most cases, require more preplanning in order to ensure the availability of needed resources.

Modifications designated as Category 3, fundamentally alter what the test measures. They are available only to children with documentation on their IEP or Section 504 plan. Children who use a modification on any assessment are not included in the participation calculation for Annual Yearly Progress (AYP).

Section F – Guide to the Accommodations Matrix for the English Language Proficiency Assessments for California (ELPAC)

This matrix is used in conjunction with Title 5 of the California Code of Regulations § 11517.6 through 11519.5 of the English Language Proficiency Assessments for California (ELPAC), to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on the ELPAC test is restricted to only those identified on the matrix.

- **Universal tools** are those available to **all** students on the basis of student preference and selection.
- **Designated supports** are available to **all** students when determined for use by an educator or team of educators (with parent/guardian and student input, as appropriate) or specified in the student’s IEP or 504 Plan.
- **Accommodations** must be permitted on ELPAC tests to **all** eligible students if specified in the student’s IEP or 504 Plan.

Embedded resources are digitally delivered universal tools (U), designated supports (D), or accommodations (A) available as part of the technology platform for the computer administered tests. Since ELPAC is a paper-pencil assessment, embedded resources do not apply at this time.

Non-embedded resources are universal tools (U), designated supports (D), or accommodations (A) when provided by the LEA for the ELPAC tests administered via paper-pencil. These supports are not part of the technology platform for computer-administered tests, and do not change or alter the construct being measured.

Instructional Supports and Resources on Alternative Assessments

Most students taking the ELPAC will be able to access the assessment with the universal tools, designated supports, and accommodations. If a student is unable to access the ELPAC with supports, an alternative assessment will be decided upon by the IEP Team for the domains for which an alternative assessment should be used.

Unlisted Resources

Unlisted resources are not universal tools, designated supports, or accommodations. Unlisted resources shall be made available if specified in the eligible student’s IEP or Section 504 Plan and only on approval by CDE. Unlisted resources may be submitted to CDE prior to ten business days before the student’s first day of testing. CDE will reply to the request within four business days.

APPENDIX A: Form D/M 68F – CAASPP Matrix

Page 1

Student Name:		DOB:		Date:			
TESTING MATRIX FOR CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE & PROGRESS (CAASPP)							
<small>PURPOSE AND USE: This document should be used in conjunction with the Greater Balanced Consortium's Usability, Accessibility, and Accommodations Guidelines, and California Code of Regulations, Title 5 (5 CCR) sections 850 through 860 of the California Assessment of Student Performance and Progress (CAASPP) regulations, to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on CAASPP tests is restricted to only those identified in this document.</small>							
PART 1 EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)					2018 CAST FIELD TEST	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING	MATHEMATICS			
American Sign Language (ASL) <small>(Does not apply to CAA)</small>	-	-	A	A	A	-	-
*Audio Transcript (includes braille transcript)	-	-	A	-	A	-	-
Braille (Does not apply to CAA)	A	A	A	A	A	-	-
Breaks	U	U	U	U	U	-	-
Calculator	-	-	-	(Grades 6-8 & 11, for specific items)	(Four-Function calculator for Grade 5, scientific calculator for Grade 8 and HS)	-	-
Closed Captioning (Does not apply to CAA)	-	-	A	-	A	-	-
Color Contrast	D	D	D	D	D	-	-
Digital Notepad	U	U	U	U	U	-	-
English Dictionary	-	(For ELA full write performance tests, not short responses)	-	-	-	-	-
English Glossary	U	U	U	U	U	-	-
Expandable Items	U	U	U	U	U	-	-
Expandable Passages	U	U	U	U	U	-	-
Global Notes	-	(For ELA full write performance tests, not short responses)	-	-	-	-	-
Highlighter	U	U	U	U	U	-	-
Keyboard Navigation	U	U	U	U	U	-	-
*Line reader	U	U	U	U	U	-	-
Mark for Review	U	U	U	U	U	-	-
Masking	D	D	D	D	D	-	-
Math Tools (i.e., embedded ruler, embedded protractor)	-	-	-	(For specific items)	U	-	-
*Mouse pointer (size and color)	D	D	D	D	D	-	-

Page 2

Student Name:		DOB:		Date:			
TESTING MATRIX FOR CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE & PROGRESS (CAASPP)							
<small>PURPOSE AND USE: This document should be used in conjunction with the Greater Balanced Consortium's Usability, Accessibility, and Accommodations Guidelines, and California Code of Regulations, Title 5 (5 CCR) sections 850 through 860 of the California Assessment of Student Performance and Progress (CAASPP) regulations, to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on CAASPP tests is restricted to only those identified in this document.</small>							
PART 1 EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)					2018 CAST FIELD TEST	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING	MATHEMATICS			
Science Charts (i.e., calendar, periodic table of the elements, conversion charts)	-	-	-	-	-	U	-
Science Tools (i.e., analog clock, laboratory equipment)	-	-	-	-	-	U	-
Spell Check	-	U	-	-	-	-	-
Streamline	A	A	A	A	A	-	-
Strikethrough	U	U	U	U	U	-	-
Text-to-Speech (Does not apply to CAA)	(For ELA full write performance tests, not short responses) D A	D	D	D	D	-	-
*Thesaurus (Does not apply to CAA)	-	(For ELA full write performance tests, not short responses) U	-	-	-	-	-
Translated Test Directions (Does not apply to CAA)	-	-	-	-	D (in Spanish standard translation only)	-	-
Translations (see Embedded Designated Support Guidelines) (Does not apply to CAA)	-	-	-	D	D	-	-
Translations (Spanish Stackeds) (Does not apply to CAA)	-	-	-	D	D	-	-
*Turn Off Any Universal Tool	D	D	D	D	D	-	-
Writing Tools for Student-Generated Responses (i.e., bold, italic, underline)	U (For specific items)	U (For specific items)	U (For specific items)	U (For specific items)	U (For specific items)	-	-
Zoom (in/out)	U	U	U	U	U	-	-

PART 2 NON-EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)					2018 CAST FIELD TEST	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING	MATHEMATICS			
100s Number Table <small>(http://www.caaspp.org/rsc/ppts/CAASPP_hundreds-number-table.pdf)</small>	-	-	-	A (Beginning in Grade 4)	D	-	-
Abacus	-	-	-	A	A	-	-

APPENDIX A: Form D/M 68F – CAASPP Matrix

Page 3

Student Name: _____		DOB: _____		Date: _____			
TESTING MATRIX FOR CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE & PROGRESS (CAASPP)							
<small>PURPOSE AND USE: This document should be used in conjunction with the Student Behavior/Consortium Usability, Accessibility, and Accommodations Guidelines, and California Code of Regulations, Title 5 (5 CCR) sections 600 through 606 of the California Assessment of Student Performance and Progress (CAASPP) standards to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on CAASPP tests is restricted to only those identified in this document.</small>							
PART 2 NON-EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)					2018 CAST FIELD TEST	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING	MATHEMATICS			
Alternate Response Options (i.e., adapted keyboards, large keyboards, Stokyskeys, MouseKeys, FilterKeys, adapted mouse, touch screen, head wand, and switches)	A	A	A	A	A	A	-
American Sign Language	-	-	-	-	-	-	-
*Amplification	D	D	D	D	D	D	-
Bilingual Dictionary	-	(For ELA full write performance tests, not short # responses)	-	-	-	-	-
Braille (paper-pencil tests)	A	A	A	A	-	-	A
Breaks	U	U	U	U	U	U	U
Calculator	-	-	-	(For allowed items, Grades 5-8, and 11)	(For-function calculator for Grade 5; scientific calculator for Grades 5 and HS)	-	-
Color Contrast	D	D	D	D	D	D	-
Color Overlay	D	D	D	D	D	D	U
English Dictionary	-	(For ELA full write performance tests, not short # responses)	-	-	-	-	-
Large-Print Versions of a Paper-Pencil Test (as available)	A	A	A	A	-	-	A
Magnification	D	D	D	D	D	D	D
Multiplication Table (http://www.caaspp.org/tscspdfs/CAASPP_multiplication_table.pdf)	-	-	-	(Beginning in Grade 4)	D	-	-
Noise Buffers (e.g., individual carmel or study enclosure or noise-canceling headphones)	D	D	D	D	D	D	D
Print on Demand (to set, e-mail caaspp@etsi.org)	A	A	A	A	A	A	-
Read Aloud (see Read Aloud Guidelines)	(For tests, not responses)	D	D	D	(For Spanish student translation, see Read Aloud Spanish Guidelines)	D	A
	A						
	(For ELA reading passages)						
<small>EMBEDDED SUPPORTS: Digitally-delivered features/settings available as part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the test-taking process.</small>							
<small>NON-EMBEDDED SUPPORTS: Supports available, when provided by the local educational agency (LEA), for either computer-administered or paper-pencil CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the test-taking process.</small>							
<small>UNLISTED RESOURCES: Instructional supports that a student regularly uses in daily instruction and/or assessment that has not been previously identified as an universal tool, designated support, or accommodation. If new or near and please the contact of the assessment.</small>							
<small>NEW RESOURCE ADDED FOR THE 2017-2018 SCHOOL YEAR</small>							
<small>UNIVERSAL TOOLS (U): Available to all students on the basis of student preference and selection.</small>							
<small>DESIGNATED SUPPORTS (D): Available to all students when determined for use by an educator or team of educators (with parent/guardian and student input, as appropriate) or specified in the student's IEP or Section 504 plan.</small>							
<small>ACCOMMODATIONS (A): Must be permitted on CAASPP tests to all eligible students if specified in the student's IEP or Section 504 plan.</small>							
<small>UNLISTED RESOURCES (X): Unlisted Resources that change the construct of the test-taking measure.</small>							

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Student Name: _____		DOB: _____		Date: _____			
TESTING MATRIX FOR CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE & PROGRESS (CAASPP)							
<small>PURPOSE AND USE: This document should be used in conjunction with the Student Behavior/Consortium Usability, Accessibility, and Accommodations Guidelines, and California Code of Regulations, Title 5 (5 CCR) sections 600 through 606 of the California Assessment of Student Performance and Progress (CAASPP) standards to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on CAASPP tests is restricted to only those identified in this document.</small>							
PART 2 NON-EMBEDDED SUPPORTS	ENGLISH LANGUAGE ARTS (ELA)					2018 CAST FIELD TEST	Primary Language - STS for Reading Language Arts
	READING	WRITING	LISTENING	MATHEMATICS			
Science Charts (state-approved only (i.e., calendar, Periodic Table of the Elements, conversion charts)	-	-	-	-	-	D	-
Scratch Paper (blank, lined, graph, white board, electronic assisting devices without internet as allowed)	U	U	U	U	U	U	U
Scribe (see Scribe Protocol)	D	A	D	D	D	D	A
Separate seating (i.e., most beneficial time, special lighting or acoustics, adjustable furniture)	D	D	D	D	D	D	D
Simplified Test Directions (see Simplified Test Directions Guidelines)	D	D	D	D	D	D	D
Speech-to-Text	A	A	A	A	A	A	A
Thesaurus	-	(For ELA full write performance tests, not short # responses)	-	-	-	-	-
Translated Test Directions	(Consortium-provided PDFs for online test)	(Consortium-provided PDFs for online test)	(Consortium-provided PDFs for online test)	(Consortium-provided PDFs for online test)	D	D	D
Translations (glossary)	-	-	-	(Consortium-provided PDFs for online test)	-	D	D
Unlisted Resources	The LEA CAASPP coordinator or CAASPP testing site coordinator may submit a request through the Test Operations Management System (TOMS) for an unlisted resource. Requests must be received at least 10 business days before the student's first day of CAASPP testing. For more information about the unlisted resources and a list of the pre-identified unlisted resources, refer to Part 4 of the matrix.						
*Word Prediction	A	A	A	A	A	A	-
PART 3 CAA	INSTRUCTIONAL SUPPORTS AND RESOURCES						
CALIFORNIA ALTERNATE ASSESSMENT							
Most universal tools, designated supports, and accommodations listed in Parts 1 and 2 are available for the California Alternate Assessments (CAAs) for ELA and mathematics through the online testing interface, but because the CAAs are administered to students one-on-one by a test examiner and because they may also be administered in the "language of instruction," some embedded resources are not provided. For the CAA Science Pilot Test, due to the design, any instructional supports used in daily instruction may be used for the embedded performance tasks. The following are not available for CAA:							
Embedded resources NOT available for CAA:							
<ul style="list-style-type: none"> • Braille (either by means of an embosser or a refreshable display) * • Closed captioning 							
<small>EMBEDDED SUPPORTS: Digitally-delivered features/settings available as part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the test-taking process.</small>							
<small>NON-EMBEDDED SUPPORTS: Supports available, when provided by the local educational agency (LEA), for either computer-administered or paper-pencil CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the test-taking process.</small>							
<small>UNLISTED RESOURCES: Instructional supports that a student regularly uses in daily instruction and/or assessment that has not been previously identified as an universal tool, designated support, or accommodation. If new or near and please the contact of the assessment.</small>							
<small>NEW RESOURCE ADDED FOR THE 2017-2018 SCHOOL YEAR</small>							
<small>UNIVERSAL TOOLS (U): Available to all students on the basis of student preference and selection.</small>							
<small>DESIGNATED SUPPORTS (D): Available to all students when determined for use by an educator or team of educators (with parent/guardian and student input, as appropriate) or specified in the student's IEP or Section 504 plan.</small>							
<small>ACCOMMODATIONS (A): Must be permitted on CAASPP tests to all eligible students if specified in the student's IEP or Section 504 plan.</small>							
<small>UNLISTED RESOURCES (X): Unlisted Resources that change the construct of the test-taking measure.</small>							

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APPENDIX A: Form D/M 68F – CAASPP Matrix

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Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX FOR CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE & PROGRESS (CAASPP)

PURPOSE AND USE: This document should be used in conjunction with the Smarter Balanced Consortium (SBC), Accessibility, and Accommodations Guidelines, and California Code of Regulations, Title 5 (5 CCR) sections 800 through 802 of the California Assessment of Student Performance and Progress (CAASPP) requirements, to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on CAASPP tests is restricted to only those listed in this document.

PART 3 CAA	INSTRUCTIONAL SUPPORTS AND RESOURCES
	CALIFORNIA ALTERNATE ASSESSMENT

- Text-to-Speech
- American Sign Language videos (The test examiner is allowed to sign to the student as the language of instruction)
- Translation glossaries

*Test examiner can request print-on-demand functionality to produce such documents. For a handful of ELA items in Grades three and four that have decoding as part of the construct, support and guidance will be available to LEAs for braille the appropriate text.

The "language of instruction" may include instructional or physical supports needed for communication and instruction. Some test practices (e.g., hand-over-hand), as noted in the Test Administration Manual (http://www.caaspp.org/docs/CAASPP_online_tam_2016-17.pdf), are inappropriate and not allowed. Examples of permissible instructional and physical supports include:

(1) **INSTRUCTIONAL SUPPORTS:**

- Allowing the student to use an augmentative communication device (e.g., Audiovox, switch)
- Allowing nonverbal students to respond with gestures, movements, or vocalization in place of speech
- Accepting eye gaze (http://www.caaspp.org/docs/CAASPP_eye-gaze-guidance.pdf) as a way of indicating a response
- Accepting a change in muscle tone or a change in facial expression as an observed behavior
- Allowing students to direct another person (aide or test examiner) in performing physical tasks
- Allowing use of the student's calculator, 100s number table, or other instructional supports instead of the embedded supports provided through the testing platform as long as those supports do not impact the test construct.

(2) **PHYSICAL SUPPORTS:**

- Structuring the test environment to eliminate distractions for students who are particularly distractible
- Positioning and stabilizing the student to allow for the most controlled movement possible

**PART 4a
UNLISTED RESOURCES**

INSTRUCTIONAL SUPPORTS AND RESOURCES

CALIFORNIA ALTERNATE ASSESSMENT

Unlisted resources are not universal tools, designated supports, or accommodations. Unlisted resources shall be made available if specified in the eligible student's individualized education program (IEP) or Section 504 plan and only on approval by the California Department of Education (CDE).

To request the use of an unlisted resource, the LEA CAASPP coordinator or CAASPP test site coordinator may submit a request through the Test Operations Management System (TOMS) a minimum of 10 business days before the student's first day of testing. The CDE will reply to the request within four business days.

Approval of an unlisted resource that has not been previously identified (see Part 4b Identified Non-Embedded Unlisted Resources) will be granted by the CDE on the basis of the IEP team's and/or Section 504 plan's designation and if the unlisted resource does not compromise the test's security. The CDE shall make a determination of whether the requested unlisted resource changes the construct being measured after testing has been completed.

EMBEDDED SUPPORTS: Digitally-delivered features/tools available as part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

NON-EMBEDDED SUPPORTS: Support available, when provided by the Local Educational Agency (LEA), for either computer-administered or paper-based CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

UNLISTED RESOURCES: Instructional supports that a student regularly uses in daily instruction and/or assessment but has not been previously identified as a universal tool, designated support, or accommodation. It may, or may not, change the construct of the assessment.

UNIVERSAL TOOLS (UT): Available to all students on the basis of student preference and selection.

DESIGNATED SUPPORTS (DS): Available to all students when determined for use by an educator or team of educators (with certification and student need, as appropriate) or specified in the student's IEP or Section 504 plan.

ACCOMMODATIONS (A): Must be permitted on CAASPP tests for all eligible students if specified in the IEP or Section 504 plan.

UNLISTED RESOURCES (UR): Unlisted Resources that change the construct of the test being measured.

NEW RESOURCES ADDED FOR THE 2017-20 SCHOOL YEAR:

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Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX FOR CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE & PROGRESS (CAASPP)

PURPOSE AND USE: This document should be used in conjunction with the Smarter Balanced Consortium (SBC), Accessibility, and Accommodations Guidelines, and California Code of Regulations, Title 5 (5 CCR) sections 800 through 802 of the California Assessment of Student Performance and Progress (CAASPP) requirements, to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on CAASPP tests is restricted to only those listed in this document.

PART 4a UNLISTED RESOURCES	INSTRUCTIONAL SUPPORTS AND RESOURCES
	CALIFORNIA ALTERNATE ASSESSMENT

IEP teams should be made aware of the following regulation, although teams should not allow the impact of an LEA's accountability to outweigh the needs of the student in making decisions related to accessibility supports. If the CDE determines the unlisted resource changes the construct being measured, the unlisted resource will not be approved but may still be used by the student and the student will receive an individual score report. The student will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA (Title 5 of the California Code of Regulations § 853.6).

The CDE and/or the Smarter Balanced Assessment Consortium has identified non-embedded unlisted resources for English language arts, mathematics, science, and primary language that change the construct being tested. The LEA may use the CAASPP Unlisted Resources Request form, available in TOMS (<http://bit.ly/2uOemJd>), to request the use of unlisted resources required by a student's IEP or Section 504 plan.

PART 4b UNLISTED RESOURCES	IDENTIFIED NON-EMBEDDED UNLISTED RESOURCES THAT CHANGE THE CONSTRUCT BEING MEASURED					2016 CAST Field Test	Primary Language - STS for Reading (Language Arts)
	Reading	Writing	Listening	Mathematics			
American Sign Language	X	X	X	X	X	X	
100s Number Table				X (grade 3)			
Bilingual Dictionary	X			X (grades 6-8, and 11)		X	X
Calculator (used on non-allowed items)				X (grades 3-5)			
Calculator				X			
English Dictionary	X		X	X		X	X
Math Tools (i.e., non-embedded ruler, non-embedded protractor)				X			
Multiplication Table				X (grade 3)			
Signed Exact English	X	X	X	X		X	X (for reading passages)
Thesaurus	X		X	X		X	X
Translations (not provided by Smarter Balanced)	X	X	X	X		X	
Translated Word Lists	X	X	X	X		X	

EMBEDDED SUPPORTS: Digitally-delivered features/tools available as part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

NON-EMBEDDED SUPPORTS: Support available, when provided by the Local Educational Agency (LEA), for either computer-administered or paper-based CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

UNLISTED RESOURCES: Instructional supports that a student regularly uses in daily instruction and/or assessment but has not been previously identified as a universal tool, designated support, or accommodation. It may, or may not, change the construct of the assessment.

UNIVERSAL TOOLS (UT): Available to all students on the basis of student preference and selection.

DESIGNATED SUPPORTS (DS): Available to all students when determined for use by an educator or team of educators (with certification and student need, as appropriate) or specified in the student's IEP or Section 504 plan.

ACCOMMODATIONS (A): Must be permitted on CAASPP tests for all eligible students if specified in the IEP or Section 504 plan.

UNLISTED RESOURCES (UR): Unlisted Resources that change the construct of the test being measured.

NEW RESOURCES ADDED FOR THE 2017-20 SCHOOL YEAR:

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APPENDIX B: Form D/M 68F – PFT Matrix

Page 1

Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX FOR CALIFORNIA PHYSICAL FITNESS TEST (PFT)

DIRECTIONS: SELECT ALL IEP TEAM APPROVED ACCOMMODATIONS / MODIFICATIONS FOR UTILIZATION ON THE NEXT TEST ADMINISTRATION. **CATEGORY 3 MODIFICATIONS MAY BE USED IF SPECIFIED IN THE STUDENT'S IEP OR SECTION 504 PLAN AND PRE-APPROVED BY PFT OFFICE.**

TEST VARIATION (1) / ACCOMMODATION (2) / MODIFICATION (3)	PFT
ACCOMMODATIONS / MODIFICATIONS	
** Access to translation glossaries/word lists (English-to-primary language). Glossaries/word lists shall not include definitions or formulas	N/A
** Additional supervised breaks within a testing day or following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.	N/A
Administration of the test at the most beneficial time of day to the student	2
Arithmetic table or formulas (not provided on the mathematics tests)	N/A
Arithmetic table or formulas (not provided on the science tests)	N/A
Assistive device that does not interfere with the independent work of the student on the multiple-choice and/or essay responses (writing portion of the test)	N/A
Assistive device that interferes with the independent work of the student on the multiple-choice and/or essay responses	N/A
Audio amplification equipment	1
Braille transcriptions provided by the test contractor	N/A
Calculator on the mathematics tests	N/A
Calculator on the science tests	N/A
Colored overlay, mask, or other means to maintain visual attention	N/A
Dictionary	N/A
** English learners (ELs) may have the opportunity to be tested separately with other ELs provided that the student is directly supervised by an employee of the school who has signed the test security affidavit and the student has been provided such a feasible setting as part of his/her regular instruction or assessment	Variation Allowed
Essay responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter and the student provides all spelling and language conventions	N/A
Essay responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe audio recorder, or speech-to-text converter (scribe provides spelling, grammar, and language conventions)	N/A
Extra time on a test within a testing day	ALL
** Hear the test directions printed in the test administration manual translated into the student's primary language. Ask clarifying questions about the test directions in the student's primary language	Variation Allowed
Large-print versions or test items enlarged (not duplicated) to a font size larger than that used on large print versions	N/A
Manually Coded English or American Sign Language to present directions for administration (does not apply to test questions)	1
Math manipulatives on the mathematics tests	N/A
Math manipulatives on the science tests	N/A
Manually Coded English or American Sign Language to present test questions and answer options	N/A
Noise buffers (e.g., individual cap or study enclosure)	N/A
Special lighting or acoustic, special or adaptive furniture	N/A
Student dictates multiple-choice question responses orally, or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter for selected-response items	N/A
Student marks in test booklet (other than responses) including highlighting	N/A
Student marks responses in test booklet and responses are transferred to a scorable answer document by an employee of the school, district, or nonpublic school	N/A
Supervised breaks within a section of the test	N/A
Test administered at home or in hospital by a test examiner	2
Test administration directions that are simplified or clarified (does not apply to test questions)	ALL
Test individual student separately, provided that a test examiner directly supervises the student	1
Test over more than one day for a test or test part to be administered in a single sitting	N/A
Test questions and answer options read aloud to student or used audio CD presentation	N/A
Test students in a small group setting	ALL
Visual magnifiers/equipment	N/A
Word processing software with spell and grammar check tools enabled on the essay responses writing portion of test	N/A
Word processing software with spell and grammar check tools turned off for the essay responses (writing portion of the test)	N/A
Unlisted Accommodation	Check with PFT Office Prior to Use
Unlisted Modification	Check with PFT Office Prior to Use

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Page 2

Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX FOR CALIFORNIA PHYSICAL FITNESS TEST (PFT)

DIRECTIONS: SELECT ALL IEP TEAM APPROVED ACCOMMODATIONS / MODIFICATIONS FOR UTILIZATION ON THE NEXT TEST ADMINISTRATION. **CATEGORY 3 MODIFICATIONS MAY BE USED IF SPECIFIED IN THE STUDENT'S IEP OR SECTION 504 PLAN AND PRE-APPROVED BY PFT OFFICE.**

TEST VARIATION (1) / ACCOMMODATION (2) / MODIFICATION (3)	PFT
ACCOMMODATIONS / MODIFICATIONS	
** Because the STS is a test specifically for English Learners, there are no separate guidelines for administering the STS to this population. Please refer to the Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments for additional variations for ALL students, including English learners.	
Test Variation (1)	Students may have these testing variations if regularly used in the classroom.
Accommodation (2)	Eligible students shall be permitted to take the examination/test with accommodations if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.
Modification (3)	Must have pre-approval from CDE before use.
NOTE: Refer to the California Code of Regulations, Title 5 Education, for each specific program for more details.	
TYPE OF DRDP:	<input type="checkbox"/> Code A - IFSP (Continue to receive infant/toddler special education services; transition to preschool; exit special education services) <input type="checkbox"/> Code B - IEP (Continue to receive preschool special education services; transition to transitional kindergarten; transition to kindergarten; exit special education services)
ADAPTATIONS USED WITH THE DRDP ACCESS (MARK THE APPROPRIATE BOX(ES))	
<input type="checkbox"/> Augmentative/Alternative Communication System <input type="checkbox"/> Alternative Mode for Written Language <input type="checkbox"/> Visual Support <input type="checkbox"/> Assistive Equipment/Device <input type="checkbox"/> Functional Positioning <input type="checkbox"/> Sensory Support <input type="checkbox"/> Alternative Response Mode	

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APPENDIX C: Form D/M 68F – ELPAC Matrix

Page 1

Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAA SPP) – ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS FOR CALIFORNIA (ELPAC)

PURPOSE AND USE: This document should be used in conjunction with the California Code of Regulations, Title 5 (CCR), sections 11617.6 through 11619.5 of the English Language Proficiency Assessments for California (ELPAC) regulations, to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on the ELPAC assessments is restricted to only those identified in this document. This matrix displays the universal tools, designated supports, and/or accommodations (non-embedded) allowed as part of the ELPAC assessments beginning October 1, 2017.

