



ALLEGIANCE STEAM ACADEMY

REGULAR MEETING OF THE BOARD OF DIRECTORS

May 6, 2018

7:00 pm

Meeting Location:

13050 2nd Street, Chino, CA 91710

AGENDA

INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS

Allegiance STEAM Academy- Thrive charter school (“Allegiance STEAM Academy”), also known as ASA Thrive, is a direct-funded, independent, public charter school operated by the Allegiance STEAM Academy nonprofit public benefit corporation and governed by Allegiance STEAM Academy, Incorporated corporate Board of Directors (“Board”). The purpose of a public meeting of the Board, is to conduct the affairs of Allegiance STEAM Academy in public. We are pleased that you are in attendance and hope you will visit these meetings often. Your participation assures us of continuing community interest in our school.

1. Agendas are available to all audience members at the meeting. Note that the order of business on this agenda may be changed without prior notice. For more information on this agenda, please contact Allegiance at: info@asathrive.org
2. “Request to Speak” forms are available to all audience members who wish to speak on any agenda items or under the general category of “Public Comments.”
3. “Public Comments” are set aside for members of the audience to comment. However, due to public meeting laws, the Board can only listen to your issue, not take action. The public is invited to address the Board regarding items listed on the agenda. Comments on an agenda item will be accepted during consideration of that item, or prior to consideration of the item in the case of a closed session item. Please turn in comment cards to the Board Secretary prior to the item you wish to speak on. These presentations are limited to three (3) minutes.
4. In compliance with the Americans with Disabilities Act (ADA) and upon request, Allegiance STEAM Academy may furnish reasonable auxiliary aids and services to qualified individuals with disabilities. Individuals who require appropriate alternative modification of the agenda in order to participate in Board meetings are invited to contact Allegiance STEAM Academy.

I. Preliminary

A. Call to Order

The meeting was called to order by Board Chair at _____.

B. Roll Call

	Present	Absent
Andrew Vestey, Chairman	_____	_____
Vanessa Okamoto, Secretary	_____	_____
Melanie Choi, Treasurer	_____	_____
Raquel Rall, Member	_____	_____
Samantha Odo, Member	_____	_____

C. Public Comments- Items not on the Agenda

No individual presentations shall be for more than three (3) minutes. Ordinarily, Board members will not respond to presentations and no action can be taken. However, the Board may give direction to staff following a presentation.

D. Approval of Agenda for Board Meeting for May 6, 2018.

Recommended the Board of Directors approve the Agenda for Regular Board Meeting for May 6, 2018

Motion: _____ Second: _____ Roll Call: _____

II. Open Session:

A. COMMUNICATIONS

1. Comments from Board of Directors
2. CEO's report

B. ITEMS SCHEDULED FOR DISCUSSION/ACTION:

1. Revised Regular Meeting Calendar for 2017-2018

See attached

It is recommended the Board of Directors:

- a. Adopt and approve the revised regular meeting calendar for 2017-2018.

Motion: _____ Second: _____ Roll Call: _____

2. Math Curriculum Great Minds Eureka Math Quote to Purchase Instructional Materials

See attached

It is recommended the Board of Directors:

- a. Adopt the curriculum and approve the purchase of instructional materials from Great Minds Eureka Math.

Motion: _____ Second: _____ Roll Call: _____

3. English/Language Arts Curriculum Heinemann Publishing Quote to Purchase Instructional Materials

See attached

It is recommended the Board of Directors:

- a. Adopt the curriculum and approve the purchase of instructional materials from Heinemann Publishing.

Motion: _____ Second: _____ Roll Call: _____

4. Allegiance STEAM Academy-Thrive Inclusion Manual

See attached

It is recommended the Board of Directors:

- a. Adopt and approve the Allegiance STEAM Academy-Thrive Inclusion Manual

Motion: _____ Second: _____ Roll Call: _____

5. Fiscal Year 2018-2019 Updated Budget for Allegiance Steam Academy - Thrive

Charter Impact, Allegiance Steam Academy's Back Office provider, has provided an updated Fiscal Year 2018-2019 Budget that ensures financial solvency and a responsible and healthy reserve.

It is recommended the Board of Directors:

- a. Approve the Fiscal Year 2018-2019 Final Budget for Allegiance Steam Academy - Thrive.

Motion: _____ Second: _____ Roll Call: _____

D. ADJOURNMENT

It is recommended the Board of Directors:

- a. Adjourn the Regular Board Meeting for May 6, 2018 at _____

Motion: _____ Second: _____ Roll Call: _____



Allegiance STEAM Academy

2017-2018 Board Meeting Calendar

Jan. 28, 2018	Regular
Feb. 11, 2018	Regular
Feb. 25, 2018	Regular
March 11, 2018	Regular
March 25, 2018	Regular
April 8, 2018	Regular
April 22, 2018	Regular
May 6, 2018	Regular
May 20, 2018	Regular
<i>June 3, 2018 Cancelled</i>	<i>Regular</i>
June 10, 2018	Regular
<i>June 17, 2018 Cancelled</i>	<i>Regular</i>
June 24, 2018	Regular



Great Minds Quote

Created Date	5/1/2018	Quote Number	00036931
Prepared By	Lee Schwarz	Contact Name	Sebastian Cognetta
Email	lee.marzano.schwarz@greatminds.org	Phone	(626) 831-2531
		Email	sebastian.cognetta@asathrive.org
Bill To Name	Allegiance STEAM Academy Thrive	Ship To	Allegiance STEAM Academy Thrive
Bill To	5862 C St. Chino, CA 91710 US	Ship To	5862 C St. Chino, CA 91710 US

Make payment to: Great Minds

Mail payment to:
Great Minds
55 M Street SE, Suite 340
Washington, DC 20003

Phone (toll free): 844-853-1010
Fax: 202-449-9504
Email: ordertracking@greatminds.org

Product	Product Description	ISBN	Standard Price	Discount	Quote Price	Quantity	Total Price
Eureka Math 2-Day Institute Registration-Summer 2018-Anaheim	Eureka - PD Institutes		\$600.00	0.00%	\$600.00	1.00	\$600.00
Eureka Math Grade 1 Packet Bundle Set of 30	Eureka Math - A Story of Units: Grade 1 Class Packet Bundle Assessment/Exit Ticket/Sprint and Fluency Packets	978-1-63255-720-9	\$556.25	15.00%	\$472.81	2.00	\$945.63
Eureka Math Grade 1 Student Edition Set (Modules 1-6; Books #1-4)	Eureka Math- A Story of Units: Grade 1 Student Set Student Workbooks #1-4 (Modules 1-6)	978-1-63255-292-1	\$29.96	15.00%	\$25.47	60.00	\$1,527.96
Eureka Math Grade 1 Teacher Edition Set (Books #1-6; Modules 1-6)	Eureka Math- A Story of Units: Grade 1 Set Teacher Edition Books #1-6 (Modules 1-6)	978-1-63255-354-6	\$147.70	50.00%	\$73.85	2.00	\$147.70
Eureka Math Grade 2 Packet Bundle Set of 30	Eureka Math - A Story of Units: Grade 2 Class Packet Bundle Assessment/Exit Ticket/Sprint and Fluency Packets	978-1-63255-721-6	\$631.25	15.00%	\$536.56	2.00	\$1,073.13
Eureka Math Grade 2 Student Edition Set (Modules 1-8; Books #1-4)	Eureka Math- A Story of Units: Grade 2 Student Set Student Workbooks #1-4 (Modules 1-8)	978-1-63255-297-6	\$29.96	15.00%	\$25.47	60.00	\$1,527.96
Eureka Math Grade 2	Eureka Math- A Story of Units: Grade 2						



Great Minds Quote

Teacher Edition Set (Books #1-7; Modules 1-8)	Set Teacher Edition Books #1-7 (Modules 1-8)	978-1-63255-362-1	\$147.70	50.00%	\$73.85	2.00	\$147.70
Eureka Math Grade 3 Packet Bundle Set of 30	Eureka Math - A Story of Units: Grade 3 Class Packet Bundle Assessment/Exit Ticket/Sprint and Fluency Packets	978-1-63255-722-3	\$553.13	15.00%	\$470.16	2.00	\$940.32
Eureka Math Grade 3 Student Edition Set (Modules 1-7; Books #1-4)	Eureka Math- A Story of Units: Grade 3 Student Set Student Workbooks #1-4 (Modules 1-7)	978-1-63255-302-7	\$29.96	15.00%	\$25.47	60.00	\$1,527.96
Eureka Math Grade 3 Teacher Edition Set (Books #1-7; Modules 1-7)	Eureka Math- A Story of Units: Grade 3 Set Teacher Edition Books #1-7 (Modules 1-7)	978-1-63255-370-6	\$147.70	50.00%	\$73.85	2.00	\$147.70
Eureka Math Grade 4 Packet Bundle Set of 30	Eureka Math - A Story of Units: Grade 4 Class Packet Bundle Assessment/Exit Ticket/Sprint and Fluency Packets	978-1-63255-723-0	\$443.75	15.00%	\$377.19	2.00	\$754.38
Eureka Math Grade 4 Student Edition Set (Modules 1-7; Books #1-4)	Eureka Math- A Story of Units: Grade 4 Student Set Student Workbooks #1-4 (Modules 1-7)	978-1-63255-307-2	\$29.96	15.00%	\$25.47	60.00	\$1,527.96
Eureka Math Grade 4 Teacher Edition Set (Books #1-6; Modules 1-7)	Eureka Math- A Story of Units: Grade 4 Set Teacher Edition Books #1-6 (Modules 1-7)	978-1-63255-377-5	\$147.70	50.00%	\$73.85	2.00	\$147.70
Eureka Math Grade 5 Packet Bundle Set of 30	Eureka Math - A Story of Units: Grade 5 Class Packet Bundle Assessment/Exit Ticket/Sprint and Fluency Packets	978-1-63255-724-7	\$496.88	15.00%	\$422.35	2.00	\$844.70
Eureka Math Grade 5 Student Edition Set (Modules 1-6; Books #1-3)	Eureka Math- A Story of Units: Grade 5 Student Set Student Edition Books #1-3 (Modules 1-6)	978-1-63255-311-9	\$29.96	15.00%	\$25.47	60.00	\$1,527.96
Eureka Math Grade 5 Teacher Edition Set (Books #1-6; Modules 1-6)	Eureka Math- A Story of Units: Grade 5 Set Teacher Edition Books #1-6 (Modules 1-6)	978-1-63255-384-3	\$147.70	50.00%	\$73.85	2.00	\$147.70
Eureka Math Grade 6 Packet Bundle Set of 30	Eureka Math - A Story of Ratios: Grade 6 Class Packet Bundle Assessment/Exit Ticket Packets	978-1-63255-725-4	\$438.13	15.00%	\$372.41	2.00	\$744.82
Eureka Math Grade 6 Student Edition Set (Modules 1-6; Books #1-3)	Eureka Math- A Story of Ratios: Grade 6 Student Set Student Workbooks #1-3 (Modules 1-6)	978-1-63255-315-7	\$29.96	15.00%	\$25.47	60.00	\$1,527.96
Eureka Math Grade 6	Eureka Math- A Story of Ratios: Grade 6						

Great Minds Quote

Teacher Edition Set (Books #1-6; Modules 1-6)	Set Teacher Edition Books #1-6 (Modules 1-6)	978-1-63255-612-7	\$147.70	50.00%	\$73.85	2.00	\$147.70
Eureka Math Grade 7 Packet Bundle Set of 30	Eureka Math - A Story of Ratios: Grade 7 Class Packet Bundle Assessment/Exit Ticket Packets	978-1-63255-726-1	\$441.25	15.00%	\$375.06	1.00	\$375.06
Eureka Math Grade 7 Student Edition Set (Modules 1-6; Books #1-3)	Eureka Math- A Story of Ratios: Grade 7 Student Set Student Edition Books #1-3 (Modules 1-6)	978-1-63255-319-5	\$29.96	15.00%	\$25.47	30.00	\$763.98
Eureka Math Grade 7 Teacher Edition Set (Books #1-6; Modules 1-6)	Eureka Math- A Story of Ratios: Grade 7 Set Teacher Edition Books #1-6 (Modules 1-6)	978-1-63255-619-6	\$147.70	50.00%	\$73.85	1.00	\$73.85
Eureka Math Grade 8 Packet Bundle Set of 30	Eureka Math - A Story of Ratios: Grade 8 Class Packet Bundle Assessment/Exit Ticket Packets	978-1-63255-727-8	\$490.63	15.00%	\$417.04	1.00	\$417.04
Eureka Math Grade 8 Student Edition Set (Modules 1-7; Books #1-3)	Eureka Math- A Story of Ratios: Grade 8 Student Set Student Workbooks #1-3 (Modules 1-7)	978-1-63255-323-2	\$29.96	15.00%	\$25.47	30.00	\$763.98
Eureka Math Grade 8 Teacher Edition Set (Books #1-6; Modules 1-7)	Eureka Math- A Story of Ratios: Grade 8 Set Teacher Edition Books #1-6 (Modules 1-7)	978-1-63255-626-4	\$147.70	50.00%	\$73.85	1.00	\$73.85
Eureka Math Grade K Packet Bundle Set of 30	Eureka Math - A Story of Units: Grade K Class Packet Bundle Assessment/Exit Ticket/Sprint and Fluency Packets	978-1-63255-872-5	\$159.39	15.00%	\$135.48	2.00	\$270.96
Eureka Math Grade K Student Edition Set (Modules 1-6; Books #1-4)	Eureka Math- A Story of Units: Grade K Student Set Student Workbooks #1-4 (Modules 1-6)	978-1-63255-874-9	\$29.96	15.00%	\$25.47	60.00	\$1,527.96
Eureka Math Grade K Teacher Edition Set (Books #1-6; Modules 1-6)	Eureka Math- A Story of Units: Grade K Set Teacher Edition Books #1-6 (Modules 1-6)	978-1-63255-876-3	\$147.70	50.00%	\$73.85	2.00	\$147.70
Eureka Math Grade PK Teacher Edition Set (Books #1-4; Modules 1-5)	Eureka Math- A Story of Units: Grade PK Set Teacher Edition Books #1-4 (Modules 1-5)	978-1-63255-818-3	\$147.70	50.00%	\$73.85	1.00	\$73.85
Eureka Math Online: Pk-12 12 Month Subscription	Eureka Math - A Story of Units, Ratios, and Functions Online Version Grades Pk-12 + Teach Eureka PD Video Series for Grades Pk-12 12 Month Subscription	978-1-63255-219-8	\$190.00	100.00%	\$0.00	17.00	\$0.00
Homework Helpers	Eureka Math Homework Helpers Digital Access, Grades K-12, One School Year		\$5.00	100.00%	\$0.00	480.00	\$0.00



GREAT MINDS

Great Minds Quote

Digital Subscription

Subscription

Subtotal	\$30,611.14
Discount	33.21%
Total Price	\$20,445.15
Shipping Charges	\$1,706.70
Sales Tax	\$1,538.03
S&H Tax	\$0.00
Grand Total	\$23,689.88

Great Minds Policies

Returns: Returned items must be received within 45 days of receipt. Returned items will incur a \$50 return fee and 10% restocking fee and damaged items will not be credited. A completed return authorization will be required for processing.

