

# Special Education Procedures



## **Corcoran Unified School District**

June 7, 2013

### **District Mission**

We are relentless in creating an environment for all to improve mind, character and body.

## DETERMINING ELIGIBILITY FOR SPECIAL EDUCATION SERVICES

### CHILD FIND OBLIGATIONS

The Child Find process requires Corcoran Unified School District (CUSD) to identify, locate, and evaluate all children with disabilities residing in its jurisdiction. This obligation includes all students who attend private (including religious) schools, migrant or homeless students, students who are wards of the State, and students with suspected disabilities who are advancing in grade level. **(20 USC 1412 (a)(3)(A), 20 USC 1412 (a)(10)(A)(ii)(I), 34 CFR 300.111, 34 CFR 300.131, 34 CFR 300.111(c)(2), 34 CFR 300.101(c), 30 EC 56301.)**

### IDENTIFYING AND SERVING STUDENTS ENROLLED IN THE SCHOOL

All schools are responsible for having procedures in place to identify and promptly serve students, who require or may need special education services, when they enroll in the school. One mechanism for implementing the procedures is the District's Student Enrollment Form that must be completed by parents at the time they are enrolling their child.

### DETERMINING WHETHER A CHILD IS ELIGIBLE FOR SERVICES UNDER THE IDEIA AS A RESULT OF IDENTIFICATION THROUGH CHILD FIND

If CUSD has knowledge that a student has a disability, or is suspected of having a disability and may need special education and related services, CUSD must offer to assess the student. Indicators for when a student is suspected of having a disability and CUSD should thus offer an initial assessment include, but are not limited to the following:

1. Parent(s) expressed concerns in writing to CUSD supervisory or administrative personnel, or to one of the staff may be need of special education and related services

Note: If a parent refers a child, birth to age three, or a child age three or four, who is not enrolled in a preschool program, complete the Child Find form in SEIS under the documents library section of SEIS. Fax the completed form to Kings County Office of Education as per the form. If the child is in the District preschool program, then follow the same procedure.

2. Parent or school staff or the Student Study Team has requested an initial evaluation of the student.

Note: It is important to note that Child Find is a screening process that identifies children who have a disability, or are suspected of having a disability and may need special education and related services. Children identified through the Child Find process must still be assessed to confirm eligibility. The District posts an annual Child Find Notice in the parent handbook and the newspaper.

## GENERAL EDUCATION INTERVENTIONS

### A. OVERVIEW OF PRE-REFERRAL REQUIREMENTS

According to the law, a student shall be referred for special educational instruction and services **only** after the resources of the general education program have been considered and, where appropriate, utilized. **(30 EC 56303)**

CUSD emphasizes the necessity to develop, provide and measure interventions in order to ensure that a student has a positive school experience. The following sections further define the structures in place to support academic and behavioral success prior to considering a referral for special education services.

### B. PROBLEM SOLVING STRUCTURES

#### SST (Student Study Team)

##### What is the “Student Study Team?”

The Student Study Team is a problem solving/progress monitoring team which assists students, families, and teachers in seeking positive solutions for maximizing student potential once they have exhausted all School-wide (Tier One) and Selected (Tier Two) Supports. It provides an opportunity for school staff, family members, community agencies, and other important people in the life of the student, to present their concerns, plan a positive course of action, assign responsibilities and monitor results. The bottom line: The Student Study Team is a process for generating individual, high quality interventions, which are progress monitored.

##### *Note: See the SST Handbook for reference*

Concerns that do not require interventions and progress monitoring should not be addressed in the SST process. Such concerns may be handled at parent/teacher conferences or other conferences with the parent and appropriate staff (administration, nurse, psychologist, RSP teacher, counselor, etc.).

The SST focuses in-depth on one student at a time, and invites the parent and student to participate in finding solutions. The SST provides a structure to review the academic, behavioral and health status of each student in a particular classroom. This process informs individual actions for students, including referral to the formal SST process, and class-wide actions to address issues such as use of class resources, behavior management, classroom modifications, and health education.

When a Student Study Team determines that a student has not made sufficient progress given the interventions and support identified and implemented by the SST, the team must conduct a thorough file review and rule out \*hearing, vision, and/or attendance as qualifying conditions. Only after doing so should the team consider a referral for an assessment under Section 504 or Special Education.

\*Note: Findings from vision and hearing screenings must be from screenings conducted within the previous 12 months.

Through the referral and assessment process, CUSD must determine whether a student is eligible to receive special education and related services and their

educational needs. Some students may display learning or behavioral problems that could be addressed through a system of tiered interventions within the general education setting.

#### REFERRING STUDENTS FOR A SPECIAL EDUCATION ASSESSMENT

Any person who believes that a student has or may have a disability and requires special education and related services may make a formal request for a special education assessment. The request must be in writing, signed, dated, and include a brief reason for the referral. If the request is received orally or if a parent does not submit a written request, the individual receiving the request must communicate with the parent to learn the basis for the referral, and document the information with the date the request was completed.

A staff member must offer to help the person put the request in writing. This includes assisting parents who may not understand the process or know how to request a referral. This may also include assisting with arranging a SST meeting to address parent concerns and develop interventions if appropriate. There is a formal form for parent requests, which must be completed. See SST Handbook.

If the referral does not include the basis for concern, the individual receiving the referral must ask the referring source for this information, document the response, and attach it to the request. The principal/designee may ask parents to provide any relevant information about the student, including any reports, prior assessments, health records, school records from other schools, etc., to avoid duplication of information and to assist the SST in making appropriate decisions.

Note: A request for a special education assessment may be denied. See the following section for criteria and procedures.

The administrator/designee may discuss with the requestor accommodations or modifications that can be made in the general education program to assist the student progress in the general education curriculum. A meeting of the Student Study Team, involving the requestor, can be utilized to design the accommodations or modifications. The requestor may agree to postpone their request for a special education assessment until the accommodations or modifications have been implemented and the results evaluated.

Note: If they do not agree, the assessment plan must be completed and provided to the parents within 15 days from the day that the formal request was received.

Administrator/designees should take the following actions to ensure that requests for a special education assessment are handled properly:

4. If a request for a special education assessment is made by a parent/guardian, the administrator designee must do the following:

If the request is made through a letter, assist the parent in completing the **Parent Request For Special Education Testing Form**. Provide the parent/guardian with the **Parent/Guardian Developmental History & Home Study Form**, encouraging them to quickly complete the form, since it will help the school develop an

appropriate assessment plan. Also, provide the parent with a copy of the **Procedural Safeguards and Parent Rights Form**, in the document library of SEIS.

Note: Parents are not required to complete and return the Developmental History & Home Study Questionnaire. It does facilitate, however the referral process.

- When the signed and dated Referral Form is received, check for completeness and accuracy.
- The date that a request letter or form is received must be documented.
- A Special Education Assessment Plan must be developed and provided to the parent within 15 calendar days of receipt of the written request.
- When appropriate, discuss with the parent accommodations or modifications that can be made to the general education program (see above) and whether they want to delay the assessment until the modifications have been implemented and evaluated. If a parent agrees to postpone the assessment, assist them in putting their decision in writing. Be sure it is signed and dated. Attach the document to the Request Form and note the decision and date on the Referral Details section.

Note: If the parent/guardian does not agree, the assessment plan must still be developed and provided to the parent within 15 calendar days.

5. If a request for a special education assessment is made by a staff member the administrator/designee should consider the following:
  - When a staff member requests a copy of the SST student referral form for an evaluation, discuss with them the information required. They must list the prior accommodations or modifications that have been taken to help the student. If no accommodations or modifications have been attempted and outcomes documented, encourage the staff member to refer the student to the SST process. In the SST meetings, assist them in developing and implementing appropriate actions/modifications. However, if some accommodations or modifications have been attempted, discuss if warranted, others that might be implemented.
  - Enter the date that the SST referral form was received, then begin the SST process.
  - If the SST refers the student for a psycho-educational evaluation then the SST completes the SST form, **Student Referral for Psycho-educational Evaluation**.
  - Ensure that the assessment plan is completed and provided to the parent/guardian within 15 calendar days of receipt of the written request.