NON-EMBEDDED	LISTENING	SPEAKING	READING	WRITING
Breaks, including testing over more than one day, between the test contractor-identified test sections	U	U	U	U
Oral clarification of test directions by the test examiner in English	U	U	U	U
Scratch Paper	U	U	U	U
Sufficient time to complete the test	U	U	U	U
Adjustments to setting, including:				
• Audio amplification equipment	D	D	D	D
• Most beneficial time of day	D	D	D	D
• Special lighting or acoustics	D	D	D	D
• Special or adaptive furniture	D	D	D	D
• Testing the student in a separate room provided that the student is directly supervised by an employee of the LEA or nonpublic school (NPS) who has signed the ELPAC Test Security Affidavit	D	D	D	D
Audio or oral presentation of test directions in English	D	D	D	D
Color Overlay	D	D	D	D
Covered overlay, masks, or other means to maintain visual attention to the test consistent with the test contractor's test directions	D	D	D	D
Magnification	D	D	D	D
Manually Coded English or American Sign Language (ASL) to present test directions for administration (does not apply to test questions)	D	D	D	D
Noise buffers	D	D	D	D
Audio or oral presentation of test questions for the writing section of English	Not Applicable	Not Applicable	Not Applicable	A
Braille test materials provided by the test contractor	A	A	A	A
For test questions which assess the domain of writing:				

EMBEDDED SUPPORTS: Digitally delivered universal tools (U), designated supports (D), or accommodations (A) available as part of the technology platform for the computer-administered assessments. Embedded resources do not change or alter the construct being measured. The ELPAC is a paper-pencil assessment and embedded resources do not apply to the ELPAC at this time.

NON-EMBEDDED SUPPORTS: These are universal tools (U), designated supports (D), or accommodations (A) available, when provided by the local education agency (LEA) for the ELPAC paper-pencil assessments. These supports are not part of the technology platform for computer-administered assessments and do not change or alter the construct being measured.

UNLISTED RESOURCE(S): These resources are not universal tools (U), designated supports (D), or accommodations (A). Unlisted Resources are made available if specified in the eligible student's IEP or 504 plan, and only on approval by the California Department of Education (CDE).

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Page 2

Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAA SPP) – ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS FOR CALIFORNIA (ELPAC)

PURPOSE AND USE: This document should be used in conjunction with the California Code of Regulations, Title 5 (CCR), sections 11617.6 through 11619.5 of the English Language Proficiency Assessments for California (ELPAC) regulations, to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on the ELPAC assessments is restricted to only those identified in this document. This matrix displays the universal tools, designated supports, and/or accommodations (non-embedded) allowed as part of the ELPAC assessments beginning October 1, 2017.

NON-EMBEDDED	LISTENING	SPEAKING	READING	WRITING
• Dictation by the student of responses including all spelling and language conventions to a scribe, audio recorder, or speech-to-text converter	Not Applicable	Not Applicable	Not Applicable	A
• Use of word processing software with the spell and grammar check tools turned off	Not Applicable	Not Applicable	Not Applicable	A
• Presentation of questions using Manually Coded English or ASL	Not Applicable	Not Applicable	Not Applicable	A
Large print versions reformatted from regular print version	A	A	A	A
Responses dictated to a scribe for selected response items, including multiple choice items	A	Not Applicable	A	A
Supervised breaks within a section of the test	A	A	A	A
Test questions enlarged through electronic means	A	A	A	A
Testing at home or in the hospital by a test examiner	A	A	A	A
Transfer of student responses marked in the test booklet to the answer document by a scribe who has signed an ELPAC Test Security Affidavit	A	Not Applicable	A	A
Use of an assistive device that does not interfere with the independent work of the student	Not Applicable	Not Applicable	Not Applicable	A
To obtain approval to use an unlisted resource, an LEA may submit a request to the CDE on behalf of a student with a disability, prior to administering an initial or summative assessment	Check w/ELPAC Office prior to use	Check w/ELPAC Office prior to use	Check w/ELPAC Office prior to use	Check w/ELPAC Office prior to use

INSTRUCTIONAL SUPPORTS AND RESOURCES ON ALTERNATE ASSESSMENT(S)

Most students taking the ELPAC will be able to access the assessment with the universal tools, designated supports, and accommodations. If a student is unable to access the ELPAC with the supports listed, an alternate assessment will be decided upon by the IEP team for the domain(s) for which an alternate assessment should be used.

UNLISTED RESOURCES

Unlisted Resources are not universal tools, designated supports, or accommodations. Unlisted Resources shall be made available if specified in the eligible student's IEP or Section 504 plan, and only on approval by the CDE.

EMBEDDED SUPPORTS: Digitally delivered universal tools (U), designated supports (D), or accommodations (A) available as part of the technology platform for the computer-administered assessments. Embedded resources do not change or alter the construct being measured. The ELPAC is a paper-pencil assessment and embedded resources do not apply to the ELPAC at this time.

NON-EMBEDDED SUPPORTS: These are universal tools (U), designated supports (D), or accommodations (A) available, when provided by the local education agency (LEA) for the ELPAC paper-pencil assessments. These supports are not part of the technology platform for computer-administered assessments and do not change or alter the construct being measured.

UNLISTED RESOURCE(S): These resources are not universal tools (U), designated supports (D), or accommodations (A). Unlisted Resources are made available if specified in the eligible student's IEP or 504 plan, and only on approval by the California Department of Education (CDE).

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APPENDIX C: Form D/M 68F – ELPAC Matrix

Page 3

Student Name: _____ DOB: _____ Date: _____

TESTING MATRIX (CAASPP) – ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS FOR CALIFORNIA (ELPAC)

PURPOSE AND USE: This document should be used in conjunction with the California Code of Regulations, Title 5 (CCR), sections 11517.6 through 11519.5 of the English Language Proficiency Assessments for California (ELPAC) regulations, to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on the ELPAC assessments is restricted to only those identified in this document. This matrix displays the universal tools, designated supports, and/or accommodations (non-embedded) allowed as part of the ELPAC assessments beginning October 1, 2017.

To request the use of an Unlisted Resource, the LEA ELPAC Coordinator or Site ELPAC Coordinator may submit a request to the CDE a minimum of 10 business days before the student's first day of testing. The CDE will reply to the request within four business days.

Approval of an Unlisted Resource that has not previously identified will be granted by the CDE on the basis of the IEP team's and/or Section 504 plan's designation and if the Unlisted Resource does not compromise the test's security. The CDE shall make a determination of whether the requested Unlisted Resource changes the construct being measured after the testing has been completed.

IDENTIFIED UNLISTED RESOURCES

The CDE has identified non-embedded unlisted resources for the ELPAC that change the construct being assessed. The LEA may contact the ELPAC program office at elpac@cde.ca.gov, or at 916-319-0784 to request the use of the identified and other unlisted resources required by a student's IEP or Section 504 plan. In the request include: LEA name and school name; LEA ELPAC coordinator name, phone number, and e-mail address; and a description of the unlisted resource being requested for an ELPAC domain(s).

IDENTIFIED NON-EMBEDDED UNLISTED RESOURCES THAT CHANGE THE CONSTRUCT BEING MEASURED	DOMAINS			
	Listening	Speaking	Reading	Writing
American Sign Language (ASL)	X	X	X	
Bilingual Dictionary	X	X	X	X
English Dictionary	X	X	X	X
Signed Exact English	X	X	X	X
Thesaurus	X	X	X	X
Translations	X	X	X	X
Translated Word Lists	X	X	X	X

EMBEDDED SUPPORTS: Digitally delivered universal tools (U), designated supports (D), or accommodations (A) available as part of the technology platform for the computer-administered assessments. Embedded resources do not change or alter the construct being measured. The ELPAC is a paper-pencil assessment and embedded resources do not apply to the ELPAC at this time.

NON-EMBEDDED SUPPORTS: These are universal tools (U), designated supports (D), or accommodations (A) available, when provided by the local education agency (LEA) for the ELPAC paper-pencil assessments. These supports are not part of the technology platform for computer-administered assessments and do not change or alter the construct being measured.

UNLISTED RESOURCE(S): These resources are not universal tools (U), designated supports (D), or accommodations (A). Unlisted Resources are made available if specified in the eligible student's IEP or 504 plan, and only on approval by the California Department of Education (CDE).

APPENDIX D: California Alternate Assessment (CAA) Factsheet

CAA Guidance for IEP Teams

California Alternate Assessments for English Language Arts, Mathematics, and Science: Participation Decisions

This document is intended to help guide individualized education program (IEP) teams in determining whether the California Alternate Assessments (CAAs)—alternate assessments based on alternate achievement standards—are the most appropriate assessments for an individual student. The CAAs were developed by the California Department of Education to ensure that all students are able to participate in assessments that are a measure of what they know and can do in relation to the grade-level California Common Core State Standards (CCSS) and the California Next Generation Science Standards (CA NGSS). In addition, the CAAs were developed to be part of a system of curriculum, instructional, and assessment tools such that students with significant cognitive disabilities would be able to participate in content instruction and assessments that are aligned with the CA CCSS. This is accomplished by a linkage between the CA CCSS and Core Content Connectors (CCCs), which are in turn aligned with the CCC and CAA items.

IEP teams must consider a student’s individual characteristics when determining whether a student with a disability should participate in the general assessments, with or without accommodations, or in the alternate assessments. This document outlines steps that an IEP team is to take in determining whether the CAAs are appropriate for a student, including reviewing student records and important information across multiple school years and settings (e.g., school, home, community) and determining whether the student fits all of the criteria for participating in the CAAs as outlined in this document. Additionally, as part of the IEP process, parents must be clearly informed that their child’s achievement is being measured against alternate achievement standards, and of “how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma.” While many of the students taking the CAAs are not on a “diploma track,” this “does not preclude a student with the most significant cognitive disabilities who takes an alternate assessment from attempting to complete the requirements for a regular high school diploma.”

Description of the CAAs

English Language Arts and Mathematics

The CAAs are assessments for English language arts (reading and writing) and mathematics in grades three through eight and grade eleven. They are on-demand assessments of approximately 29 test items that assess approximately 10 to 12 prioritized content targets per grade level, depending on the grade level. These content targets were identified for each grade on the basis of learning progressions and alignment with the grade-level CCSS. These assessments include

multiple-choice, constructed-response, and technology enhanced items. Each content target is assessed by items that have been carefully and intentionally designed to assess a range of ability and performance.

Science

The new CAA for Science test was first piloted in the 2016–17 school year, and is completing a second pilot year in 2017–18. All students enrolled in grades five and eight will be administered the pilot test. All grade twelve students are to take the pilot test; if the student is in grades ten or eleven has finished their last science class, and the LEA elects to administer the assessment at those grade levels, those students may also be assessed. Regardless of the grade level in which the test is taken, students will only take the test once in high school. This new assessment is aligned with the CA NGSS. The Next Generation Science Standards were developed by the States in conjunction with the National Research Council (NRC), the National Science Teachers Association (NSTA), the American Association for the Advancement of Science (AAAS), and other critical partners. The CAA for Science represents a new format of assessment for students with the most significant cognitive disabilities. Included with the assessment is a science lesson, which the teacher can deliver when it best fits their instructional calendar. After the lesson is taught, the teacher then conducts the actual assessment, and collects data on individual student performance.

Assessment Administration

English Language Arts and Mathematics

The CAAs for English language arts and mathematics are delivered via computer, with allowances for flexibility in administration (e.g., a student may respond to administrator-presented item stimuli rather than to the item stimuli on the computer). A trained testing examiner familiar with the student (e.g., the student’s teacher) facilitates the administration in a 1:1 setting, presenting items via computer, paper, or manipulatives, as appropriate for the student. Items are administered to the student over the course of one or more testing sessions, as needed for the student to complete a content-area assessment.

The CAAs use a staged approach, meaning that each student receives items that have been determined to be an appropriate level of challenge. Embedded routing tests help determine the items a student encounters.

Science

The CAA for Science is also administered in a 1:1 setting, although the embedded lesson can be taught in a group setting. After the student has participated in instruction of the standard, the teacher then delivers the assessment and collects data on the student’s performance. Overall, there is flexibility built in to the process, allowing the teacher to utilize materials that the student is most comfortable with, and to adjust the administration script to provide the student with a higher level of access, while not changing the standard being measured. After the CAA for Science has

completed its pilot phase, this test will also move to the computerized platform for field and operational testing.

Participation Criteria

IEP teams should use the CAA Participation Decision Worksheet to determine whether a student is eligible to participate in the CAAs. The CAAs for ELA, and math are administered each year to students in grades three through eight and grade eleven whose IEPs determine participation in the alternate assessments, and who meet the required criteria. The CAA for Science is administered in grades five, eight, and once in high school. As reflected in the CAA guidelines, to participate in the CAAs, a student must meet all three of the following criteria:

1. **A student with a significant cognitive disability.** Review of the student’s school records indicates a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior essential for someone to live independently and to function safely in daily life.
2. **The student is learning content derived from the CA CCSS and CA NGSS.** Goals and instruction listed in the IEP for the student are linked to the enrolled grade-level CCSS and address knowledge and skills that are appropriate and challenging for this student.
3. **The student’s need for extensive, direct individualized instruction and substantial supports to achieve measurable gains in the grade-level and age-appropriate curriculum.** The student:
 - a. Requires extensive, repeated, individualized instruction and support that is not of a temporary or transient nature; and
 - b. Uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.

Participation Descriptions

1. A student with a significant cognitive disability is one whose school records indicate a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior. Adaptive behavior is defined as actions essential for an individual to live independently and to function safely in daily life. Having a significant cognitive disability is not determined by an IQ test score; rather, a holistic understanding of the student is required. IEP teams should be careful to consider...
 - Conceptual skills—language and literacy; money, time, and number concepts; and self-direction.

- Social skills—interpersonal skills, social responsibility, self-esteem, gullibility, naïveté (i.e., wariness), social problem solving, and the ability to follow rules/obey laws and to avoid being victimized.
- Practical skills—activities of daily living (personal care), occupational skills, healthcare, travel/transportation, schedules/routines, safety, use of money, use of the telephone.

As part of the IEP team decision, did the team also consider...

- community environment typical of the individual’s peers and culture?
 - linguistic diversity?
 - cultural differences in the way people communicate, move, and behavior?
2. The student is learning content derived from the CCSS and/or the CA NGSS. The student’s disability or multiple disabilities affect how the student learns curriculum derived from the CCSS or the CA NGSS. The student is learning content that is derived from the CA CCSS or CA NGSS that appropriately breaks the standards into smaller steps. The National Center and State Collaborative has derived these smaller steps from the CCSS to guide instruction, and they are called Core Content Connectors (CCCs). CCCs were also developed for the CA NGSS standards. A CCC is a representation of the essential “core” content of a given standard. Each CCC was identified by examining learning progressions aligned with the CCSS or CA NGSS to determine the critical content for students with significant cognitive disabilities.
 3. The student’s need for extensive, direct individualized instruction is not temporary or transient. His or her need for substantial supports to achieve gains in the grade-level and age-appropriate curriculum requires substantially adapted materials and customized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.

The IEP team should consider the following information to determine whether the CAAs are appropriate for an individual student:

- Description of the student’s curriculum and instruction, including data on progress
- Classroom work samples and data
- Examples of performance on assessment tasks to compare with classroom work
- Results of district-wide assessments
- Results of individualized reading assessments
- IEP information, including:

- ❖ Present levels of academic achievement and functional performance, goals, and short-term objectives
- ❖ Circumstances of a student with individualized and substantial communication needs or modes (from multiple data sources)
- ❖ Circumstances of a student who may be learning English as a second or other language (i.e., an English learner), which may interfere with an accurate assessment of his or her academic, social, or adaptive abilities

Some issues, such as those listed below, may affect a student’s learning experience and his or her ability to learn that are not appropriate to consider during the decision-making process for the CAAs. Do not use the following as criteria for participation/eligibility decisions:

1. A disability category or label
2. Poor attendance or extended absences
3. Native language/social/cultural or economic difference
4. Expected poor performance on the general education assessment
5. Academic and other services student receives
6. Educational environment or instructional setting
7. Percent of time receiving special education
8. Student identification as an English learner (EL); as above, this is a consideration of how the student’s English fluency may affect their performance – as opposed to their disability
9. Low reading level/achievement level
10. Anticipated disruptive behavior
11. Impact of test scores on accountability system
12. Administrator decision
13. Anticipated emotional distress
14. Need for accommodations (e.g., assistive technology/augmentative and alternative communication) to participate in assessment

For information about the CAAs, contact the Science and Alternate Assessments Office at 916-445-8765 or by e-mail at: CalALT@cde.ca.gov.

NOTE: The following pages contain an image of the California Alternate Assessment Participation Worksheet template/format offered by the California Department of Education:

California Alternate Assessment Participation Decision Worksheet

To meet the criteria for the California Alternate Assessments, the student must meet all eligibility criteria descriptors.

Participation Criteria	Participation Criteria Descriptors	Sources of Evidence (check if used)
<p>1. The student has a significant cognitive disability.</p> <p>YES <input type="radio"/> NO <input type="radio"/></p>	<p>Review of student records indicates a disability or multiple disabilities that significantly impact intellectual functioning and adaptive <u>behavior</u>.*</p> <p><i>*Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.</i></p>	<p><input type="checkbox"/> Results of individual cognitive ability test</p> <p><input type="checkbox"/> Results of adaptive behavior skills assessment</p> <p><input type="checkbox"/> Results of individually and group-administered achievement tests</p> <p><input type="checkbox"/> Results of informal assessments</p> <p><input type="checkbox"/> Results of individual reading assessments</p> <p><input type="checkbox"/> Results of districtwide alternate assessments</p> <p><input type="checkbox"/> Results of language assessments, including English learner (EL) language assessments if applicable</p>
<p>2. The student is learning content linked to (derived from) the California Common Core State Standards (CA CCSS) or the California Next Generation Science Standards (CA NGSS).</p> <p>YES <input type="radio"/> NO <input type="radio"/></p>	<p>Goals and instruction listed in the IEP for this student are linked to the enrolled grade-level CCSS and NGSS and address knowledge and skills that are appropriate and challenging for this student.</p>	<p><input type="checkbox"/> Examples of curriculum, instructional objectives, and materials' including work samples</p> <p><input type="checkbox"/> Present levels of academic and functional performance, goals, and objectives from the IEP</p> <p><input type="checkbox"/> Data from scientific research-based interventions</p> <p><input type="checkbox"/> Progress monitoring data</p>
<p>3. The student requires extensive direct individualized instruction and substantial supports to achieve measureable gains in the grade-and age-appropriate curriculum.</p> <p>YES <input type="radio"/> NO <input type="radio"/></p>	<p>The student (a) requires extensive, repeated, individualized instruction and support that is not of a temporary or transient nature; and (b) uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across academic content.</p>	<p><input type="checkbox"/> Examples of curriculum, instructional objectives, and materials, including work samples from both school and community-based instruction</p> <p><input type="checkbox"/> Teacher-collected data and checklists</p> <p><input type="checkbox"/> Present levels of academic and functional performance, goals, objectives, and post-school outcomes from the IEP and the transition plan for students age twelve and older.</p>

If the IEP team has made the determination that the student is to participate in the CAAs, and all responses above are marked “YES”, the student is eligible to participate in the California Alternate Assessments.

IEP Team Statement of Assurance: Our decision was based on multiple pieces of evidence that, when taken together, demonstrated that the Alternate Assessment is the most appropriate assessment for this student; that his/her academic instruction will be based on the CCCs linked to the CA CCSS or CA NGSS; that the “Considerations NOT to Use in Reviewing Evidence” were not used to make this decision; and that any additional implications of this decision were discussed thoroughly.

Each of us agrees with the IEP team decision to use the California Alternate Assessment:

Name: _____ Position: _____ Date: _____

Name: _____ Position: _____ Date: _____

Name: _____ Position: _____ Date: _____

Name: _____ Position: _____ Date: _____

Name: _____ Position: _____ Date: _____

Parent(s)/Guardian: _____ Date: _____



Chapter 7: Participation in Assessments

Legal References
CA Education Code
Sections
51224.5; 51225.3;
56345; 60640; 60800;
60850

Title 5 CA Code of
Regulations
850; 853; 1041

Title 20 USC
1412(a)(17)

Last Updated:
11/18/2016 9/14/18

SECTION A	Profiles of State Assessment Programs
SECTION B	Guidance for Making Support(s) Decisions
SECTION C	Guide to Accommodation Matrix: California Assessment of Student Performance and Progress (CAASPP)
SECTION D <u>E</u>	Guide to the Accommodation Matrix: California English Language Development Test (CELDT) and Physical Fitness Testing (PFT)
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APPENDIX A	California High School Exit Examination (CAHSEE) Frequently Asked Questions (FaQs)
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APPENDIX D	CAA Worksheet

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Introduction

It shall be the policy of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) that all children with disabilities shall participate in state and districtwide assessment programs. The Individualized Education Program (IEP) team determines how a child with a disability will access assessments with or without supports, or access alternate assessments, consistent with state standards governing such determinations.

The Charter Local Education Agency (LEA) shall administer mandatory student assessments as required by law and in accordance with Charter SELPA policy and administrative regulations.

The Charter LEAs within the Charter SELPA are committed to all children having access to state and/or Charter LEA assessments. Through the IEP process each child's strengths and weaknesses will be evaluated to determine areas of educational need.

Each Charter LEA will follow and implement the California State Board of Education (SBE) policies and administrative regulations related to assessment, data collection, and waiver processes.

The Charter SELPA forms include an assessment plan (D/M 66) as well as statements related to statewide assessment.

Children with disabilities shall be tested with the designated state assessments unless their IEP specifically identifies that the child will be tested with an alternate assessment. The IEP team will determine which assessment will be most appropriate for each child based on guidance provided by the California Department of Education (CDE).

A child shall be permitted to take assessments with the supports as identified in his/her IEP or Section 504 plan. These supports must be in compliance with the current "Testing Variations, Accommodations, and Modifications Matrix" provided by the CDE.