Reporting Missing/Damaged Materials:

Damaged and missing materials must be reported to Customer Success via shipping@greatminds.org within 10 days of arrival in order to be replaced at no cost.



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ALLEGIANCE STEAM ACADEMY
PO BOX 2414
CHINO CA 91708

SEBASTIAN COGNETTA
ALLEGIANCE STEAM ACADEMY
████████████████████
████████████████████

Account Number	PURCHASE ORDER NUMBER	DATE	SPECIAL INSTRUCTIONS	TERMS	PAGE NO.	
10215575	QUOTE	05-03-2018		Net 30 Days	1	
ITEM	ISBN	UNITS	DESCRIPTION	LIST PRICE	DISC	NET PRICE
E04714	0-325-04714-6	1	CALKINS /UNITS STUDY WRITING GR 6	218.75	20.00	175.00
E05375	0-325-05375-8	1	CALKINS /UNITS STUDY WRITING BUNDLE 6-8	472.50	0.00	472.50
			***** PREPACK CONTAINS *****			
E04714	0-325-04714-6	1	UNITS STUDY WRITING GR 6			
E04715	0-325-04715-4	1	UNITS STUDY WRITING GR 7			
E04716	0-325-04716-2	1	UNITS STUDY WRITING GR 8			

E05376	0-325-05376-6	2	CALKINS /UNITS READING K-5 W/TRADE PK	1,671.00	0.00	3,342.00
			***** PREPACK CONTAINS *****			
E07693	0-325-07693-6	2	UNITS STUDY READING GR K			
E07723	0-325-07723-1	2	UNITS STUDY READ GR K TRADE PK			
E07694	0-325-07694-4	2	UNITS STUDY READING GR 1			
E07724	0-325-07724-X	2	UNITS STUDY READ GR 1 TRADE PK			
E07695	0-325-07695-2	2	UNITS STUDY READING GR 2			
E07725	0-325-07725-8	2	UNITS STUDY READ GR 2 TRADE PK			
E07696	0-325-07696-0	2	UNITS STUDY READING GR 3			
E07726	0-325-07726-6	2	UNITS STUDY READ GR 3 TRADE PK			
E07697	0-325-07697-9	2	UNITS STUDY READING GR 4			
E07727	0-325-07727-4	2	UNITS STUDY READ GR 4 TRADE PK			
E07698	0-325-07698-7	2	UNITS STUDY READING GR 5			
E07728	0-325-07728-2	2	UNITS STUDY READ GR 5 TRADE PK			

E08973	0-325-08973-6	2	CALKINS /UNITS WRIT K-5 W/TB & STK NOTE	1,290.60	0.00	2,581.20
			***** PREPACK CONTAINS *****			
E08947	0-325-08947-7	2	UNITS WRITING GR K W STK NOTES			
E08948	0-325-08948-5	2	UNITS WRITING GR 1 W STK NOTES			
E08949	0-325-08949-3	2	UNITS WRITING GR 2 W STK NOTES			
E08950	0-325-08950-7	2	UNITS WRITING GR 3 W STK NOTES			
E08951	0-325-08951-5	2	UNITS WRITING GR 4 W STK NOTES			



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Z

QUOTE : 5303460

BILL TO: 10215575

SHIP TO: 10215576

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PO BOX 2414
CHINO CA 91708

SEBASTIAN COGNETTA
ALLEGIANCE STEAM ACADEMY
[REDACTED]
[REDACTED]

Account Number	PURCHASE ORDER NUMBER	DATE	SPECIAL INSTRUCTIONS	TERMS	PAGE NO.	
10215575	QUOTE	05-03-2018		Net 30 Days	2	
ITEM	ISBN	UNITS	DESCRIPTION	LIST PRICE	DISC	NET PRICE
E08952	0-325-08952-3	2	UNITS WRITING GR 5 W STK NOTES			
E04744	0-325-04744-8	2	UNITS STUDY WRIT GR K TRADE PK			
E04745	0-325-04745-6	2	UNITS STUDY WRIT GR 1 TRADE PK			
E04746	0-325-04746-4	2	UNITS STUDY WRIT GR 2 TRADE PK			
E04747	0-325-04747-2	2	UNITS STUDY WRIT GR 3 TRADE PK			
E04748	0-325-04748-0	2	UNITS STUDY WRIT GR 4 TRADE PK			
E04749	0-325-04749-9	2	UNITS STUDY WRIT GR 5 TRADE PK			
			***** ***** BACKORDERS AND MISC ***** *****			
			QUOTATION PRICES VALID FOR 30 DAYS			

MERCHANDISE : 6,570.70
SHIPPING : 591.36

Reference	Total Units	Shipping Weight	Shipping Method
5303460	6	242.73	GROUND COMMERCIAL

QUOTATION AMOUNT 7,162.06
PAYABLE IN U.S. FUNDS:

RETURNS PREPAID TO HEINEMANN C/O HOUGHTON MIFFLIN HARCOURT
465 SOUTH LINCOLN DRIVE TROY,MO 63379

REMIT COPY AND PAYMENT TO:HEINEMANN
15963 COLLECTIONS CENTER DRIVE,CHICAGO IL 60693

PLEASE REFER TO INVOICE/CREDIT
NUMBER IN ALL CORRESPONDENCE



ASA Thrive INCLUSION MANUAL

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ASA Thrive Inclusion Model

Allegiance STEAM Academy (ASA) Thrive recognizes its responsibility to enroll and support students with disabilities who can benefit from its program and who otherwise qualify for enrollment and pledges to seek membership in and work in cooperation with a SELPA to ensure that a free, appropriate education is provided to all students with exceptional needs. ASA Thrive will comply with all applicable state and federal laws in serving students with disabilities including, but not limited to, the Individuals with Disabilities Education Improvement Act (IDEIA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans with Disabilities Act (ADA).

ASA Thrive will implement a collaborative model between special and regular education teachers. Special education teachers will, when appropriate, work in regular classrooms to provide additional support for students with disabilities. The Special Education program at ASA Thrive will be known as The Think Tank. ASA Thrive believes in the empowerment all students, but especially those with disabilities. Rebranding our Special Education program The Think Tank places a positive connotation on the word, the classification, and the program. The Think Tank will be run as an inclusion model, utilizing collaborative/co-teaching methodology through the IEP team decision-making process.

Pursuant to Education Code section 47641, ASA Thrive shall participate as a local educational agency in a special education plan approved by the State Board of Education and shall be deemed a fully independent LEA for special education purposes with all of the rights and responsibilities of LEAs under applicable law. ASA Thrive shall comply with applicable laws and the published policies of the Desert/Mountain Charter SELPA of which it is a member.

This Inclusion Manual is drawn from and relies upon the Desert/Mountain Charter SELPA Policies and Procedures. All Policies and Procedures of the D/M SELPA shall be adopted and followed by ASA Thrive. The forms and resources listed herein are available and will be accessed from the D/M SELPA.

ASA Thrive will comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and will utilize appropriate SELPA forms. ASA Thrive may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors. All Special Education services at ASA Thrive will be delivered by individuals or agencies qualified to provide Special Education services as required by California's Education Code and the IDEIA.

ASA Thrive will be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by ASA Thrive will be accessible for all students with disabilities.

In accordance with state and federal law, all students with disabilities will be fully integrated into the programs of ASA Thrive, with necessary materials, services, and equipment to support their learning. The school will ensure that any student with a disability attending ASA Thrive is properly identified, assessed and provided with necessary services and support.

ASA Thrive will meet all the requirements mandated within a student's Individualized Education Program (IEP). The school will seek to include all students in the general education setting to the maximum extent appropriate according to their IEPs. However, if the student's needs, as documented on the IEP, require a program other than inclusion, the school may work with the school district, County Office of Education, and/or its SELPA to provide appropriate placement and services.

ASA Thrive will administer all aspects of IEPs to enable students with disabilities to be successful, including the appropriate classroom modifications, strategies, and techniques.

Allegiance STEAM Academy Thrive shall be referred to as any of the following in this Inclusion Manual:

- ASA Thrive
- The Charter LEA
- The LEA
- The Local Education Agency

Desert/Mountain Charter Special Education Local Plan Area shall be referred to as any of the following in this Inclusion Manual:

- Desert/Mountain SELPA
- D/M SELPA
- D/M Charter SELPA
- The Charter SELPA
- The SELPA

Chapter 1: Identification and Referral

Introduction

ASA Thrive understands its responsibility to ensure that all children with disabilities who need special education and related services are identified, located, and evaluated, regardless of the severity of the disability. A student shall be referred for special educational instruction and services only after the resources of the regular education program through the SST process have been considered and used where appropriate. The SST team will identify a brief reason for the referral and a description of the regular program resources that were used for the student. A possible exception to this protocol would be students with severe disabilities for whom the SST process would delay obviously needed Special Education services. Parent notification and request for special education testing and evaluation will trigger legal timelines, and ASA Thrive will follow all legal and SELPA mandates for a timely response.

The referral for special education assessment is the first step taken when it is suspected that a 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 to determine areas in need of assessment.

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.

E.C. 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.

E.C. 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.

The SST Process described below is considered an initiation of [Child Find Process](#) at ASA Thrive.

Student Study Team (SST)

E.C. 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.

What is an SST?

SST stands for Student Study Team. The SST is a group of invested stakeholders (parents, student, teachers, other school personnel, therapists, etc) interested in determining the academic and/or behavioral challenges that a student may be exhibiting and identifying the targeted and strategic interventions to address the academic and/or behavior challenge.

Who can start the SST process?

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 Pre-SST Process 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 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 student's teacher should provide essential information about the student to the team. 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 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.

Pre-SST Process

1. Teacher/parent observes that the student has an academic and/or behavior challenge/need.
2. Teacher/parents conference to discuss the need and create a plan to identify the need. The need could be identified through assessment and/or observation (i.e. - academic need: student is showing a low fluency score and the error pattern indicates that they miss all sight words or a behavior need: student reacts physically every time they try to play a game and get out).

3. Once the need has been identified, the teacher works with the parents and teacher team member(s) to determine the best interventions to meet the need (i.e., sight word flashcard practice every day in class with or 10 minutes and at home with parents for 10 min, mini-lessons/games on sight words, or create a goal card for the student who reacts physically, provide/model/role-play alternate strategies, structure play more narrowly, etc). These interventions should be tried for a minimum of two weeks.

4. The student should be reassessed using the same assessment as before to monitor progress. If the academic and/or behavior need is being met, then the interventions were successful and an SST is not necessary. If the interventions were not successful, new interventions should be tried and the process repeats. All interventions tried should be thoroughly documented with accompanying documents to support the finding.

5. If after trying at least 3 different interventions at least 3 different times for at least 2 weeks at a time and the student has not shown progress, then an SST needs to be initiated (i.e. 6 weeks of thorough interventions and parent meetings).

SST Process

The SST process happens because all known interventions have been tried, are not working, and more help is necessary.

1. SST Coordinator sets the meeting.

2. The meeting takes place. At the meeting, the team investigates what has already been tried and determines what new interventions can be tried. This meeting is considered an initiation of [Child Find Process](#) at ASA Thrive.

3. A plan is created and advisors work with parents, student, and any other school support personnel to implement the new plan.

4. If after 2-3 SST meetings the student is not showing progress, the team will determine if additional assessment is required to see if there are underlying issues that need to be addressed. The student may be referred to Special Education for academic and psychoeducational testing, or for a speech screening, or to therapy. Special Education Team should be consulted to determine if this is a viable direction to take.

5. If after testing, the student is determined to have a specific learning disability or other health impairment that is prohibiting them from accessing the curriculum or core behavior support system, the student may be placed on an IEP and receive additional services with appropriate support. If this is the case, the student's SST file would be closed.

6. If the child does not qualify for an IEP, the SST would reconvene to determine the next best course of action to support the student.