## DEVELOPING THE ASSESSMENT PLAN

Before a student can be assessed for eligibility for special education or reassessed while receiving special education and related services, an assessment plan must be developed and provided to the parents for their approval. The parent(s) have the right to refuse consent.

Note: If the student has reached age 18, and has not been judged incompetent under State law, they assume all rights, roles, responsibilities, and communication, previously afforded their parents, including receipt and approval of the assessment plan. \*note – it is best practice to involve the parent

The special education assessment plan describes:

- The reason(s) for the assessment.
- The assessment areas that will be assessed.
- The types of assessments that will be included.
- The types of staff who will conduct the assessments.

A special education assessment plan is to be developed and provided to the parents:

- Within 15 calendar days from the date of receipt of a written request for an initial special education assessment.
- Within 15 calendar days from the date of receipt of a written request for an assessment of a student currently receiving special education and related services.
- Prior to conducting a reassessment of a student receiving special education and related services. \*note – only for actual testing, not review of records
- When a change in a student's eligibility for special education or related services is being considered.

Note: If the student is age three or four and currently enrolled in a District preschool program contact the Director of Special Education. KCOE handles referrals for preschoolers.

All special education assessment plans should be developed using the District's Special Education Assessment Plan Form in the web-based Special Education Information System (SEIS) IEP system. Assessment plans should be saved in SEIS.

Note: The assessment plan provided to the parents must be in the language of the home. Forms in many of the major languages are available in SEIS.

The special education assessment plan should be developed in cooperation with the student's teacher(s), general and special education, and other appropriate staff, depending upon the student's disability or suspected area of disability, such as:

- The school psychologist
- Related services personnel (i.e., speech/language, adaptive P.E., deaf/vision specialist)

- The school nurse

Persons developing a special education assessment plan should use information from:

- The written request for a special education assessment.
- The CUSD Student Enrollment Form.
- The parent, including the Student Developmental History and Home Study form.
- School records, including teacher interviews and observations, student work samples, benchmark testing, state testing and other knowledge gathered through a process that reviews the student's achievement.
- The Student Study Team recommendations, including accommodations and modifications.
- Independent assessments provided by the parent.

Legally, the assessment plan must provide for:

1. Assessing the student in all areas of suspected disability.
2. Selecting and administering tests and other assessment materials that are not racially, culturally, or linguistically discriminatory.
3. Administering tests and other assessment materials in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless it is not feasible to provide or administer.
4. Selecting and administering tests and other assessment materials to assess an English Language Learner that measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills.
5. Selecting tests and other assessment materials that assess specific areas of educational need and are not designed to provide a single intelligence quotient.
6. Using a variety of assessment tools and strategies to gather relevant functional and developmental information about the student.
7. Using information provided by the parent/guardian.
8. Obtaining information about how the student is involved and progressing in the general curriculum.

Note: An assessment plan does not need to be developed when administering assessments that are generally administered to all students in the class, school, or District, i.e. class samples, and benchmarks for screening.

### COMPLETING THE SPECIAL EDUCATION ASSESSMENT PLAN

The plan should be developed and saved on the SEIS IEP System. The System provides for the assignment of an IEP case manager who will be responsible for developing the Assessment Plan, assigning assessors to provide the assessments once the plan is approved by the parent, and monitoring that is completed on time.

Be sure to:

1. Check the appropriate reason(s) for the assessment.
2. Check the appropriate assessment areas, types of assessments, and the persons who may be conducting the assessments.
3. Identify any accommodations in test administration that may be necessary.
4. If an interpreter will assist in the assessment, include the reason(s).
5. Include the date the plan was provided to the parent and the manner in which it was delivered.
6. Print and retain a copy. Save the Assessment Plan in SEIS for the respective student.
7. Provide a copy to the parent/guardian and attach a copy of the Procedural Rights and Safeguards.

Note: If English is not the primary language of the home, use the SEIS IEP System to develop a copy of the plan and procedural rights in the language of the home and provide it to the parent(s).

### FOLLOWING STEPS

When the parent/guardian returns the signed assessment plan, the administrator/designee must immediately do the following:

1. Enter the date the signed assessment plan was **received** into the SEIS IEP system on the lower right section of the assessment plan and on the hard copy of the actual assessment plan before sending it to the Special Education Services Office. The IEP meeting due date (The IEP meeting is due 60 calendar days from receipt of the signed assessment plan) will be automatically calculated by the SEIS IEP system. The special education services secretary will adjust manually any date that falls after a holiday of over 5 days or more.



Note: Any holiday that is over 5 calendar/school days will not count towards the 60-day calendar timeline.

2. Provide all assessors a copy of the assessment plan, the proposed date of the IEP meeting, and when their assessment reports are due.

Note: The administrator/designee is responsible for ensuring that all assessments are conducted, reports completed, and an IEP meeting is held to discuss the test results within the 60-day timeline.

If the parent/guardian does not return a signed special education assessment plan within a reasonable amount of time, the administrator/designee may do the following:

- a. Contact the parent(s) to determine if they received the plan and intend to sign and return it.

Note: Document any contacts made with the parents regarding signing the plan. If necessary send the parents another copy of the plan and document the date on the SEIS IEP system.

- b. Provide the parents with information to answer questions they may have.
- c. If appropriate, revise the plan to accommodate concerns the parents may have.
- d. If the parents refuse to sign the assessment plan, place a copy in the cumulative folder, document on the SEIS IEP system in the notes page of the Future IEP, and notify the personnel identified on the plan of the parent's decision.

If it was an initial assessment the District may, but is not required to pursue the evaluation. The District must document its reasonable efforts to obtain consent. If it was a reassessment/triennial and attempts to obtain parental consent have been documented, the reassessment may be conducted without a signed assessment plan, just proceed with the informal triennial review of records.

Note: If the District decides not to pursue the evaluation, then a Prior Written Notice must be completed as to the reasons why the District will not pursue the evaluation. This could be the result of either the parent's refusal for testing, or the District's refusal. \*Contact the Director of Special Education.

Note: If the student is a ward of the state and not residing with the parents, reasonable efforts shall be made to obtain consent. No consent is required if the parent cannot be found, parental rights have been terminated or a Court has appointed an individual with educational authority. In these situations, unless the Court has appointed an individual with educational authority, the District is responsible for assigning a Surrogate Parent (KCOE maintains a list of Surrogate Parents).

## I. CONDUCTING AN INITIAL ASSESSMENT

Conducting a complete initial special education assessment of a student, consistent with their assessment plan, is an essential part of the special education process. The assessment should be directed to the following purposes:

- To provide the IEP team with the information it will need to determine whether the child has a disability and requires special education and related services.
- To provide the IEP team with information regarding the child's present levels of educational performance.
- To provide the IEP team with information that will inform its decisions regarding the instructional and other needs of the child and the accommodations, modifications, and services that may be required.

To conduct special education assessments that comply with Federal and State policies, the following must be adhered to:

1. Assessment instruments are selected and administered so that they are not racially, sexually, or culturally discriminatory.

Note: The use of intelligence tests for African-American students is prohibited in California as per California State Department policy. Not only may they not be administered by school districts, but findings from intelligence tests administered elsewhere may not be considered or contained in the records of African-American students. The findings from intelligence tests cannot be discussed at IEP meetings regarding African-American students.

2. Assessments must be conducted in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless the assessment plan indicates why it is not feasible to provide or administer.