School personnel have a responsibility to ensure that children with disabilities have appropriate accommodations and/or modifications to meet their individual needs, and allow access to all state and Charter LEA assessments.

Section A - Profile of State Assessment Programs

Testing Accommodations

California Education Code § 56345(a). The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by Section 1414(d) of Title 20 of the United States Code, and that includes the following:...(6)(A) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments consistent with Section 1412(a)(16)(A) of Title 20 of the United States Code. (B) If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of pupil achievement, a statement of the following: (i) The reason why the pupil cannot

participate in the regular assessment; (ii) The reason why the particular alternate assessment selected in appropriate for the pupil.

Academically Rigorous Content Standards

California Education Code § 60850(a). The Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop a high school exit examination in English language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the State Board of Education pursuant to Section 60605. To facilitate the development of the examination, the superintendent shall review any existing high school subject matter examinations that are linked to, or can be aligned with, the statewide academically rigorous content standards for English language arts and mathematics adopted by the State Board of Education. By October 1, 2000, the State Board of Education shall adopt a high school exit examination that is aligned with statewide academically rigorous content standards.

California Assessment of Student Performance and Progress (CAASPP)

Education Code § 60640 established the California Assessment of Student Performance and Progress (CAASPP). The CAASPP System, which replaced the Standardized Testing and Report (STAR) Program, is the new state academic testing program. It is a system intended to provide information that can be used to monitor student progress and ensure that all children leave high school ready for college and career. The CAASPP encompasses the following assessments and student participation requirements:

- Smarter Balanced Summative Assessments for English language arts/literacy (ELA) and mathematics in grades three through eight and 11;
- Alternate Assessments for English language arts/literacy and mathematics in grades three through eight and 11; and
- Standards-based Tests in Spanish (STS) for reading/language arts in grades two through 11 (optional).

California High School Exit Examination (CAHSEE)

~~The goal of the high school exit exam has been to assess the level of competency that children have acquired throughout their participation in high school in preparation for college, the work place, and their communities.~~

~~On October 7, 2015, Senate Bill (SB) No. 172 was signed and enacted by the Governor of California. As a result, all children, with and without disabilities, are no longer required to participate in and/or pass the California High School Exit Examination (CAHSEE) as a condition of receiving a diploma of graduation or as a condition of graduation from high school for each child completing grade 12, for the 2015-16, 2016-17, and 2017-18 school years. SB 172 suspends the administration of the CAHSEE until July 31, 2018, and requires that the governing board or body of a Charter LEA, and the State Department of Education on behalf of state special schools, to grant a diploma of graduation from high school to any individual who completed grade 12 in the 2003-04 school year or a subsequent school year and has met all graduation requirements other than the passage of the CAHSEE. SB 172 also requires the Superintendent to convene an advisory panel to make recommendations to the Superintendent of Public Instruction on the continuation of the high school exit examination and on alternative pathways to satisfy the high school graduation requirements pursuant to Education Code §§ 51224.5 and 51225.3. This law went into effect on January 1, 2016, at which time Charter LEAs are permitted to issue diplomas to eligible students.~~

English Language Proficiency Assessments for California (ELPAC)

~~The In 2018, the CDE is in the process of replacing replaced~~ the California English Language Development Test (CELDT), which is aligned with the 1999 English Language Development (ELD) Standards, ~~and~~ with the English Language Proficiency Assessments for California (ELPAC), which ~~will be are~~ aligned with the 2012 California ELD Standards. ~~The CELDT will continue to be administered until the ELPAC becomes operational.~~

Federal Requirements - IDEA

As appropriate, the state or LEA - (i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in state and districtwide assessment programs; and (ii) develops and, beginning not later than July 1, 2000, conducts those alternate assessments.

Federal Requirements - Title 1 of the Elementary and Secondary Education Act indicates: Guidance from the Assistant Secretary for Elementary and Secondary Education (April 2000)

For children with disabilities whose IEP or Section 504 placement teams have determined that the state assessments would not appropriately show what a child knows or is able to do, each state must have a statewide alternate assessment system or a comprehensive state policy governing locally developed alternate assessments. Alternate assessments must be valid, reliable, and to the maximum extent appropriate, aligned to state content and performance standards. In addition, states must monitor and collect data from Charter LEAs to ensure the proper use of alternate assessments. Charter LEAs must publicly report the results of alternate assessments; they must integrate the results of alternate assessments into their accountability systems.

Physical Fitness Test (PFT) Administered at Grade Levels

The SBE designated the FITNESSGRAM® as the Physical Fitness Test (PFT) for children attending California public schools. The FITNESSGRAM® is a comprehensive, health-related physical fitness battery developed by The Cooper Institute. The primary goal of the FITNESSGRAM® is to assist children in establishing lifetime habits of regular physical activity.

Pursuant to Education Code § 60800, all LEAs in California are required to administer the PFT annually to all children in grades five, seven, and nine. Children in grades five, seven, and nine are required to take the PFT, whether or not they are enrolled in a physical education class or participate in a block schedule. These include children who are enrolled in LEAs such as elementary, high, and unified school districts, county offices of education, and charter schools. Charter LEAs must also test all children in alternate programs, including, but not limited to, continuation schools, independent study, community day schools, county community schools, and nonpublic schools. Children who are physically unable to take the entire test battery are to be given as much of the test as his or her condition will permit (*Education Code § 60800; Title 5 of the California Code of Regulations § 1041*).

The PFT provides information that can be used by 1) students to assess and plan personal fitness programs, 2) teachers to design the curriculum for physical education programs, and 3) parents to understand their child's fitness levels. This program also provides results that are used to monitor changes in the physical fitness of California students.

Section B - Guidance for Making Support(s) Decisions

Statewide assessments have the following purpose: 1) to show how much a child has learned, 2) to reveal how successfully a school has educated its children, and 3) to help guide instructional improvement strategies. Since instructional and policy decisions are based on data from standards-based assessments, children with disabilities need to be included to the maximum extent possible. The following guidance offers information about the major assessment programs in California and specific information on how to provide test accommodations when needed.

Section C – Guide to the Accommodations Matrix: California Assessment of Student Performance and Progress (CAASPP)

Signed into law on October 2, 2013, Assembly Bill 484 establishes the CAASPP System. The provisions of AB 484 became effective January 1, 2014. The CAASPP System is based on the state’s new Common Core Standards for English language arts (ELA) and mathematics adopted by the SBE in 2010. The CAASPP System replaces the Standardized Testing and Reporting (STAR) Program. The primary purpose of the CAASPP system is to assist teachers, administrators, and children and their parents by promoting high quality teaching and learning through the use of a variety of assessment approaches and item responses.

A. Types of Support

- (1) **Embedded Supports** are digitally-delivered features or settings available as part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured;
- (2) **Non-embedded Supports** are available, when provided by the Charter LEA for either computer-administered or paper-pencil CAASPP tests. These supports are not part of the technology platform for the computer-administered CAASPP tests. These supports do not change or alter the construct being measured.

B. Who is Eligible

- (1) **Universal Tools** are available to all children. Children may turn the support(s) on/off when embedded as part of the technology platform for the computer-administered CAASPP tests or may choose to use it/them when provided as part of a paper-pencil test;
- (2) **Designated Supports** are features that are available for use by any child for whom the need has been indicated prior to the assessment, by an educator or group of educators;
- (3) **Accommodations** are available for eligible children if specified in their IEP or Section 504 plan; and
- (4) **Unlisted Resources:** If an IEP team or Section 504 plan identifies and designates a resource not identified in the CAASPP matrix, the Charter LEA CAASPP Coordinator or the CAASPP Test Site Coordinator may submit, on behalf of a child who has an IEP or Section 504 plan, a request through the Test Operations Management System (TOMS) to the CDE, prior to the administration of a CASPP achievement test, to allow the use and approval of an Unlisted Resource. The Charter LEA CAASPP Coordinator or the CAASPP Test Site Coordinator shall make the request on behalf of the Charter LEA 10 business days prior to the child’s first

day of CAASPP testing. The CDE shall respond to the request within four business days from the date of the electronic transmission.

Unlisted Resources are not Universal Tools, Designated Supports, or Accommodations. Unlisted Resources means an instructional support that a child regularly uses in daily instruction and/or assessment that has not been previously identified as a universal tool, designated support, or accommodation. Because an Unlisted Resource has not been identified as a universal tool, designated support, or accommodation, it may or may not change the construction of the assessment.

The use of an Unlisted Resource by a child will not be allowed if the CDE determines its use threatens the security of the test. In addition to determining whether the Unlisted Resource may be used, the CDE will determine whether the Unlisted Resource changes the construct being measured by the CAASPP achievement test. If the CDE determines the Unlisted Resource changes the construct being measured, the Unlisted Resource will not be approved but may still be used by the child and the child will receive an individual score report. The child will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the Charter LEA. If the CDE determines the Unlisted Resource does not change the construct being measured, the Unlisted Resource will be approved and the child will receive an individual score report and will be counted as participating in statewide testing. Refer to Title 5 of the California Code of Regulations § 853.8 for a list of non-embedded Unlisted Resources that have already been determined to change the construct being measured on the CAASPP achievement tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and will not be approved. The use of an Unlisted Resource must be requested annually by the Charter LEA.

IEP teams should be made aware of the impact of the use of Unlisted Resources pursuant to Title 5 of the California Code of Regulations, but should not allow the impact of the LEA's accountability to outweigh the needs of the child.

Title 5 of the California Code of Regulations § 853.8(d)(1). If the CDE determines the unlisted resource changes the construct being measured, the unlisted resource will not be approved but may still be used by the pupil and the pupil will receive an individual score report. The pupil will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA.

Section ~~D~~E – Guide to the Accommodations Matrix: ~~California English Language Development Test (CELDT)~~ and Physical Fitness Test (PFT)

Charter SELPA form D/M ~~68L~~ 68F (Appendix ~~D~~B) was designed to help IEP and Section 504 teams make informed decisions about supports ~~on statewide assessments on the Physical Fitness Test. It is not an exhaustive list of possible supports, but it gives an idea of how supports are matched with the constructs of each of the major statewide assessments. Please check the CDE website for regular updates on the testing matrices.~~

Who is eligible for accommodations?

Those accommodations designated as Category 1, may be described as flexibility in administration of the test and do not alter what is measured by the test. These accommodations are available for any child who uses the accommodation regularly for classroom instruction and/or assessment. Accommodations are not only for the child receiving special education or Section 504 services, but these children are the only ones for whom the law requires accommodations be provided. Even though Category 1 accommodations are available for all children, they should be documented in the IEP or Section 504 plan for those children with disabilities who need the accommodation to access the test and minimize the effects of their disability.

Accommodations designated as Category 2 are allowed only for children who have them documented in their IEP or Section 504 plan and are similar to those used by the child for classroom instruction and/or classroom assessment. In general, Category 2 accommodations require a more significant alteration in presentation, timing/scheduling, setting, or response and, in most cases, require more preplanning in order to ensure the availability of needed resources.

Modifications designated as Category 3, fundamentally alter what the test measures. They are available only to children with documentation on their IEP or Section 504 plan. Children who use a modification on any assessment are not included in the participation calculation for Annual Yearly Progress (AYP).

Section **ED** – Overview of Alternate Assessment

The Individuals with Disabilities Education Act (IDEA) 2004 and similar amendments to California law require the inclusion of children with disabilities in general state and districtwide assessment programs with appropriate supports, where necessary. An alternate assessment is required for children with severe disabilities who cannot participate in general larger-scale assessment programs. The law states:

“As appropriate, the State or local educational agency - (i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district wide assessment programs; and (ii) develops and, beginning no later than July 1, 2000, conducts those alternate assessments.”

(d) “Alternate assessments” means any assessments as provided in Education Code section 60640(k) and the test materials developed to measure the level of performance for a pupil with significant cognitive disabilities who is unable to take the consortium summative assessments in English language arts (ELA) and mathematics pursuant to Education Code section 60640(b)(1) or is unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with resources.

California Alternate Assessments (CAA)

Pursuant to Title 5 of the California Code of Regulations § 850(h), California Alternate Assessments (CAAs) are the alternate assessments and corresponding test materials in ELA and mathematics as provided for in Education Code § 60640(k) for children with significant cognitive disabilities. The CAA is the success alternate assessment for ELA and mathematics as identified in Education Code § 60640(b)(3).

Children in grades three through eight and grade 11 who have an IEP that designates the use of an alternate assessment are eligible to take the CAA in lieu of the Smarter Balanced Summative Assessments for ELA and mathematics. The goal of the CAA is to ensure that children with significant cognitive

disabilities attain increasingly higher achievement levels and leave high school ready for academic or career options.

California Alternate Performance Assessment (CAPA) for Science

~~The CAPA for ELA and mathematics are given in grades three through eight and grade 11. The CAAs, have replaced the CAPA for ELA and CAPA for mathematics, which were eliminated in 2015. Only eligible children may participate in the administration of the CAAs. The CAPA for science in grades five, eight, and 10 will continue to be administered during the transition to the state's newly adopted science standards, Next Generation Science Standards (NGSS). The state is currently developing assessments that are aligned with the NGSS. During the transition to new science assessments, children in grades five, eight, and 10 who have a significant cognitive disability are eligible to take the CAPA. The CDE encourages LEAs to work with administrators, teachers, parents, and students to initiate the implementation of the NGSS.~~

Section F – Guide to the Accommodation Matrix for the English Language Proficiency Assessments for California (ELPAC)

This matrix is used in conjunction with Title 5 of the California Code of Regulations § 11517.6 through 11519.5 of the English Language Proficiency Assessments for California (ELPAC), to determine the use of resources for individual students. The appropriate use of universal tools, designated supports, and/or accommodations on the ELPAC test is restricted to only those identified on the matrix.

- Universal tools are those available to all students on the basis of student preference and selection.
- Designated supports are available to all students when determined for use by an educator or team of educators (with parent/guardian and student input, as appropriate) or specified in the student's IEP or 504 Plan.
- Accommodations must be permitted on ELPAC tests to all eligible students if specified in the student's IEP or 504 Plan.

Embedded resources are digitally delivered universal tools (U), designated supports (D), or accommodations (A) available as part of the technology platform for the computer administered tests. Since ELPAC is a paper-pencil assessment, embedded resources do not apply at this time.

Non-embedded resources are universal tools (U), designated supports (D), or accommodations (A) when provided by the LEA for the ELPAC tests administered via paper-pencil. These supports are not part of the technology platform for computer-administered tests, and do not change or alter the construct being measured.

Instructional Supports and Resources on Alternative Assessments

Most students taking the ELPAC will be able to access the assessment with the universal tools, designated supports, and accommodations. If a student is unable to access the ELPAC with

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supports, an alternative assessment will be decided upon by the IEP Team for the domains for which an alternative assessment should be used.

Unlisted Resources

Unlisted resources are not universal tools, designated supports, or accommodations. Unlisted resources shall be made available if specified in the eligible student's IEP or Section 504 Plan and only on approval by CDE. Unlisted resources may be submitted to CDE prior to ten business days before the student's first day of testing. CDE will reply to the request within four business days.

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Chapter 13: Nonpublic Agency/Nonpublic School Services

SECTION A: PLACEMENT AND SERVICES

SECTION B: OUT-OF-STATE PLACEMENTS

SECTION C: PLACEMENT PROCEDURES

SECTION D: CHILDREN RESIDING IN GROUP HOMES/FOSTER HOMES

APPENDIX A: GUIDELINES FOR PARENT REIMBURSEMENT FOR CHILDREN IN RESIDENTIAL PLACEMENT

APPENDIX B: PARENT REIMBURSEMENT CLAIM FORM

Introduction

Nonpublic, nonsectarian school and agency (NPS/NPA) services shall be available to children in the Desert/Mountain Charter Special Education Local Plan Area (SELPA) when no appropriate public educational services are available within the Charter Local Education Agency (LEA), neighboring counties or SELPAs, or state special schools.

The Charter LEA Governing Board may approve the contract with state-certified NPS/NPA to provide special education services or facilities when an appropriate public education program is not available.

When entering into contracts with a NPS/NPA, the Charter LEA shall consider the needs of the individual child with a disability and the recommendations of the IEP team. The IEP team shall remain accountable for monitoring the progress of children placed in NPS/NPA programs towards the goals identified in each child's IEP.

DEFINITIONS

California Education Code § 56034. "Nonpublic, nonsectarian school" means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an

affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college. A nonpublic, nonsectarian school shall also meet standards as prescribed by the Superintendent and board.

California Education Code § 56035. “Nonpublic, nonsectarian agency” means a private, nonsectarian establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupil’s educational program pursuant to an individualized education program and that is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, a public university or college, or a public hospital. The nonpublic, nonsectarian agency shall also meet standards as prescribed by the superintendent and board.

California Education Code § 56366. It is the intent of the Legislature that the role of a nonpublic, nonsectarian school or agency shall be maintained and continued as an alternative special education service available to a local educational agency and parents.

Nonpublic, nonsectarian school (NPS) services can be used when the resources available to the Charter LEA staff are not sufficient to adequately identify the child’s needs. When a Charter LEA places a child with a disability with a NPS/NPA provider, the Charter LEA must verify through the Charter SELPA that the NPS/NPA provider is California Department of Education (CDE) certified. NPS/NPA must meet the following CDE standards:

- The agency has adequately trained personnel;
- The agency has appropriate facilities and equipment; and
- The agency meets health, fire, and safety standards.

The SELPA Program Manager for Compliance/Non-Public School Coordinator will annually monitor NPS’ for compliance with the provisions set forth in Assembly Bill (AB) 1858. AB 1858 includes requirements for NPS’ that provide special education and related services to children with disabilities residing in a Licensed Children’s Institution (LCI) or in Foster Family Homes (FFH).

Every attempt will be made to assure student progress so that a child may ultimately be able to return to some form of public school program. It is the Charter LEA’s responsibility to monitor the progress of children placed in NPS programs. The SELPA Program Manager for Compliance shall act as a liaison between the Charter SELPA, the Charter LEA, and the NPS as needed

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Section A – Placement and Services

Procedures specified in law shall govern the selection of appropriate NPS/NPA services.

NOTE: As amended in Register 99, No. 13, Title 5 of the California Code of Regulations §§ 3060 and 3061 specify new requirements regarding special education classes offered in nonpublic, nonsectarian schools and agencies. These requirements detail the staffing requirements for instructors, including the credentials that instructors must hold; the eligibility requirements for such credentials; and the number of instructors required per school or agency. Pursuant to Title 5 of the California Code of Regulations § 3064, the California Department of Education (CDE) may issue conditional certifications to allow agencies and schools time to comply with the new requirements.

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Section B – Out-of-State Placements

Before contracting with a NPS/NPA outside California, the Charter LEA shall document the Charter LEA's efforts to find an appropriate program offered by a NPS/NPA within California (*Education Code § 56365*). NOTE: *Government Code § 7572.55 and Welfare and Institutions Code §§ 362.2 and 727.i, as amended by SB 933 (Ch. 311, Statutes of 1998) relate to the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.*

Within 15 days of any decision for an out-of-state placement, the child's IEP team shall submit to the CDE Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the Charter LEA's efforts to locate an appropriate public school or NPS/NPA within California (*Education Code § 56365*). The Charter LEA may seek guidance from the Charter SELPA and/or the CDE NPS/NPA unit.

If the Charter LEA decides to place a child with a NPS/NPA outside the state, the Charter LEA shall indicate the anticipated date of the child's return to a placement within California, and shall document efforts during the previous year to return the child to California (*Education Code § 56365*).

Section C – Placement Procedures

The Charter LEA CEO or designee shall review all documented efforts to utilize all public school options prior to utilizing a NPS/NPA. NPS/NPA services are provided when the needs of a child are more intensive than can be met in the public school setting. All program options and modifications should be exhausted prior to an IEP team recommending consideration of a NPS/NPA placement. The Charter LEA shall review the Master Contract, ISA, and the IEP to ensure that all services agreed upon and specified in the IEP are provided. The Charter LEA/ will process referrals and locate an appropriate NPS to meet the child's needs. The Charter SELPA may assist in the review of the master contract(s) to verify legal compliance and vendor certification prior to the Charter LEA entering into contracts for services and/or collaborate with the Charter LEA to locate an appropriate NPS.

Each Charter LEA is encouraged to use the Master Contract template and ISA template adopted by the Charter SELPA. Charter SELPA administration will ensure that the Master Contract has been approved by the California Association of Health and Education Linked Professions, Joint

Powers Authority (CAHELP JPA) Governance Council and/or legal counsel, and is updated per federal or state requirements.

NPS' are required by the Master Contract and the IEP team to annually evaluate the child (formally and informally) to determine if the child is making appropriate educational progress. As part of the IEP review process, each Charter LEA that contracts with a NPS shall evaluate the placement of its student(s) in such a school on at least an annual basis. The Charter LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring student progress. The Charter LEA may determine to conduct the evaluation(s) and/or choose to administer additional assessments with parental consent.

Section D – Children Residing in Group Homes/Foster Homes

LEAs within the Charter SELPA have an obligation to place children who are homeless or who are foster children in school as required under the McKinney-Vento Education for Homeless Children and Youths Program. Under McKinney-Vento, these children must be provided access to a free appropriate public education (FAPE) and other services needed without following standard enrollment practices. No proof of residency, immunization records, tuberculosis skin-test results, school records, or legal guardianship papers are required for a child under McKinney-Vento to receive educational services. This process will also apply to Administrative Transfers into the Charter LEA from a LEA, NPS, or county-operated programs. The following are guidelines that Charter LEAs should follow for processing and expediting the enrollment of foster placed/homeless children with disabilities:

- e. The Charter LEA will notify the Charter SELPA immediately upon obtaining knowledge of a child who meets the criteria of homeless and/or foster youth with special needs who has transferred into the Charter LEA.
- f. Based upon the information available to the Charter LEA (e.g., child's current IEP), the Charter LEA will immediately consider a range of possible placement options for the child, including Charter LEA options, if appropriate, and notify the Charter SELPA. If the child is appropriate for a Charter LEA program, the Charter LEA will immediately enroll the child.
- g. If the child's IEP indicates that the child previously attended a NPS, the Charter LEA will do the following:
 - a. Complete the Transfer into LEA form (D/M 52) and obtain the parent and/or guardian signature.
 - b. Complete the NPS Referral form (D/M 134) and obtain the signatures of the person making the referral and the Director of Special Education. Specify the IEP team's preference for a specific NPS, if applicable.
 - c. Juvenile Hall/NPS Students: If the child's last placement was a local NPS prior to being moved to a juvenile detention center, only complete form D/M 134 upon the

child's return to the Charter LEA in lieu of preparing a new transfer NPS referral packet.

- d. Forward the following completed documents to the Charter SELPA Nonpublic School Coordinator:
 - 1) D/M 52 Transfer into LEA form;
 - 2) D/M 134 Nonpublic School Placement Referral form;
 - 3) IEP or IEP Addendum dated within one year of the transfer referral for NPS placement that documents the previous NPS placement;
 - 4) Psycho-educational evaluation dated within three years of the transfer referral for NPS placement;
 - 5) If the last triennial was completed with a Triennial Assessment Determination form (D/M 119), include the last full psycho-educational report; and
 - 6) Any additional information.
- e. Within 10 business days of receipt of the completed referral packet, the Charter SELPA Nonpublic School Coordinator will review the packet for completion and forward it to the Charter LEA's NPS school of choice. The NPS will contact the parent and/or guardian and placement will be made within 10 business days.

The NPS will work directly with the Charter LEA to schedule an IEP within 30 days of the child's placement at the school. The placement should be listed on an IEP or IEP Addendum including the NPS, start date, duration, and frequency. The IEP or IEP Addendum should be forwarded to the Nonpublic School Coordinator at the Charter SELPA.

NOTE: Within 30 days of placement, the Charter LEA will make every effort to locate student records including IEPs, psychological assessments, immunization records, and birth certificates. If no school records can be located, the Charter LEA will assess the child in all suspected areas of disability. Every effort will be made to assess these children within the 30-day placement.

Within five business days of receipt of the Addendum to the IEP, the Charter SELPA Nonpublic School Coordinator will assist the Charter LEA, if requested, in developing a Master Contract with the NPS if one does not currently exist and an ISA. The ISA will be forwarded to the appropriate NPS for signature. The Charter LEA will enter the NPS placement into the SELPA Management Information System (MIS) database.