Important Points to Remember:

- If interventions are working, the student does not need to go through the SST process.
- Parent communication from teachers is mandatory at the very start of recognizing an academic and/or behavior challenge.
- Identification of the need is extremely important. Please work with the appropriate school personnel to determine the best assessment.
- Identification of the appropriate interventions is extremely important (you don't want to intervene with jumping jacks if the need is to learn how to hold a pencil correctly).
- Please use your resources to help you identify appropriate assessments and interventions: Special Education Team, ASA teachers.
- Parents have the right to request an evaluation for special education at any time. These requests are time sensitive. If a parent asks about special education, or requests an assessment in person or in writing, provide that information to the Director of Educational Programs immediately, preferably via email and in person.

Infant & Preschool: Birth to Five Years

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.

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.

Referral for Evaluation of 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).

E.C. 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.

Procedures for Processing Referrals

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.

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*).

Referral for Section 504

Students may be referred for assessment under Section 504 of the Rehabilitation Act of 1973 by parents, guardians, school staff, or agency. See this manual for 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.

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*).

Interim Placement (Transfer IEP)

E.C. 56325. (a)(1). 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.

(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.

(3) The following applies 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.

(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.

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 student, the case carrier is responsible for completing page one of the IEP (D/M 68A), documenting all relevant information concerning the 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
- Case carrier signature

A copy of the interim IEP is forwarded to the Desert/Mountain SELPA or LEA office in order for the student'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 student'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*).

Overidentification and Disproportionality

It is the policy of ASA-Thrive to prevent inappropriate disproportionate representation by race and ethnicity of students with disabilities.

34 C.F.R. 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.

ASA Thrive will monitor student trends with the intent of averting inappropriate, disproportionate representation of racially, ethnically, linguistically and culturally diverse students (by race and ethnicity of students with disabilities).

Students who are Culturally and Linguistically Diverse

Students 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, some students 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 student 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 considers where on the continuum of language acquisition the student assesses for both the primary language and English. The Speech-Language Pathologist is consulted to interpret the student'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 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 student 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 student's dominant language in various settings?
2. What is the student'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 student 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 student's language behaviors characteristic of other second language learners?
7. What types of language intervention has this student already had and what is the duration and outcome of those interventions?

The second area of consideration for English Language Learners is for authorization of the teacher to provide instruction. The Bilingual, Cross-cultural, Language and Academic Development (BCLAD) and Crosscultural, 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.

Another consideration is the use of interpreters for oral language and translators for 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.

Students 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 students 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.

Information for this section is attributed to Barbara J. Moore-Brown and Judy K. Montgomery, Making a Difference for America's Children, Speech-Language Pathologists in Public Schools, 2001.

English Learners in Special Education Programs

All 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.

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

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

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 Assessment for California (ELPAC));
- (b) Use the assessment results to indicate the child's instructional program 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.

Chapter 2: Evaluation and Assessment

Introduction

Prior to any action taken with respect to the initial placement of a child with a disability, an individual assessment of the child's educational needs must be conducted by qualified staff in accordance with requirements specified by the Education Code. No assessment will be conducted without a signed completed Assessment Plan (D/M 66) unless the Charter Local Education Agency (LEA) has prevailed in a due process hearing regarding the assessment or the child is required to have an assessment as part of an expulsion process.

This section contains the requirements for evaluation and assessment of students who are not progressing in the general education program, even though modifications and accommodations have been provided. Staff or parents may request a child be assessed in all areas of suspected disability. Following a signed assessment plan (D/M 66) giving consent, the evaluation process begins. The initial evaluation and reevaluation are broad terms that apply to all individual testing, which may include observation and other data-gathering activities that result in decisions about a student's educational needs. Generally, evaluation may be defined as the process to make an informed choice about a child's eligibility for special education. Assessment is a process through which the child's eligibility, educational needs, and present levels of performance are determined. It provides information that can be used by teachers and other specialists to determine how to develop a program for a student with a disability so that he/she derives educational benefits.

On at least an annual basis, a review of all Individualized Education Programs (IEPs) will occur. Annual reviews include review of the student's progress and the appropriateness of placement and services, allowing for any necessary revisions. Assessments shall be conducted annually, as necessary, to provide the IEP team sufficient information to review the student's progress and the appropriateness of placement and services. Formal assessments shall require written parent consent.

Areas of Suspected Disability

E.C. 56320(f). The pupil is assessed in all areas related to the suspected disability including, where appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social emotional status. A developmental history shall be obtained when appropriate.

E.C. 56322. The assessment shall be conducted by persons competent to perform the assessment, as determined by the local educational agency.

E.C. 56327. 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:

- (a) Whether the pupil may need special education and related services.
- (b) The basis for making the determination.
- (c) The relevant behavior noted during the observation of the pupil in an appropriate setting.
- (d) The relationship of that behavior to the pupil's academic and social functioning.
- (e) The educationally relevant health and development, and medical findings, if any.
- (f) For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.
- (g) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
- (h) The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to § 56136.

Timelines

Upon receipt of a signed assessment plan, the assessment team has 60 calendar days, not counting days between the child's regular school sessions, terms, or days of school vacation in excess of five school days, in which to conduct an appropriate evaluation and hold an IEP meeting to discuss assessment results and develop an IEP.

1. The 60-day timeline begins the day the signed assessment plan is received by the Charter LEA staff.
2. If an assessment plan is signed within 20 days of the end of the traditional school year, the IEP meeting may be held up to 30 days after the start of the following school year.
3. Within 15 days of the receipt of the referral for assessment, the appropriate IEP assessment team members shall prepare and mail or personally deliver to the parent the following:
 - a. The completed Assessment Plan (D/M 66); and
 - b. A copy of the Special Education Procedural Safeguards/Parents' Rights (D/M 77).

NOTE: The 15 days does not include days between the child's regular school sessions or days of school vacation in excess of five school days. The assessment plan shall be developed within 10 days after the beginning of the regular school year for whom a referral has been made 10 days or less prior to the end of the regular school year. In the case of school vacations, the 15-day timeline will recommence on the date the child's regular school days reconvene. The parent may agree, in writing, to an extension.

4. The parent shall have at least 15 days from the receipt of the assessment plan to arrive at a decision. Assessment may begin immediately upon the Charter LEA's receipt of the parent's written consent.

The case manager is responsible for distributing copies of the assessment plan to all persons named as assessors on the plan. This should be done as soon as possible to allow all assessors ample time to evaluate the child.

Development of the Assessment Plan

As part of an initial assessment or reassessment, the Charter LEA shall review existing assessments and information, and on the basis of that review, and with input from the parent, complete the Triennial Assessment Determination Form (D/M 119), identify what assessments, if any, are needed to determine eligibility, present levels of performance, the child's need for special education and related services, and any modifications needed to enable the child to meet the goals and to participate in the general curriculum.

The assessment plan document must:

- Be in the primary language of the parent (or other mode of communication used by the parent) unless to do so is clearly not feasible;
- Include the child's primary language and level of English proficiency; and
- Include a description of any recent assessments conducted, including any available independent assessments and any assessment information the parent requests to be considered, and information indicating the child's primary language and the child's language proficiency in the primary language.

As part of the assessment plan, the parent shall be informed that upon completion of the administration of tests and other assessment materials, an IEP team meeting shall be scheduled to determine whether the child is a child with a disability and to discuss the assessment(s), the educational recommendations, and the reasons for the recommendations.

Assessment Requirements

An individual comprehensive assessment of a child must be conducted according to the following Education Code requirements:

1. Assessment materials and procedures must be selected and administered so as not to be racially, culturally, or sexually discriminatory.
2. Tests and other assessment materials must meet all of the following requirements:
 - a. Are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible;
 - b. Have been validated for the specific purpose for which they are used;

- c. Are administered by trained personnel in conformance with the instructions provided by the producer of the tests and other assessment materials, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist; and
 - d. Are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
- 3. Tests and other assessment materials include those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.
- 4. Tests are selected and administered to best ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude, achievement level, or any other factors the test purports to measure and not the child's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.
- 5. No single measure for evaluation will be used as the sole criterion for determining an educational program for a child with a disability.
- 6. The child is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history is obtained, when appropriate. For children with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Education Code § 56136.
- 7. The assessment of a child, including the assessment of a child with a suspected low incidence disability, shall be conducted by those persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Education Code § 56136.
- 8. Assessment must be conducted by those competent to perform the assessment, as determined by the Charter LEA, County Office, or Charter SELPA.
 - a. Any psychological assessment must be conducted by a credentialed school psychologist, capable of assessing cultural and ethnic factors pertaining to the child being assessed;
 - b. Any health assessment must be conducted by a credentialed school nurse or physician, capable of assessing cultural and ethnic factors pertaining to the child being assessed.
- 9. Assessment must include observations of the child according to the following criteria:
 - a. For a child with suspected learning disabilities, at least one person other than the child's regular teacher shall observe his/her performance in the regular classroom setting; or
 - b. If the child is younger than four years, nine months or is out of school, an assessment team member shall observe him/her in an environment appropriate for a child.
- 10. Vision and hearing screenings must be conducted for all initial assessments and three-year (triennial) reevaluations, unless parental permission was denied.

Title 5 of the California Code of Regulations § 3027. All pupils being assessed for initial and three-year review for special education services shall have had a hearing and vision screening, unless parental permission was denied.

11. The assessment must include consideration of information and private assessments provided by the parent.
12. Assessments must include information related to enabling the child to be involved in and progress in the general curriculum.
13. Charter LEAs must ensure that Intelligence Quotient (IQ) tests are not administered to African American children. Alternative assessments to IQ tests will be used to obtain information about these students' cognitive development.

Under the *Larry P. v. Riles* decision of 1979, assessment of intelligence of African-American children referred for special education is not allowed. Additionally, there is no criterion or a process for selecting acceptable instruments.

According to the California Department of Education (CDE), Special Education Division, African-American students cannot be assured that decisions about their eligibility for special education will be based on technically or educationally-adequate instruments. To provide equal treatment and effective educational decisions for African-American children in special education, according to a presentation to the Advisory Committee on Special Education, November 20, 1998:

The California Association of School Psychologists (CASP) in cooperation with the Special Education Division of the California Department of Education asks the Advisory Commission on Special Education to participate in establishing criteria and a committee to select acceptable tests or procedures.

The assessment of intelligence for special education was reaffirmed in the Individuals with Disabilities Education Act (IDEA) 1997 and continues to be required under California education regulations. Intelligence is assessed for education as identification and documentation of an educational disability as required for special education services. However, identification of all educational disabilities does not require the assessment of intelligence, and several of the educational disabilities include the term intellectual disability or a synonym of the concept. Terms of general or specific intellectual abilities are found as special education service requirements for specific learning disability, intellectual disability, emotional disturbance, and traumatic brain injury.

Implications for California Speech Language Pathologists – Toya Wyatt Article

Although the original ruling applies to the use of standardized IQ tests with African-American children, many standardized speech and language tests also fall under the *Larry P.* mandate. This is because they directly or indirectly purport to measure IQ and their construct validity is partially or fully determined through correlations with other IQ tests.

14. In conducting an assessment, the Charter LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child including information provided by the parent that may assist in determining whether the child is a child with a disability and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general curriculum.

15. English Learners (ELs)

E.C. § 56320(b). Tests and other assessment materials meet all of the following requirements: (1) are provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer as required by Section 1414(b)(3)(A)(ii) of Title 20 of the United States Code.

Title 5 of the California Code of Regulations § 3001(q). “Primary Language” means the language other than English, or other mode of communication, the person first learned, or the language which is used in the person’s home.

According to the California Department of Education publication, Guidelines for Individual Evaluations of California Students with Disabilities, Birth Through Age Twenty-One, 1999, changes occurred in IDEA 1997 that relate to evaluation requirements for English learners who are suspected of having a disability. Per that document:

- a. The definition of native language was changed in IDEA 1997 to refer to the language normally used by the parents of the English-learning child. If a disability is suspected, school districts should provide and administer tests and other evaluative procedures using the child’s native language or other mode of communication, unless it is clearly not feasible to do so.
- b. Procedural safeguards during the evaluation process are the same for all students, with these additional requirements: (1) the plan for evaluation shall be provided in the native language of the parent or other mode of communication used by the parent, unless doing so is clearly not feasible; (2) the plan for evaluation must indicate the student’s primary language; and (3) procedures and test materials for use with pupils having limited English proficiency, as defined in Education Code § 52163(m), shall be in the individual’s primary language.
- c. To consider whether an English language learner suspected of having a disability is eligible for special education, the IEP team determines whether the learning disability is demonstrated in his/her native language and in English. Test procedures and interpretation of results must cover the child’s achievement in the district curriculum and in the district-adopted sheltered or structured English immersion program. In addition, the IEP team must consider whether a lack of instruction in reading or mathematics, temporary physical disabilities, social maladjustment, or environmental, cultural, or economic factors contribute to the child’s performance.

Response to Intervention (RtI) & Progress Monitoring Data

Response to Intervention (RtI) is a general education approach of high quality instruction, early intervention, and prevention and behavioral strategies aligned with Multi-Tiered Systems of Support. In the context of an RtI prevention model, progress monitoring is used to assess a child’s progress or performance in areas in which he/she were identified by universal screening as being at-risk for failure. RtI is a process that is highly dependent on accurate and timely data collection. The use of informal

assessments during the course of instruction can provide teachers with additional information on which to base instructional decisions. Teachers may use progress monitoring to design more effective, individualized instructional programs for struggling learners. The following are important components in the RtI data collection process:

- Interventions implemented were scientifically research-based and implemented with fidelity as documented by data sheets, computer records, or other permanent products;
- Progression Monitoring: Documentation supports that data was collected at reasonable intervals;
- Data: Identify the extent to which the child exhibited adequate progress based on local or national norms;
- Systemic Observation(s): Observe the child and document his/her interaction with teacher(s) in the environment(s) in which the he/she is experiencing difficulties;
- Student Interview: Conduct a student interview, as appropriate, to obtain the child's perceptions of his/her academic, behavioral, and social performance; and
- Core Teacher(s) Interview: Talk to the child's core teachers to obtain information regarding referral concerns and the child's academic performance, behavior, and peer interactions.