Note: If the assessor cannot communicate in the student's primary language or mode of communication an interpreter may be used.

3. For students with Limited English Proficiency the assessment instruments are selected and administered in a manner that ensures that the assessment measures what is intended rather than the student's English language skills.
4. For students with sensory, motor, or speaking impairments the assessment instruments are selected and administered in a manner that ensures that the assessment measures what is intended rather than the student's sensory, motor, or speaking skills.
5. Assessment tools and strategies are selected to provide information on the student's specific areas of educational need.

6. Assessment instruments have been validated for the purposes for which they are going to be used.
7. Assessments are only conducted by qualified professionals as specified in the instructions provided by the producers of the assessment.
8. No single measure or assessment is used as the sole criterion for determining whether a student has a disability and for determining an appropriate educational program for the student.
9. The assessment covers all areas related to the student's suspected disability including if appropriate:
  - Health and development, including vision and hearing

Note: Findings from vision and hearing screenings must be from screenings conducted within the previous 12 months.

- General ability
  - Academic performance
  - Language function
  - Motor abilities
  - Social and emotional status
  - Self-help, including orientation and mobility
  - Career and vocational abilities and interests
10. The assessment is sufficiently comprehensive to identify all of the student's special education and related services needs whether or not they are commonly linked to the disability category in which the student may be identified.
  11. A variety of assessment tools and strategies are utilized to gather relevant developmental, academic and functional information about the student, including information provided by the parent.
  12. The assessment includes obtaining information related to enabling the student to be involved in and progress in the general curriculum or for a preschool child to participate in appropriate activities.
  13. For a child who is visually impaired, the assessment must also provide information for the IEP team on the most appropriate medium or media, including Braille, for reading.

Note: For a student who is functionally blind, an assessment of Braille skills is required.
  14. For a student age sixteen and older, an assessment of their transition services needs, including their preferences and interests, must be conducted.

## II. COMPLETING THE INITIAL ASSESSMENT REPORT

When the assessments are completed a report must be written and portions added to the Present Levels IEP page and/or uploaded into the SEIS IEP system. While there may be more than one assessment report, the content of the reports must include all of the elements listed below. Since the report is designed for the purpose of providing IEP team members with the information they need to make informed decisions concerning the student, it should be written, to the degree professionally appropriate, in a style understandable by the team members.

Reports should be completed well enough in advance of the IEP meeting so that:

- Copies can be made for distribution to team members at the IEP meeting.

Note: Parents who have requested to receive a copy of the assessments prior to the IEP meeting must be provided a copy of the report at least four days prior to the meeting.

- They can be translated into the parent's primary language upon written request from the parent, unless clearly not feasible to do so.
- They can be reviewed and discussed by staff members to develop an understanding of the student and his/her needs.

Note: This is particularly important if there are multiple assessors.

## III. WHEN TO CONDUCT A REASSESSMENT

Once a IEP team has identified a student as having a disability and needing special education it is required that the student be reassessed, unless the parent and the District agree that it is unnecessary, at the following times:

- Every three years (triennially)
- At any time at the request of the parent(s) or District staff except it shall not occur more frequently than once a year unless the parent and district agree.

Generally, the purpose of a reassessment is to address one or more of the following concerns:

- That the student may no longer have a disability.
- That the student may have an additional or different disability.
- That the student is not adequately progressing in achieving the goals and objectives set forth in his/her IEP.
- That the student's current special education and related services may no longer be appropriate.
- That the student may no longer need special education and related services.

#### IV. HOW TO DETERMINE IF A REASSESSMENT IS WARRANTED

The determination to conduct or not to conduct a reassessment that meets all the elements of an initial assessment must be made by the IEP team. In most cases this should take place at the annual IEP meeting prior to the time that a triennial assessment would be due. In determining the scope of the reassessment the IEP team must:

1. Review existing assessment data, current classroom-based assessments and observations and teacher and related services providers' observations.
2. Decide what assessments are or are not necessary to determine one or more of the purposes for reassessment listed previously in Section III.

For example, it may not be necessary to conduct a reassessment to determine if a student who is deaf is still deaf. However, a reassessment might still be warranted if there is a belief that there has been a change in their hearing ability that might affect the services the student requires. Similarly, there would be little value in repeating an assessment to determine cognitive abilities for a student with profound mental retardation unless there is an indication that the student's cognitive functioning has significantly improved. Further, it would not be warranted to repeat an assessment that is no longer relevant to the student's current educational needs.

Note: A reassessment will be conducted if either the parent or the teacher requests that it be done.

Note: If the team concludes that no reassessment is warranted, the parent(s) must be informed of their right to request the assessment, which must be conducted if the parent(s) so requests. Document decisions in the Notes page of the IEP.

3. Identify with input from the student's parent(s) what additional data, if any, are needed to determine whether the student continues to have a disability; the present levels of performance and educational needs of the student; whether the student continues to need special education and related services; and whether any modifications to the special education and related services are needed. At least seventy-five (75) days prior to the triennial IEP review, the administrator/designee must prepare a Special Education Assessment Plan indicating the assessments to be conducted and provide it to the parent(s). The re-evaluation and the IEP meeting must be conducted within sixty days after the District's receipt of the signed assessment plan indicating the parent's consent. The assessment results will then be considered at the IEP meeting. If a parent or staff member requests a reassessment at a time off the cycle of an annual IEP review and it is believed to be warranted, a Special Education Assessment Plan must be prepared and provided to the parent(s). If there are questions as to whether it is warranted, an IEP meeting can be held to consider the request, or the views of the IEP team members can be solicited without a meeting. If it is

recommended to not conduct the reassessment, the parent(s) must be informed of this decision in writing. If they disagree with this decision, they shall be informed of their Due Process rights.

### *The Individual Education Program or Plan (IEP)*

#### **V. INTRODUCTION**

The Individualized Education Program (IEP) is a written document that is the District's offer of a free appropriate public education (FAPE) and is developed and agreed to by a team, at a meeting, that documents:

- Whether the student is eligible for special education and related services.
- The student's present levels of educational performance and educational needs.
- The goals and objectives the student is to achieve.
- The special education, related services, accommodations, and modifications the student needs and will receive.
- The appropriate placement for the student.
- How the student's progress will be assessed and reported.

IEPs that meet legal requirements and address student needs are the cornerstone of an effective special education program.

The IEP is:

- An agreement, that the student will receive what is specified in the IEP.
- A communication vehicle enabling parents, professionals and, if appropriate, the student as equal participants to make joint informed decisions.
- A compliance tool enabling school districts and State and Federal agencies to determine whether a student is receiving a free appropriate public education by assessing whether the IEP meets legal requirements and whether the student is receiving what is documented on the IEP.
- A student-centered management tool used to ensure that a student is provided needed special education and related services.
- A commitment of resources necessary to enable the student to receive needed special education and related services.

The IEP is not:

- A guarantee that a student will achieve the goals and objectives set forth in their IEP.
- A vehicle for specifying the methodologies teachers and other professionals will use with the student.

## VI. WHEN MUST AN IEP MEETING BE HELD

An IEP Team must meet whenever any of the following occurs:

- A student has been assessed pursuant to an assessment plan. This includes initial assessments, triennial assessments, or other assessments.
- At least annually, to review the student's progress and eligibility and make necessary revisions.
- A student demonstrates a lack of anticipated progress.
- The parent or District staff member requests a meeting to review the IEP.

Note: IEP meetings must be held as frequently as they are requested. There is no legal limit to the number of IEP meetings that may be requested.

- There is a proposal to change the student's eligibility, services, or placement.

Note: If there is a belief that the IEP team will consider exiting the student from special education services because the student no longer has a disability or require special education services, an assessment of the student is required.

- The student's behavior impedes his/her learning or that of others.

Note: To develop a behavior support plan.