The Charter LEA may access additional support from the Charter SELPA Nonpublic Schools Coordinator for group home and foster-placed children.

The federal McKinney-Vento Homeless Assistance Act requires schools to enroll new students who are homeless even if their immunization records are missing or unavailable at the time of enrollment. California law requires schools to immediately enroll foster children transferring to their school even if a foster child is unable to produce immunization records normally required for school entry. Charter LEAs, parents, caregivers, foster parents, and group home staff should work with their local county health agencies to assist children in obtaining immunization records and/or immunizations for those children who are identified as needing additional immunizations. The law still requires that the school obtain the child's immunization record and ensure that the foster child has met all immunization requirements (i.e., Senate Bill (SB) 277 requirements, June 2015). Charter LEAs must also track children they admit without proof of immunization so that they can be protected in case of an outbreak of any vaccine-covered disease.

APPENDIX A: Guidelines for Parent Reimbursement for Children in Residential Placement

Guidelines for Reimbursement for Reunification Visits

Introduction

The following information is established to provide guidelines to participating Charter Local Education Agencies (LEAs) regarding authorized travel-related expenses/reimbursement of parent reunification visits for residentially-placed children receiving special education services.

The role of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) in this process is primarily to facilitate the assessment and referral process for residential placement for mental health purposes on behalf of participating Charter LEAs. Parent reunification visits are family meetings that are agreed upon through an Individualized Education Program (IEP) and arranged by the Charter SELPA, Charter LEA, and the parent. The Charter LEA is the authorized agent to approve all necessary parent reimbursements relating to the reunification visit(s). Therefore, parent reimbursement claims should be submitted to the Charter LEA for verification and reimbursement.

Parent reimbursement will only be provided when the child's IEP specifies a residential placement located outside the boundaries of the Charter SELPA member LEAs. Reimbursement may include transportation, lodging, and meals.

Additionally, parent reimbursement claims for additional family member(s) participation at approved family meeting(s) is not uncommon and has been accommodated for reimbursement based on the IEP team's determination of the child's needs and/or the IEP team's approval of the recommendation of the mental health treatment plan. The approval of additional requests for reimbursement beyond those determined to be educationally necessary by the IEP team will be at the discretion of the Charter LEA under its adopted policy.

Reimbursement to Parent (Children receiving mental health services)

“The LEA is financially responsible for reasonable expenses associated with the transportation of a pupil with a disability to and from the mental health services that are specified on the pupil's IEP. The determination of the appropriate number of trips home from a residential facility as well as the frequency of reunification visits required in order for a child to benefit from special education, should be determined by the IEP team on a case-by-case basis.” (Letter to Dorman, 211 IDELR 70 (OSEP 1978); Letter to Anonymous, 213 IDELR 164 (OSEP 1988).

The residential facility may arrange for transportation of the child to the residential facility. Cost for this transportation is to be submitted as an invoice and paid directly by the Charter LEA. In some instances, however, it may be necessary for a parent to transport their child to the residential

facility. In this case, the following parameters and procedures for parent reimbursement shall apply:

A. Transportation of Child to/from Residential Placement Facility

1. Parent reimbursement will be provided for transportation costs for the initial delivery or final return of the child to or from the residential facility. Reimbursement will be for the child and one parent escort using one of the following modes of transportation: airplane, personal vehicle, bus, train, or rental car. If a rental car is used, original receipts for gas purchased must be submitted and documented in the parent reimbursement claim form. The Charter LEA may cap the allowable reimbursement.
2. Should the IEP team determine that a child needs to be transported to or from the residential facility using an escort service, the need for this service shall be documented in the child's IEP, and the Charter LEA will reimburse the nonpublic, nonsectarian school (NPS) for actual escort services, or will pay the escort company directly if there is enough lead time to initiate a transportation contract. If the parent chooses to pay for the escort service, the parent should submit the reimbursement claim form directly to the Charter LEA and the Charter LEA will reimburse the parent within 60 days of receiving/verifying the claim form. The dated, itemized, original receipt should be attached to the claim form.

If the parent elects to drive their personal vehicle, reimbursement will be provided for mileage at the established governmental rate per Charter LEA policy. The total reimbursement amount for mileage shall not exceed the cost of economy airfare for the parent and child to the residential placement site. Example, if parent's roundtrip airfare and child's one-way airfare plus airport parking and ground transportation to the residential placement site would be \$650 and the mileage reimbursement to the residential facility site is \$700; the mileage reimbursement will be reduced to the \$650 amount.

3. Mileage reimbursement for personal vehicle mileage will be provided for the roundtrip distance between the child's home and the residential facility site. Parent should document the vehicle mileage in the parent reimbursement claim form and submit the form to the Charter LEA. An independent mileage website (i.e., Yahoo maps, MapQuest, etc.) will be used by the Charter LEA to verify the mileage calculation.
4. Lodging expenses will be reimbursed for no more than one night during the trip to either deliver or pick the child up from the residential facility located at least 200 miles from the child's home. Maximum reimbursement for lodging is \$100 per night and does not include phone calls, in-room movies, room service, or other miscellaneous expenses incurred. Under no circumstances may personal expenses be reimbursed other than those specified in this policy. Parent should complete the reimbursement claim form and attach the dated, itemized, original lodging receipt, and submit the documents to the Charter LEA for reimbursement.

5. If travel is by airplane, parking at the departure airport and ground transportation (the lesser expense for either a shuttle or taxi) from the destination airport to the residential facility will be reimbursed with submission of the original receipt(s).

NOTE: Many residential facilities provide ground transportation from the airport to their facility. Parent should check with the residential facility prior to making ground transportation arrangements.

6. Rental cars must be selected from the Economy or Compact class. Additional CDW insurance coverage on the rental car will not be reimbursed.
7. Requests for reimbursement must be submitted to the Charter LEA within 30 days of travel. Parent must complete and submit the attached Parent Reimbursement Claim form to the Charter LEA. Original itemized receipts for allowable expenses for the date(s) of travel must be attached to the claim form.
8. Reimbursement payment will be made within 50 days of the Charter LEA's receipt of the properly completed claim form and original receipts. No claim form will be processed without the original itemized receipts.

B. Parent Visitation to/from Residential Placement Facility

1. Reimbursement will only be provided by the Charter LEA for parent(s) visitation to the residential facility if the purpose of the visit is specifically related directly to the child's education and/or reunification and is documented in the child's IEP.
2. The costs of additional visitations, which are not included in the child's IEP, will be the responsibility of the parents. Consideration may be given for an additional visit(s) if recommended by the residential facility, considered programmatically required, and documented in the child's IEP.
3. Reimbursement for parent visitation specified on the IEP will only be provided for the custodial parent(s). Reimbursement may be for the following: air, train, bus, personal vehicle, or rental car; lodging; and meals. If using a rental car, actual cost of gas will be reimbursed if original gas receipts are provided.
4. If the parent elects to drive their personal vehicle, reimbursement will be provided for mileage at the established governmental rate per Charter LEA policy. However, the total reimbursement amount may not exceed the cost of economy airfare for the parent to the residential placement site. Example, if parent's roundtrip airfare plus airport parking and ground transportation to the residential placement site would be \$350 and the mileage reimbursement to the residential facility site is \$600; the mileage reimbursement will be reduced to the \$350 amount.
5. Mileage reimbursement for private vehicle mileage will be provided for the distance between the child's home and the residential facility site. An independent mileage website (i.e., Yahoo maps, MapQuest, etc.) will be used by the Charter LEA to verify the mileage calculation.

6. Lodging expenses will be reimbursed for no more than two nights during the approved visit to the residential facility located at least 200 miles from the child's home. Maximum reimbursement for lodging is \$100 per night and does not include phone calls, in-room movies, room service, or other miscellaneous expenses. Under no circumstances may personal expenses be reimbursed other than those expenses specified in this policy. The dated, itemized, original lodging receipt is required for reimbursement and must be attached to the reimbursement claim form.
7. If travel is by airplane, parking at the departure airport and ground transportation (the lesser expense for a shuttle, rental car, or taxi) from the destination airport to the residential facility will be reimbursed with submission of the original receipt(s).

NOTE: Many residential facilities provide ground transportation from the airport to their facility. Parent should check with the residential facility prior to making ground transportation arrangements.

8. Rental cars must be selected from the Economy or Compact class. Additional CDW insurance coverage on the rental car will not be reimbursed.
9. Parent must submit requests for reimbursement to the Charter LEA within 30 days of travel. The parent must complete and submit the attached Parent Reimbursement Claim form to the Charter LEA. Original itemized receipts for allowable expenses must be attached.
10. Reimbursement payment will be made within 50 days of the Charter LEA's receipt of the properly completed Parent Reimbursement Claim form and original receipts prepared and submitted as specified herein. No claim form will be processed without the original itemized receipts.

APPENDIX B: Parent Reimbursement Claim Form

**School District LEA Name
Parent Reimbursement Claim for Student Residential Care**

Please forward this reimbursement claim form to:	LEA School District: _____ Address: _____ _____
INSTRUCTIONS: Parent <i>MUST</i> : (1) Complete all information requested below; (2) attach original itemized receipts for all expenses; (3) sign and date the claim form; and (4) mail the completed form and receipts to the district. If requested information is omitted, reimbursement payment will be delayed.	
Student Name: _____	Parent Name: _____
Student's Home Address: _____	
Parent's Home Address: _____	Work or Cell No.: _____
Residential Placement Facility: _____	
Travel Dates: From: _____	To: _____

ITEM DESCRIPTION (Receipts Attached)	AMOUNT REQUESTED
Air travel, train, bus, rental car *	\$ _____
Lodging *	\$ _____
Meals *	\$ _____
Airport Parking	\$ _____
Ground Transportation to Residential Placement Facility	\$ _____
Private Vehicle Mileage _____	\$ _____
Rental Car Gas	\$ _____
Escort Service as documented in Student's IEP	\$ _____
<i>* Reimbursement amount and/or limit s shall be determined according to the district's travel policy.</i>	
TOTAL REIMBURSEMENT REQUESTED	\$ _____

I certify that the above information is true and accurate.	_____ Parent Signature _____ Date
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Chapter 13: Nonpublic Agency/Nonpublic School Services

Legal References

CA Education Code
56034-56035; 56365;
56366; 56366.3

Title 5, CA Code of Regulations
3060-3061; 3064;
3068-3069

Government Code
7572.55

Welfare & Institutions Code
362.2; 727.i

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~~4/6/2018~~ 9/8/2017
8/28/18

SECTION A	Placement and Services
SECTION B	Out-of-State Placements
SECTION C	Placement Procedures
SECTION D	Children Residing in Group Homes/Foster Homes
APPENDIX A	Guidelines for Parent Reimbursement for Children in Residential Placement
APPENDIX B	Parent Reimbursement Claim Form

Introduction

Nonpublic, nonsectarian school and agency (NPS/NPA) services shall be available to children in the Desert/Mountain Charter Special Education Local Plan Area (SELPA) when no appropriate public educational services are available within the Charter Local Education Agency (LEA), neighboring counties or SELPAs, or state special schools. ~~A designated member of the Individualized Education Program (IEP) team shall contact the Charter SELPA if this type of placement might be considered at an upcoming IEP team meeting.~~

The ~~Charter SELPA or the~~ Charter LEA Governing Board may approve the contract with state-certified NPS/NPA to provide special education services or facilities when an appropriate public education program is not available.

When entering into agreements contracts with a NPS/NPA, the Charter LEA shall consider the needs of the individual child with a disability and the recommendations of the IEP team. The IEP team shall remain accountable for monitoring the progress of children placed in NPS/NPA programs towards the goals identified in each child's IEP.

DEFINITIONS

California Education Code § 56034. *“Nonpublic, nonsectarian school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college. A nonpublic, nonsectarian school shall also meet standards as prescribed by the Superintendent and board.*

California Education Code § 56035. *“Nonpublic, nonsectarian agency” means a private, nonsectarian establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupil's educational program pursuant to an individualized education program and that is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, a public university or college, or a public hospital. The nonpublic, nonsectarian agency shall also meet standards as prescribed by the superintendent and board.*

California Education Code § 56366. *It is the intent of the Legislature that the role of a nonpublic, nonsectarian school or agency shall be maintained and continued as an alternative special education service available to a local educational agency and parents.*

Nonpublic, nonsectarian school (NPS) services can be used when the resources available to the Charter LEA staff are not sufficient to adequately identify the child's needs. When a Charter LEA places a child with a disability with a NPS/NPA provider, the Charter LEA must verify through the Charter SELPA that the NPS/NPA provider is California Department of Education (CDE) certified. It will ensure that the NPS/NPA must meet the following CDE standards:

- The agency has adequately trained personnel;
- The agency has appropriate facilities and equipment; and
- The agency meets health, fire, and safety standards.

The SELPA ~~Nonpublic School Coordinator~~ Program Manager for Compliance/Non-Public School Coordinator will annually monitor NPS' for compliance with the provisions set forth in Assembly Bill (AB) 1858. AB 1858 includes requirements for NPS' that provide special education and related services to children with disabilities residing in a Licensed Children's Institution (LCI) or in Foster Family Homes (FFH).

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Within 15 days of any decision for an out-of-state placement, the child's IEP team shall submit to the [California Department of Education \(CDE\)](#) Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the Charter LEA's efforts to locate an appropriate public school or NPS/NPA within California (*Education Code § 56365*). [The Charter LEA may seek guidance from the Charter SELPA and/or the CDE NPS/NPA unit.](#)

If the Charter LEA decides to place a child with a NPS/NPA outside the state, the Charter LEA shall indicate the anticipated date of the child's return to a placement within California, and shall document efforts during the previous year to return the child to California (*Education Code § 56365*).

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The Charter LEA CEO or designee shall review all documented efforts to utilize all public school options prior to utilizing a NPS/NPA. NPS/NPA services are provided when the needs of a child are more intensive than can be met in the public school setting. All program options and modifications should be exhausted prior to an IEP team recommending consideration of a NPS/NPA placement. The Charter LEA/~~SELPA~~ shall review the Master Contract, ISA, and the IEP to ensure that all services agreed upon and specified in the IEP are provided. The Charter LEA/~~SELPA~~ will process referrals and locate an appropriate NPS to meet the child's needs. The Charter SELPA may assist [in the review of the master contract\(s\) to verify legal compliance and vendor certification prior to the Charter LEA entering into contracts for services](#) -and/or collaborate with the Charter LEA to locate an appropriate NPS.

Each Charter LEA ~~is encouraged to use the~~ ~~agrees to use the~~ Master Contract ~~template~~ and ISA ~~template~~ adopted by the Charter SELPA. Charter SELPA administration will ensure that the Master Contract has been approved by the California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP JPA) Governance Council and/or legal counsel, and is updated per federal or state requirements.

NPS' are required by the Master Contract and the IEP team to annually evaluate the child (formally and informally) to determine if the child is making appropriate educational progress. As part of the IEP review process, each Charter LEA that contracts with a NPS shall evaluate the placement of its student(s) in such a school on at least an annual basis. The Charter LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring student progress. The Charter LEA may determine to conduct the evaluation(s) and/or choose to administer additional assessments with parental consent.

Section D - Children Residing in Group Homes/Foster Homes

LEAs within the Charter SELPA have an obligation to place children who are homeless or who are foster children in school as required under the McKinney-Vento Education for Homeless Children and Youths Program. Under McKinney-Vento, these children must be provided access to a free appropriate public education (FAPE) and other services needed without following standard enrollment practices. No proof of residency, immunization records, tuberculosis skin-test results, school records, or legal guardianship papers are required for a child under McKinney-Vento to receive educational services. This process will also apply to Administrative Transfers into the Charter LEA from a LEA, NPS, or county-operated programs. The following are guidelines that Charter LEAs should follow for processing and expediting the enrollment of foster placed/homeless children with disabilities:

1. The Charter LEA will notify the Charter SELPA immediately upon obtaining knowledge of a child who meets the criteria of homeless and/or foster youth with special needs who has transferred into the Charter LEA.
2. Based upon the information available to the Charter LEA (e.g., child's current IEP), the Charter LEA will immediately consider a range of possible placement options for the child, including Charter LEA options, if appropriate, and notify the Charter SELPA. If the child is appropriate for a Charter LEA program, the Charter LEA will immediately enroll the child.
3. If the child's IEP indicates that the child previously attended a NPS, the Charter LEA will do the following:
 - a. Complete the Transfer into LEA form (D/M 52) and obtain the parent and/or guardian signature.

- b. Complete the NPS Referral form (D/M 134) and obtain the signatures of the person making the referral and the Director of Special Education. Specify the IEP team's preference for a specific NPS, if applicable.
- c. Juvenile Hall/NPS Students: If the child's last placement was a local NPS prior to being moved to a juvenile detention center, only complete form D/M 134 upon the child's return to the Charter LEA in lieu of preparing a new transfer NPS referral packet.
- d. Forward the following completed documents to the Charter SELPA Nonpublic School Coordinator:
 - 1) D/M 52 Transfer into LEA form;
 - 2) D/M 134 Nonpublic School Placement Referral form;
 - 3) IEP or IEP Addendum dated within one year of the transfer referral for NPS placement that documents the previous NPS placement;
 - 4) Psycho-educational evaluation dated within three years of the transfer referral for NPS placement;
 - 5) If the last triennial was completed with a Triennial Assessment Determination form (D/M 119), include the last full psycho-educational report; and
 - 6) Any additional information.
- e. Within 10 business days of receipt of the completed referral packet, the Charter SELPA Nonpublic School Coordinator will review the packet for completion and forward it to the Charter LEA's NPS school of choice. The NPS will contact the parent and/or guardian and placement will be made within 10 business days.

The NPS will work directly with the Charter LEA to schedule an IEP within 30 days of the child's placement at the school. The placement should be listed on an IEP or IEP Addendum including the NPS, start date, duration, and frequency. The IEP or IEP Addendum should be forwarded to the Nonpublic School Coordinator at the Charter SELPA.

NOTE: Within 30 days of placement, the Charter LEA will make every effort to locate student records including IEPs, psychological assessments, immunization records, and birth certificates. If no school records can be located, the Charter LEA will assess the child in all suspected areas of disability. Every effort will be made to assess these children within the 30-day placement.

Within five business days of receipt of the Addendum to the IEP, the Charter SELPA Nonpublic School Coordinator will assist the Charter LEA, if requested, in developing a Master Contract with the NPS if one does not currently exist and an ISA. The ISA will be forwarded to the appropriate NPS for signature. The Charter SELPA LEA will enter the NPS placement into the SELPA Management Information System (MIS) database.

The Charter LEA may access additional support from the Charter SELPA psychologist Non-Public Schools Coordinator for group home and foster-placed children.

The federal McKinney-Vento Homeless Assistance Act requires schools to enroll new students who are homeless even if their immunization records are missing or unavailable at the time of enrollment. California law requires schools to immediately enroll foster children transferring to their school even if a foster child is unable to produce immunization records normally required for school entry. Charter LEAs, parents, caregivers, foster parents, and group home staff should work with their local county health agencies to assist children in obtaining immunization records and/or immunizations for those children who are identified as needing additional immunizations. The law still requires that the school obtain the child's immunization record and ensure that the foster child has met all immunization requirements (i.e., Senate Bill (SB) 277 requirements, June 2015). Charter LEAs must also track children they admit without proof of immunization so that they can be protected in case of an outbreak of any vaccine-covered disease.

Guidelines for Parent Reimbursement/Reunification Visits

Introduction

The following information is established to provide guidelines to participating Charter Local Education Agencies (LEAs) regarding authorized travel-related expenses/reimbursement of parent reunification visits for residentially-placed children receiving special education services.

The role of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) in this process is primarily to facilitate the assessment and referral process for residential placement for mental health purposes on behalf of participating Charter LEAs. Parent reunification visits are family meetings that are agreed upon through an Individualized Education Program (IEP) and arranged by the Charter SELPA, Charter LEA, and the parent. The Charter LEA is the authorized agent to approve all necessary parent reimbursements relating to the reunification visit(s). Therefore, parent reimbursement claims should be submitted to the Charter LEA for verification and reimbursement.

Parent reimbursement will only be provided when the child's IEP specifies a residential placement located outside the boundaries of the Charter SELPA member LEAs. Reimbursement may include transportation, lodging, and meals.

Additionally, parent reimbursement claims for additional family member(s) participation at approved family meeting(s) is not uncommon and has been accommodated for reimbursement based on the IEP team's determination of the child's needs and/or the IEP team's approval of the recommendation of the mental health treatment plan. The approval of additional requests for reimbursement beyond those determined to be educationally necessary by the IEP team will be at the discretion of the Charter LEA under its adopted policy.

Reimbursement to Parent (Children receiving mental health services)

"The LEA is financially responsible for reasonable expenses associated with the transportation of a pupil with a disability to and from the mental health services that are specified on the pupil's IEP. The determination of the appropriate number of trips home from a residential facility as well as the frequency of reunification visits required in order for a child to benefit from special education, should be determined by the IEP team on a case-by-case basis." (Letter to Dorman, 211 IDELR 70 (OSEP 1978); Letter to Anonymous, 213 IDELR 164 (OSEP 1988).

The residential facility may arrange for transportation of the child to the residential facility. Cost for this transportation is to be submitted as an invoice and paid directly by the Charter LEA. In some instances, however, it may be necessary for a parent to transport their child to the residential facility. In this case, the following parameters and procedures for parent reimbursement shall apply:

A. Transportation of Child to/from Residential Placement Facility

1. Parent reimbursement will be provided for transportation costs for the initial delivery or final return of the child to or from the residential facility. Reimbursement will be for the child and one parent escort using one of the following modes of transportation: airplane, personal vehicle, bus, train, or rental car. If a rental car is used, original receipts for gas purchased must be submitted and documented in the parent reimbursement claim form. The Charter LEA may cap the allowable reimbursement.
2. Should the IEP team determine that a child needs to be transported to or from the residential facility using an escort service, the need for this service shall be documented in the child's IEP, and the Charter LEA will reimburse the nonpublic, nonsectarian school

Guidelines for Parent Reimbursement/Reunification Visits

(NPS) for actual escort services, or will pay the escort company directly if there is enough lead time to initiate a transportation contract. If the parent chooses to pay for the escort service, the parent should submit the reimbursement claim form directly to the Charter LEA and the Charter LEA will reimburse the parent within 60 days of receiving/verifying the claim form. The dated, itemized, original receipt should be attached to the claim form.

If the parent elects to drive their personal vehicle, reimbursement will be provided for mileage at the established governmental rate per Charter LEA policy. The total reimbursement amount for mileage shall not exceed the cost of economy airfare for the parent and child to the residential placement site. *Example, if parent's roundtrip airfare and child's one-way airfare plus airport parking and ground transportation to the residential placement site would be \$650 and the mileage reimbursement to the residential facility site is \$700; the mileage reimbursement will be reduced to the \$650 amount.*

3. Mileage reimbursement for personal vehicle mileage will be provided for the roundtrip distance between the child's home and the residential facility site. Parent should document the vehicle mileage in the parent reimbursement claim form and submit the form to the Charter LEA. An independent mileage website (i.e., Yahoo maps, MapQuest, etc.) will be used by the Charter LEA to verify the mileage calculation.
4. Lodging expenses will be reimbursed for no more than one night during the trip to either deliver or pick the child up from the residential facility located at least 200 miles from the child's home. Maximum reimbursement for lodging is \$100 per night and does not include phone calls, in-room movies, room service, or other miscellaneous expenses incurred. Under no circumstances may personal expenses be reimbursed other than those specified in this policy. Parent should complete the reimbursement claim form and attach the dated, itemized, original lodging receipt, and submit the documents to the Charter LEA for reimbursement.
5. If travel is by airplane, parking at the departure airport and ground transportation (the lesser expense for either a shuttle or taxi) from the destination airport to the residential facility will be reimbursed with submission of the original receipt(s).

NOTE: Many residential facilities provide ground transportation from the airport to their facility. Parent should check with the residential facility prior to making ground transportation arrangements.

6. Rental cars must be selected from the Economy or Compact class. Additional CDW insurance coverage on the rental car will not be reimbursed.
7. Requests for reimbursement must be submitted to the Charter LEA within 30 days of travel. Parent must complete and submit the attached Parent Reimbursement Claim form to the Charter LEA. Original itemized receipts for allowable expenses for the date(s) of travel must be attached to the claim form.
8. Reimbursement payment will be made within 50 days of the Charter LEA's receipt of the properly completed claim form and original receipts. No claim form will be processed without the original itemized receipts.