Assessment Reports

Personnel who assess children suspected of having a disability 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:

1. Whether the child may need special education and related services;
2. The basis for making the determination based on the eligibility criteria;
3. The relevant behavior noted during the observation of the child in an appropriate setting;
4. The relationship of that behavior to the child's academic and social functioning;
5. The educationally-relevant health and development, and medical findings, if any;
6. For a child with a learning disability, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services;
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate;
8. The need for specialized services, materials, and equipment for a child with a low incidence disability, consistent with guidelines established pursuant to *Education Code § 56136*;
9. Information related to enabling the child to be involved in and progress in the general curriculum or, for a preschool child, to participate in appropriate activities;
10. Documentation of the language of assessment for a child whose primary language is not English and the results of tests administered in the child's primary language by qualified personnel;
11. A statement regarding the validity of the assessment if the assessment was administered through an interpreter; and
12. A copy of the assessment report shall be given to the parent. Best practices suggest that the parent receive the report in sufficient time prior to the IEP meeting to read and assimilate the information.

Assessment of Students with Specific Learning Disabilities (SLD)

For a child suspected of having a specific learning disability (SLD), the documentation of the determination of eligibility must contain a statement that the learning disability is not primarily the result of visual; hearing; motor disability; intellectual disability; emotional disturbance; cultural, environmental or economic disadvantage; and that the disability is due to a disorder in one or more of the basic psychological processes (Complete SELPA form D/M 154 – Specific Learning Disability).

When standardized tests are considered to be invalid for a specific child, the discrepancy between ability and achievement shall be measured by alternative means as specified on the assessment plan. Each member conducting the assessment must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the member must submit a separate statement presenting the member's conclusion.

Additional considerations for a child who is:

1. Suspected of having a specific learning disability
 - a. At least one member of the IEP team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher; and
 - b. At least one team member other than the child's general education teacher shall observe the child's academic performance in the general classroom setting. In the case of a child who is less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.
2. Receiving postsecondary services
 - a. The LEA will invite the child to attend the IEP meeting if the purpose of the meeting will be the consideration of the needed transition services for the child. If the child does not attend the IEP meeting, the LEA shall take reasonable steps to ensure that the child's preferences and interests are considered; and
 - b. The LEA shall invite, with parental permission, a representative that is likely to be responsible for providing or paying for transition services. If the participating agency does not attend the IEP meeting, the LEA is no longer required to take other steps to obtain participation of an agency in the planning of any transition services (see *Title 34 of the Code of Federal Regulations § 300.321(b)(1) and (3); Title 20 of the United States Code § 1414(d)(1)*).
3. Receiving a functional behavioral analysis assessment
 - a. The IEP team will review the results of the functional behavioral analysis assessment and, if necessary, develop a behavioral intervention plan (BIP).

Annual IEP Review

The IEP team shall meet at least annually to review the child's progress, the IEP, including whether the annual goals for the child are being met, the appropriateness of placement, and to make any necessary revisions.

The annual IEP review shall consist of the required IEP team members. Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review.

An elementary Charter LEA shall notify a high school Charter LEA of all students placed in nonpublic school or agency programs prior to the annual review of the IEP for each child who may transfer to the LEA high school.

To assist in maintaining annual review schedules, it is recommended that teachers, psychologists, support staff, and site administrators receive appropriate lists of students that include the annual IEP review schedule.

All required components of parent notice and informed consent are to be included in the annual IEP review process.

Triennial IEP Review

E.C. 56381(a)(1). A reassessment of the pupil, based upon procedures specified in Section 56302.1 and in Article 2 (commencing with Section 56320), and in accordance with Section 1414 (a), (b), and (c) of Title 20 of the United States Code, shall be conducted if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the pupil warrant a reassessment, or if the pupil's parents or teacher requests a reassessment.

(2) A reassessment shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary. If the reassessment so indicates, a new individualized education program shall be developed.

State and federal laws and regulations require that children with disabilities receive a reevaluation at least once every three years or more frequently if conditions warrant or if the child's parent or teacher requests an assessment. A reevaluation shall not occur more frequently than once a year, unless the parent and the Charter LEA agree otherwise, and shall occur at least once every three years, unless the parent and the Charter LEA agree, in writing that a reevaluation is unnecessary. The date of the IEP meeting following the three-year reevaluation must occur on or before the calendar date that is two years and 364 days from the initial IEP meeting (or previous triennial). If the reassessment so indicates, a new IEP shall be developed (see SELPA form D/M 119 – Triennial Assessment Determination Form).

As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, shall do the following:

1. Review existing assessment data, including assessments and information provided by the parents of the child;

2. Review current classroom-based local or state assessments and classroom-based observations;
3. Review teacher and related service(s) provider(s) observations; and
4. Ensure that a vision and hearing screening is completed, unless the parent denies permission.

On the basis of the information obtained from the above sources, the team members shall identify what assessments, if any, is needed to determine:

1. Whether the child continues to have a disability;
2. The present levels of performance and the educational needs of the child;
3. Whether the child continues to need special education and related service; and
4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the annual goals included in the child's IEP and to participate, as appropriate, in the general curriculum.

According to California law, no reevaluation shall be conducted unless the written consent of the parent is obtained prior to the reevaluation. However, parental consent is not required for a review of existing data.

Implementation Procedures

In anticipation of the triennial review date, the special education case manager will consult with relevant general education teachers and triennial assessment team members to examine what types of data are needed for the determination of a disability and other key components of the IEP review. In cases where comprehensive assessment data may not be required, a consultation should be facilitated by the case manager completing the SELPA's Triennial Assessment Determination Form (D/M 119) and submitting it to assessment team members for input. If all members of the assessment team agree that a comprehensive assessment is not required, a parent letter is sent, along with the IEP Meeting Notification (D/M 67), which explains the abbreviated assessment process and the parent's right to request a comprehensive assessment.

When an abbreviated assessment is anticipated, it is recommended that the IEP team meeting be held 60 days prior to the triennial date. At the IEP meeting, the team reviews the Triennial Assessment Determination Form (D/M 119). If the parent requests a full evaluation at this time, this is documented on the IEP Meeting Notes (D/M 68N). A second IEP meeting is scheduled in these cases within 60 days in order to consider the comprehensive assessment results.

All members of the IEP team are required to submit reports regarding assessment findings, even if an abbreviated assessment has been conducted. Reports should summarize the information gleaned from the abbreviated procedures. In cases where no or any limited assessment has been conducted, the three-year reassessment report should make reference to the assessment information contained in previous psychoeducational evaluations. The following are examples of children who should receive a comprehensive assessment at the time of their triennial review:

- Initially assessed three years prior;
- Not making expected progress in their special education programs;
- Have undergone a serious illness or serious life-changing event;

- A change of special education placement may be anticipated, including children anticipated to exit their special education program;
- Special education eligibility/disabling condition is no longer apparent;
- Previous assessments have contained unusual variability in results; or
- Under the age of nine years.

Protection in Assessment Procedures

Conducting the Assessment

1. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining:
 - a. Whether the child has a disability; and
 - b. The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
2. Do not use any single measure or assessment as the sole criterion for determining whether a child has a disability or for determining an appropriate educational program for the child; and
3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

Selecting Tools

Use assessments and other assessment materials that are:

1. Nondiscriminatory – selected and administered so as not to be discriminatory on a racial or cultural basis;
2. Provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
3. Valid and Reliable – used for the purposes for which the assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel;
5. Administered in accordance with any instructions provided by the producer of the assessments; and
6. Assessments are selected and administered to best ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

Comprehensive Assessment

1. Ensure that the assessment is sufficiently comprehensive to identify all of the child's special education and related services needs whether or not they are commonly linked to the disability category in which the child has been classified; and
2. The child is assessed in all areas related to the suspected disability including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Emotional Disturbance

Children with emotional disturbance are assessed in the same way that nondisabled children are assessed. Assessment options include: state and Charter LEA-selected assessments, other norm-referenced tests, curriculum-based assessments, and alternative assessments. If modifications or accommodations are needed for classroom work, then those modifications or accommodations are recorded on the IEP and are appropriate for the evaluation or assessment process. If the behavior is unpredictable, an alternative assessment can be determined by the IEP team and documented on the IEP.

5 C.C.R. § 3030(b)(4). The disability terms used in defining an individual with exceptional needs are as follows...(4) 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.

(F) 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.

Transfer Students

Assessments of children who transfer from one public agency to another public agency in the same school year are coordinated with those child's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full assessments.

Individuals Conducting the Assessments

Assessments must be administered by qualified personnel who are competent in both the oral and sign-language skills and written skills of the child's primary language or mode of communication and have a

knowledge and understanding of the cultural and ethnic background of the child. If it is clearly not feasible to do so, an interpreter must be used and the assessment report must document this condition and note that the validity of the assessment may have been affected.

Determining Mode of Communication and Cultural Identification

1. Before the assessment, the case manager and assessment team members ensure that the child's native language, general cultural identification, and mode of communication are determined;
2. Native language is the primary language used in the child's home (i.e., language typically used for communication between the child and parents, siblings, and other family members);
3. English proficiency if the child has non-English speaking background, his/her proficiency in English must be determined (English Language Proficiency Assessment for California);
4. Mode of communication – mode of communication is determined by assessing the extent to which the child uses verbal expressive language and the use of other modes of communication (e.g., gestures, signing, unstructured sounds) as a substitute for verbal expressive language; and
5. Note the language-use pattern, proficiency in English, mode of communication, and general cultural identification in the child's record. This information is used to design the assessment and develop and implement the IEP.

Chapter 3: Instructional Planning and the IEP

Introduction

The Individualized Education Program (IEP) document is the foundation that directs instructional planning for the student with exceptional needs. Therefore, the process of preparing for, conducting, and following-up any IEP meeting is crucial. This chapter will give an overview of the IEP meeting process.

The Charter Special Education Local Plan Area (SELPA) IEP is used by all participating Charter Local Education Agencies (LEAs) within the Charter SELPA and includes all required components as specified in law.

All special education and related services determined by the IEP team to be necessary for a child to benefit from education shall be listed on the IEP. The IEP shall include the date of initiation, frequency, and duration of service. Each participating Charter LEA shall assure that each child with a disability is provided services in accordance with his/her IEP, regardless of which agency or contractor provides the service.

The Charter LEA Administrator 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 eligible for special education (*Education Code § 56301*).

IEP Meeting: Preparation, Process, and Follow-up

E.C. 56340. Each district, special education local plan area, or county office shall initiate and conduct meetings for the purposes of developing, reviewing, and revising the individualized education program of each individual with exceptional needs.

E.C. 56341(a). Each meeting to develop, review, or revise the individualized education program of an individual with exceptional needs shall be conducted by an individualized education program team.

E.C. 56341.1(h). It is the intent of the Legislature that the individualized education program team meetings be non-adversarial and convened solely for the purpose of making educational decisions for the good of the individual with exceptional needs.

E.C. 56343. An individualized education program team shall meet whenever any of the following occurs:

- (a) A pupil has received an initial formal assessment. The team may meet when a pupil receives any subsequent formal assessment.
- (b) The pupil demonstrates a lack of anticipated progress.

(c) The parent or teacher requests a meeting to develop, review, or revise the individualized education program.

(d) At least annually, to review the pupil's progress, the individualized education program, including whether the annual goals for the pupil are being achieved, and the appropriateness of placement, and to make any necessary revisions.

Activities Prior to the Meeting

Each Charter LEA shall make every reasonable effort to ensure that one or both parents of a child with a disability are present at the IEP meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place. Activities include notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend. If neither parent can attend, the Charter LEA shall use other methods to ensure parent participation, including individual or conference telephone calls and other reasonable accommodations. When a child reaches the age of majority, the Charter LEA shall provide notice of the IEP to both the child and the parent. If the child is, or may be, participating in the general education environment, at least one general education teacher of the child must be included in the IEP team.

The notice of IEP meeting (D/M 67) shall indicate the purpose, time, and location of the meeting and who shall be in attendance. As appropriate, the student will be included in the IEP. The student's input will be solicited if he/she is unable or unwilling to attend.

The notice of IEP meeting shall inform parents of their right to bring other people to the meeting who have knowledge or special expertise regarding the student with disabilities.

With parental permission, each Charter LEA shall invite a representative of any other agency that is likely to be responsible for providing or paying for services, including transition services to secondary or postsecondary programs. The invitation may be in person, by telephone, or in writing. If an agency invited to send a representative to a meeting does not do so, the Charter LEA shall take other steps to obtain participation of the agency in the planning of any transition services. All efforts to include participation of agency personnel will be documented. Title 34 of the Code of Federal Regulations § 300.321(b)(3) indicates that the Charter LEA must acquire written consent from the parent (or a child who has reached the age of majority) for each agency that is invited to attend an IEP meeting to discuss the provision or payment of transition services.

Meeting Notification (D/M SELPA Form 67)

Depending on the purpose of the meeting, team membership may differ from meeting to meeting. Appropriate notification should be sent to all parties comprising the team. California Education Code section 56341.5(b) states, "...parents shall be notified of the individualized education program meeting early enough to ensure an opportunity to attend." Local policy has suggested a minimum of 10 calendar days notice to the parents and other parties who have assessed or who serve the student. Since students are encouraged to participate in their IEP, the notice should also be sent to the student when considered appropriate. The notice must contain the following elements:

- Purpose, time, and location of the meeting.
- Positions of the people invited to the meeting.
- Identification of any other local agency invited to send a representative such as Department of Behavioral Health (DBH).
- For students age 16, or younger if appropriate, a statement indicating that the purpose is to consider needed transition services. At age 16, the student **MUST** be invited to the meeting to develop a plan for needed transition services as must any agencies responsible for implementing those services.