- If suspensions continue, on day 11, when the student must return to the school site and an IEP meeting is held to determine appropriate services.

Note: when a student goes over 10 days of suspension, law requires a manifest determination IEP meeting.

- When a student with an IEP transfers into the CUSD from another school district. IEP meetings must be held within the following timelines:

1. 60 calendar days from receiving a signed assessment plan from the prior school district.

Note: The 60 calendar days does not include days between the student's regular school sessions or terms, or days of school vacation in excess of five school days. If a signed assessment plan is received within 20 days of the end of the regular school year, the IEP must be held within 30 days after the beginning of the subsequent regular school year. If the signed assessment plan is received during the student's school vacation the IEP meeting must be held within 60 days of the date that school reconvenes.

2. 30 calendar days from the time that a parent or teacher requests a meeting to review the IEP.

Note: The 30 calendar days do not include days between the student's school sessions or terms or days of school vacation in excess of five school days.

3. Within one calendar year from the date of the previous IEP meeting.
4. 30 calendar days from the enrollment of a student with an IEP from another school district. (called an Administrative Transfer)
  - For students age 16, or younger at the discretion of the IEP team, the IEP meeting must also include the development of an Individual Transition Plan (ITP). An ITP must be developed prior to the student's sixteenth birthday in the same year of an annual review is required, to ensure that an ITP is in place when he/she reaches age sixteen.

In extraordinary circumstances the date of an IEP meeting may be extended if the parent agrees in writing to the extension. Any correspondence to the parent seeking a timeline extension must be in the parent's primary language, unless it is clearly not feasible to do so.

## VII. MEMBERS OF THE IEP TEAM

The following persons are required at IEP team meetings:

1. One or both parents of the student. The term parent means:
  - A person having legal custody of a child.
  - A person acting in place of a parent, such as a grandparent or stepparent with whom the child lives.
  - An individual designated by the parent to represent the interests of the student.

Note: In such cases the school should attempt to obtain the designation in writing from the parent including the scope of the representation such as the representative's participation in the IEP meeting, whether he/she is authorized to sign the IEP and whether the representation is limited to one or more IEP meetings. If it cannot be obtained in writing, document the reason why and the means by which the designation was obtained.

- A foster parent if the natural parents' authority to make decisions has been limited by court order and the foster parent has an ongoing, long term parental relationship with the child, is willing to assume the role of parent in educational decision making and has no interest that would conflict with the interest of the child.
- The student, if age 18 or older, for whom no guardian or conservator has been appointed.

Note: While the student's parents must also receive notice of the meeting, the roles and responsibilities of parents may be limited by court decisions.



- A surrogate parent appointed for a student who is a ward of the State or for a student whose parent is unknown or whose whereabouts cannot be determined.

Note: If the parent chooses not to attend, or after a reasonable number of invitations to the meeting they do not respond, the IEP meeting can be held without the parent's attendance.

2. An administrator or administrative designee. The administrator/administrative designee must:
  - Be qualified to provide or supervise the provision of special education.
  - Be knowledgeable about the general curriculum and linguistically appropriate goals, objectives and programs.
  - Be knowledgeable about the availability of the resources of the District, including program options available to address the needs of the student.
  - Have the authority to commit District resources and be able to ensure (by such means as administratively directing, coordinating, monitoring, reporting on, etc.) that the delivery of services that are described in the student's IEP will actually be provided.
3. At least one special education teacher or special education provider of the student.

Note: If the only special education service the student is or may be receiving is language and speech related services, the speech-language pathologist may be the special education provider.

Note: At an initial IEP meeting, the special education teacher should be the special education teacher, who may be serving the student or a special education teacher with the appropriate qualifications.

4. At least one general education teacher of the student, if the student is or may be participating in general education.
5. A person knowledgeable about the assessment procedures used to assess the student, familiar with the results of the assessment and qualified to interpret the instructional implications of the results. This may be one of the teachers listed above. Psychologists and related services providers participating in IEP meetings may not serve as administrative designee or act as chair of the IEP meeting.

Note: A member of the IEP team is not required to attend in whole or in part if the parent and District agree that attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed. If the area of the curriculum or related services is to be modified or discussed, the member can be excused from attending if the parent and District agree, and written input is provided to the parent and the District **prior** to the

meeting. Parental agreement must be in writing. Use the Excusal IEP page from SEIS.

When appropriate, the following persons must also attend the IEP meeting:

1. The student.

Note: The student must be invited if a transition plan is being developed or reviewed at an IEP meeting. If the student is not going to attend the IEP meeting, document the reason on page 1 of the ITP. If the student is a minor, it is up to the parent to decide if the student will attend the meeting.

2. At the discretion of the parent and/or the District, other individuals who have knowledge or special expertise concerning the student, including related services personnel, as appropriate.
3. For a student who is being considered for eligibility as a student with learning disabilities:
  - One person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech-language therapist, or reading teacher.
  - At least one person, other than the student's general education teacher, who observed the student's academic performance in the general classroom setting, for example a special education teacher, psychologist, administrator, or another general education teacher.
4. When a transition plan is being developed for a student age 16, or younger at the discretion of the IEP team, representatives of the agencies, other than the District, that are likely to provide or pay for the provision of transition services are to be invited.

Note: With the consent of an adult student or the parents, an agency may be invited regarding transition planning. If the student is on an inter-district permit, a representative from their district of residence must be invited.

5. For a student who is being considered for dual placement (placement in a nonpublic and public school).
  - Representative(s) from the nonpublic school and the public school where the student will be dually enrolled, including general education teachers, special education teachers and administrators.
  - A representative from the student's school of residence if the public school in which the student will be dually enrolled is not the school of residence.
6. Representatives from County Mental Health or other agencies, such as CVRC, CCS as appropriate. The IDEA and California law permit school districts to utilize state certified non-public schools and agency providers (NPS/NPA providers) to meet the requirements of federal and state special education laws in serving

students with disabilities. IEP teams should be aware that NPS/NPA providers may attend IEP team meetings, and as collaborative participants in the IEP meetings, provide feedback on student progress and offer services recommendations in their area of service and expertise.

7. District staff that have responsibilities for behavior intervention, as appropriate.
8. For a student who has been placed in a group home by a juvenile court, a representative of the group home must be invited. It is expected that IEP team members will participate in the meeting to its completion and not attend to other duties during the meeting. However, general education teachers are required by federal regulation to participate, at a minimum, in the following:
  - Positive behavioral interventions and strategies
  - Present levels of performance
  - Supplementary aids and services
  - Goals and objectives that will be implemented in the general education classroom.
  - Program and curricular modifications
  - Supports for school personnel
  - Instructional interventions and strategies

#### **VII. SCHEDULING THE IEP MEETING**

Since it is essential that IEP team members are available and prepared for the meeting and that meetings are held within required timelines, effective scheduling is important. In most schools the vast majority of IEP meetings held each year are annual reviews.

The District's SEIS IEP system provides a master calendar of the due dates by which all annual reviews and three year IEP reviews must be held. Using the SEIS IEP system, schools can schedule IEP meetings far enough in advance to coordinate and facilitate team member preparation and participation.

Note: The secretary to the Director of Special Education/District Psychologist maintains the master schedule calendar for all IEP meetings.

Note: Administrators should verify the availability of all staff (including itinerant Related Services providers) required to attend before scheduling the meeting.

While schools must provide parents a written notification of the IEP meeting (see below), efforts should be made to schedule or reschedule the IEP meeting at an agreeable time and location to facilitate their participation. All such efforts must be documented. In order to encourage parent participation, school staff must explore alternative types of participation, such as individual or conference calls, if a parent is unable to attend a meeting.