B. Parent Visitation to/from Residential Placement Facility

1. Reimbursement will only be provided by the Charter LEA for parent(s) visitation to the residential facility if the purpose of the visit is specifically related directly to the child's education and/or reunification and is documented in the child's IEP.

Guidelines for Parent Reimbursement/Reunification Visits

2. The costs of additional visitations, which are not included in the child's IEP, will be the responsibility of the parents. Consideration may be given for an additional visit(s) if recommended by the residential facility, considered programmatically required, and documented in the child's IEP.
 3. Reimbursement for parent visitation specified on the IEP will only be provided for the custodial parent(s). Reimbursement may be for the following: air, train, bus, personal vehicle, or rental car; lodging; and meals. If using a rental car, actual cost of gas will be reimbursed if original gas receipts are provided.
 4. If the parent elects to drive their personal vehicle, reimbursement will be provided for mileage at the established governmental rate per Charter LEA policy. However, the total reimbursement amount may not exceed the cost of economy airfare for the parent to the residential placement site. *Example, if parent's roundtrip airfare plus airport parking and ground transportation to the residential placement site would be \$350 and the mileage reimbursement to the residential facility site is \$600; the mileage reimbursement will be reduced to the \$350 amount.*
 5. Mileage reimbursement for private vehicle mileage will be provided for the distance between the child's home and the residential facility site. An independent mileage website (i.e., Yahoo maps, MapQuest, etc.) will be used by the Charter LEA to verify the mileage calculation.
 6. Lodging expenses will be reimbursed for no more than two nights during the approved visit to the residential facility located at least 200 miles from the child's home. Maximum reimbursement for lodging is \$100 per night and does not include phone calls, in-room movies, room service, or other miscellaneous expenses. Under no circumstances may personal expenses be reimbursed other than those expenses specified in this policy. The dated, itemized, original lodging receipt is required for reimbursement and must be attached to the reimbursement claim form.
 7. If travel is by airplane, parking at the departure airport and ground transportation (the lesser expense for a shuttle, rental car, or taxi) from the destination airport to the residential facility will be reimbursed with submission of the original receipt(s).
- NOTE: Many residential facilities provide ground transportation from the airport to their facility. Parent should check with the residential facility prior to making ground transportation arrangements.*
8. Rental cars must be selected from the Economy or Compact class. Additional CDW insurance coverage on the rental car will not be reimbursed.
 9. Parent must submit requests for reimbursement to the Charter LEA within 30 days of travel. The parent must complete and submit the attached Parent Reimbursement Claim form to the Charter LEA. Original itemized receipts for allowable expenses must be attached.
 10. Reimbursement payment will be made within 50 days of the Charter LEA's receipt of the properly completed Parent Reimbursement Claim form and original receipts prepared and submitted as specified herein. No claim form will be processed without the original itemized receipts.

**School District LEA Name
Parent Reimbursement Claim for Student Residential Care**

Please forward this reimbursement claim form to: LEA School District: _____
 Address: _____

INSTRUCTIONS:
 Parent **MUST**: (1) Complete all information requested below; (2) attach original itemized receipts for all expenses; (3) sign and date the claim form; and (4) mail the completed form and receipts to the district. If requested information is omitted, reimbursement payment will be delayed.

Student Name: _____ Parent Name: _____
 Student's Home Address: _____
 Parent's Home Address: _____ Work or Cell No.: _____
 Residential Placement Facility: _____
 Travel Dates: From: _____ To: _____

ITEM DESCRIPTION (Receipts Attached)	AMOUNT REQUESTED
Air travel, train, bus, rental car *	\$ _____
Lodging *	\$ _____
Meals *	\$ _____
Airport Parking	\$ _____
Ground Transportation to Residential Placement Facility	\$ _____
Private Vehicle Mileage _____	\$ _____
Rental Car Gas	\$ _____
Escort Service as documented in Student's IEP	\$ _____
<i>* Reimbursement amount and/or limit shall be determined according to the district's travel policy.</i>	
TOTAL REIMBURSEMENT REQUESTED	\$ _____

I certify that the above information is true and accurate.

Parent Signature

Date

SALE AND PURCHASE AGREEMENT FOR COMMERCIAL BUILDING

This AGREEMENT (“Agreement”) is made and entered into by and between **HPT PARTNERS, LLC., a California Limited Liability Company**, (hereinafter referred to as “Seller”) and **CALIFORNIA ASSOCIATION OF HEALTH AND EDUCATION LINKED PROFESSIONS – JOINT POWERS AUTHORITY, a California non-profit public benefit corporation**, or assignee (hereinafter referred to as “Buyer”).

RECITALS

- A. Seller is the owner of fee simple title to Spirit River Center, a commercial building center comprising approximately 29,885 square feet located on a parcel of real property consisting of approximately 3.25 +/- acres at 16000 Apple Valley Road, Town of Apple Valley, in San Bernardino County, CA, APN# 0473-441-07 & 0473-451-07. Buyer will be purchasing approximately 3.25 +/- acres described and depicted on **Exhibit “A”** attached hereto and made a part hereof, together with all improvements thereon (collectively, the “**Property**”).
- B. The Property consists of 1 vacant building pad (“A”) approved for a 5,000 restaurant facility, Building B, consisting of six (6) suites comprising of 11,568 +/- sq. ft., Building C, consisting of six (6) suites comprising of 15,547 +/- sq.ft., and Building D, consisting of 2,770 +/- sq.ft.
- C. The Buyer is familiar with the Spirit River Center and currently leases approximately 13,262 sq. ft. in Building B and Building C.
- D. Buyer wishes to purchase and Seller desires to sell the Property pursuant to the terms stated herein.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants, representations warranties and agreements contained herein, and for other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged by all the parties, it is agreed as follows:

TERMS

1. **Incorporation of Recitals.** The Recitals to this Agreement are hereby incorporated into and made a part of this Agreement.
2. **Purchase Price and Terms of Payment.** The purchase price (“**Purchase Price**”) for the Property is SIX MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,700,000.00). The Purchase Price shall be paid by Buyer as follows:

Within ten (10) business days after the Effective Date, Buyer shall deposit Two Hundred Thousand and No/100ths Dollars (\$200,000.00) (“**Earnest Money Deposit**”) with Stewart Title Company, Attention: Ms. Diana Price, Escrow Officer/Mgr, 12370 Hesperia Road, Unit 5, Victorville, CA 92395, Telephone: (951) 276-2700; Fax: (760) 952-1629; E-mail: dprice@stewart.com (“**Escrow Agent**”).

A. At Closing, the Earnest Money Deposit and any other deposit(s) or extension fees, if any, which may be made by Buyer hereunder will be disbursed by the Escrow Agent to the Seller and applied against the Purchase Price, and the balance of the Purchase Price shall be paid to Seller by wired funds.

3. **Conveyance and Title.** Subject to the terms and conditions of this Agreement and for the consideration set forth herein, Seller agrees to convey, transfer, assign, sell and deliver to Buyer at Closing all of the following:

A. Fee Simple Title to the Property by Grant Deed (“**Deed**”) free and clear of any monetary liens or claims, except subject to only taxes for the current year and the Permitted Exceptions (defined below). Seller hereby agrees to satisfy and discharge any liens attributable to Seller on the Property prior to or at Closing.

B. All of Seller’s right, title and interest, if any in and to all easements, privileges, licenses, existing tenant leases, reservations, permits, approvals, authorizations, rights-of-way, consents and other use rights, interests and privileges owned or used by Seller in connection with the Property.

C. Possession of the Property, unencumbered by any leasehold and/or possessory interest of any kind by any third party, unless expressly otherwise provided for in this Agreement.

4. **Verification of Title.** Within seven (7) days after the Effective Date, Buyer shall obtain, at Seller’s expense, a preliminary title report (“**Title Report**”) issued by Stewart Title Company, Attention: Ms. Diana Price, Escrow Officer/Mgr, 12370 Hesperia Road, Unit 5, Victorville, CA 92395, Telephone: (951) 276-2700; Fax: (760) 952-1629; E-mail: dprice@stewart.com (“**Title Company**”) agreeing to provide, on the current ALTA marketability policy form, an owners’ title insurance policy (“**Title Policy**”) in an amount not less than the Purchase Price, which shall show insurable fee simple title to the Property to be vested in Seller and shall name Buyer as the proposed insured. Seller shall pay the costs of the Title Report and of the Title Policy including any title examination or investigation fees and the costs for the premium for the Title Policy to be issued pursuant to the Title Report. Buyer shall be entitled to make reasonable objections to title of the Property only if (i) the form of the Title Report is other than as described in this paragraph, or (ii) the Title Report reveals any exceptions to title (other than the lien of taxes not yet due and payable) that are not acceptable to Buyer in its sole discretion. Buyer shall notify Seller in writing of any title objections, either by email or by overnight Federal Express with signature confirmation, within ten (10) days after receipt of the Title Report and Seller shall have five (5) days thereafter after the receipt of Buyer’s written objections, within which to resolve Buyer’s title objections. In the event Seller is unable to satisfy Buyer’s objections within said time period and so notifies Buyer in writing, then Buyer may elect to cancel this Agreement, in which event Escrow Agent shall immediately return to Buyer the Earnest Money Deposit and any other deposit(s) made by Buyer together with any interest earned thereon, or Buyer may waive in writing its title objections and accept the condition of title. Title exceptions (exclusive of any liens, all of which Seller hereby agrees to satisfy on or before Closing, except in the event any such lien is contested by Seller in which event Seller shall obtain a bond securing payment of such lien) approved or accepted in writing by Buyer shall hereinafter be referred to as “**Permitted Exceptions**”.

5. **Inspections, Approvals and Easements.**

A. **Inspection and Cooperation.**

1. Buyer, and its designees, shall have Fifteen calendar (15) days after the Effective Date (“**Due Diligence Period**”), to complete all things such as tests, inspections, studies and investigations (hereinafter referred to as the "**Inspection Rights**") as may be deemed appropriate by Buyer in its sole and absolute discretion to determine whether or not the Property is suitable for Buyer's purposes and whether or not it is in Buyer's best interest to consummate the transaction contemplated by this Agreement.

2. Seller hereby grants to Buyer and its designees the right to enter upon the Property to exercise the Inspection Rights in order to determine whether the Property is suitable for Buyer's purposes, and Seller hereby agrees to reasonably cooperate with Buyer and to execute any applications or other documents reasonably requested by Buyer in connection with the Inspection Rights provided that Seller incurs no cost or expense whatsoever in connection therewith (except as may be otherwise set forth in this Agreement). Any tests conducted in connection with the Inspection Rights shall be conducted so as not to damage the Property. Buyer agrees to repair or restore promptly the Property to the same condition as existed prior to Buyer's entry thereon. All such entries onto the Property shall be at the sole risk of Buyer, and Seller shall have no liability for any injuries sustained by Buyer or any of Buyer's agents, employees, affiliates, workers, hired people or contractors. Buyer agrees to indemnify and hold Seller harmless from any and all loss, claim, action, demand or liability of any kind, which may arise against the Seller or the Property by virtue of Buyer exercising its Inspection Rights.

3. Within three (3) days after the Effective Date, Seller shall provide, at its sole cost, and expense, to Buyer, any and all surveys, studies, inspections, building plans, reports, tenant leases, and any other materials which Seller has in its possession and which relate to the condition, operation, and/or development of the Property, along with a copy of the deed granting Seller title to the Property, a copy of Seller's title policy, and copies of any leases or other unrecorded agreements affecting the Property, in order to assist Buyer in the exercise of its Inspection Rights (“**Seller Materials**”).

4. The Due Diligence Period, and all other timeframes dependent on the Inspection Period, shall be extended one day for each day after such three-day period that Seller has not provided the Seller Materials along with written notice to Buyer that all Seller Materials in Seller's possession have either been provided to Buyer or are enclosed with such written notice.

5. In the event Buyer determines that it is not in Buyer's best interest to consummate the transaction contemplated by this Agreement for any reason or for no reason, Buyer may cancel this Agreement by delivering notice of such election to Seller at or prior to the expiration of the Due Diligence Period, in which event the Earnest Money Deposit held by Escrow Agent shall be immediately returned to Buyer together with any interest accrued thereon. Buyer's failure to cancel this Agreement prior to the expiration of the Due Diligence Period shall be conclusive evidence of its determination that the Property is acceptable to Buyer, in which event Buyer's Earnest Money Deposit, shall be deemed “at risk” and shall only be returned to Buyer in the event Seller fails, neglects or refuses to perform in accordance with this Agreement pursuant to Sections 15, 16, and 17 below.

6. **Closing.** The closing of this transaction (“**Closing**”) shall take place no later than Fifteen (15) calendar days following the expiration of the Due Diligence Period; or Buyer's election to Close upon an earlier date. Notwithstanding anything contained herein to the contrary, in the event that the Closing has not occurred by the Fifteenth (15th) calendar day following the expiration of the Due

Diligence Period, this Agreement shall automatically terminate, unless Buyer and Seller mutually agree to an extension of the Closing Date, in which case Buyer shall be entitled to a full refund of the Earnest Money Deposit, with accrued interest, from Escrow Agent, unless all contingencies to Closing set forth hereinabove Section 5 have been satisfied and the failure of Closing to occur is the result of Buyer's default, in which case Seller's remedies shall be as set forth below.

7. **Adjustments and Prorations.** The following are to be prorated and apportioned as of the date of Closing and shall be adjusted against the Purchase Price of the Property:

A. Real estate taxes for the Property for the year of Closing shall be prorated through the date of Closing. If the taxes for the current year cannot be ascertained, those of the previous year shall be used, giving due allowance for the maximum discount allowable by law. If taxes are prorated using the prior year's tax, Buyer and Seller agree that there will be no re-proration of taxes after Closing.

B. All liens or assessments, special or otherwise, against the Property, as of the date of Closing, shall be paid in full by Seller.

C. Any water, electricity or other utility charges for services furnished to the Property through the date of Closing shall be paid by Seller. All utility services, if any, to the Property shall be transferred to Buyer at the Closing.

D. All tenant rents and tenant deposits being held, as of the date of Closing.

8. **Expenses of Closing.** Seller shall pay and be responsible for (i) any documentary stamp, transfer or similar taxes due on or in relation to the transfer of the Property, (ii) the cost of recording the Deed, (iii) the cost of the Title Report and the premiums for the Owner's Title Policy (iv) the cost of recording any necessary instruments to complete the purposes of this Agreement, (v) and ½ of any escrow fee, and any other customary closing costs normally charged to Seller. Buyer shall pay and be responsible for the following costs: (i) ½ of any escrow fee, and any other customary closing costs normally charged to Buyer. Each party shall be responsible for its own attorney's fees and costs, except as provided otherwise by this Agreement.

9. **Closing Documents.**

A. Seller shall execute and/or deliver to Escrow Agent the following documents at Closing:

1. Deed, subject only to the Permitted Exceptions;
2. Seller's Affidavit as may be required by the Title Company to remove the standard mechanic's lien, possession and gap exceptions from the Title Policy, if any;
3. The Closing statement itemizing the dollar amounts of all financial matters related to the Closing, including the adjustments and prorations provided herein;
4. A FIRPTA Affidavit;
5. Such other documents as may be required, necessary or useful in consummating sale of the Property as contemplated by this Agreement.

B. Buyer shall execute and/or deliver to Escrow Agent the following at Closing:

1. The balance of the Purchase Price;
2. The Closing statement itemizing the dollar amounts of all financial matters related to the Closing, including the adjustments and prorrations provided for herein; and
3. Such other documents as may be required, necessary or useful in consummating of the Property as contemplated by this Agreement.

10. **Seller Representations, Warranties and Covenants.** Seller hereby represents to Buyer that it has the full power and authority to make, deliver, enter into and perform pursuant to this Agreement. Seller further warrants and represents that this Agreement is valid, binding and enforceable against Seller in accordance with its terms.

11. **Buyer Representations, Warranties and Covenants.** Buyer hereby warrants and represents to Seller that it is in existence and in good standing and that it has full power and legal authority to enter into this Agreement for the purchase of the Property. Buyer further warrants and represents that neither its execution of this Agreement nor the consummation of the transaction contemplated by this Agreement will result in a breach of, or violation of, any agreement or covenant to which Buyer is signatory or is otherwise bound.

12. **As-Is.** Except as specifically provided herein or as represented by Buyer in this Agreement, the Property shall be delivered by Seller to Buyer at Closing “**AS-IS**” and “**WITH ALL FAULTS**”, except for those certain repairs to be performed by Seller prior to Closing, as more defined on attached **Exhibit “B” and Exhibit “C”**.

Brokerage Commission. Each party represents to the other that no broker has been involved in this transaction to whom a Brokerage Fee would be payable, however, B.R. Tinsley, Operating Manager for HPT Partners, LLC hereby discloses that he is a licensed real estate broker in the State of California. It is agreed that any party to this Agreement who knowingly takes actions or knowingly makes commitments forming the basis of any additional claim for a brokerage commission, agrees to indemnify and hold harmless the other party hereto from and adjust any and all such claims or demands with respect to any brokerage fees or agent’s commissions or other compensation asserted by any person, firm or corporation in connection with this Agreement or the transaction contemplated hereby.

13. **Establishment of Escrow.**

A. Buyer and Seller both hereby acknowledge and agree that Escrow Agent shall hold and deliver the Earnest Money Deposit and all other deposits which may be made under this Agreement in accordance with the terms and conditions of this Agreement and that Escrow Agent shall be relieved of all liability and held harmless by both Seller and Buyer in the event Escrow Agent makes any disbursement of such monies in accordance with the terms and provisions of this Agreement. Escrow Agent shall be relieved from any responsibility or liability and held harmless by both Buyer and Seller in connection with the discharge of any of Escrow Agent’s duties hereunder provided that Escrow Agent exercises ordinary and reasonable care in the discharge of such duties. In the event of any dispute between the Buyer and Seller as to the disbursement of Earnest Money Deposit(s), Escrow Agent shall have the right to deliver the Earnest Money Deposit(s) into the registry of a court of competent jurisdiction and,

upon such delivery, Escrow Agent shall be discharged from any and all further obligations and liabilities hereunder.

B. If the Earnest Money Deposit(s) are to be placed in an interest-bearing account, it shall be placed in an interest-bearing account of a federally insured financial institution. All interest earned on the Earnest Money Deposit(s) shall belong to the party who deposited the funds unless the Buyer defaults, in which event all interest earned on such deposit(s) shall belong to the Seller. Buyer's federal tax identification number shall be supplied to Escrow Agent. Escrow Agent shall not be obligated to place such deposit(s) in an interest-bearing account unless requested to do so by Buyer and until the Escrow Agent has been provided with Buyer's federal tax identification number. Escrow Agent shall not be responsible for any fluctuations in interest rate paid on the deposit(s) or for penalties due to early withdrawal.

14. **Buyer's Default.** IF THE SALE CONTEMPLATED HEREBY IS NOT CONSUMMATED BY THE CLOSING DATE DUE TO A DEFAULT BY BUYER HEREUNDER, SELLER MAY BE DAMAGED AND MAY BE ENTITLED TO COMPENSATION FOR THOSE DAMAGES, BUT SUCH DAMAGES WILL BE EXTREMELY DIFFICULT AND IMPRACTICAL TO ASCERTAIN FOR THE FOLLOWING REASONS: (1) THE DAMAGES TO WHICH SELLER WOULD BE ENTITLED IN A COURT OF LAW WILL BE BASED ON THE DIFFERENCE BETWEEN THE PURCHASE PRICE AND THE ACTUAL VALUE OF THE PROPERTY AT THE CLOSING DATE; (2) PROOF OF THE AMOUNT OF SUCH DAMAGES WILL BE BASED ON OPINIONS OF VALUE OF THE PROPERTY WHICH MAY VARY IN SIGNIFICANT AMOUNTS; AND (3) IT IS IMPOSSIBLE TO PREDICT AS OF THE DATE ON WHICH THIS AGREEMENT IS ENTERED INTO WHETHER THE VALUE OF THE PROPERTY WILL INCREASE OR DECREASE AS OF THE CLOSING DATE. BUYER DESIRES TO LIMIT THE AMOUNT OF DAMAGES FOR WHICH BUYER MIGHT BE LIABLE. BUYER AND SELLER WISH TO AVOID THE COSTS AND LENGTHY DELAYS, WHICH WOULD RESULT IF SELLER FILED A LAWSUIT TO COLLECT ITS DAMAGES. THEREFORE, IN SUCH EVENT BUYER AND SELLER AGREE THAT IF SUCH CANCELLATION OR DEFAULT OCCURS, THE SUM OF \$200,000.00 SHALL BE DEEMED TO CONSTITUTE A REASONABLE ESTIMATE OF SELLER'S DAMAGES UNDER THE PROVISIONS OF CIVIL CODE §1671. SELLER'S SOLE AND EXCLUSIVE REMEDY SHALL BE THE RETENTION OF SUCH AMOUNT. BY INITIALLING OR SIGNING HERE EACH OF BUYER AND SELLER ACKNOWLEDGES THAT IT HAS READ, UNDERSTANDS AND AGREES TO THE PROVISIONS OF THIS **SECTION 14.**"

Buyer: _____ Seller: _____

15. **Seller's Default.** In the event of a default by Seller under this Agreement or if Seller's warranties and representations contained herein are not correct, Buyer shall be entitled to a return of the Earnest Money Deposit and any other deposits which may have been made by Buyer hereunder plus any interest accrued thereon as liquidated damages in full settlement of all claims of Buyer against Seller arising out of this Agreement, or Buyer may seek specific performance of this Agreement.

16. **Risk of Loss.** Seller shall maintain the Property between the date of this Agreement and the date of Closing in the same condition in which it existed as of the date of this Agreement, ordinary wear and tear excepted. All risk of loss or damage to the Property by fire, windstorm, casualty or other cause is assumed by Seller until Closing. Notwithstanding the foregoing, in the event of any damage or other casualty to the Property prior to Closing, Seller shall immediately give notice of the same to Buyer, and Buyer shall be entitled to cancel this Agreement or close hereunder without any reduction in the Purchase Price except that Seller shall assign without recourse or warranty to Buyer any insurance proceeds payable to Seller with respect to such damage or casualty. In the event Buyer cancels this

Agreement due to such damage or casualty, the Earnest Money Deposit and any other deposit(s) made by Buyer together with any interest earned thereon shall be refunded to Buyer.

17. **Condemnation.** If any authority having the right of eminent domain shall commence negotiations with Seller or shall commence legal action against Seller for the damaging, taking or acquiring of all or any part of the Property either temporarily or permanently, by condemnation or by exercise of the right of eminent domain, Seller shall immediately give notice of the same to Buyer. Upon the occurrence of any of the foregoing events, Buyer shall have the right, at its option, to terminate this Agreement by giving notice thereof to Seller on or before the date of Closing, in which event Buyer shall be released of all further obligations hereunder and Buyer's Earnest Money Deposit and any other deposit(s) made by Buyer together with any interest earned thereon shall be returned to the Buyer. If Buyer does not so terminate this Agreement, the Purchase Price for the Property shall be reduced by the total of any awards, settlement proceeds, or other proceeds received by the Seller prior to date of Closing with respect to any damaging, taking or acquiring. At the Closing, Seller shall assign to Buyer all rights of Seller in and to any such awards, settlement proceeds or other proceeds which are payable at or after the date of Closing. The risk of condemnation or eminent domain shall be borne by the Seller until the date of Closing. In the event of any negotiations with any authority regarding the payment of any awards or other sums or regarding any settlement on account of any damaging, taking or acquiring through condemnation or eminent domain, Seller will inform Buyer of all such negotiations of which Seller has notice and will permit Buyer to take part therein.

18. **Notice.** All notices required or allowed by this Agreement shall be delivered at the following addresses:

To Seller: HPT PARTNERS, LLC
 c/o Mr. Thomas Hrubik
 P.O. Box 2611
 Apple Valley, CA 92307
 Telephone: 760-240-3544
 Fax: 760-240-9555
 Email: tahgolf@aol.com

To Buyer: CA Association of Health and Education Linked Professions - JPA
 c/o Ms. Jenae Holtz, CEO
 17800 Highway 18
 Apple Valley, CA 92307
 Telephone: 760-955-3556
 Fax: 760-242-5363
 Email: jenae.holtz@cahelp.org

Notice shall be deemed to have been given upon (a) signed receipt by recipient if personally delivered or (b) signed delivery by a recognized courier or delivery service such as Federal Express.

19. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties with respect to the Property described herein. This Agreement may not be amended or modified orally. All understandings and agreements heretofore between the parties with respect to the Property are merged in this Agreement, which alone fully and completely expresses their understanding. Handwritten and initialed provisions shall supersede typewritten provisions.

20. **No Waiver.** No waiver of any provision of this Agreement shall be effective unless it is in writing and signed by the party against whom it is asserted and any such written waiver shall only be

applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

21. **Amendments.** This Agreement may not be amended, modified, altered or changed in any respect whatsoever except in writing duly executed by the parties hereto.

22. **Assignment.** Buyer shall have the right to assign this Agreement.

23. **Captions.** The captions of this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement or the intent of any provision hereof.

24. **Successors.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, assigns and legal representatives.

25. **Time.** Time is of the essence with respect to all matters contained herein. Whenever any time period is to be computed hereunder, the day from which the period shall run is not to be included, and any period ending on a Saturday, Sunday or legal holiday will be extended to the next business day.

26. **Attorneys' Fees.** In any litigation which arises between the parties under or related to this Agreement, the prevailing party shall be entitled to recover its attorneys' fees and costs incurred in such litigation from the other party.

27. **Counterparts.** This Agreement may be executed in counterparts by the parties hereto and each shall be considered an original, but all such counterparts shall be construed together as representing one agreement between the parties hereto.

28. **Effective Date.** The effective date ("Effective Date") of this Agreement shall be the last date that either Buyer or Seller executes this Agreement.

29. **Validity.** In the event any term or provision of this Agreement is determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or be construed or deleted as such authority determines, and the remainder of this Agreement shall remain in full force and effect.

30. **No Recordation.** Neither this Agreement nor any notice or memorandum thereof shall be recorded in the public records of any jurisdiction.

31. **Miscellaneous.** Whenever used, the singular number shall include the plural; the plural number shall include the singular; and the use of any gender shall include all genders.

32. **Governing Law.** This Agreement shall be governed by the laws of the state of California as such laws may exist in statutes, appellate opinions, and common law from time to time.

33. **Tax Deferred Exchange.** Each party agrees to cooperate with the other, if requested, to effect a tax deferred exchange under the provisions of the Internal Revenue Code of 1986, as amended, provided such exchange is without cost or expense to cooperating party, and the requesting party shall indemnify and hold the other harmless from and against any cost or expense or other liability, tax or action which may be incurred in connection with such exchange.

34. **Other Terms.**

A. Seller hired HOUSEMASTER, Property Inspection Services to conduct a thorough and complete inspection of the Property. HOUSEMASTER performed its inspection of the Property on December 6, 2018 and prepared a final building inspection report (“Inspection Report”) dated December 6, 2018. HOUSEMASTER delivered the final Inspection Report to Seller on December 7, 2018, which identified various items needing repair. The Inspection Report was also delivered to Buyer on December 7, 2018. ***Buyer has reviewed and accepted the Inspection Report and Seller hereby agrees to repair all valid items noted in the Inspection Report at Seller’s cost prior to the Closing, unless otherwise agreed to by Buyer.***

B. Seller agrees to repair the entire roof system on the Property prior to the Closing in accordance with the contract executed by Seller and attached hereto as **Exhibit “C”** and made a part of this Agreement. In the event, weather conditions prevent this repair work to be completed prior to the Closing, Seller shall pay Buyer for the unpaid amount of the contract, either through Escrow or outside of Escrow, at the election of the Buyer.

C. Seller agrees to repair the parking lot and driveways on the Property prior to the Closing in accordance with the contract executed by Seller and attached hereto as **Exhibit “D”** and made a part of this Agreement. In the event, weather conditions prevent this repair work to be completed prior to the Closing, Seller shall pay Buyer for the unpaid amount of the contract, either through Escrow or outside of Escrow, at the election of the Buyer.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates specified below.

BUYER:

CALIFORNIA ASSOCIATION OF HEALTH AND EDUCATION
AND LINKED PROFESSIONS – JPA, a California non-profit public
benefit corporation

By: _____
Jenae Holtz

Its: Chief Executive Officer

Date: _____

SELLER:

HPT PARTNERS, LLC, a California Limited Liability Company

By: _____
B.R. Tinsley

Its: Operating Manager

Date: _____

JOINDER BY ESCROW AGENT

The Escrow Agent acknowledges receipt of the Earnest Money Deposit and agrees to act as Escrow Agent in accordance with the terms of the foregoing Agreement.

Stewart Title Company

By: _____

Date Executed: _____

EXHIBITS and SCHEDULES ATTACHED

- Exhibit “A” Legal Description/Site Plan/Description of Buildings**
- Exhibit “B” Roofing Proposal and Contract with Corona Coatings Corp.**
- Exhibit “C” Parking Lot Repair Contract with Robert R. Yeghoian Co., Inc.**

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the Town of Apple Valley, County of San Bernardino, State of California, described as follows:

PARCEL 4 OF PARCAL MAP NO. 961, IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 8 OF PARCEL MAPS, PAGE 8, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM ALL OF THE MINERALS, INCLUDING AND WITHOUT LIMITATION ALL THE OIL, GAS AND OTHER HYDROCARBON SUBSTANCES BUT WITHOUT ANY RIGHTS TO USE THE SURFACE OVER THAT PORTION OF SAID LAND LYING WITHIN 500 FEET OF THE SURFACE; AND ALSO THE RIGHT TO DRILL INTO AND THROUGH SAID LAND BELOW 500 FEET FROM THE SURFACE, AS CONVEYED TO TEXACO PRODUCING, INC., A DELAWARE CORPORATION, IN DEED RECORDED MAY 4, 1987 AS INSTRUMENT NO. 87-145757 OF OFFICIAL RECORDS.

APN NOS: 0473-441-07-0-000 AND 0473-451-07-0-000

EXHIBIT "B"

ROOFING PROPOSAL AND CONTRACT

EXHIBIT "C"

PARKING LOT REPAIR CONTRACT

5.5 Consultant Agreement of Professional Services for Property Management
Verbal Report, no materials

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
GOVERNANCE COUNCIL MEETING
December 7, 2018 -12:30 p.m.
Roy C. Hill Education Center, 601 North E Street, San Bernardino, California 92415

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GOVERNANCE COUNCIL MEMBERS PRESENT:

SBCSS - Ted Alejandre, Victor Elementary SD - Jan Gonzales, Oro Grande SD - Heather Griggs, Apple Valley USD - Thomas Hoegerman, Snowline USD - Ryan Holman, Barstow USD - Jeff Malan, Adelanto SD - Amy Nguyen-Hernandez, Hesperia USD - David Olney, Desert Trails Preparatory Academy (DTPA) & LaVerne Elementary Preparatory Academy (LEPA) - Debbie Tarver, and VVUHSD - Ron Williams.

CAHELP JPA STAFF PRESENT:

Jamie Adkins, Peggy Dunn, Jenae Holtz, Linda Llamas, Kathleen Peters, Adrienne Shepherd, and Jennifer Sutton.

SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS (SBCSS) STAFF PRESENT:

Rich Frederick, Desert/Mountain Operations.

OTHERS PRESENT:

Trenae Nelson, Apple Valley Unified School District, and Matt Wells, Mountain/Desert ROP JPA.

1.0 CALL TO ORDER

The regular meeting of the California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Governance Council was called to order by Chairperson Thomas Hoegerman at 12:30 p.m. at the Roy C. Hill Education Center, San Bernardino.

2.0 PUBLIC PARTICIPATION

None.

3.0 ADOPTION OF THE AGENDA

3.1 **BE IT RESOLVED** that a motion was made by Heather Griggs, seconded by Ron Williams to approve the December 7, 2018 CAHELP JPA Governance Council Meeting Agenda as presented. A vote was taken and the following carried 10:0: Ayes: Members Alejandre, Gonzales, Griggs, Hoegerman, Holman, Malan, Nguyen-Hernandez, Olney, Tarver, and Williams, Nays: None, Abstentions: None.

4.0 PRESENTATIONS

None.

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5.0 INFORMATION / ACTION

Tom Hoegerman noted that items 5.1 and 5.2 are options (of ways to resolve the problem of keeping the CAHELP property in Hesperia clear of debris). He stated approving both items would be a potential conflict.

Jenae Holtz provided background regarding items 5.1 and 5.2. She stated the City of Hesperia Code Enforcement has been fining CAHELP JPA for public dumping and debris on the property. The city is sending the notices after the fine is due which can lead to a lien being placed on the property. She continued that CAHELP has been trying to contact the city to discuss the notices but have not been able to reach anyone. Jenae noted SBCSS sent a crew to clean the property but the wrong location was cleared. Jenae continued that there are options to keep the property clear of debris. Those options include a fence around the property or a maintenance schedule with the local education agencies (LEAs) along with a collective contribution by all LEAs for the cost of the maintenance.

Tom summarized the options as follows; 5.1 - to spend up to \$25,000 on a fence around the property, or 5.2 – members (LEAs) work together to keep the site clean.

5.1 Hesperia Property Fence Installation (ACTION)

Jenae Holtz presented an estimated cost to purchase and install fencing around the Hesperia property of \$25,000.

5.1.1 **BE IT RESOLVED** that following a brief discussion, for lack of a motion the Hesperia Property Fence Installation failed.

5.2 Hesperia Property Maintenance Schedule and Costs (ACTION)

Jenae Holtz presented a proposed schedule of maintenance for LEAs to keep the Hesperia property clean of debris and dumping. She stated that the schedule is a rough draft and the logistics will need to be confirmed. Jenae continued that cleaning the property entails removing the trash and dumped items but not weed abatement. She estimated it will take approximately an hour each month to keep the property maintained.

Discussion followed on the proposed maintenance schedule.

In discussion, it was requested that Barstow USD, Hesperia USD, and Oro Grande SD be added to the schedule instead of being billed for what it would cost to provide the service. It was agreed that the LEAs within a reasonable distance will participate in a

MINUTES

maintenance schedule and those that are not within a reasonable distance or that do not have a maintenance department will contribute to the cost.

Jenae stated she will contact the LEAs that agreed to participate in the maintenance schedule to confirm what their costs will be and will include potential dump fees in the overall cost calculations.

Tom requested an amended motion be made for the proposed schedule that will include the additional LEAs as discussed.

5.2.1 **BE IT RESOLVED** that an amended motion was made by Ron Williams, seconded by Ryan Holman to approve the Hesperia property maintenance schedule and costs with the amendment to adjust the list of LEAs that will participate in physical clean up. A vote was taken and the following carried 10:0: Ayes: Members Alejandre, Gonzales, Griggs, Hoegerman, Holman, Malan, Nguyen-Hernandez, Olney, Tarver, and Williams, Nays: None, Abstentions: None.

5.3 CAHELP JPA Process and Procedure Manual (**ACTION**)

Jenae Holtz presented the CAHELP Governance Council Policies and Procedures Manual for approval by the governance council. She stated there were no changes since the manual was presented for review at the September 7, 2018 meeting. Jenae then stated the property ownership will need to be added in the future.

5.3.1 **BE IT RESOLVED** that a motion was made by Jan Gonzales, seconded by David Olney to approve the CAHELP Governance Council Policies and Procedures Manual as presented. A vote was taken and the following carried 10:0: Ayes: Members Alejandre, Gonzales, Griggs, Hoegerman, Holman, Malan, Nguyen-Hernandez, Olney, Tarver, and Williams, Nays: None, Abstentions: None.

6.0 CONSENT ITEMS

It is recommended that the Governance Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Council Member at the meeting for clarification, discussion, or change.

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)

GOVERNANCE COUNCIL MEETING

December 7, 2018 -12:30 p.m.

Roy C. Hill Education Center, 601 North E Street, San Bernardino, California 92415

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6.1 **BE IT RESOLVED** that a motion was made by Ryan Holman, seconded by Ron Williams to approve the Consent Items presented. A vote was taken and the following carried 10:0: Ayes: Members Alejandro, Gonzales, Griggs, Hoegerman, Holman, Malan, Nguyen-Hernandez, Olney, Tarver, and Williams, Nays: None, Abstentions: None.

6.1.1 Approve the September 7, 2018 CAHELP JPA Governance Council Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 CAHELP 2017-2018 Accomplishments and 2018-19 Projections

Jenae Holtz presented the CAHELP JPA 2017-2018 accomplishments and goals for the 2018-2019 school year as follows:

- CAHELP – There are currently 328 positions at CAHELP: 26 administrative managers, 197 direct service providers, 72 administrative support staff, and 33 vacancies. The vacancies are for the new grants that were received this year.
- Career Technical Education – The team consistently meets and exceed their goals in assisting students receiving special education services to find and sustain careers.

The Paid Internship Program (PIP) allows us to work as a vendor with Inland Regional Center to find students paid internships in which the student can earn up to \$10,400 per year.

The Employment Network (EN) is a ticket-to-work program for Supplemental Security Income (SSI) and Social Security Disability (SSDI) recipients. The recipients are responsible for contacting the Social Security Administration and indicating that they want to participate in this program. This program is for adults 18 to 64 years of age.

- Prevention and Intervention – In May 2018, CAHELP was awarded the triage grant from Mental Health Services Oversight and Accountability Commission. The focus of the work is identifying how to help children who may develop a mental illness.
- Resolution Support Services (RSS) (formerly known as Due Process) – There were a total of 40 Due Process cases filed last year and there are currently 28 filings this year. The Resolution Support Services team is working with the attorneys, districts, and parents. The goal is to increase the number of cases resolved through

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alternative dispute resolution while decreasing the number of Due Process filings. The directors have been asked to notify D/M SELPA right away if there is an IEP meeting scheduled that will most likely be contentious so RSS team can offer assistance to work with families to resolve the issues prior to a Due Process filing. D/M SELPA also wants to provide trainings to parents in educational rights and how to use those rights without attorneys but through communication and relationships.

- Community Advisory Committee (CAC) – the goal for CAC is to grow and sustain family and school partnerships related to the special education community. Each district has a representative on the committee. Typically, the representative is the director of special education. The committee meetings occur four times a year.
- Professional Development – Jenae presented the 2017-18 year-end totals for the D/M SELPA and D/M Charter SELPA professional development trainings.
- Compliance – D/M SELPA is researching how to give districts clear interventions that can be adopted on campuses to help reduce disproportionality and all mandated compliance items. There will be workshops in writing Performance Indicator Review reports.
- Residential Treatment Center Monitoring – The number of students being served in residential treatment centers is fluid. The goal is reunification and for the family issues to be worked on.
- Occupational Therapy and Physical Therapy Services – There are 956 students with 1,914 treatments receiving occupational therapy services. There are 187 students with 401 treatments receiving physical therapy services.
- Desert/Mountain Children’s Center – All contracts were renewed for the next five years. CAHELP was also awarded the new Mental Health Triage Grant.

Jenae concluded that CAHELP is a service provider to the districts. CAHELP is here to help the districts at all levels; from assistance with the California School Dashboard. to providing assistance on campuses, in classrooms, or (as applicable) related services i.e. mental health, or OT/PT for a child.

7.2 Legislative Updates

Jenae Holtz provided a review of several new California bills signed into law.

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- AB1436 – Jenae reported that effective January 1, 2021, Marriage and Family Therapists, Educational Psychologists, Clinical Social Workers, and Professional Clinical Counselors will be required to obtain six hours of course work for suicide risk assessment and intervention. She pointed out that school psychologists and educational psychologist are different. CAHELP will be developing a training to meet this requirement and offer continuing education units.
- AB2022 – Jenae reported that schools are required to notify pupils and parents/guardians how to access pupil mental health services. The Desert/Mountain Children’s Center has created a checklist and points to consider in assisting the districts to disseminate the required information.
- AB2083 – Jenae reported the continuum of care reform implementation is to provide timely, trauma-informed system of care approach throughout the county.
- SB972 – Jenae reported that on one side of every ID card for students in grades 7-12 there must be suicide prevention resources: National Suicide Prevention Lifeline, Crisis Text Line and local suicide prevention hotline. The phone numbers for San Bernardino county as well as for each of the charter counties and the national hotline were included in the current meeting materials.

8.0 INFORMATION ITEMS

8.1 Due Process Summaries

Jenae Holtz reported that there have been twenty-eight filings since July 1, 2018 which is an increase from the total of 40 filings in the 2017-18 school year.

8.2 Professional Learning Summaries

8.2.1 Orton Gillingham Training

Jenae Holtz reported that the Orton-Gillingham Approach is a training in teaching fluency, and phonic awareness scheduled to be offered by D/M SELPA April 15-17, 2019, and May 20-21, 2019, consisting of 30 hours of comprehensive training (5 days). The five days of training have been split to accommodate the need for substitute teachers and to allow the participants to apply what they learn, then return to the later training days with experience and more questions. The cost of \$1600 per participant includes the training as well as online access for one year.

8.3 Notice of Intent

Jenae Holtz reported that Desert/Mountain SELPA received notification in writing of California STEAM San Bernardino and University Prep San Bernardino charters’ intent to apply for membership with El Dorado County Charter SELPA for the 2019-

California Association of Health and Education Linked Professions
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20 year. She noted these two charters declined the offer to join the D/M Charter SELPA based on the fees associated with membership.

9.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS

None.

10.0 CEO COMMENTS

None.

11.0 MATTERS BROUGHT BY CITIZENS

None.

12.0 CLOSED SESSION

12.1 Review of Property (**ACTION**)

On a motion by Debbie Tarver, seconded by Ron Williams, a vote was taken, and the following carried 10:0: Ayes: Members Alejandre, Gonzales, Griggs, Hoegerman, Holman, Malan, Nguyen-Hernandez, Olney, Tarver, and Williams, Nays: None, Abstentions: None., to convene into Closed Session at 1:07 p.m. to discuss the Negotiations of Real Property for Accessors Parcel Numbers 0473-441-07 and 0473-451-07.

13.0 ADJOURNMENT

Having no further business to discuss, a motion was made by David Olney, seconded by Ron Williams to adjourn the meeting. The motion carried on the following vote 10:0: Ayes: Members Alejandre, Gonzales, Griggs, Hoegerman, Holman, Malan, Nguyen-Hernandez, Olney, Tarver, and Williams, Nays: None, Abstentions: None., and the meeting was adjourned at 1:23 p.m.

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, February 8, 2019, at 12:30 p.m., at the Roy C Hill Education Center – Telepresence Room, 601 North E Street, San Bernardino, CA 92415.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.



Original Invoice
 Nonviolent Crisis Intervention® program
 Prepare Training® program
 Dementia Care Specialists

Invoice	IUS0131784
Date	1/3/2019

Federal I.D.: #39-2012874
 GST#: 86192 3753 RT0001

Bill To:

Desert Mountain SELPA
 Bonnie Garcia
 17800 CA-18
 Apple Valley CA 92307
 US

Ship To:

Desert Mountain SELPA
 Bonnie Garcia
 17800 CA-18
 Apple Valley CA 92307
 US

Purchase Order No.		Customer ID		Shipping Method	Payment Terms	Req Ship Date	
		1111246		US UPSGND	Net 30	1/3/2019	
Ordered	Shipped	B/O	Item Number	Description	Unit Price	Ext. Price	
1	1	0	CPI RECERT FEE	Annual Membership Fee Cert Year from 4/1/2019 to 4/1/2020	\$150.00	\$150.00	

2019 JAN 14 PM 12:05
 CAHELP JPA

Thank you

Total Z-US\$	\$150.00
---------------------	-----------------

Remit to: CPI
 10850 W. Park Place, Suite 600
 Milwaukee, WI 53224 USA

Please include invoice number or customer ID with payment.

Canadian Customers - Please remit to:
 Crisis Prevention Institute, Inc
 Lockbox # 1566
 PO Box 1566, Station A
 Toronto, ON M5W 3N9 Canada

Call toll-free:
 US/Canada: 1-877-877-5390



Original Invoice
 Nonviolent Crisis Intervention® program
 Prepare Training® program
 Dementia Care Specialists

Invoice	IUS0131818
Date	1/3/2019

Federal I.D.: #39-2012874
 GST#: 86192 3753 RT0001

Bill To:

Desert Mountain SELPA
 Renee Garcia
 17800 Hwy 18
 Apple Valley CA 92307
 US

Ship To:

Desert Mountain SELPA
 Renee Garcia
 17800 Hwy 18
 Apple Valley CA 92307
 US

Purchase Order No.		Customer ID		Shipping Method	Payment Terms	Req Ship Date	
		928900		US UPSGND	Net 30	1/3/2019	
Ordered	Shipped	B/O	Item Number	Description	Unit Price	Ext. Price	
1	1	0	CPI RECERT FEE	Annual Membership Fee Cert Year from 4/1/2019 to 4/1/2020	\$150.00	\$150.00	

CAHELP JPA
 2019 JAN 14 PM 12: 07

Thank you

Total Z-US\$	\$150.00
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Remit to: CPI
 10850 W. Park Place, Suite 600
 Milwaukee, WI 53224 USA

Please include invoice number or customer ID with payment.

Canadian Customers - Please remit to:
 Crisis Prevention Institute. Inc
 Lockbox # 1566
 PO Box 1566, Station A
 Toronto, ON M5W 3N9 Canada

Call toll-free:
 US/Canada: 1-877-877-5390



CITY OF HESPERIA

Incorporated 1988

Code Enforcement Division

January 28, 2019

CAHELP

California Association of Health and
Education Linked Professions

Jenae Holtz, LMFT CEO

17800 Highway 18

Apple Valley Ca 92307-1219

2019 JAN 30 PM 1:45
CAHELP JPA

Re: Request for fee reduction

Property located at: APN#0405-042-60, Hesperia, California (CE18-02304)

Dear Ms. Holtz:

The above-referenced code enforcement case file has been reviewed and it has been determined that a reduction in fees can be granted. Please find below the facts and figures for the determination reached:

Administrative Citation #ADM1385	\$100.00
NAL/R\$	\$ 36.00
Staff time	<u>\$323.43</u>
Total fees due	\$459.43

Per our determination, a reduction of \$359.43 will be granted (Administrative Citations #1385 was already paid on 11/28/18, dismissal of NAL/ROP and staff time). The new total fee due is: **\$0.**

If you have any questions please contact me at (760) 947-1342.