Professional Conduct (Civility) California

Education Code § 32210 states, “Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).” It is understood that employees of the Charter LEA shall adhere to customary professional standards when providing services to and/or communicating with children, parents, or related service providers. It is the expectation of the Charter LEA that all personnel will be responsive to parents’ concerns and attempt to resolve problems at the most appropriate level. In the event Charter LEA personnel are unable to resolve the matter, it should be referred to the administrator or designee and, if necessary, subsequently to the CEO/Director or designee. It is neither required nor desirable that a Charter LEA employee, related service provider, child, or parent, face abusive language or behavior.

This policy promotes mutual respect, civility, and orderly conduct among all parties. It is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free environment for students, parents, related service providers and LEA employees.

Responsibilities of Team Members

Each member of the team has a clearly defined role based on their area of expertise. The members are knowledgeable about the student and have knowledge about services that could benefit the student. Any individual identified as a service provider should prepare for the IEP meeting by gathering information that would indicate present level(s) of performance, progress achieved toward annual goals/short-term objectives, and other items which may be necessary for the team to consider. Parents should prepare for the meeting by considering how the student will participate in the state and district assessment, their priorities for enhancing the long term education of their child, identifying which daily living skills the child utilizes at home; considering career/vocational outcomes for the future; identifying the child’s community participation; and learning strengths/preferences seen in the home and the community.

Involving General Education Teachers in Implementation of the IEP

The LEA case carrier is required to inform general education teachers of their specific responsibilities related to implementing the IEP, and the specific accommodations, modifications, and supports specified within the IEP. General education teacher access to the student’s IEP is also required.

IEP Meeting Agenda

Typically, one team member serves as the facilitator. As such, this individual conducts the meeting by guiding the team through the agenda. See Appendix B for sample IEP meeting agenda and guidelines. For the purposes of the state-mandated management information systems (MIS), the final summary of programs/services is contained on the first page of the document rather than in the body of the document.

Additional Considerations for Writing Effective Individualized Education Programs

While it is essential to remember that the IEP is a legal document requiring compliance practices outlined in IDEA 2004, it must also be seen as a working document that reflects learning outcomes for each student with a disability:

- An IEP must be written for a student with a disability who receives special education and related services
- The IEP is developed by a multidisciplinary team including parents and professionals knowledgeable about the student and when possible the student
- The IEP must be reviewed and revised at least annually
- The IEP is used to provide guidance to the instructional process

Providing a Copy of the IEP to the IEP Team Members

It is required that the parent be provided a completed copy of the IEP. This typically occurs at the conclusion of the IEP meeting unless the IEP team specifies in writing within the IEP document that a final copy will be provided at a different time. If any members of the IEP team have issues or questions regarding the final document, it is necessary to reconvene the IEP team to address the issues in question. The IEP should be at no cost to the parent.

IDEA 2004 and the IEP Process

While the process of IEP development, as well as the alignment of supports and services, remains much the same, there are specific changes regarding the content of the IEP, members of the IEP team, the development of the IEP, and reviewing and revising the IEP. The major thrust of this special education legislation is to increase student involvement in the regular curriculum.

The IEP forms and Web-IEP program have been specifically designed to incorporate the required elements of the law and will support the team's effort to design an effective IEP.

- The IEP team must include the general education teacher
 1. The general education teacher is specifically listed as a member of the IEP team.
 2. There must be evidence that the general education teacher has contributed to the development of the IEP. These contributions may be documented as behavioral

interventions, supplementary aids and services, instructional modifications, and supports necessary for the staff to be successful with the student.

3. IDEA 2004 makes provisions for the excused absence of a required member of the IEP team. If a member of the team is unable to attend, that person needs to provide to the parents written information that is relevant to the development of the IEP, prior to the IEP meeting. The parents must understand the reasons why the IEP team member is unable to attend and must consent to that person's absence from the meeting. There are places on the signature page of the IEP (D/M 68G) for documentation of such an occurrence as well as an excusal form (D/M 64).
- Child's access to and involvement in the core curriculum must be evident
 1. Present levels of educational performances must state the relationship between the child's disability and involvement and process in the general curriculum.
 2. Annual goals are to relate to assisting the child's involvement and progress in the general education curriculum.
 3. Special education and related services, supplementary aids and services, program modifications and supports for school personnel that encourage connection to the core curriculum must be identified.
 4. Students must be educated with their non-disabled peers and participate in extracurricular and other nonacademic activities to the maximum extent possible.
 5. A rationale for nonparticipation with general education children must be provided.
 - The IEP team must consider "special factors" that are unique to that student. These may include behavior, communication, and assistive technology needs as well as English language acquisition needs for students designated as English Learners (EL).
 1. Whether or not a student needs assistive technology devices and/or services.
 2. Positive behavior strategies, including Positive Behavior Intervention Plans are designed for any student whose behavior impedes their learning or the learning of others.
 3. An EL student's language needs are identified and supports articulated.
 4. Instruction is provided in Braille for students who are blind or visually impaired.
 5. The needs of students who are deaf or hard of hearing must take into account the student's language and communication, opportunities for direct communication with peer and professionals in that child's language and communication mode, academic level and opportunities for direct instruction.
 - For each student with a disability, beginning at age 16, or younger if determined appropriate by the IEP team, the IEP must include a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

"Transition Services" means a coordinated set of activities for a child with a disability that:

1. Are designated within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment including supported employment, continuing and adult education, adult services, independent living, or community participation;
 2. Are based on the individual child's needs, taking into account the student's preferences and interests; and
 3. Include:
 - a. instruction;
 - b. related services;
 - c. community experiences;
 - d. the development of employment and other post-school adult living;
 - e. if appropriate, acquisition of daily living skills and functional vocational evaluation.
- Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.
 1. A statement of the transition service needs to prepare the student for adult living beyond high school addressing the student's courses of study.
 2. An identification of needed agency responsibilities and connections.
 3. Evidence of an annual review of the plan.

For a complete list of indicators for transition services, see Appendix A for Transition Requirements Checklist located at the end of this chapter.

- Documentation of student progress must be provided for parents as frequently as it is provided for students in general education.
 1. A statement of how the student's parents/guardians will be routinely informed of progress towards IEP goals.
 2. A statement regarding the extent to which progress is sufficient to enable the student to achieve the goals by the end of the year.
 3. Indications that the course of study will or will not lead to the receipt of a high school diploma.
- Parents/guardians must be included in any process designing supports and services for their child.
 1. Documentation that the parents/guardians have been informed of and contributed to the decisions regarding educational supports and services for their student.

Making IEP Assessments More Meaningful

Linking Assessment to Goals

There must be a direct relationship that flows from:



Assessments for IEPs yield important and valuable information about the student. Assessment data can inform statements of student strengths and present levels of performance. Present levels of performance:

- Are baselines from assessment;
- Are stated in specific performance terms not simply test scores;
- Should be based on the Content Standards as applicable; and
- Link directly to goal statement

Some guidelines for goals include:

- Goals flow directly from present levels of performance.
- Goals are measurable.
- Goals are tied to grade level standards as applicable.
- Goals describe expected outcomes within a 12 month period.
- Goals provide focus and emphasis for instruction.

IEP Team Members

The Charter LEA shall ensure that the IEP team for any child with a disability includes the following members (*Title 34 of the Code of Federal Regulations § 300.321; Education Code §§ 56341, 56341.2, and 56341.5; Title 20 of the United States Code § 1414(d)(1)*):

1. One or both of the child's parents and/or a representative selected by the parent;
2. If the child is or may be participating in the general education program, at least one general education teacher. If more than one general education teacher is providing instructional services to the child, the Charter LEA may designate one such teacher to represent the others; and

3. At least one special education teacher or, where appropriate, at least one special education provider for the child;
4. A representative of the Charter LEA who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
 - b. Knowledgeable about the general education curriculum; and
 - c. Knowledgeable about the availability of Charter LEA resources.

NOTE: The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46670, recommend that the person selected as the Charter LEA representative have the authority to commit Charter LEA resources and be able to ensure that whatever services set out in the IEP will be provided.

5. An individual who can interpret the instructional implications of assessment results.
This individual may already be a member of the team as described in items #2-4 above or in item #6 below;

NOTE: Pursuant to Education Code § 56341 and Title 34 of the Code of Federal Regulations § 300.321, the determination as to whether an individual identified in item #6 below has "knowledge or special expertise" must be made by the party (either the Charter LEA or parent) who invited the individual to the IEP team meeting.

The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46670, explain that a person who does not have knowledge and special expertise regarding the student, and who is not requested to be present at the IEP team meeting by the parent/guardian or Charter LEA, would not be permitted to be a member of the team or attend the meeting as an observer. This comment is consistent with an Attorney General opinion (85 Ops.Cal.Atty.Gen. 157 (2002)), which stated that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.

6. At the discretion of the parent or Charter LEA, other individuals who have knowledge or special expertise regarding the child, including related-services personnel, as appropriate. The determination whether the individual has knowledge or special expertise regarding the child shall be made by the party who invites the individual to be a member of the IEP team (*Education Code § 56341*);
7. Whenever appropriate, the child with a disability;
8. For transition service participants:
 - a. The child, of any age, with a disability, if the purpose of the meeting is the consideration of the child's postsecondary goals and the transition services needed to assist the child in reaching those goals (*Title 34 of the Code of Federal Regulations § 300.320(b)*). If the child does not attend the IEP team meeting, the Charter LEA shall take other steps to ensure that the child's preferences are considered;
 - b. To the extent appropriate and with the consent of the parent, a representative of any other agency that is likely to be responsible for providing or paying for transition services; and

- c. If a representative of such other local agency has been invited but does not attend the meeting, the Charter LEA shall take other steps to obtain participation of the agency in the planning of any transition services (Education Code § 56341).
9. For a child suspected of having a specific learning disability (SLD) in accordance with *Title 34 of the Code of Federal Regulations §§ 300.308 and 300.310*, at least one individual who is qualified to conduct individual diagnostic examinations of the child, such as a school psychologist, speech language pathologist, or remedial reading teacher (*Education Code § 56341*). In accordance with *Title 34 of the Code of Federal Regulations § 300.310*, at least one team member other than the child's general education teacher shall observe the child's academic performance in the general education classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age (*Education Code § 56341*); and
10. For a child who has been placed in a group home by the juvenile court, a representative of the group home.

If a child with a disability is identified as potentially requiring mental health services, the Charter LEA shall request the participation of the behavioral health representative in the IEP team meeting (*Education Code § 56331*).

Excusal Provisions

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent consents and the Charter LEA agrees, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting involves a discussion of the member's area of the curriculum or related service, the IEP team member may be excused from the meeting if the parent consents in writing to the excusal (D/M 64) and the member submits to the parent and team written input into the development of the IEP prior to the meeting (*Title 20 of the United States Code § 1414(d)(1)(C)*; *Title 34 of the Code of Federal Regulations § 300.321*; *Education Code § 56341*).

Parent/Guardian Participation/Parents' Rights

The Charter LEA Administrator or designee shall take steps to ensure that one or both of the parents of the child with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parent of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place (*Title 34 of the Code of Federal Regulations § 300.322*; *Education Code § 56341.5*).

The Charter LEA Administrator or designee shall send parent notices of IEP team meetings (D/M 67) that (*Title 34 of the Code of Federal Regulations § 300.322*; *Education Code § 56341.5*):

1. Indicate the purpose, time, and location of the meeting; and
2. Indicate who will be in attendance at the meeting.

NOTE: *Education Code § 56341.5 conforms state law with federal law by requiring that the IEP team meeting notice contain a statement of transition services beginning at age 16 rather than age 14.*

3. For children beginning at age 16 (or younger than 16, if deemed appropriate by the IEP team):
 - a. Indicate that the purpose of the meeting will be the consideration of postsecondary goals and transition services for the child (*Title 34 of the Code of Federal Regulations § 300.320(b); Education Code § 56345.1(b); Title 20 of the United States Code § 1414(d)(1)(i)(VIII)*);
 - b. Indicate that the Charter LEA will invite the child to the IEP team meeting; and
 - c. Identify any other agency that will be invited to send a representative. At each IEP team meeting convened by the Charter LEA, the Charter LEA Administrator or specialist on the team shall inform the parent and child of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to *Education Code § 56321 (Education Code § 56500.1)*.

At each IEP team meeting convened by the Charter LEA, the Charter LEA Administrator or specialist on the team shall inform the parent and child of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to *Education Code § 56321 (Education Code § 56500.1)*.

The parent shall have the right and opportunity to examine all of his/her child's school records upon request and before any IEP meeting. Upon receipt of an oral or written request, the Charter LEA shall provide complete copies of the records within five business days (*Education Code § 56043(n)*).

If neither parent can attend the meeting, the Charter LEA Administrator or designee shall use other methods to ensure parent participation, including video conferences or individual or conference telephone call (*Title 34 of the Code of Federal Regulations § 300.322; Education Code § 56341.5; Title 20 of the United States Code § 1414(f)*).