#### **VIII. NOTIFYING PARTICIPANTS OF THE IEP MEETING**

Parents must receive written notification of their child's IEP meeting at least 10 calendar days prior to the meeting using the CUSD Notification to Participate in An

Individualized Education Program (IEP) Meeting form. The notice must be in the parent's primary language. The notice form can be completed and produced in the major languages by using the SEIS IEP system. Complete the form. Be sure to:

1. Check the purpose(s) of the IEP meeting.

Note: The notice for a student age 16 and older must have the box checked that the IEP meeting will include transition planning.

2. Check the individuals who are being invited to participate.

Note: Enter the participants on the IEP meeting notice screen of the SEIS IEP.

3. Specify a contact person to whom the parent can direct questions.
4. When appropriate and feasible, make a copy of the notification form for the parents in their primary language.
5. Provide the parents with the appropriate copy of the form and attach copies of A Parent's Procedural Rights and Safeguards in the primary language found in SEIS document library.
6. Notify staff at least 10 calendar days prior to the meeting using the IEP system. Students attending IEP meetings must receive a copy of the notification.  
Reminder: If an Individual Transition Plan (ITP) is being developed the student must be invited to participate. If an ITP is being developed for a student that involves the participation of representatives from outside agencies, be sure that they are notified of the meeting.
7. Document the date the form was sent to the parents.
8. Record attempts to convince the parents to participate in the IEP meeting. The District must show an effort to arrange a mutually agreed upon time and place for the IEP meeting. An IEP meeting can be held via video or audio conferencing or other alternative means. Documentation should include:
  - a. Detailed records of telephone calls made or attempted and the results of those calls.
  - b. Copies of correspondence sent to the parents and any responses received.
  - c. Detailed records of visits made to the parents' home or place of employment and the results of those visits. Written or verbal confirmation provided by the parents that they do not wish to attend the IEP meeting, verified in by a signed Notification to Participate in an Individualized IEP Meeting, a logged telephone call or personal conversation with date, a logged record of a visit to home or place of employment with date, or an email message or fax. In this case, the District does not need to provide evidence of additional recorded attempts to convince the parents that they should attend the IEP meeting.

- d. The District will collect evidence of recorded attempts to convince the parents to attend and document the results of these attempts in the Notes IEP page.
9. When the signed form is returned, enter the date received on the bottom of the form.
10. If after a reasonable number of documented efforts (at least 3), the parent does not respond to the Notification to Participate in an Individualized Education Program Meeting, the IEP meeting may be held without the parent's participation.

Note: If the parent(s) have requested on the form that the meeting be rescheduled, try to find a mutually agreeable date and then send them a notification form with a new date.

#### **IX. PREPARING FOR AN IEP MEETING**

To ensure that an effective efficient meeting is achieved the following actions prior to the IEP meeting will be of assistance:

1. Be sure that all staff participating in the IEP meeting received the Notification and are able to attend.
2. Clarify the roles and responsibilities of staff, including that they:
  - Arrive at the IEP meeting on time and prepared.
  - Remain at the IEP meeting as long as is required.
  - Remain attentive to the proceedings throughout the duration of the IEP meeting.
  - Not delegate their responsibility to another staff member unless that person is in a position to assume responsibility as defined in Section III, Members of the IEP Team.
  - Ensure that the cultural and linguistic needs of parents and students are addressed.
3. Review the assessment plan on the SEIS IEP system to ensure that all assessment data/reports have been completed and written into the IEP, and a copy of the report has been provided to the parents if they requested a copy. Prepare copies of the assessment reports for the meeting.

Note: If the parent requested a copy of the assessment report(s) it must be forwarded to them at least 4-5 days prior to the meeting.

4. Inquire if independent educational evaluation reports that were to be submitted prior to the IEP meeting have been received. If not contact the parents or evaluator(s) to remind them to provide the report(s) in time for the meeting. Make necessary copies.

5. Have staff review assessment reports including independent educational evaluations, if they are available prior to the meeting.

Note: It is appropriate for staff to come prepared to IEP meetings with findings and recommendations related to components of the IEP. These may or may not be written on an IEP form and may be revised during discussion at the IEP meeting. It must, however, be made clear to parents at the onset of the meeting that such findings and recommendations are provided for review and discussion. At no time should a complete draft IEP be prepared prior to the meeting.

6. Have staff summarize information on the student's present level of educational performance, including:
  - Report cards
  - Class tests
  - Standards-referenced assessments, such as performance-based assessments and curriculum based assessments
  - Anecdotal records
  - Behavioral reports
  - Checklists and other teacher evaluations
  - All assessment reports
  - Reports from providers of transition services
  - Performance on State and District wide assessments
  - Observations from parents, including how the student applies what he/she has learned at school in the home and community.
  - Comments from the student
7. Have staff review the student's current IEP/ITP, unless it is an initial IEP meeting, to determine the progress the student has made in meeting IEP/ITP goals and objectives and prepare recommended changes.

Note: While decisions at an IEP meeting are to be based on input from all participants, they may come prepared with draft recommendations for team consideration.

8. Have staff review the student's current accommodations, modifications, services and placement and develop recommendations for consideration at the IEP meeting.
9. If the IEP meeting is the annual review prior to the three year review, staff, including those staff who may have responsibility for conducting the three-year reassessment, should discuss whether the student is appropriately identified, is achieving IEP goals and objectives and functioning appropriately within the school setting, in order to make a recommendation as to whether a reevaluation may be necessary.

10. If the student will be participating in the IEP meeting, have the school staff responsible for the delivery of special education services provide the student with instruction on his/her role, rights and procedural safeguards.

Note: At least one year before the student turns 18 he/she must be notified that he/she will be assuming the rights, roles, responsibilities, and communication previously held by his/her parents.

11. Encourage parents to participate in the IEP. Make sure to ask parents of their educational/behavior concerns and document in the IEP, Present Levels IEP page. Document any other parent concerns on the Notes IEP page.

Note: a trained interpreter on the school staff may provide interpreting services.

12. Make arrangements for any equipment (including someone knowledgeable about its operation), materials, forms etc. that may be needed at the meeting.

Note: Parents intending to audio tape record the meeting **must** give written notice to the administrator/designee at least 24 hours prior to the meeting. If the parent gives notice to some other District employee that District employee shall advise the parent to whom the request should be directed. If the parent tape records the meeting, the school may also tape record the meeting without parental approval. If District staff want to audio tape record the meeting, parents **must** be notified in writing at least 24 hours prior to the meeting and informed that they have the right to refuse to have the meeting recorded. Any recording made by the District is subject to the Federal Family Educational Rights and Privacy Act (FERPA) and thus subject to confidentiality requirements.

#### **X. BEGINNING THE MEETING**

1. Begin the meeting on time.
2. If the meeting is being audio recorded, advise the participants to speak loudly enough and take turns speaking.
3. State the purpose of the meeting. For example: "We are here to review the progress that (student's name) has made since the last IEP meeting and to plan (his/her) education program for the next year." We are here to determine whether (student's name) has a disability and requires special education and related services and if so determine what services will meet (his/her) needs."
4. Introduce the participants and their roles.

Note: When an interpreter is used, clarify the roles and turn-taking procedures that are to be used (e.g., allow time for all communication to be completely interpreted; speak to the participants, not the interpreter; take turns talking;

simultaneous interpretation will occur; or other specific interpreting procedures to be used).

5. Discuss the proposed agenda and ask the participants if there are any additions or modifications. Changes should only be accepted if they are consistent with the purpose(s) of the IEP meeting.
6. Ask the parents if they received copies of the Parent's Procedural Rights and Safeguards. If they have not received them, provide copies and review the content with the parents.

Note: If the student has reached the age of 18, and has not been determined to be incompetent under State law, all rights, roles, responsibilities and communication described in this Manual pertaining to the parent are conveyed to the student.