Sincerely,

Theresa Mauger

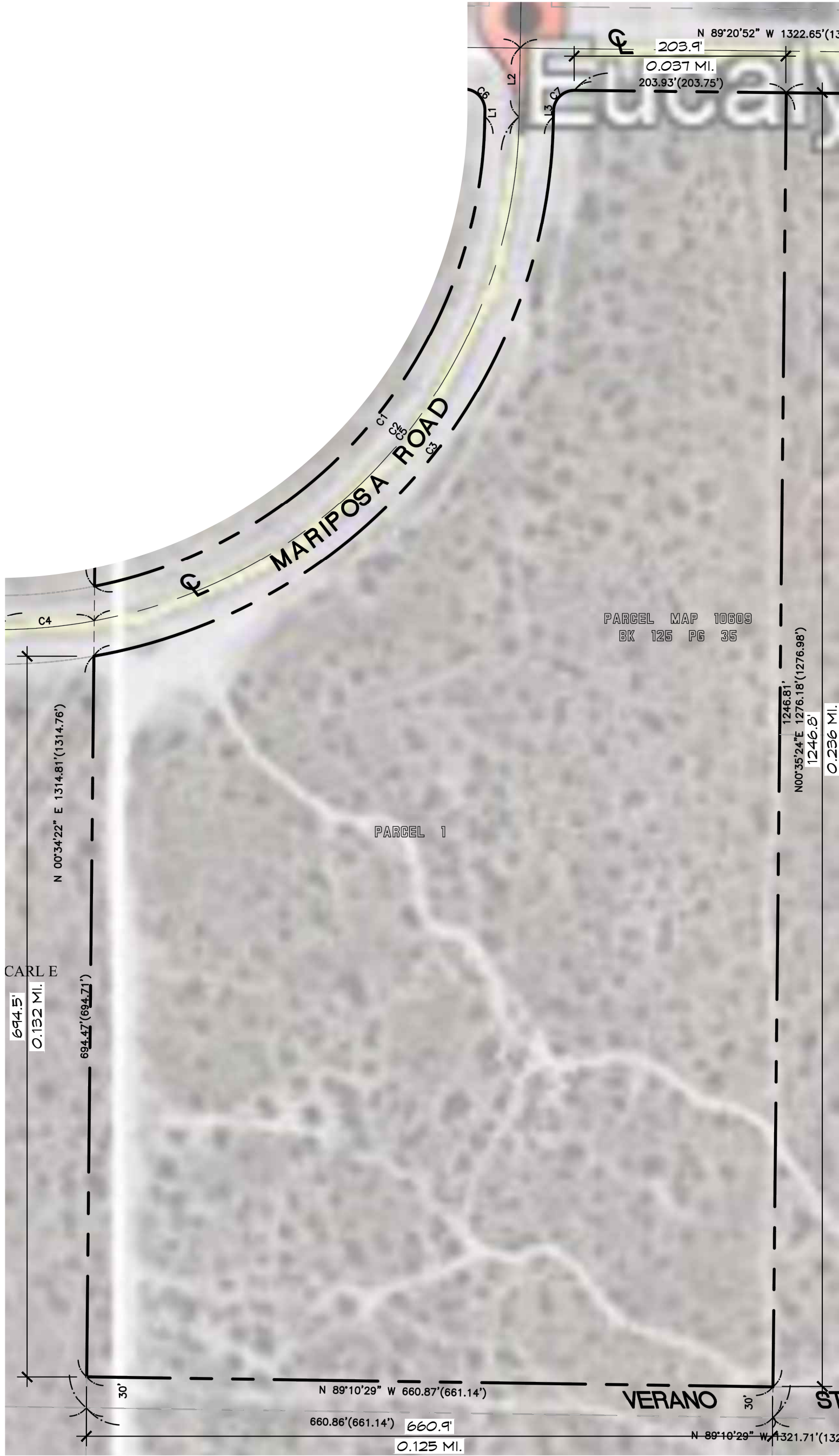
Code Enforcement Supervisor

CAHELP JPA Hesperia Property Maintenance Schedule

The Hesperia property owned by the CAHELP JPA has experienced dumping and debris being left on the property. The City of Hesperia has issued warnings and fines regarding the cleanup of the property. The proposed schedule below is comprised of local LEAs (with maintenance departments) who have been placed on the rotation schedule to clean the property on a monthly basis. The cleanup includes removing any items that have been “dumped” on the property, trash and weeds (with the exception of oil bushes). All members of the CAHELP JPA will contribute to the costs of the monthly clean-up. Each LEA will submit an invoice to the CAHELP JPA for reimbursement. Annual allocations to this fund will be divided among all LEAs from the Desert/Mountain SELPA and the Desert/Mountain Charter SELPA.

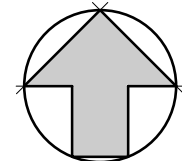
Adelanto Elementary School District	Week of January 14, 2019
Apple Valley Unified School District	Week of February 11, 2019
Barstow Unified School District	Week of March 11, 2019
Helendale School District	Week of April 8, 2019
Hesperia Unified School District	Week of May 13, 2019
Oro Grande School District	Week of June 11, 2019
Snowline Joint Unified School District	Week of July 15, 2019
Victor Elementary School District	Week of August 12, 2019
Victor Valley Union High School District	Week of September 9, 2019
Adelanto Elementary School District	Week of October 14, 2019
Apple Valley Unified School District	Week of November 18, 2019
Barstow Unified school District	Week of December 16, 2019
Helendale School District	Week of January 13, 2020
Hesperia Unified School District	Week of February 10, 2020
Oro Grande School District	Week of March 16, 2020
Snowline Joint Unified School District	Week of April 13, 2020
Victor Elementary School District	Week of May 18, 2020
Victor Valley Union High School District	Week of June 15, 2020

Eucalyptus Street



CAHELP HESPERIA PROPERTY

NORTH



SCALE: 1" = 100'

FF&J
Frick, Frick & Jones Architects
www.ffj-arch.com

7.2 Program Manager of Regional Services
Verbal Report, no materials

May 8, 2018

Auditor/Controller-Recorder Office
222 W. Hospitality Lane
San Bernardino, CA 92415-0022

ATTN: Property Tax Division

RE: Public Entity Property Tax Exemption

Dear Sir/Madam:

The California Association of Health and Education Linked Professionals (CA HELP), a California Joint Powers Authority, has purchased a property identified as Assessor's Parcel Number 0405-042-60, Hesperia, County of San Bernardino, California with an effective date of transfer of January 25, 2018. The purchased by the Joint Powers Authority consists of unimproved land consisting of 14.71 acres. Property legal description is as described in the enclosed grant deed.

Per California Taxation and Revenue Code 5082.1, please cancel taxes for the remainder of the fiscal year and all future tax periods so long as the California Association of Health and Education Linked Professionals shall own the property.

The San Bernardino County Superintendent of Schools acts the Administrative Agent for the CA HELP Joint Powers Authority.

I can be reached at (909) 386-9669 regarding any questions.

Sincerely,



David O. Reck

Encl:

Grant Deed

RECORDING REQUESTED BY

Stewart Title

AND WHEN RECORDED MAIL DOCUMENT TO:

Mail tax statement to
NAME California Assoc. Health Educa

STREET ADDRESS 17800 Highway 18

CITY, STATE & ZIP CODE Apple Valley, CA 92307



BOB DUTTON
ASSESSOR - RECORDER - CLERK
683 Stewart Title Company

Doc# 2018-0027389



Titles	1	Pages	6
Fees			.00
Taxes			.00
CA SB2 Fee			.00
Others			.00
Paid			.00

SPACE ABOVE FOR RECORDER'S USE ONLY

Grant Deed

Title of Document

Pursuant to Senate Bill 2 – Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars (\$75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225.00).

Reason for Exemption:

- Exempt from fee per GC 27388.1, recorded in connection with a transfer subject to the imposition of documentary transfer tax (DTT), or *EXEMPT GOVERNMENT ENTITY - R; T 11922*
- Exempt from fee per GC 27388.1, recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier, or
- Exempt from fee per GC 27388.1, recorded in connection with a transfer that was subject to documentary transfer tax which was paid on document recorded previously on _____(date) as document number _____of Official Records. (Cap. \$225.00)
- Exempt from fee per GC 27388.1, fee cap of \$225.00 reached, and/or
- Exempt from fee per GC 27388.1, not related to real property

Failure to include an exemption reason will result in the imposition of the \$75.00 Building Homes and Jobs Act fee. Fees collected are deposited to the State and may not be available for refund.

Mail Tax Statement As Directed Above

THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE PUBLIC RECORD, CONSISTING OF **-6-** PAGES, ON FILE IN THIS OFFICE. (SEAL SHOULD APPEAR IN PURPLE INK).

April 16, 2018


BOB DUTTON
ASSESSOR-RECORDER-CLERK
SAN BERNARDINO COUNTY, CA



01-67999

RECORDING REQUESTED BY:
Stewart Title of California, Inc.

WHEN RECORDED MAIL TO:
MAIL TAX STATEMENT TO:

California Association of Health
and Education Linked Professions
17800 Highway 18
Apple Valley, CA 92307
ORDER NO. 01180-292368
ESCROW NO. 01180-292368
APN: 0405-042-60
TRA Code: 020072

SPACE ABOVE THIS LINE FOR RECORDERS USE

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is: \$ 0.00*

CITY TAX \$

Monument Preservation Fee is: \$

* This conveyance is an
acquisition of title by
an exempt government
entity, R & T Code 11922

x computed on full value of property conveyed, or
computed on full value less value of liens or encumbrances
remaining at time of sale.

Unincorporated area: City of Hesperia

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,


Lantson E. Eldred, Independent Co-Trustee, of The Randy Lovernich Charitable Remainder Unitrust
established October 10, 2013

hereby GRANT(S) to California Association of Health and Education Linked Professions,
a Joint Powers Authority
the following described real property in the City of Hesperia, County of San Bernardino, State of California:

SEE EXHIBIT "A" ATTACHED HERETO

Date: January 09, 2018

The Randy Lovernich Charitable Remainder Unitrust,
established October 10, 2013

BY: 
Lantson E. Eldred, Independent Co-Trustee

MAIL TAX STATEMENT AS DIRECTED ABOVE

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE PUBLIC RECORD, CONSISTING OF -6- PAGES, ON FILE IN THIS OFFICE. (SEAL SHOULD APPEAR IN PURPLE INK).

April 16, 2018


BOB DUTTON
ASSESSOR-RECORDER-CLERK
SAN BERNARDINO COUNTY, CA



01-67998

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside

On January 12, 2018 before me SOL DONAYRE, Notary Public personally appeared Lantson E. Eldred, who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person (s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(seal)



I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE PUBLIC RECORD, CONSISTING OF -6- PAGES, ON FILE IN THIS OFFICE. (SEAL SHOULD APPEAR IN PURPLE INK).

April 16, 2018


BOB DUTTON
ASSESSOR-RECORDER-CLERK
SAN BERNARDINO COUNTY, CA



01-67997

ORDER NO: 01180-292368

ILLEGIBLE NOTARY SEAL DECLARATION

GOVERNMENT CODE 27361.7

I CERTIFY UNDER PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED, READS AS FOLLOWS:

NAME OF NOTARY: Sol Donayre

DATE COMMISSION EXPIRES: 4-20-2019

NOTARY IDENTIFICATION NUMBER: 2107914
(FOR NOTARIES COMMISSIONED AFTER 01/01/1992)

MANUFACTURER / VENDOR IDENTIFICATION NUMBER: NNA1
(FOR NOTARIES COMMISSIONED AFTER 01/01/1992)

COUNTY OF COMMISSION: Riverside

PLACE OF EXECUTION OF THIS DECLARATION: Riverside

TODAYS DATE: 1-24-2018


SIGNATURE

STEWART TITLE OF CALIFORNIA

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE PUBLIC RECORD, CONSISTING OF 6 PAGES, ON FILE IN THIS OFFICE. (SEAL SHOULD APPEAR IN PURPLE INK).

April 16, 2018


BOB DUTTON
ASSESSOR-RECORDER-CLERK
SAN BERNARDINO COUNTY, CA



01-67996

EXHIBIT "A"
LEGAL DESCRIPTION

That portion of Parcel 1 of Parcel Map No. 10609, in the City of Hesperia, County of San Bernardino, State of California, as shown by map on file in Book 125, Pages 34 and 35 of Parcel Maps, Records of said County, lying Southerly and Easterly of Mariposa Road as shown in said Parcel Map No. 10609.

Excepting therefrom, an undivided 50% interest in all oil, gas, minerals and hydrocarbon substances therein or thereunder, provided, however, the grantor shall have no right to enter upon the surface of the above described land or the sub-surface thereof to a depth of 500 feet from the respective surface elevation of such land for the purpose of exploration, development, excavation, drilling or other activity ancillary to the recovery of such substances from said land, as reserved by Louis Mattis and Minnie Mattis, in deed recorded July 6, 1972 in Book 7971, Page 182 of Official Records.

APN: 0450-042-60

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE PUBLIC RECORD, CONSISTING OF -6- PAGES, ON FILE IN THIS OFFICE. (SEAL SHOULD APPEAR IN PURPLE INK).

April 16, 2018


BOB DUTTON
ASSESSOR-RECORDER-CLERK
SAN BERNARDINO COUNTY, CA



01-68001

CERTIFICATE OF ACCEPTANCE
CALIFORNIA ASSOCIATION OF HEALTH AND EDUCATION
LINKED PROFESSIONS

This is to certify that the interest in real property conveyed by the attached grant deed from The Randy Lovernich Charitable Remainder Unitrust to the California Association of Health and Education Linked Professions, a body corporate and politic of the State of California, is hereby accepted by the undersigned officer on behalf of the Governing Board of said entity, pursuant to the authority conferred by a Resolution of the Governing Board dated November 17, 2017, and the Board consents to the recording thereof by the duly authorized officer.

Signed and dated at Apple Valley, California on January 22, 2018.

California Association of Health and Education Linked Professions


By: Jenae Holtz, Chief Executive Officer

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE PUBLIC RECORD, CONSISTING OF 6 PAGES, ON FILE IN THIS OFFICE. (SEAL SHOULD APPEAR IN PURPLE INK).

April 16, 2018


BOB DUTTON
ASSESSOR-RECORDER-CLERK
SAN BERNARDINO COUNTY, CA



01-68000

10/5/18 Patty to send copy of attached exemption letter to County.



Oscar Valdez • Auditor-Controller/Treasurer/Tax Collector

2018 ANNUAL SECURED PROPERTY TAX BILL
FISCAL YEAR JULY 01, 2018 TO JUNE 30, 2019

Mailed to **CALIFORNIA ASSOC OF HEALTH & EDUCATI**
17800 HIGHWAY 18
APPLE VALLEY CA 92307

268 West Hospitality Lane, San Bernardino, CA 92415, (909) 387-8308

www.MyTaxCollector.com

PROPERTY ASSESSMENT CNTL-0160261

Description	ASSESSED VALUES
Land	13089
Improvement Fixtures	
Improvement Penalty	
Personal Property	
Personal Property Penalty	
Homeowners Exemption	
Other Exemptions	
Net Value	13089

Parcel Number	Bill Number	Tax Rate Area	Total Tax Rate
0405-042-60-0-000	180335155	0020072	1.018100

Owner(s) of Record
AS OF JAN 01, 2018
LOVERNICH CHARITABLE REMAINDER UNIT

First Installment Due	
11-01-2018	\$92.74
Second Installment Due	
02-01-2019	\$92.72
Total Taxes Due	
	\$185.46

Property Address
MARIPOSA RD HES

Make checks payable to **SBC Tax Collector**

Legal Description
PARCEL MAP 10609 PTN PARCEL NO 1 LYING SLY AND ELY MARIPOSA RD

Important Messages

TAX DISTRIBUTION

Service Agency	For Information Call	Amount
GENERAL TAX LEVY		130.89
DEBT SVC		.00
VV COMM COLLEGE MEASURE JJ	760-245-4271	2.36
SCHOOL BONDS		.00
SCHOOL STATE REPAYMENT		.00
*HESP PARK-LAND/LIGHT #1	800-676-7516	30.30
##MOJAVE WTR BOND DEBT #2	760-946-7000	7.19
#MOJAVE WATER BOND DEBT #1	760-946-7000	14.72

2018 OCT -1 AM 11:54
CAHELP JPA

Para información de su factura de impuestos de propiedad en español, por favor visite www.colecciondeimpuestos.com o llame al (909) 387-8308.

KEEP THIS PORTION OF YOUR TAX BILL

Check here for a change of mailing address or phone number.
Please provide all corrections on the reverse side

ANNUAL TAX BILL
FISCAL YEAR JULY 01, 2018 TO JUNE 30, 2019

1 Parcel Number	2 Bill Number
0405-042-60-0-000	180335155

SEND THIS STUB WITH YOUR SECOND INSTALLMENT PAYMENT
PARTIAL PAYMENTS WILL BE RETURNED

15	
AFTER 04-10-2019	\$112.00

2ND INSTALLMENT PLUS 10% PENALTY, PLUS \$10.00 COST.

102 1 180335155 & 2 190410 0000009272 6 00000011200 3

You can pay online via e-check or credit card at **2018**

www.MyTaxCollector.com



2nd

190630

14 PAY THIS AMOUNT BY

04-10-2019

\$92.72

Payments postmarked by USPS on or before
04-10-2019 are considered timely.

Make checks
payable to:

SBC Tax Collector

268 W. Hospitality Lane, First Floor
San Bernardino, CA 92415-0360

Check here for a change of mailing address or phone number.
Please provide all corrections on the reverse side

ANNUAL TAX BILL
FISCAL YEAR JULY 01, 2018 TO JUNE 30, 2019

1 Parcel Number	2 Bill Number
0405-042-60-0-000	180335155

SEND THIS STUB WITH YOUR FIRST INSTALLMENT PAYMENT
PARTIAL PAYMENTS WILL BE RETURNED

15	
AFTER 12-10-2018	\$102.03

1ST INSTALLMENT PLUS 10% PENALTY.

102 1 180335155 & 1 181210 0000009274 2 00000010203 &

You can pay online via e-check or credit card at **2018**

www.MyTaxCollector.com



1st

190630

14 PAY THIS AMOUNT BY

12-10-2018

\$92.74

Payments postmarked by USPS on or before
12-10-2018 are considered timely.

Make checks
payable to:

SBC Tax Collector

268 W. Hospitality Lane, First Floor
San Bernardino, CA 92415-0360



County of San Bernardino

Oscar Valdez • Auditor-Controller/Treasurer/Tax Collector

2018 ANNUAL SECURED PROPERTY TAX BILL

FISCAL YEAR JULY 01, 2018 TO JUNE 30, 2019

CORRECTED BILL

Mailed to **CALIFORNIA ASSOC OF HEALTH & EDUCATI**

17800 HIGHWAY 18
APPLE VALLEY CA 92307

268 West Hospitality Lane, San Bernardino, CA 92415, (909) 387-8308

www.MyTaxCollector.com

1 Parcel Number	2 Bill Number	3 Tax Rate Area	4 Total Tax Rate
0405-042-60-0-000	180848660	0020072	1.018100

5 Owner(s) of Record	9 First Installment Due
AS OF JAN 01, 2018 LOVERNICH CHARITABLE REMAINDER UNITR	11-01-2018 \$77.59
6 Property Address	10 Second Installment Due
	02-01-2019 \$77.57
	11 Total Taxes Due
	\$155.16

Make checks payable to SBC Tax Collector

7 Legal Description
PARCEL MAP 10609 PTN PARCEL NO 1 LYING SLY AND ELY MARIPOSA RD

8 Important Messages

Para información de su factura de impuestos de propiedad en español, por favor visite www.colecciondeimpuestos.com o llame al (909) 387-8308.

KEEP THIS PORTION OF YOUR TAX BILL

CNTL-0000096

12 Description	ASSESSED VALUES
Land	13089
Improvement Fixtures	
Improvement Penalty	
Personal Property	
Personal Property Penalty	
Homeowners Exemption	
Other Exemptions	
Net Value	13089

TAX DISTRIBUTION

13 Service Agency	For Information Call	Amount
GENERAL TAX LEVY		130.89
DEBT SVC		.00
VV COMM COLLEGE MEASURE JJ	760-245-4271	2.36
SCHOOL BONDS		.00
SCHOOL STATE REPAYMENT		.00
#MOJAVE WTR BOND DEBT #2	760-946-7000	7.19
#MOJAVE WATER BOND DEBT #1	760-946-7000	14.72

2018 OCT 31 PM 2:27
CAHELP JPA

REV 7/17

Check here for a change of mailing address or phone number. Please provide all corrections on the reverse side

You can pay online via e-check or credit card at

2018

www.MyTaxCollector.com

2nd



190630

ANNUAL TAX BILL
FISCAL YEAR JULY 01, 2018 TO JUNE 30, 2019
CORRECTED BILL

1 Parcel Number	2 Bill Number
0405-042-60-0-000	180848660

14 PAY THIS AMOUNT BY

04-10-2019

\$77.57

SEND THIS STUB WITH YOUR SECOND INSTALLMENT PAYMENT
PARTIAL PAYMENTS WILL BE RETURNED

Payments postmarked by USPS on or before 04-10-2019 are considered timely.

Make checks payable to:

SBC Tax Collector

268 W. Hospitality Lane, First Floor
San Bernardino, CA 92415-0360

15 AFTER 04-10-2019	\$95.33
---------------------	---------

2ND INSTALLMENT PLUS 10% PENALTY, PLUS \$10.00 COST.

102 1 180848660 7 2 190410 00000007757 8 00000009533 1

Check here for a change of mailing address or phone number. Please provide all corrections on the reverse side

You can pay online via e-check or credit card at

2018

www.MyTaxCollector.com

1st



190630

ANNUAL TAX BILL
FISCAL YEAR JULY 01, 2018 TO JUNE 30, 2019
CORRECTED BILL

1 Parcel Number	2 Bill Number
0405-042-60-0-000	180848660

14 PAY THIS AMOUNT BY

12-10-2018

\$77.59

SEND THIS STUB WITH YOUR FIRST INSTALLMENT PAYMENT
PARTIAL PAYMENTS WILL BE RETURNED

Payments postmarked by USPS on or before 12-10-2018 are considered timely.

Make checks payable to:

SBC Tax Collector

268 W. Hospitality Lane, First Floor
San Bernardino, CA 92415-0360

15 AFTER 12-10-2018	\$85.36
---------------------	---------

1ST INSTALLMENT PLUS 10% PENALTY.

102 1 180848660 7 1 181210 00000007759 4 00000008536 5

**Desert/Mountain SELPA
Resolution Support Services Summary
July 1, 2018 - January 18, 2019**

D = Complaint Dismissed W = Complaint Withdrawn

DISTRICT												CASE ACTIVITY FOR CURRENT YEAR				
	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	Total	D /W	Resolution	Mediation	Settled	Hearing
Adelanto SD	0	2	0	3	6	5.5	2.5	5	3	0.5	27.5	0	0.5	0	0	0
Apple Valley USD	2	1.33	0	0	2	1	1.5	1.5	0	3.5	12.83	0.5	0	0	2	1
Baker USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Barstow USD	0	1	0	0	0	0	1	3.5	0	2	7.5	0	0	2	0	0
Bear Valley USD	0	0	1	0	0	0	0	1	2	0	4	0	0	0	0	0
Helendale SD	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0
Hesperia USD	2.5	1	5.5	4	3	5	7.5	7	6	5	46.5	1	0	0.5	3.5	0
Lucerne Valley USD	0	4	0	1	2	1	1	2	0	1	12	0	1	0	0	0
Needles USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Oro Grande SD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Silver Valley USD	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
Snowline USD	0	0	2	1	1	5	4.5	6.5	2	4	26	0	2	1	1	0
Trona USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Victor Elementary SD	1	1	1	1	4.33	3.33	1.83	2.5	6.5	0	22.49	0	0	0	0	0
Victor Valley Union High SD	2.5	0	2	4	3.33	4.3	7.83	4	4	5.5	37.46	1	0	2	1	1.5
Academy for Academic Excellenc	0	1.33	0	0	4	2	0	1	2	0	10.33	0	0	0	0	0
CA Charter Academy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Desert/Mountain OPS	0	0.34	0.5	1	1.33	0.83	4.33	3	1.5	1.5	14.33	0.5	0.5	0	0	0.5
Excelsior Education Center	0	0	0	0	0	0	0	0	0	0.5	0.5	0	0	0	0.5	0
Explorer Elementary	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0
High Tech Elementary P. L.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0
High Tech Middle	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0
High Tech High	0	0	2	2	0	1	0	0	0	0	5	0	0	0	0	0
High Tech High International	0	0	0	1	2	0	0	0	0	0	3	0	0	0	0	0
High Tech High Media Arts	0	2	0	0	2	0	0	0	0	0	4	0	0	0	0	0
High Tech Middle Media Arts	0	0	0	0	0	0	0	0	2	0	2	0	0	0	0	0
High Tech High Statewide Benefi	0	1	2	0	2	1	1	3	2	0	12	0	0	0	0	0
SELPA-WIDE TOTALS	8	15	17	18	33	29.96	33	40	34	23.5	251.44	3	4	5.5	8	3

Districts showing a value of .50 above indicates that the district is a co-respondent with another district.

Districts showing a value of .25 above indicates that the district is a co-respondent with 3 other districts.