An IEP team meeting may be conducted without a parent in attendance if the Charter LEA is unable to convince the parent that he/she should attend. In such cases, the Charter LEA shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including (*Title 34 of the Code of Federal Regulations § 300.322; Education Code § 56341.5*):

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondences sent to the parent and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

NOTE: *Education Code § 56341.1 grants the parent, Charter LEA, SELPA, or county office the right to electronically record the proceedings of IEP team meetings. Audiotape recordings made by a Charter LEA, SELPA, or county office are subject to the federal Family Educational Rights and Privacy Act (Title 20 of the United States Code § 1232g).*

Parents of the Charter LEA shall have the right to audiotape the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the

Charter LEA gives notice of intent to audiotape a meeting and the parent objects or refuses to attend because the meeting would be audiotaped, the meeting shall not be audiotaped. Parents also have the right to (*Education Code § 56341.1*):

1. Inspect and review the audiotapes;
2. Request that the audiotapes be amended if the parent believes they contain information that is inaccurate, misleading, or in violation of the child's privacy rights or other rights; and
3. Challenge, in a hearing, information that the parent believes is inaccurate, misleading, or in violation of the child's privacy rights or other rights.

The Charter LEA shall take any action necessary to ensure that the parents understand the proceedings of the meeting, including arranging for an interpreter for parents with deafness or whose native language is not English (*Title 34 of the Code of Federal Regulations § 300.322; Education Code § 56345.1*). The Charter LEA shall give the parents of a child with a disability a copy of his/her child's IEP at no cost (*Title 34 of the Code of Federal Regulations § 300.322*).

Contents of the IEP

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following (*Title 20 of the United States Code § 1414(d)(1)(A); Title 34 of the Code of Federal Regulations § 300.320; Education Code §§ 56043, 56345, and 56345.1*):

1. A statement of the present levels of the child's academic achievement and functional performance, including:
 - a. The manner in which the child's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); and
 - b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities.

NOTE: AB 1662 (Ch. 653, Statutes of 2005) amended Education Code § 56345 to require a statement of a student's academic and functional goals, as specified below. Education Code § 56345 expresses the legislative recognition that, although some students may not meet or exceed the growth projected in the annual goals and objectives, Charter LEAs must make a good faith effort to assist students in achieving the goals in their IEP.

2. A statement of measurable annual goals, including academic and functional goals that are designed to do the following:
 - a. Meet the child's needs that result from his/her disability in order to enable the child to be involved in and progress in the general education curriculum;
 - b. Meet each of the child's other educational needs that result from his/her disability; and

NOTE: Title 34 of the Code of Federal Regulations § 300.320, as amended by 71 Fed. Reg. 156, and Education Code § 56345 require the following statement in the IEP.

- c. For a child with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives (*Title 34 of the Code of Federal Regulations § 300.320(a)(2)(ii)*).
- 3. A description of the manner in which the progress of the child toward meeting the annual goals described in item #2 above will be measured and when the Charter LEA will provide periodic reports on the progress the child is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards.
- 4. A statement of the specific special educational instruction and related services and supplementary aids and services, based on peer-reviewed research, to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to:
 - a. Advance appropriately toward attaining the annual goals;
 - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities; and
 - c. Be educated and participate with other children with disabilities and nondisabled children in the activities described in Education Code § 56345(a).
- 5. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the general education class and in extracurricular and other nonacademic activities described in item #4 above.

NOTE: Pursuant to Title 20 of the United States Code § 1412(a), students with disabilities must be included in state and Charter LEA assessments, with appropriate accommodations, such as the California Assessment of Student Performance and Progress (CAASPP) (Education Code §§ 60640-60649). Title 34 of the Code of Federal Regulations § 300.320, as amended by 71 Fed. Reg. 156, and Education Code § 56345 require a description of the individual accommodations that will be used by the child and, if the child will not participate in the regular assessment, a statement as to the reason that determination was made and what alternate assessment will be provided.

- 6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the child on state and Charter LEA-wide assessments. If the IEP team determines that the child shall take an alternate assessment instead of a particular regular state or Charter LEA-wide assessment, a statement of all of the following:
 - a. The reason that the child cannot participate in the regular assessment; and
 - b. The reason that the particular alternate assessment selected is appropriate for the child.
- 7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications.

NOTE: As amended by AB 1662 (Ch. 653, Statutes of 2005), Education Code § 56345 now conforms state law with federal law to require that the IEP contain a statement of transition services beginning at age 16 rather than age 14.

- 8. Beginning not later than the first IEP to be in effect when the child is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
 - a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

- b. The transition services, including courses of study, needed to assist the child in reaching those goals.
- 9. Beginning at least one year before the child reaches age 18, a statement that the child has been informed of his/her rights, if any, pursuant to *Education Code § 56041.5* that will transfer to the child upon reaching age 18.
- 10. Where appropriate, the IEP shall also include (*Education Code § 56345*):
 - a. For children in grades 7-12, any alternative means and modes necessary for the child to complete the Charter LEA's prescribed course of study and to meet or exceed proficiency standards required for graduation; and
 - b. Linguistically appropriate goals, objectives, programs, and services for children whose native language is not English;

NOTE: *AB 1662 (Ch. 653, Statutes of 2005) amended Education Code § 56345 to require the following determination by the IEP team regarding extended school year services.*

- c. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of free appropriate public education (FAPE);
- d. Provision for transition into the general education program if the child is to be transferred from a special class or center or nonpublic, nonsectarian school into a general education program in a public school for any part of the school day.
- 11. The IEP shall include descriptions of activities intended to:
 - a. Integrate the child into the general education program, including indications of the nature of each activity and the time spent on the activity each day or week; and
 - b. Support the transition of the child from the special education program into the general education program.
- 12. Specialized services, materials, and equipment for children with low incidence disabilities, consistent with the guidelines pursuant to *Education Code § 56136*.

Development, Review, and Revision of the IEP

In developing the IEP, the IEP team shall consider all of the following (*Title 34 of the Code of Federal Regulations § 300.324; Education Code §§ 56341.1 and 56345; Title 20 of the United States Code § 1414(d)(3)(A)*):

- 1. The strengths of the child;
- 2. The concerns of the parents for enhancing the education of their child;
- 3. The results of the initial assessment or most recent assessment of the child;
- 4. The academic, developmental, and functional needs of the child;
- 5. In the case of a child whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior;
- 6. In the case of a child with limited English proficiency, the language needs of the child as such needs relate to the child's IEP;
- 7. In the case of a child who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille. However, such instruction need not be included in the

IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the child. This determination shall be based upon an assessment of the child's reading and writing skills, his/her future needs for instruction in Braille or the use of Braille, and other appropriate reading and writing media;

8. The communication needs of the child, and in the case of a child who is deaf or hard of hearing, the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode. The team shall also consider the related services and program options that provide the child with an equal opportunity for communication access, including the following (*Education Code § 56345*):
 - a. The child's primary language mode and language, which may include the use of spoken language, with or without visual cues, and/or the use of sign language;
 - b. The availability of a sufficient number of age, cognitive, and language peers of similar abilities, which may be met by consolidating services into a local plan area-wide program or providing placement pursuant to *Education Code § 56361*;
 - c. Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the child's primary language mode and language consistent with existing law regarding teacher training requirements; and
 - d. Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities consistent with the federal Vocational Rehabilitation Act and the federal Americans with Disabilities Act.
9. Whether the child requires assistive technology devices and services.

If, in considering the special factors in items #1-8 above, the IEP team determines that a child needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the IEP team must include a statement to that effect in the child's IEP (*Education Code § 56341.1*).

The Charter SELPA Administrator or designee shall ensure that the IEP team (*Title 20 of the United States Code § 1414(d)(4)*; *Title 34 of the Code of Federal Regulations § 300.324*; *Education Code §§ 56043, 56341.1, and 56380*):

1. Reviews the IEP periodically, but at least annually, to determine whether the annual goals for the child are being achieved and the appropriateness of placement;
2. Revises the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;
 - b. The results of any reassessment conducted pursuant to *Education Code § 56381*;
 - c. Information about the child provided to or by the parents regarding review of evaluation data pursuant to *Title 34 of the Code of Federal Regulations § 300.305(a)(2)* and *Education Code § 56381(b)*;
 - d. The child's anticipated needs; and
 - e. Other matters.

NOTE: *As amended by 71 Fed. Reg. 156, Title 34 of the Code of Federal Regulations § 300.324 requires that, when conducting a review of the IEP, the IEP team consider the special factors for students with additional behavior or communication needs as listed in items #5-9 above.*

3. Considers the special factors listed in items #5-9 above when reviewing the IEP. The IEP team shall also meet (*Education Code § 56343*):
 - a. Whenever the child has received an initial formal assessment and, when desired, when the child receives any subsequent formal assessment; and
 - b. Upon request by the child's parent or teacher to develop, review, or revise the IEP.

If a participating agency other than the Charter LEA fails to provide the transition services described in the child's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the child in the IEP (*Title 20 of the United States Code § 1414(d)*; *Title 34 of the Code of Federal Regulations § 300.324*; *Education Code § 56345.1*).

As a member of the IEP team, the general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of (*Title 20 of the United States Code § 1414(d)(3)(C)*; *Title 34 of the Code of Federal Regulations § 300.324*; *Education Code § 56341*):

1. Appropriate positive behavioral interventions and supports and other strategies for the child; and
2. Supplementary aids and services, program modifications, and supports for school personnel that will be provided for the child, consistent with *Title 34 of the Code of Federal Regulations § 300.320*.

To the extent possible, the Charter LEA shall encourage the consolidation of reassessment meetings and other IEP team meetings for a child (*Title 20 of the United States Code § 1414(d)(3)(A)*; *Title 34 of the Code of Federal Regulations § 300.324*).

The child shall be allowed to provide confidential input to any representative of his/her IEP team (*Education Code § 56341.5*).

NOTE: *As amended by 71 Fed. Reg. 156, Title 34 of the Code of Federal Regulations § 300.324 requires that the IEP team be informed when the IEP is amended under the circumstances described below.*

When a change is necessary to a child's IEP after the annual IEP team meeting for the school year has been held, the parent and the Charter LEA may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the child's current IEP. The IEP team shall be informed of any such changes. Upon request, the Charter LEA shall provide the parent with a revised copy of the IEP with the incorporated amendments (*Title 20 of the United States Code § 1414(d)(3)(D)*; *Title 34 of the Code of Federal Regulations § 300.324*).

NOTE: *Education Code § 56157 specifies that when the Charter LEA has placed a foster child in a nonpublic, nonsectarian school, the Charter LEA must conduct an annual evaluation, as specified below.*

In addition, Education Code § 56157 requires the nonpublic, nonsectarian school to report to the Charter LEA regarding the educational progress made by the child.

If a child with a disability residing in a licensed children's institution or foster family home has been placed by the Charter LEA in a nonpublic, nonsectarian school, the Charter LEA shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the child's needs (*Education Code § 56157*).

NOTE: *As amended by AB 1662 (Ch. 653, Statutes of 2005), Education Code § 56043 specifies that if an IEP calls for a residential placement, the IEP must be reviewed every six months.*

When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include a provision for a review, at least every six months, by the full IEP team of all of the following (*Education Code § 56043*):

1. The case progress;
2. The continuing need for out-of-home placement;
3. The extent of compliance with the IEP; and
4. Progress toward alleviating the need for out-of-home care.

Timelines for the IEP and for the Provision of Services

At the beginning of each school year, the Charter LEA shall have an IEP in effect for each child with a disability within the Charter LEA jurisdiction (*Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56344*).

The Charter LEA shall ensure that a meeting to develop an initial IEP is conducted within 30 days of a determination that a child needs special education and related services. The Charter LEA shall also ensure that, as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with his/her IEP (*Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56344*).

An IEP required as a result of an assessment of the child 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 receipt of the parent written consent for assessment, unless the parent agrees, in writing, to an extension (*Education Code § 56344*).

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 for a 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 limit shall recommence on the date that child's school days reconvene (*Education Code § 56344*).

When a parent requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent's written request, not counting days between the child's regular school sessions,

terms, or days of school vacation in excess of five school days. If a parent makes an oral request, the Charter LEA shall notify the parent of the need for a written request and the procedure for filing such a request (*Education Code §§ 56043 and 56343.5*).

NOTE: *Education Code § 56195.8 mandates that the Charter LEA's policy sets forth procedures and timelines for the review of a classroom assignment of an individual with exceptional needs when so requested by that child's general or special education teacher. Education Code § 56195.8 does not state a specific deadline for the review.*

The Charter LEA shall develop procedures and timelines for such reviews, including procedures which will designate which personnel are responsible for the reviews. The Charter LEA shall ensure that the child's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Charter LEA shall also ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the child in accordance with the IEP (*Title 34 of the Code of Federal Regulations § 300.323*).

Before providing special education and related services, the Charter LEA shall seek to obtain informed consent. If the parent refuses to consent to the initial initiation of services, the Charter LEA shall not provide the services by utilizing the due process hearing procedures pursuant to *Title 20 of the United States Code § 1415(f)*.

If the parent does not consent to all of the components of the IEP, then those components to which the parent has consented shall be implemented so as not to delay providing instruction and services to the child (*Education Code § 56346*). If the parent refuses all services in the IEP after having consented to those services in the past, the Charter LEA shall file a request for a due process hearing. If the Charter LEA determines that a part of the proposed IEP to which the parent does not consent is necessary in order to provide the child FAPE, a due process hearing shall be initiated in accordance with *Title 20 of the United States Code § 1415(f)*. While the due process hearing is pending, the child shall remain in the current placement unless the parent and the Charter LEA agree otherwise (*Education Code § 56346*).

APPENDIX A
Instructional Planning and the IEP

TRANSITION REQUIREMENTS CHECKLIST

The following checklist corresponds to specific sections of the Individuals with Disabilities Education Act Amendments of 2004 (IDEA '04) the final regulations related to the transition requirements that were issued in the Federal Register on August 14, 2006. The checklist may be used by public agencies to help align their practices with the transition requirements of the IDEA '04. (Excerpt from Storms, O'Leary, and Williams.)