7. Solicit and answer questions from the parents regarding their rights. Invite them to ask questions at any time during the meeting.
8. Ask the parents if they understand their rights as described in the Parents Procedural Rights and Safeguards and/or explained to them. If they do not, their rights need to be summarized again until they understand them.
9. Tell the team that the proceedings and results are confidential and will be used for educational purposes only.
10. Tell the parents that their concerns and the information they provide regarding the student will be considered in reviewing and/or developing the IEP. This may be achieved by asking questions throughout the meeting, such as: "Tell us about your child." and "From your perspective, what can we do to help?" Throughout the meeting invite parent comments and questions and check for parent understanding. Take every opportunity to make the parents part of the team.

Note: If a parent concern or question cannot be addressed at the meeting, specify a time in the future when the parent will receive a response and who will follow-up.

11. Give the parents an opportunity to share their expectations and vision of the student's future, including short-term and long-term issues. The parent may describe his/her understanding of the student's strengths and personal interests, as well as concerns regarding the student's educational performance, physical development, social and emotional development, independent functioning, vocational considerations and participation in the home and community. If the IEP team is developing or reviewing an ITP, discuss the student's post school goals, interests and preferences.



Note: Pertinent information provided by the parent or student must be summarized on the IEP/ITP either on appropriate sections.

12. Beginning with the year that the student will turn 14 and each annual review thereafter, discuss the District's requirements for graduation with a diploma or certificate of completion, including:
  - a) The difference between a diploma and certificate of completion.
  - b) The right of students to continue their education until age 22, unless they have earned a diploma.
  - c) The courses that must be satisfactorily completed for a diploma.
  - d) The exams that must be passed for a diploma.
  - e) Regarding the California High School Exit Exam (CAHSEE), review what the student will need to know and be able to do to pass the exam. Also indicate that there is a waiver for special education students.
  - f) The criteria for receiving a certificate of completion.
  - g) The District's prescribed alternate course of study.

#### **XI. DETERMINING ELIGIBILITY**

In order for a student to be eligible for special education the student must have a disability and a unique learning need that cannot be met through general education with appropriate accommodations and modifications, and must require special education services to meet his/her unique learning need as determined through assessment. A student ceases to be eligible for special education if he/she no longer has a disability or has a unique need requiring special education.

Note: An assessment of the student must be conducted before the IEP team can make this determination.

13. A student cannot be determined to be a student with a specific learning disability if the determining factor is a lack of appropriate instruction in reading, including the essential components of reading instruction, lack of instruction in math, or limited English proficiency. Essential components of reading instruction means explicit and systemic instruction in:
  - Phonemic awareness
  - Phonics
  - Vocabulary development
  - Reading fluency, including oral reading skills
  - Reading comprehension strategies
14. For a student suspected of having a learning disability, the assessment includes observing the academic performance of the student in a general education setting by an IEP team member other than the student's regular teacher.

15. For a student suspected of having a **specific learning disability** the assessment must provide information for the IEP team to determine:
- a. If a severe discrepancy exists between achievement and intellectual ability in one or more of the following areas:
    - Oral expression
    - Listening comprehension
    - Written expression
    - Basic reading skill
    - Reading fluency skill
    - Reading comprehension
    - Mathematics calculation
    - Mathematics reasoning
  - b. If the discrepancy is due to a disorder in one or more of the basic psychological processes including:
    - Attention
    - Auditory processing
    - Visual processing
    - Sensory motor skill
    - Cognitive abilities including: association; conceptualization; and expression
  - c. That the severe discrepancy is not primarily the result of:
    - A visual, hearing, or motor impairment
    - Intellectual Disability
    - Emotional disturbance
    - Environmental, cultural, or economic disadvantage
    - Limited English proficiency
    - Lack of appropriate instruction in reading or math

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

1. Present assessment results, if a purpose of the IEP meeting is to determine initial or continuing eligibility or to consider terminating special education and related services. Individuals knowledgeable about the assessment findings and who can interpret their instructional implications should give oral reports summarizing the findings from the assessment reports. This information should be communicated in clear, concrete language with minimal use of professional jargon. For example, in addition to using terms like “auditory memory” or “transitioning” the following might be included:
  - “Jose has difficulty immediately remembering directions after the teacher gives instructions.”
  - “Sally becomes distracted and forgets what to do when moving from one activity to another.”

Encourage team members to ask for clarification if they do not understand what is being presented.

2. Discuss the results from any available independent educational evaluations conducted by qualified examiners. If the persons conducting the evaluations are present ask them to summarize their findings.

Note: Summarize the team's consideration of the independent educational evaluation(s) on the Notes IEP page, for example, "The IEP team reviewed and considered the independent educational evaluation report".

3. Determine whether the student has or continues to have one or more disabilities. When making this determination the IEP team should:
  - Discuss characteristics of the student that support the identification of a disability.
  - Answer the questions on the Specific Learning Disabilities Certification IEP page when determining whether a student has a learning disability or when reevaluating a student with a learning disability and complete the form.
  - Document the areas of disability that were discussed.
  - Document the areas of disability considered by the IEP team for which the student did not meet eligibility requirements and the reasons why.
  - Identify the disability or disabilities for which the student is found eligible.

When making this determination the IEP team should:

- For an initial IEP develop and document a profile of the student's functioning, including present levels of educational performance, and the accommodations and modifications that have been tried with the student and their level of success.
- Discuss whether the student's disability has or continues to have an adverse effect on his/her educational performance.
- Determine whether the unique educational needs of the student are not primarily due to:
  - a) Environmental, cultural or economic factors.
  - b) Lack of instruction in math.
  - c) Lack of instruction in reading.
  - d) Limited English proficiency.
  - e) Social maladjustment.
  - f) Temporary physical disability.

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

4. If it is determined that the student does not have a disability or no longer has a disability and thus is not eligible for special education, the IEP team may discuss

other general education accommodations and modifications that might be beneficial.

5. If it is determined that the student has a disability, but does not require or no longer requires special education, the IEP team should discuss whether the student is eligible for a Section 504 Plan

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

6. If it is determined that the student is not or is no longer eligible for special education check the “Does not meet eligibility criteria (or voluntary exit, but remains eligible upon re-enrollment)” box on page 1 of the IEP.
7. If it is determined that a student no longer requires special education, follow SEIS IEP system procedures for conducting a Final IEP under the category of “No longer eligible for special education services.”
8. Document the decisions made above in first page of the IEP. If it was determined the student is not or is no longer eligible for special education, the IEP meeting can be adjourned. If the student is determined to be eligible, proceed with the meeting.
9. If the IEP meeting is the annual review prior to the three-year review, determine if the student will need a formal assessment for consideration at the next three-year review. If the team determines that the student is appropriately identified, is achieving IEP goals and objectives and functioning appropriately within the school setting, the team may determine that a formal assessment process to continue eligibility is unnecessary. If the team determines that the student’s eligibility should be reexamined, and/or that the student is not achieving IEP goals and objectives or functioning appropriately in the school setting, the team should determine that a formal assessment is necessary and specify the specific areas of assessment that are needed. Document the decisions in Notes page of the IEP.

Note: The assessment will be conducted during the 60-day period prior to the next three-year review. An assessment plan will have to be developed, at that time, and parental consent obtained, before the assessment can be conducted.

Overall there are 13 federally defined handicapping conditions, which could make a student eligible for special education services, other than a Specific Learning Disability.