**Desert/Mountain SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
1. Apple Valley USD Case No. 2018070020	1. Placement and supports 2. Levels, types, frequency & duration of services 3. Assessments and additional services 4. Denial of FAPE	06/27/18	07/05/18	N/A	08/10/18	08/22/18	8/10/18 – settlement agreement signed - CLOSED
2. Hesperia USD Case No. 2018070273 (Sibling of Case 3)	1. Placement and supports 2. Levels, types, frequency & duration of services 3. Assessments and additional services 4. Denial of FAPE	07/03/18	07/17/18	08/21/18	10/08/18	10/16/18 – 10/18/18	Resolution was held and no settlement was reached; parents and district agreed to attend mediation – settled at mediation - CLOSED
3. Hesperia USD Case No. 2018070287 (Sibling of Case 2)	1. Placement and supports 2. Levels, types, frequency & duration of services 3. Failure to hold annual IEP Team meetings 4. Behavioral assessments and supports 5. Denial of FAPE	07/03/18	07/17/18	08/21/18	09/10/18	09/18/18 – 09/20/18	Resolution was held and no settlement was reached; parents and district agreed to attend mediation – Settled at mediation - CLOSED
4. Apple Valley USD & SBCSS D/M Ops Case No. 2018071093	1. Lack of appropriate progress toward goals 2. Failure to provide BCBA behavior interventionist 3. Denial of FAPE	07/24/18	07/31/18; rescheduled to 08/15/18	N/A	09/07/18	09/19/18	8/15/18 – case withdrawn by parents at resolution – CLOSED

**Desert/Mountain SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
<p style="text-align: center;">5. Hesperia USD & Excelsior Charter School Case No. 2018071045</p>	<ol style="list-style-type: none"> 1. Child find; failure to assess 2. Failure to assess in all areas of suspected disability/inadequate assessment 3. Goals are not meaningful or appropriate 4. Program and supports 5. Procedural safeguards; denial of parent right to meaningfully participate in education program 6. Denial of FAPE 	07/25/18	08/09/18	09/20/18	10/19/18	10/30/18- 11/01/18	<p>All-day resolution was held with parent and advocate (attorney declined to attend); offer of settlement was negotiated/tendered but full settlement has not been reached 09/20/18 – mediation 10/04/18 – settled following mediation with written agreement - CLOSED</p>
<p style="text-align: center;">6. Hesperia USD Case No. 2018071261</p>	<ol style="list-style-type: none"> 1. Program and supports 2. Placement 3. Failure to assess in all areas of suspected disability 4. FBA/ERMHS Assessments 5. Speech and language assessment 6. Assistive Technology assessment 7. Denial of FAPE 	07/31/18	08/13/18	N/A	09/17/18	09/26/18	<p>8/13/18 – case settled at resolution with written agreement – CLOSED</p>

**Desert/Mountain SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
7. Hesperia USD Case No. 2018080008	<ol style="list-style-type: none"> 1. Failure to conduct triennial assessment 2. Failure to assess in all areas of suspected disability 3. Supports and services 4. Procedural safeguards; denial of parent right to meaningfully participate in education program 5. PLPs and goals 6. Denial of FAPE 	08/01/18	08/13/18	N/A	09/17/18	09/25/18	Prior to resolution, LEA learned parent had not been a resident of the district nor resided at the address listed in the complaint prior to the end of 17/18 school year; parent had not filed Inter-District Transfer for student or his five siblings. At resolution, parent admitted her address was not within district boundaries and her attorney stopped the resolution in order to address the factual inconsistencies in the complaint – 08/28/18 - withdrawn at resolution - CLOSED
8. Victor Valley UHSD Case No. 2018080981	<ol style="list-style-type: none"> 1. Placement and supports 2. Assessments and additional supports 3. FAPE 	08/23/18 10/26/18	09/05/18	N/A	10/08/18	10/17/18	09/05/18 – resolution meeting 10/04/18 – awaiting NPS placement decision 10/26/18 – still awaiting resolution settlement agreement – delayed due to placement options and death

**Desert/Mountain SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
							in the family; settled prior to hearing - CLOSED
9. Apple Valley USD D/M Operations Case No. 2018090014	1. Placement and supports 2. Assessments 3. LRE 4. FAPE	08/31/18	09/13/18	11/30/18		01/29 – 01/31/19	09/13/18 – resolution meeting – agreed to reconvene after NPS visits take place 11/30/18-Mediation held; no settlement reached
10. Victor Valley UHSD Case No. 2018090033	1. Placement and supports 2. Assessments 3. FAPE	08/31/18	09/28/18		09/28/18	10/12/18	9/28/18 – CLOSED written settlement county provision w/1:1 aide, not stayput; transportation; IEE for SLA & AAC;
11. Apple Valley USD & Victor Valley UHSD Case No. 2018090305	1. Withheld info when failed to offer behavior plan 2. Denied FAPE when failed to address behaviors 3. Deprived of Ed Benefit when failed to provide AAC 4. Denied FAPE – no SLP assessment	09/14/18	10/02/18		12/28/18	01/08 – 01/10/19	Pursuing the waiving of statute of limitations; likely going to hearing; seeking placement 10/26/18 – placement issue
12. Victor Valley UHSD Case No. 2018090720	1. Academic struggles; SL deficits; behavior problems	09/18/18	10/02/18	12/06/18		02/05 – 02/07/19	10/26/18 – agreed to requested IEE, parent refused to sign; student expelled May 2018 for assault on teacher; resolution stopped by attorney

**Desert/Mountain SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
13. Barstow USD Case No. 2018090940	1. Failure to hold IEP pursuant to assessment of 9/28/17 2. Goals not reasonably calculated 3. Failure to conduct ERMHS 4. Denied FAPE with no referral for CAPD	09/25/18	10/22/18	12/10/18	01/04/19	01/15-01/17/19	10/22/18 – resolution meeting scheduled; matter proceeding to mediation on 12/10/18
14. Apple Valley USD Case No. 2018090891	1. Failure to assess 2. Child Find	09/27/18	10/03/18				10/03/18 – settled at resolution meeting; provide assessment; provide comp. ed. - CLOSED
15. Victor Valley UHSD Case No. 2018090862	1. Denial of FAPE 2. LRE placement	09/25/18	10/10/18		11/09/18	11/20/18	WITHDRAWN - CLOSED
16. Snowline JUSD Case No. 2018100029	1. Appropriate placement and services	09/28/18	10/10/18		11/19/18	11/27/18	10/18/18 – settled at resolution meeting 1. Behavior intervention training 2. NPA at training 3. IEE – FBA – CLOSED
17. Barstow USD Case No. 2018100504	1. Ongoing behavior issues 2. Denial of FAPE	10/09/18	10/23/18	01/10/19		03/05 – 03/07/19	Seeking comp ed IEE – Psycho Ed, FBA BII/BCBA, ERMS
18. Hesperia USD Case No. 2018100445	1. Child Find 2. Failure to assess in all areas 3. Procedural	10/09/18	Waived	12/12/18	01/18/19	01/29 – 01/31/19	

**Desert/Mountain SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
19. Victor Valley UHSD Case No. 2018110333	<ol style="list-style-type: none"> 1. Child find 2. Behavior 3. Declining grades 4. Residential placement 	11/08/18	12/3/18	TBD	12/24/18	01/03/19	Student incarcerated; settlement offer pending parent approval
20. Snowline JUSD Case No. 2018110496	<ol style="list-style-type: none"> 1. Manifestation determination dispute & expulsion 2. Extensive discipline history without FBA or ERMHS 3. Counseling & compensatory education 	11/13/18	11/19/18	TBD		01/08 – 01/10/19	Expedited dates were dismissed by parent attorney; matter to proceed to mediation when scheduled
21. Snowline JUSD (district filing against parent) Case No. 2018110911	<ol style="list-style-type: none"> 1. Lack of parent consent to implement IEP 2. Order to implement 	11/27/18	N/A	TBD	12/12/18	12/27/18	District has not been able to secure parent consent to implement the student's IEP and seeks order from OAH; parent has cross-filed against district (see #23 below)
22. Snowline JUSD/SBCSS DM Operations Case No. 2018120028	<ol style="list-style-type: none"> 1. Failure to assess in all areas 2. Denial of FAPE <ol style="list-style-type: none"> a. IEP not specially designed b. Goals not reasonably calculated 3. Lack of educational benefit <ol style="list-style-type: none"> a. All issues not related to DHH 	11/30/18	12/11/18	TBD	01/18/19	01/24/19	Resolution meeting is pending.

**Desert/Mountain SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
	4. Seeking Implementation of complete IEE, ESY services, etc.						
23. Snowline JUSD/Adelanto Elem SD Case No. 2018120063	1. Lack of progress on goals 2. Goals repeated year after year 3. Violation of classroom care plan 4. Hostile environment 5. Least restrictive environment 6. Seeking 1:1 nurse and NPS	12/04/18	TBD	TBD	TBD	TBD	Parent cross-filing for #21 above, against both district of residence and current district of service
24. Lucerne Valley USD/Sky Mtn Case No. 2018110130	1. LRE – Home School Charter vs. SDC placement 2. Denial of FAPE 3. IEE 4. Denial of services 5. Transportation	12/19/18	01/15/19	TBD	02/01/19	02/12/19- 02/14/19	12/19/18 – resolution meeting scheduled; Parent has advocate, not attorney. CDE complaint filed. Amended complaint filed to add Lucerne Valley USD who previously held Sky Mtn. Charter

Desert /Mountain SELPA
Legal Expense Summary
As of January 18, 2019

SCHOOL YEAR	TOTALS
2000-2001	\$39,301.51
2001-2002	\$97,094.90
2002-2003	\$37,695.13
2003-2004	\$100,013.02
2004-2005	\$136,514.09
2005-2006	\$191,605.08
2006-2007	\$140,793.00
2007-2008	\$171,614.04
2008-2009	\$263,390.71
2009-2010	\$114,076.96
2010-2011	\$293,578.50
2011-2012	\$567,958.10
2012-2013	\$321,646.04
2013-2014	\$250,372.65
2014-2015	\$297,277.76
2015-2016	\$204,756.26
2016-2017	\$233,130.03
2017-2018	\$247,459.52
2018-2019	\$118,314.04

**Desert/Mountain Charter SELPA
Resolution Support Services Summary
July 1, 2018 - January 18, 2019**

D = Complaint Dismissed W = Complaint Withdrawn

DISTRICT										CASE ACTIVITY FOR CURRENT YEAR				
	13/14	14/15	15/16	16/17	17/18	18/19			Total	D/W	Resolution	Mediation	Settled	Hearing
Allegiance STEAM Acad - Thrive	N/A	N/A	N/A	N/A	N/A	0			0	0	0	0	0	0
Aveson Global Leadership Acad	N/A	N/A	2	1	5	1.5			9.5	0	.5	1	0	0
Aveson School of Leaders	N/A	N/A	0	3	1	.5			4.5	0	0	.5	0	0
Ballington Acad for Arts & Sci	N/A	N/A	N/A	N/A	0	2			2	0	0	0	2	0
Desert Trails Prep Academy	0	0	0	0	0	0			0	0	0	0	0	0
Encore Junior/Senior High School	0	0	0	0	0	0			0	0	0	0	0	0
Encore High School, Riverside	N/A	N/A	0	0	0	0			0	0	0	0	0	0
Julia Lee Performing Arts Acad	N/A	N/A	N/A	N/A	N/A	0			0	0	0	0	0	0
LaVerne Elem Preparatory	0	0	0	0	0	0.5			0.5	0	0	0.5	0	0
Odyssey Charter School	N/A	N/A	0	0	0	0			0	0	0	0	0	0
Odyssey Charter School - South	N/A	N/A	N/A	N/A	N/A	0			0	0	0	0	0	0
Pasadena Rosebud Academy	N/A	N/A	N/A	N/A	N/A	0			0	0	0	0	0	0
Pathways to College	0	0	0	0	0	0			0	0	0	0	0	0
Taylion High Desert Academy	0	0	0	0	0	0			0	0	0	0	0	0
SELPA-WIDE TOTALS	0	0	2	4	6	4.5			16.5	0	.5	2	2	0

**Desert/Mountain Charter SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre- Hearing Conference	Due Process Hearing	Status
1. Ballington Academy for the Arts & Sciences Case No. 2018090779	1. Child Find: Failure to assess 2. Denial of FAPE	09/19/18	10/09/18		11/02/18	11/14/18	10/09/18 - resolution meeting scheduled 10/09/18 - settled at resolution - CLOSED
2. Ballington Academy for the Arts & Sciences Case No. 2018090777	1. Not appropriately assessed in all areas of suspected disability 2. Did not offer goals 3. Did not offer services in all areas of suspected disability 4. Did not address behavior needs 5. Placement 6. Incomplete IEP team 7. Inappropriate OT exit 8. Denial of FAPE	09/19/18	10/09/18		11/02/18	11/15/18	10/09/18 - resolution meeting scheduled 10/09/18 - settled at resolution – CLOSED
3. LaVerne Elem Prep Academy Case No. 2018100445	1. Child Find between 2011 and 2018 2. Failure to assess in all areas of suspected disability SLP, OT, FBA, AT, health, ERMS 3. Violation of procedural safeguards 4. Failure to design appropriate program 5. No PWN for refusal of OT exam	10/09/18	WAIVED	12/12/18 CANCELLED	01/18/19	01/29 – 01/31/19	Resolution meeting waived; mediation date calendared; Mediation cancelled due to parent refusal.

**Desert/Mountain Charter SELPA
Resolution Support Services Activity Summary
July 1, 2018 – January 18, 2019**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
	6. Impeded parent participation by not providing timely records 7. Denial of FAPE						
4. Aveson School of Leaders/Aveson Global Leadership Academy/Aveson Charter Schools Case No. 2018100905	1. DHH 2. Denial of FAPE 3. Predetermined IEP 4. Failure to assess in all areas 5. Nonpublic school placement	10/18/18	10/25/18	12/19/18	02/01/19	02/12-02/14/19	10/25/18 - resolution meeting cancelled; parties agreed to hold mediation; parent and student temporarily living out-of-state settled at mediation; costs of NPS placement shared with Pasadena USD
5. Aveson Global Leadership Academy Case No. 2018110119	1. Challenge to assessments a. OT assessment b. Speech and language assessment c. Psycho-educational assessment d. FBA e. ERMHS 2. Failure to assess a. Vision b. Social Skills 3. Child find 4. Nonpublic school placement	11/02/18	01/04/19	TBD	12/21/18	12/27/18	01/04/19 - resolution meeting held; no agreement; parent seeking NPS reimbursement

Desert /Mountain Charter SELPA
Legal Expense Summary
As of January 18, 2019

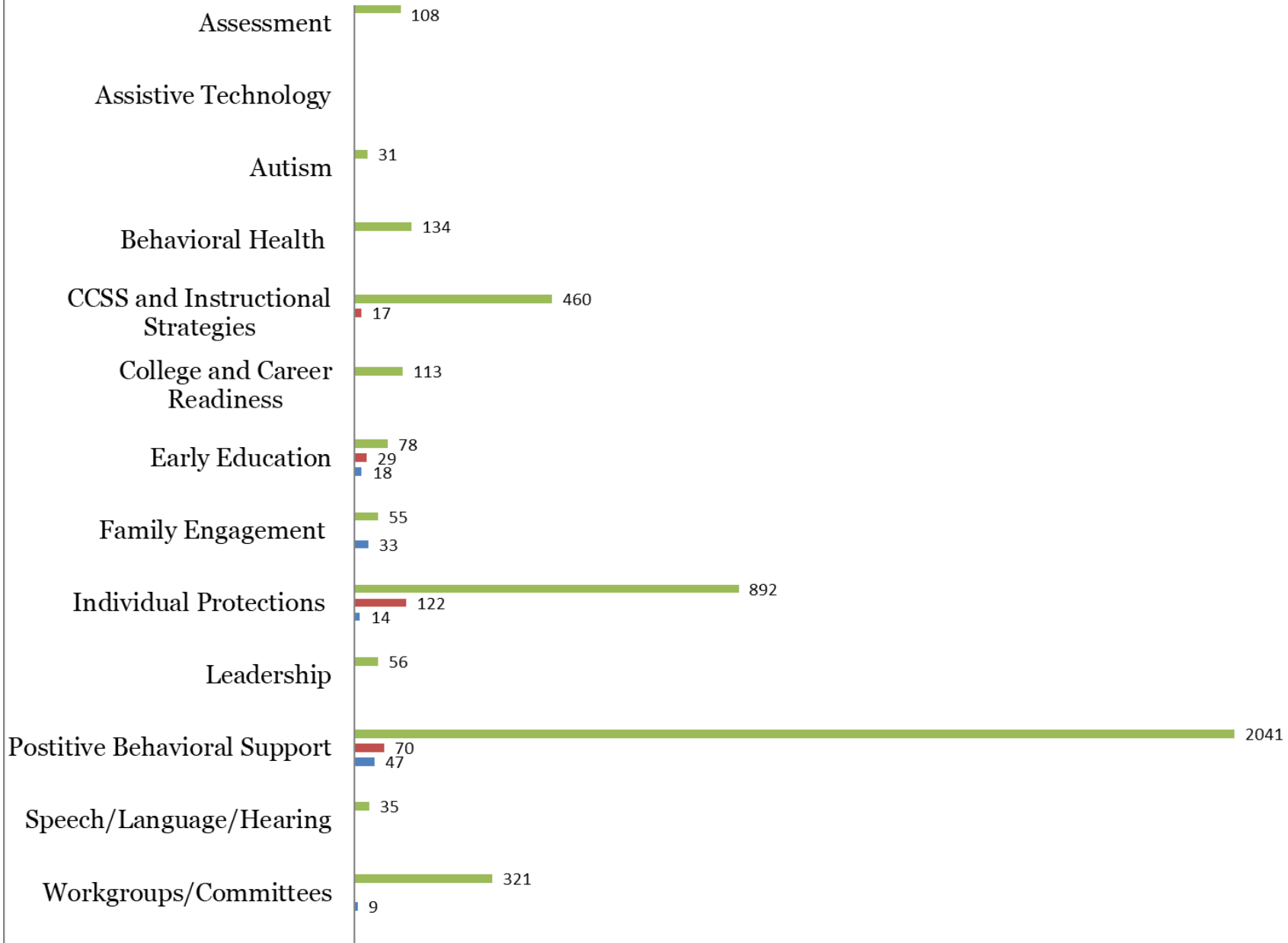
SCHOOL YEAR	TOTAL
2000-2001	\$ -
2001-2002	\$ -
2002-2003	\$ -
2003-2004	\$ -
2004-2005	\$ -
2005-2006	\$ -
2006-2007	\$ -
2007-2008	\$ -
2008-2009	\$ -
2009-2010	\$ -
2010-2011	\$ -
2011-2012	\$ -
2012-2013	\$ -
2013-2014	\$ -
2014-2015	\$ -
2015-2016	\$ 7,378.00
2016-2017	\$ 33,886.61
2017-2018	\$ 70,994.67
2018-2019	\$ 27,291.50

D/M SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

DECEMBER 2018 - 359 PARTICIPANTS

4,324 YEAR-TO-DATE PARTICIPANTS

■ Total Participants by Content Area ■ On-Site Trainings ■ Regional Trainings

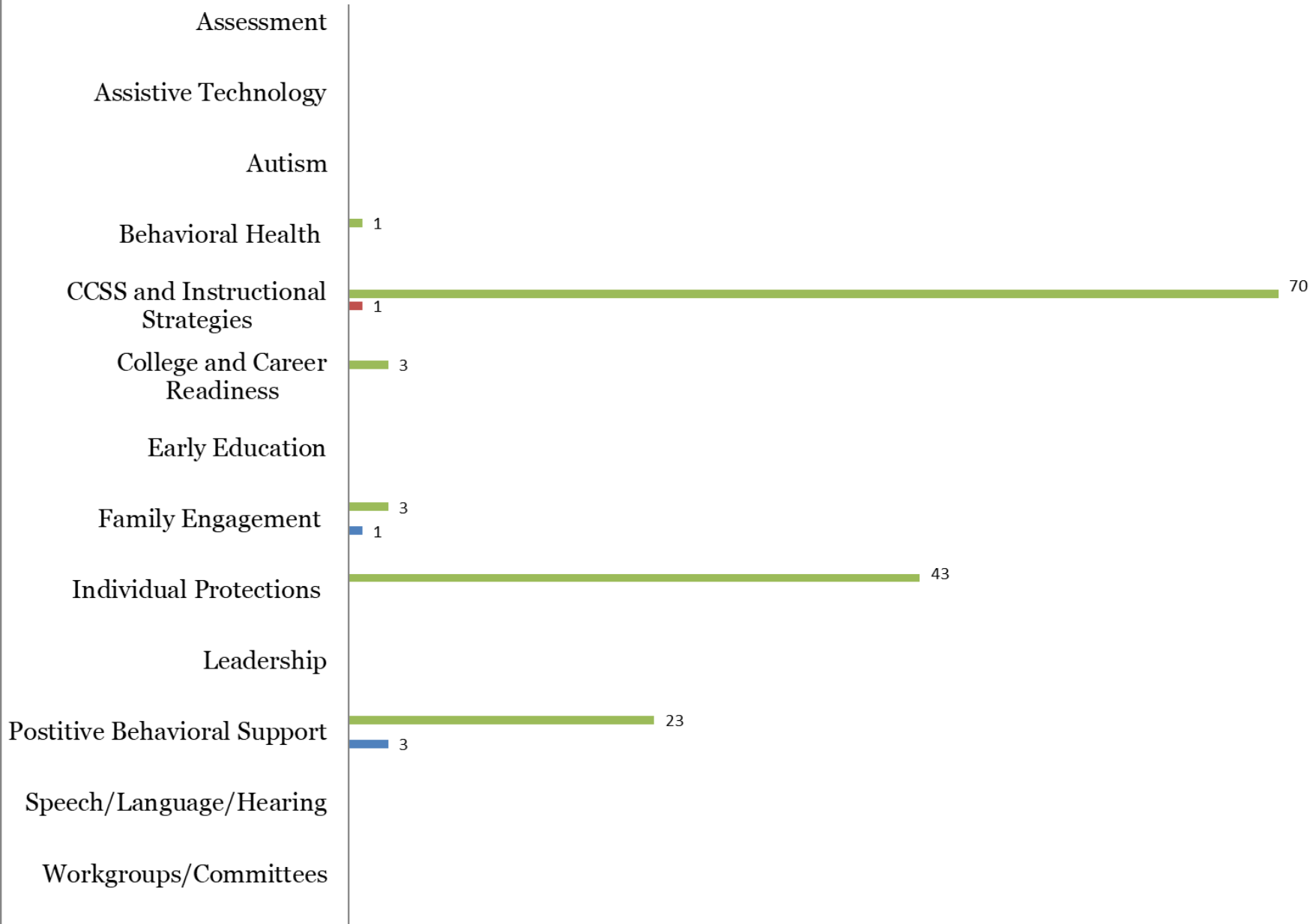


D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

DECEMBER 2018 - 5 PARTICIPANTS

143 YEAR-TO-DATE-PARTICIPANTS

■ Total Participants by Content Area ■ On-Site Trainings ■ Regional Trainings





January 23, 2019

Elizabeth Palermo
California STEAM San Bernardino
4684 Ontario Mills Pkwy #100
Ontario, CA 91764
elizabeth.palermo@californiaprep.org

Sent via Email

Dear Ms. Palermo,

This letter is to confirm that the application for California STEAM San Bernardino has been reviewed and is approved for admission in the El Dorado Charter SELPA. To complete this process please submit a Letter of Intent, signed by the CEO, confirming your intent to join for the 2019-20 school year by **February 20, 2019**.

Please save the following date for our New Partner Induction meeting and our New Partner Dinner on May 22nd. You will also be invited to observe the CEO Council and Steering meetings on May 23rd, all events taking place in San Diego.

We look forward to our partnership. Please contact Kelly Carnahan, (530) 295-2452 or kcarnahan@edcoe.org, if you have any questions.

Sincerely,

David M. Toston
Associate Superintendent

DMT:kc

cc:

Ed Manansala, Ed.D., El Dorado County Office of Education, Superintendent of Schools
Keith Tomes, Trona Joint Unified, Charter Authorizer
Jenae Holtz, Desert Mountain, Current/Geographic SELPA



January 23, 2019

Jonathan Newman
University Prep - San Bernardino
4684 Ontario Mills Pkwy #100
Ontario, CA 81764
jonathan.newman@californiaprep.org

Sent via Email

Dear Mr. Newman,

This letter is to confirm that the application for University Prep - San Bernardino has been reviewed and is approved for admission in the El Dorado Charter SELPA. To complete this process please submit a Letter of Intent, signed by the CEO, confirming your intent to join for the 2019-20 school year by **February 20, 2019**.

We look forward to our continued partnership. Please contact Kelly Carnahan, (530) 295-2452 or kcarnahan@edcoe.org, if you have any questions.

Sincerely,

David M. Toston
Associate Superintendent

DMT:kc

cc:

Ed Manansala, Ed.D., El Dorado County Office of Education, Superintendent of Schools
Keith Tomes, Trona Joint Unified, Charter Authorizer
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