Transition Services Participants (34 CFR § 300.344)

When a purpose of the IEP meeting is the consideration of transition services:

1. YES NO Did the public agency invite the student?
2. YES NO N/A If the student did not attend the IEP meeting, did the public agency take steps to ensure that the student's preferences and interests were considered in the development of the IEP? (If the student attended the meeting, indicate N/A [not applicable])
3. YES NO Did the public agency invite a representative of any other agency that is likely to be responsible for providing or paying for transition services?
4. YES NO If an agency was invited to send a representative to a meeting and did not do so, did the public agency take other steps to obtain his or her participating in the planning of transition services? (If the agency attended the meeting, indicate N/A [not applicable])

Parent Notice (34 CFR § 300.345)

Does the parent (and student, if rights have been transferred) notice:

1. YES NO Indicate, for a student beginning at age 15+ (or younger, if appropriate; must be in place by 16th birthday), that a purpose of the meeting is the consideration of needed transition services?
2. YES NO Indicate that the public agency will invite the student beginning at age 15+ (or younger, if appropriate)?
3. YES NO Identify any other agency that will be invited to send a representative?
4. YES NO Indicate the time and location of the meeting and who will be in attendance?
5. YES NO Inform the parents that they may invite other individuals who have knowledge or special expertise regarding their child, including related services personnel, as appropriate?

Exception to FAPE and Prior Written Notice (34 CFR § 300.122(a)(3)(I, ii, iii) and § 300.503)

If the student will graduate with a regular* high school diploma, does the IEP team provide the parent(s) (and student, if rights have been transferred) with:

1. YES NO Prior written notice (in accordance with 34 CFR § 300.503) that graduation from high school with a regular diploma constitutes a change in placement and that the high school student is no longer entitled to provide a free appropriate public education (FAPE)? (NOTE: A state may choose to continue to provide FAPE. Check with your state for requirements that may be beyond Federal Requirements.) *Does not apply to students who have graduated but have not been awarded a regular high school diploma.

Content of the Individualized Education Program (IEP) (34 CFR § 300.347)

If the student is 15+ (or younger, if appropriate), does the IEP include:

1. YES NO A statement of current performance related to transition service needs.
2. YES NO A statement of transition service needs that specifies courses of study that will be meaningful to the student's future and motivate the student to complete his or her education?

If the student is 16 (or younger, if appropriate), does the IEP include:

1. YES NO A statement of current performance related to transition service needs.
 - a. YES NO Instruction?
 - b. YES NO Related services?
 - c. YES NO Community experiences?
 - d. YES NO Development of employment and other post school adult living objectives?
 - e. YES NO If appropriate, acquisition of daily living skills?
 - f. YES NO If appropriate, a functional vocational evaluation?
2. YES NO The activities in the statement of needed transition services are presented as a coordinated set of activities that promotes movement from school to desired post school activities?
 - a. Post-secondary education?
 - b. Vocational education?
 - c. Integrated employment (including supported employment)
 - d. Continuing and adult education?
 - e. Adult services?
 - f. Independent living?
 - g. Community participation?
3. YES NO A coordinated set of activities that is based on the individual student's needs, taking into account the student's preferences and interests?
4. YES NO A statement, if appropriate, of the interagency responsibilities or any needed linkages (i.e., linkages to agencies or services the student needs)?
5. YES NO Has the statement of transition service needs and statement of needed transition services been reviewed at least annually?
6. YES NO A statement, in a State that transfers right at the age of majority, at least one year before the student reaches the age of majority under state law, that the student has been informed

of the rights under Part B of the Act, if any, that will transfer to him or her when he or she reaches the age of majority?

Transfer of rights (34 CFR § 300.517, § 300.347(c))

1. YES NO In a State that transfers rights at the age of majority, when the student reached the age of majority, did the public agency notify both the student and the parent that all rights under Part B transferred to the student? (NOTE: In a State that transfers rights at the age of majority, the public agency shall provide any notice required by the regulations to both the individual and the parents.)

Agency responsibilities for transition services (34 CFR § 300.348)

1. YES NO If participating agency failed to provide agreed-upon transition services contained in the IEP, did the public agency responsible for the student's education reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP? (If the agency provided services, indicate N/A [not applicable])

APPENDIX B
Instructional Planning and the IEP

SAMPLE IEP MEETING AGENDA

9:00 am at ASA Thrive

IEP for STUDENT

1. Welcome
 - a. Introductions, Sign in
 - b. Meeting Guidelines
 - c. Purpose of Meeting
 - d. Scheduling Limitations (meeting scheduled from 9:00 a.m. to 11:00 a.m.)
2. Procedural rights and safeguards/questions
3. Student information
 - a. Demographic information
 - b. Eligibility (initial and triennial)
 - c. Review Assessments (if applicable)
4. Developing the IEP
 - a. Review Progress of Previous Goals
 - b. Strengths and Concerns
 - c. Educational Needs
 - d. Present Levels of Academic Achievement and Functional Performance
 - e. Transition Goals and Services
 - f. Proposed Goals and Objectives
 - g. Accommodations, Modifications, Adaptations (ESY, Testing)
 - h. Services
 - i. Continuum of services/Least Restrictive Environment
 - j. Offer of FAPE
5. Closing
 - a. Team review IEP notes
 - b. Print IEP for signature
6. Adjourn

Chapter 4: Procedural Safeguards

The law requires that LEAs establish procedures to protect the rights of individuals with exceptional needs and their parents or guardians. These procedures are called procedural safeguards. Parents have a right to receive a written copy of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) procedural safeguards (D/M 77). These are provided when 1) the child is being referred for an evaluation for special education services for the first time; 2) a written notice of an IEP meeting is sent to the parent; 3) before the child is reassessed; 4) the parent registers a complaint or requests for a mediation or hearing with the CDE; 5) when a decision is made to remove a child in a change of placement because of a violation of a code of student conduct; or 6) anytime they are requested by the parent. Parents are afforded these rights through the processes of assessment, as well as under the design and implementation of their child's individualized education program (IEP). Definitions of terms used in the document are included in order to assist parents with further understanding of their rights. The written copy of the parents' rights is provided in the parent's native language, unless it is clearly not feasible, or in their primary mode of communication, if their language is not written.

This notice shall include information on the procedures for requesting an informal meeting; alternative dispute resolution conference; mediation conference; due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent and/or the Charter LEA to audio record the proceedings of IEP meetings in accordance with *Education Code § 56341*. A copy of this notice shall be attached to the child's assessment plan (D/M 67) and IEP meeting (*Title 20 of the United States Code § 1415(d)(2)*; *Education Code §§ 56321 and 56321.5*).

In addition, this notice shall include a full explanation of the procedural safeguards relating to independent educational evaluation (IEE); prior written notice (PWN); parental consent; access to educational records; opportunity to present complaints to initiate due process hearings; the child's placement while due process proceedings are pending; procedures for children who are subject to placement in an interim alternative educational setting (IAES); requirements for unilateral placement by parents of children in private schools at public expense; mediation; due process hearings; state-level appeals; civil action; attorney's fees; and the state's complaint procedure (*Title 20 of the United States Code § 1415(d)(2)*; *Title 34 of the Code of Federal Regulations § 300.504*). A complete copy of the Charter SELPA Notice to Parent/Guardian/Surrogate regarding parental procedural safeguards is available in both English and Spanish (D/M 77 and D/M 77s) and is available through the SELPA office and SELPA website.

Surrogate Parents

Federal Regulation, 34 C.F.R. 300.519, and *California Education Code section 56050*, mandate the appointment of a surrogate parent to ensure the educational rights of a child with exceptional needs when 1) no parent can be identified, 2) after reasonable efforts, the parents' whereabouts cannot be determined, 3) the child is a ward of the court and that court has limited the rights of the parents or guardian to make educational decisions regarding the child, or 4) the child is an unaccompanied homeless youth. The surrogate parent shall act as the child's parent and have all rights as delineated in federal and state law.

In order to meet the needs of the federal and state mandates, the Charter SELPA staff supports the utilization of surrogate parents. Charter LEA staff will provide training for surrogate parent nominees. Individual ASA will determine which students require the services of a surrogate parent, nominate surrogate parent volunteers, determine if the surrogate parent has sufficient knowledge of the educational process as it relates to special education students, appoint the surrogate parent once they've been determined to be knowledgeable, supervise the surrogate parent, and then evaluate the surrogate parent annually.

To be eligible, it must be established that the volunteer has no interest that would conflict with the interest of the student. For example, the volunteer cannot be employed by ASA or hold a position that might restrict or bias his/her ability to make decisions regarding the student's educational needs. Once the prospective surrogate has gained sufficient knowledge, the LEA is free to appoint the parent to serve as a surrogate for students with exceptional needs within that LEA. The surrogate parent may represent the student in matters relating to: identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in all other matters relating to the provision of a free appropriate public education for the student.

E.C. 56500.1. (a) All procedural safeguards under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 and following) shall be established and maintained by each noneducational and educational agency that provides education, related services, or both, to children who are individuals with exceptional needs.

(b) At each individualized education program meeting, the public education agency responsible for convening the meeting shall inform the parent and pupil of the federal and state procedural safeguards that were provided in the notice of parent rights pursuant to Section 56321.

E.C. 56028. (a) "Parent" means any of the following:

- (1) A biological or adoptive parent of a child.
- (2) A foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf specifically has been limited by court order in accordance with Section 300.30(b)(1) or (2) of Title 34 of the Code of Federal Regulations.
- (3) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child, including a responsible adult appointed for the child in accordance with Sections 361 and 726 of the Welfare and Institutions Code.
- (4) An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare.
- (5) A surrogate parent who has been appointed pursuant to Section 7579.5 or 7579.6 of the Government Code, and in accordance with Section 300.519 of Title 34 of the Code of Federal Regulations and Section 1439(a)(5) of Title 20 of the United States Code.

(b) (1) Except as provided in paragraph (2), the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under subdivision (a) to act as a parent, shall be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(2) If a judicial decree or order identifies a specific person or persons under paragraphs (1) to (4), inclusive, of subdivision (a) to act as the “parent” of a child or to make educational decisions on behalf of a child, then that person or persons shall be determined to be the “parent” for purposes of this part, Article 1 (commencing with Section 48200) of Chapter 2 of Part 27 of Division 4 of Title 2, and Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code, and Sections 361 and 726 of the Welfare and Institutions Code.

(c) “Parent” does not include the state or any political subdivision of government.

(d) “Parent” does not include a nonpublic, nonsectarian school or agency under contract with a local educational agency for the provision of special education or designated instruction and services for a child.

Age of Majority

IDEA requires that the student and parent be notified of the age of majority rule one year prior to the student reaching 18 years of age. At the time the student turns 18, he/she will be recognized as an adult under California Education Code and will be able to exercise parent rights as provided for by federal and state law. It may be impossible for a student with exceptional needs to exercise his/her rights. If this is the case, the student may designate another person to approve and execute school programs or the student’s parents can apply for a traditional or limited conservatorship.

E.C. 56041.5. When an individual with exceptional needs reaches the age of 18, with the exception of an individual who has been determined to be incompetent under state law, the local educational agency shall provide any notice of procedural safeguards required by this part to both the individual and the parents of the individual. All other rights accorded to a parent under this part shall transfer to the individual with exceptional needs. The local educational agency shall notify the individual and the parent of the transfer of rights.

Parent Revokes Consent for Special Education and Related Services

IDEA was amended December 31, 2008, to clarify and strengthen regulations in *Title 34 of the Code of Federal Regulations, Part 300*, in the areas of parental consent for continued special education and related services. *Title 34 of the Code of Federal Regulations § 300.300(b)(4)* was revised to require that parental revocation of consent for the continued provision of special education and related services must be in writing and that upon revocation of consent, LEAs must provide the parent with Prior Written Notice (PWN) in accordance with *Title 34 of the Code of Federal Regulations § 300.503*.

If, at any time subsequent to the initial provision of special education and related services, a parent of a child with a disability revokes consent in writing for the continued provision of special education and related services, Charter LEAs:

- May discontinue the provision of special education and related services to the child, but must provide PWN in accordance with *34 C.F.R. 300.503* before ceasing the provision of these services
- May not use the procedures in *C.F.R. 300 Subpart E—Procedural Safeguards Due Process Procedures for Parents and Children* (including the mediation procedures under *34 C.F.R. 300.506* or the due process procedures under *34 C.F.R. 300.507* through *300.516*) in order to obtain agreement or a ruling that the services may be provided to the child
- Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
- Is not required to convene an individualized education program (IEP) team meeting or develop an IEP under *34 C.F.R. 300.320* and *300.324* for the child for further provision of special education and related services

Upon receiving a written notice from the parent that he/she is revoking consent for special education and related services for his/her child, the Charter LEA should provide a written response to the parent no more than 10 days from receipt of the parent's letter. The Charter LEA letter should contain the following in order to meet requirements for PWN:

- Date services will end (It is recommended that special education and related services cease 10 school days from the date of the Charter LEA's prior written notice/letter to the parent);
- List of services (i.e., placement, accommodations, modifications, and/or supports, including behavioral supports) the student will no longer receive;
- Date the student will be placed in general education (Include a description of the general education placement and services to which the student will have access.);
- Information that the student will no longer be entitled to special education and related services and the protections under the IDEA and related provisions in the California Education Code;
- Information that the student's disability will not be taken into consideration when determining appropriate disciplinary action, nor will the student be entitled to the IDEA's discipline protections;
- Information that if the parent later decides to have his/her child receive special education and related services, that he/she should contact the Charter LEA office. Inform the parent that this request will be treated as a request for an initial evaluation;
- A copy of the Charter SELPA Procedural Safeguards/Parent Rights (SELPA Form D/M 77) together with the PWN;
- Contact information for the Charter LEA office and the California Department of Education (CDE).