*Federal Disability Categories.*

Multidisciplinary teams evaluate students for one or more of the following eligible disabilities:

Hearing impairment (including deafness)

Both hearing and visual impairment (Deaf-blindness)  
Speech or language impairment  
Visual impairment (including blindness)  
Severe orthopedic impairment  
Other health impairment (OHI)  
Exhibition of autistic-like behaviors  
Intellectual Disability  
Traumatic brain injury  
Serious emotional disturbance  
Specific learning disability  
Multiple disabilities

IDEA defines these disabilities as follows:

***Hearing impairment (including deafness)***

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 **(IDEA 300.8 (3).)**

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 **(IDEA 300.8 (5).)**

***Both hearing and visual impairment (Deaf-blindness)***

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 **(IDEA 300.8 (2).)**

***Speech or language impairment***

Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, language impairment, or a voice impairment, that adversely affects a child's educational performance **(IDEA 300.8 (11).)**

***Visual impairment***

Visual impairment including blindness means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness **(IDEA 300.8 (13).)**

***Severe orthopedic impairment***

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) **(IDEA 300.8 (8).)**

### *Other health impairment (OHI)*

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: 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 **(IDEA 300.8 (9)(i).)**

### *Exhibition of autistic-like behaviors*

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects 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 **(IDEA 300.8 (1)(i).)**

Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance **(IDEA 300.8 (1)(ii).)**

A child who manifests the characteristics of autism after age three could be identified as having autism if he/she satisfies the above criteria **(IDEA 300.8(1)(iii).)**

### *Intellectual Disability*

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 **(IDEA 300.8 (6).)**

### *Serious 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:

An inability to learn that cannot be explained by intellectual, sensory, or health factors **(IDEA 300.8 (4)(i)(A).)**

An inability to build or maintain satisfactory interpersonal relationships with peers and teachers **(IDEA 300.8 (4)(i)(B).)**

Inappropriate types of behavior or feelings under normal circumstances **(IDEA 300.8 (4)(i).)**

A general pervasive mood of unhappiness or depression **(IDEA 300.8 (4)(i)(D).)**

A tendency to develop physical symptoms or fears associated with personal or school problems **(IDEA 300.8 (4)(i)(E).)**

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 the criteria listed above **(IDEA 300.8 (4)(ii).)**

### ***Specific learning disability***

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
- Developmental aphasia **(IDEA 300.8 (10)(i).)**

Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. **(IDEA 300.8 (10)(ii).)**

### ***Multiple disabilities***

Multiple disabilities means concomitant impairments (such as intellectually disabled-blindness or intellectually disabled-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 **(IDEA 300.8 (7).)**

### ***Traumatic brain injury***

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance **(IDEA 300.8 (12).)**

Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as **(IDEA 300.8 (12).):**

- Cognition
- Language
- Memory
- Attention
- Reasoning
- Abstract thinking
- Judgment
- Sensory, perceptual, and motor abilities
- Psychosocial behavior
- Physical functions

- Information processing
- Speech

Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma **(IDEA 300.8 (12).)**

### *Severe disabilities and non-severe disabilities*

Students meeting eligibility under some of the above federal classifications are considered to be severely disabled as follows:

“Severely disabled” means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities:

- Autism
- Blindness
- Deafness
- Severe orthopedic impairments
- Serious emotional disturbances
- Severe intellectual disability

Individuals who would have been eligible for enrollment in a development center for handicapped pupils under (E.C., Sec. 56030.5)

## **Developing the Individual Educational Plan**

### **XII. PRESENT LEVELS OF PERFORMANCE**

1. Determine whether the student will participate in one or more of the following:
  - The District general education curriculum for his/her grade level.
  - The District general education curriculum using accommodations and/or modifications.
  - The District Special Education Alternate Curriculum

Document the decision in the IEP.

2. Special factors such as health, physical or sensory limitations, behavior which impedes learning, language status, use of Braille or other modifications of media, communication needs and the student’s need for vocational or prevocational career education, work experience education and/or independent living skills training should be discussed when appropriate. The discussion should be based on findings from formal and informal assessments of the student including State and District wide assessments and the assessment of student interests and abilities if an ITP is being developed.

Note: Since IEP goals are to be aligned to State standards and future Common Core Standards; the use of results from standards-referenced assessments will allow the IEP team to identify the specific skills.



3. For students who are pursuing a certificate of completion, determine which one of the following three requirements the student is expected to meet and document the requirement on the IEP:
  - Satisfactory completion of 260 credits of a prescribed alternative course of study as identified on the student's IEP, or
  - Satisfactory achievement of his/her IEP goals and objectives during high school as determined by the IEP team, or
  - Satisfactory high school attendance, participation in the instruction prescribed in his/her IEP, and achievement of the transition goals and objectives.

If it is expected that this is the last IEP meeting before the student participates in graduation culmination exercises with a diploma or certificate of completion, make sure documentation reflects the status of graduation on the Educational Setting - Offer of FAPE IEP page.

If the student is not graduating with a diploma, explain that the student may only participate in one graduation culmination exercise either with their age appropriate peers or before they reach age 22.

If the student does not receive a diploma, but participates in graduation culmination exercises they may still continue their education until age 22. Document on the IEP Notes page, if the IEP team determines that it expects the student to participate in graduation culmination exercises during the year.

Note: If it is expected that the student will be completing his/her education, then complete the Post Secondary Exit IEP pages parts 1 and 2. This form can be found in the IEP page list of the SEIS IEP system.

4. If the IEP meeting is an annual review, refer to the present levels of performance from the previous IEP and utilizing monitoring information, discuss the progress the student has or has not made. Make sure to update the annual review with current performance data for comparison.
5. Identify performance areas in which the student requires support and the assessment or monitoring information used to make that determination. Examples of performance areas include: health/development; vision (including low vision); hearing; social, emotional and behavioral status; general ability; self help; academic performance (e.g. reading, writing, math); orientation and mobility; language functions; motor abilities; and career and transition abilities.
6. For each performance area in which the student requires support, develop a narrative statement that establishes a baseline for the student's present level of performance in that area. The statement should be written in measurable terms that allows for monitoring and reporting on the progress the student is making. In academic areas, standards should be referenced. Include the student's strengths in the area. Include how the student's disability impacts involvement and progress in the general curriculum.

7. Document the above decisions in Present Levels page of the IEP.
8. Beginning with the year that the student will turn 16, discuss and document on page 1 of the ITP the results of the assessments of the student's interests and abilities. If the student has identified a Career Pathway, this information should be entered and updated at each IEP meeting as additional information becomes available.
9. Beginning with the year that the student will turn 16, develop or modify a statement of transition service needs and a statement of needed transition services. This should be documented on pages 1 through 3A of the ITP and include the following:
  - Instruction: The student's educational goals and the courses needed.
  - Education/Training
  - Employment
  - Independent Living Skills

### **XIII. ANNUAL GOALS AND OBJECTIVES**

1. If the student is receiving special education services, review all annual goals and objectives in the current IEP and determine whether the objectives under each goal have been met or not. All objectives have to be met in order for the goal to be met. For each goal that is not met determine the reason(s) why and what might be done to better assist the student to meet the goal. Enter this information in Goals page of the IEP.
2. For each performance area statement that identifies a student need, including the statement of transition services needs, develop at least one annual goal. Annual goals represent the IEP team's estimate of what the student can reasonably be expected to achieve with specialized instruction or support during a specified period of time not to exceed 12 months. Annual goals must be measurable. The team should answer the question, "With specialized instruction or support what do we expect the student to know or do within a year".

All academic goals must be aligned to the California Content Standards and Common Core Standards.

Additionally:

- Goals developed for related services providers may also be aligned to the content standards or common core standard.
- Stand-alone goals, goals that cannot be linked to content standards, may need to be developed in performance areas not directly linked to content standards, e.g., behavior, social skills.

Note: To ensure that students are provided standards-based instruction the Division of Special Education has adopted the Handbook of Goals and Objectives Related to Essential State of California Content Standards developed by the California Association of School Administrators and the California Association of Resource Specialists. These goals and objectives are available in the SEIS IEP System goal bank.

Note: If a student has a moderate to severe disability and is not participating in the required course of study to meet the high school exit exam, goals should be developed from the Curriculum Guide for Students with Moderate to Severe Disabilities. Many of these goals are available in the SEIS IEP system goal bank.

Note: For preschool students goals should be developed from the preschool curriculum. Generally the Kings County Office of Education evaluates and monitors preschool aged students.

Note: Beginning with the year that the student turns 14 and each annual review thereafter, develop goals that are designed to assist the student to pass required courses and exams for graduation.

3. Develop at least two objectives that will lead to the achievement of each goal. Objectives must be incremental, measurable and observable.
4. For each objective, determine the date (month, year) that it is anticipated that the objective will be achieved.
5. For each objective, determine the method of evaluating progress. For example, State assessment, norm-referenced assessment, criterion referenced assessment, curriculum-based assessment, observation, portfolio assessment, work samples, and informal assessment.

Note: If an assessment that is not generally administered to students in a class, school, or District is to be used, an assessment plan will have to be developed and approved before the assessment can be administered.

6. Determine the types of general education, special education and related services providers who will be responsible for instructing the student in each of the goals. It is possible that more than one person may be responsible. For example, both the general and special education teachers may be providing instruction to ensure that the student achieves the goal.
7. If a goal is to be implemented by a related services provider, a resource specialist or a nonpublic agency, determine if the service will be provided “per week” or “per month” and the frequency and number of minutes of instruction.
8. For each goal, determine the dates (month, year) that services will begin and when the goal should be achieved. While this will often be the date of the IEP meeting and the following 12 months, circumstances or student needs may

necessitate other dates. For example, an IEP meeting held near the end of a school year may set goals that would begin to be implemented at the beginning of the next school year, or a goal might be established that should be implemented in 6 months, or in rare instances, a particular service may take some additional preparation and time to provide.

9. Determine how progress on each goal will be reported to the student's parents. For example, report card, written progress report, parent conference.  
Note: Reporting shall be at least as frequent as that provided for typical students.

10. If the student has been determined to be Limited English Proficient, identify linguistically appropriate goals and objectives and English language development services to assist the student develop fluency in English.

Note: For English language learners make sure on the goals IEP page to check off as appropriate – linguistically appropriate goals

11. If the student is blind or visually impaired, the IEP team must determine if the student requires instruction in Braille and the use of Braille. The team must consider: the findings from an assessment of the student's reading and writing skills, needs, appropriate reading and writing media, and the student's future need for instruction in Braille and the use of Braille. If the student requires instruction in Braille or the use of Braille, develop appropriate goals and objectives and document the need for Braille materials and equipment in the Special Factors IEP page, "Assistive Technology Devices", and, "Low Incidence Support".
12. If the student's behavior is a concern then consider the following:
  - If the student is having behavioral problems, which are not considered serious, develop behavioral goals and objectives that teach appropriate social skills and provide for consistently scheduled reinforcement.
  - If the student is having behavioral problems that significantly interfere with the implementation of the student's IEP goals and objectives and in the school setting, that are considered mild to moderate and interfere with daily learning of the student and that of others, then develop a Behavior Support Plan. If a student is in danger of having numerous suspensions and/or being expelled, or demonstrates a pattern, i.e., frequent fighting, and then develop an assessment plan for consent by the parent for a Social-Emotional Assessment.
  - If the student is having daily behavioral problems, in the school setting, that significantly interferes with the implementation of the student's IEP goals and objectives and which is self injurious, assaultive or causes property damage, and which is severe, pervasive and maladaptive, and requires frequent and systematic application of behavioral interventions consider recommending a Functional Analysis Assessment (FAA) and the development of a Behavioral Intervention Plan (BIP). A Functional Analysis Assessment usually applies to students, who demonstrate more serious

behaviors rather than the typical disciplinary actions of being disruptive, defiant, tardy, an occasional fight, etc.

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

If the student is having behavioral problems, review the disciplinary policies to be followed by the student including the specific regular or alternative disciplinary measures that would result from particular infractions of school rules.

#### **XIV. STANDARDS, ACCOMMODATIONS AND MODIFICATIONS**

1. For all K-12 students who are instructed in the general curriculum, discuss that the student will be expected to meet District promotion standards unless the IEP team decides otherwise.

Consider the following:

- Does the disability impact the student's ability to meet District grade level standards? If yes, discuss how the student's disability affects the student's learning and how this influences the student in meeting promotion standards. For example, a student who has difficulty with visual processing will have to be taught alternative strategies for mastering reading skills. This may impact the materials used for instruction and the time required for the student to master specific skills.
- Is the student expected to meet grade level promotion standards? If the answer is yes, discuss what accommodations and/or modifications are necessary to help the student progress in the general curriculum? Accommodations are changes to how the student demonstrates mastery of skills associated with meeting grade level standards. For example, the student is permitted to do fewer math problems or audiotape a report rather than using a word processor or handwriting. Modifications are changes to the content of instruction. For example, a student might learn the major concepts leading to the Revolutionary War and not be expected to learn the historical facts.

Note: The on-going use of modifications may impact meeting promotion and graduation standards. Accommodations are not the same as modifications.

- What accommodations and/or modifications are necessary for a student in grades 7-12 to complete the District's prescribed course of study and to meet or exceed the proficiency standards necessary for graduation?
- Document the above decisions in Services - Offer of FAPE services and the Educational Setting – Offer of FAPE IEP pages.

2. Discuss the accommodations, modifications, or services, if any, that the student requires to participate in non-academic and extra-curricular activities. Non-academic and extra curricular activities are those activities provided or sponsored by the school or District available to other students in the school. They do not include other community-based activities. Identify the type of staff who will be responsible for providing the accommodations, modifications or services.

An **accommodation** is generally thought of as a change in the course, standard, test preparation, location, timing, scheduling, expectations, student response and/or other attribute which provides access for a student with a disability to participate in a course, standard or test, it does not fundamentally alter or lower the standard or expectation of the course/test.

Accommodations are basically physical or environmental changes generally referred to as good teaching strategies and include:

- \_ Extended time, frequent breaks, varying of activities
- \_ Change in classroom, preferential seating, physical arrangement of the room, reducing/minimizing distractions, cooling off period, sign language interpreter
- \_ Emphasizing teaching approach (visual, auditory, multi-sensory), individual/small group, taping, demonstrating/modeling, visual cues, manipulatives, pre-teaching, organizers
- \_ Taping texts, highlighting material, note taking assistance, notes provided by teacher , calculator, computer, word processor, Braille, large print
- \_ Directions given in small, sequential steps, copying from book/paper, length of assignment shortened, format of assignment
- \_ Positive reinforcement, concrete reinforcement, checking for understanding, study guides, before/after school tutoring
- \_ Reading test verbatim, shortening length of test, test format changed (multiple choice vs. fill in the blank)

A **modification** is a change in the course, standard, test preparation, location, timing, scheduling, expectations, student response and/or other attribute which provide access for a student with a disability to participate in a course, standard or test, which does fundamentally alter or lower the standard or expectation of the course, standard or test.

Modifications involve deliberate intellectual lowering in the level of materials presented.

- \_ Presentation of curriculum is modified using a specialized curriculum, which is written, at a lower level of understanding.
- \_ Materials are adapted; texts are simplified by modifying the content areas—simplifying vocabulary, concepts and principals.
- \_ Grading is subject to different standards than general education, such as basing on IEP goals.

\_Assignments are changed using lower level reading levels, worksheets and simplified vocabulary.

\_Testing Adaptations are used, such as lowering the reading level of the test.

- Document the decisions in Services – Offer of FAPE page of the IEP and Notes IEP page as appropriate.

Note: Place a copy of the following pages of the IEP into a green folder in the CUM file:

1. Front sheet (Information & Eligibility)
2. Statewide Assessments IEP page
3. Offer of FAPE services page
4. Goals and Objectives IEP page(s)