ASA shall document this action by sending the PWN to the parent(s) by U.S. Mail and Certified Mail, Return Receipt Requested.

Informal Process/Alternative Dispute Resolution (ADR)

Before requesting a due process hearing, the Charter LEA staff and the parent agree to meet informally to resolve any issue(s) using an alternative dispute resolution meeting for concerns relating to the identification, assessment, or education and placement of a child with a disability.

Mediation Only

In addition, either party may file a request with the Office of Administrative Hearings (OAH) for a mediation only conference to be conducted by a person under contract with the OAH. Based on the mediation conference, the Charter LEA may resolve the issue(s) in a manner that is consistent with state and federal laws and is to the satisfaction of both parties (*Education Code § 56500.3*).

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing (*Education Code §§ 56500.3 and 56501*). This does not apply to mediation only conferences.

If either of these processes fails to resolve the issue(s), either party may file for a state-level due process hearing.

California Department of Education (CDE) Complaints

The CDE resolves special education complaints. An individual, public agency, or organization may file complaints with the CDE. A complaint is a formal request to the CDE to investigate allegations of noncompliance with special education laws, federal or state. The complaint must include:

1. Statements that the LEA violated special education law within one year prior to the complaint being filed;
2. Facts on which such statements are based;
3. Signature and contact information for the complainant;
4. Child's name, address, and school if alleging violations that are child specific; and
5. Proposed resolutions.

Complaints must be filed within one year of the alleged violation. The CDE conducts and completes an investigation into the allegation within 60 days of receipt of the complaint. Based on the CDE's findings, it will prepare a complaint investigation report that provides the allegation summary; general investigative procedures; applicable law and regulations; findings of fact; report conclusions (compliance or noncompliance); and corrective actions and timelines, if applicable. Copies of the investigative report are sent to the complainant, the LEA, and the parent if different from the complainant.

Due Process Complaint

Due process, under the IDEA, is the main vehicle for resolving disputes between parents of children with disabilities and LEAs concerning identification, evaluation, placement or provision of FAPE. *34 C.F.R. 300.511*

The IDEA requires the opportunity for a parent or a public agency to present a complaint with respect to any matter relating to the identification, evaluation, or educational placement or provision of FAPE. *34 C.F.R. 300.507(a)*

A child who has reached the age of majority may file a due process complaint in his/her own name. Under the 2006 regulation at *34 C.F.R. 300.511(e)*, a party must file a due process complaint within two years of the date it knew or should have known about the alleged action that forms the basis of the complaint.

A parent, the Charter LEA, and/or a child who is emancipated, a ward, or dependent of the court may initiate due process hearing procedures whenever (*Title 20 of the United States Code § 1415(b); Education Code § 56501*):

- There is a proposal to initiate or change the identification, assessment, or educational placement of the child or the provision of FAPE to the child;
- There is a refusal to initiate or change the identification, assessment, or educational placement of the child or the provision of FAPE to the child;
- The parent refuses to consent to an assessment of his/her child; or
- There is a disagreement between a parent and the Charter LEA regarding the availability of a program appropriate for the child, including the question of financial responsibility, as specified in Title 34 of the Code of Federal Regulations § 300.403(b).

NOTE: Pursuant to Title 20 of the United States Code § 1415(b), as amended by P.L. 108-446, effective July 1, 2005, and Title 34 of the Code of Federal Regulations § 300.507, the Charter LEA is mandated to adopt procedures (1) requiring either party (the Charter LEA or the parent/guardian) or their attorney to provide notice of the request for a due process hearing to the other party, and (2) containing the requirement that the party may not have a due process hearing until the notice specified in items #1-3 below has been filed. The CDE is required to develop a model form to assist parents in filing a complaint and due process complaint notice.

Parties requesting a due process hearing shall file their request with the OAH which is the designated contracted agency and provide a copy of the request, at the same time, to the other party (*Education Code § 56502*).

The complaint must include the following:

1. The name of the student, the student's address and the name of the school the student is attending.
2. A description of the nature of the problem of the student relating to such proposed initiation or change concerning the identification, evaluation, or educational placement of the child or the provision of FAPE, including facts relating to such problem.
3. A proposed resolution of the problem to the extent known and available to the party at the time. *34 C.F.R. 300.508(b)*.

A due process complaint shall be deemed sufficient unless the party receiving it notifies OAH in writing that the complaint does not meet the requirements. This must be done within 15 days of receiving the

complaint. Then, within five days of receipt of the notice of insufficiency, OAH must make a determination as to whether the complaint is sufficient or not. (34 C.F.R. 300.508(d)(1))

A party may amend a due process complaint only for two reasons:

1. The other party consents in writing to the amended complaint.
2. OAH grants permission for the amended complaint.

Due process timelines start over with an amended complaint. Timelines for due process begin when the party named in the complaint receives the complaint from the filer.

A response to a due process complaint must be sent to OAH within 10 days of receiving it. The response must address the issues raised in the complaint. 34 C.F.R. 300.508(f)

NOTE: The IDEA 2004 Reauthorization made significant changes to the (1) timelines for filing a due process complaint, (2) procedures for amending the complaints, and (3) rules regarding the sufficiency of the complaint notice, see Title 20 of the United States Code § 1415(b) and (f). Title 20 of the United States Code § 1415(f)(3)(C), as amended, specifies that a due process complaint must be filed within two years of the date that the parent/guardian or Charter LEA knew or should have known about the situation that forms the basis of the complaint. However, federal regulations at Title 34 of the Code of Federal Regulations § 300.662, set a different timeline and require a one-year statute of limitations for filing a complaint. As amended by AB 1662 (Ch. 653, Statutes of 2005), Education Code § 56500.2 reflects the federal regulations and states that a complaint must be filed within one year of the alleged violation. It is likely that federal regulations will be amended to clarify the inconsistency. In the meantime, Charter LEAs should consult with legal counsel as to the appropriate timeline.

Title 20 of the United States Code § 1415(c)(1) requires the Charter LEA to provide the following notice upon receipt of the due process complaint.

The due process procedure consists of a series of steps ending with a hearing if needed.

Step 1 - Resolution Mandatory (34 C.F.R. 300.510)

The Charter LEA is required to convene a meeting with the parents and relevant members of the IEP team who have specific knowledge of the facts identified in the complaint. The resolution session:

- A. Must take place within 15 days of the LEA receiving notice of the parent's complaint (34 C.F.R. 300.510(a)(1));
- B. Must include a district representative who has decision-making authority (Title 34 of the Code of Federal Regulations § 300.510(a)(1)(i));
- C. May not include an attorney for the Charter LEA unless the parent is accompanied by an attorney (Title 34 of the Code of Federal Regulations § 300.510(a)(1)(ii)); and
- D. Must provide the parents with the opportunity to discuss the complaint and the facts that form the basis of the complaint, and the LEA must be allowed the opportunity to resolve issues in the complaint (Title 34 of the Code of Federal Regulations § 300.510(a)(2)).

Resolution session may be confidential or non-confidential. The parties decide which type of meeting they prefer at the beginning of the resolution session.

If an agreement is reached during resolution, either party has three business days to void the agreement.

There is no requirement for a resolution session when the Charter LEA files a due process complaint.

Step 2 - Mediation: Voluntary and Confidential

If the complaint is not settled during the resolution session the next step is voluntary mediation. The mediator is an administrative law judge (ALJ) assigned by the OAH who is a neutral participant, skilled in methods of facilitating effective communication between the parties. As a mediator, the ALJ's role is to manage the communication between the parties in order to settle the issues in the complaint. If the parties reach an agreement during mediation, it is binding and the due process complaint is withdrawn. Any discussions or agreement reached during mediation are confidential and protected by law from being revealed to any other party.

Step 3 - Due Process Hearing

If resolution and/or mediation are not successful in settling the complaint, the case moves to a due process hearing before a different ALJ. A telephonic pre-hearing conference will be scheduled with both parties before the first date of hearing to discuss the issues, documents, witnesses and length of days for the hearing.

The ALJ from OAH is in charge of the hearing just like a judge is in a trial. The ALJ rules on all procedural matters, facilitates the hearing, listens to the evidence and arguments of the parties, and writes a final decision, which is binding.

The due process timeline is 45 calendar days from the receipt of a complaint for a due process hearing. The timeline does not include time used by a postponement requested by a party or granted by OAH, or time used by the resolution session. Expedited hearings, which involve student discipline, must be held within 20 school days of the receipt of the complaint, and a written decision must be issued within 10 school days after the hearing.

A party has the right to appeal the decision to a state or federal court of competent jurisdiction within 90 days of the receipt of the decision, but no later. The hearing is recorded and either party may request a written verbatim transcript of the hearing.

Stay-Put

The stay-put, or status quo, provision of the IDEA acts as an automatic preliminary injunction, preventing a party from unilaterally changing the student's program or placement pending the resolution of the due process complaint or judicial action concerning the student's program or placement. Stay-put is only in effect during due process. *34 C.F.R. 300.518(a)*

Due Process Complaints and General Liability

The Charter LEA has the primary responsibility for ensuring that FAPE is available to children in the Charter LEA who are eligible for special education. The Charter SELPA holds no jurisdiction, financially or decision making, over any due process complaints filed against its member Charter LEAs. If named as an individual in a due process complaint filing, the member Charter LEA agrees to dismiss the Charter

SELPA as a named participant and shall inform other parties of the Charter SELPA's role and responsibilities in terms of liability and due process filings.

The Charter SELPA Risk Pool Insurance Fund developed by member LEAs, provides revenue costs in designated areas which include Legal/Due Process/Fair Hearing expenditures for the Charter SELPA and Charter LEA legal counsel related to compliance findings and due process hearings when approved procedures have been followed. NOTE: *Legal assistance and representation for participating LEAs are coordinated by the Due Process Program Manager. All contacts with SELPA-retained attorneys or legal consultants shall be made only after approval of the Program Manager for Due Process. Any Charter LEA initiating contact with a legal advisor without prior approval will bear the cost of the billable time by the legal advisor.*

Prior Written Notice

Prior Written Notice (PWN) is a procedural obligation that acts as a safeguard to ensure that a student's (and parent's) right to FAPE is not violated. PWN provides parents with written notification of decisions affecting the child and gives the parent the opportunity to object to those decisions before action is taken by the Charter LEA. PWN is often referred to as a § 300.503 letter pursuant to *34 C.F.R. 300.503*, which requires a Charter LEA to provide written notice whenever it proposes or refuses to begin or change the identification, evaluation, or educational placement of a child or the provision of FAPE.

PWN consists of these components:

1. It is a written document, not an oral agreement or refusal. It can be a separate letter or documented in the IEP notes.
2. It is addressed to the parent or guardian.
3. It proposes or refuses a change in a student's program or assessment.

A PWN has seven required components:

1. A description of the action proposed or refused
2. An explanation of why the action is proposed or refused
3. A description as to the basis of the actions
4. A reference to the procedural protections under IDEA
5. A reference of sources to contact to provide assistance in understanding procedural protection
6. A description of other options considered and why those options were rejected.
7. A description of other relevant factors

34 C.F.R. 300.503(b) and E.C. 56500.4(b)

PWN must be provided to the parents of a student whenever the Charter LEA:

1. Proposes to initiate or change; or
2. Refuses to initiate or change: the identification, evaluation, educational placement of the child, or the provision of FAPE to the child.

Children with disabilities and their parents shall be provided written notice of their rights in language easily understood by the general public and in the primary language of the parent or other mode of communication used by the parent, unless to do so is clearly not feasible. The PWN is received when the Charter LEA initiates or refuses the request to a change in the child's identification, assessment, or the provision of FAPE to the child. The notice shall, but not be limited to, those rights prescribed by Education Code § 56341 (*Education Code § 56341; Title 34 of the Code of Federal Regulations § 300.503*).

If the native language or other mode of communication of the parent is not a written language, the Charter LEA shall take steps to ensure that (Title 34 of the Code of Federal Regulations § 300.503):

1. The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
2. The parent understands the contents of the notice; and
3. There is written evidence that items 1 and 2 have been satisfied.

PWN must be given when:

1. Assessment - The LEA must send PWN regarding its refusal to assess or reassess
2. Request for Independent Educational Evaluation (IEE)
3. Parental request for a change to the IEP
4. Parental unilateral placement of a student outside the LEA and a request for reimbursement
5. A change in placement
6. A change in location resulting in a change of placement
7. A change in a service provider
8. Parent revocation of consent for special education services
9. Student exits from special education
 - a. Graduation
 - b. No longer eligible

Chapter 5: Transition Services

Introduction

Successful transitions are well-planned, thoughtful actions designed to accomplish particular outcomes. Planning and communication are essential to provide a smooth transition and to encourage and sustain collaboration among the families and agencies involved to ensure appropriate services for the child. A transition plan includes several systems and will serve as a guide to participants throughout the transition process.

This policy is to provide Charter Local Education Agencies (LEAs) with the legal requirements and preferred practices regarding transition for students with disabilities. It addresses the transition of children from one educational or intervention program to another.

Infant to Preschool

Charter schools in the Desert/Mountain Charter SELPA currently do not serve students in Part C or preschool students.

Preschool to Grade School

If children are transitioning from preschool to a Charter LEA and are eligible for Part B services, the Charter LEA will participate to ensure a smooth and effective transition between programs.

The following are recommended guidelines for transitioning preschool-age children to grade school.

Coordination of Preschool Programs

The Charter LEA shall ensure that state preschool programs and programs for individuals with exceptional needs between the ages of three and five years, inclusive, provided, are coordinated at the state and local levels (*Education Code § 56442*).

Head Start Interagency Agreement

The department shall amend its interagency agreement with the Administration for Children, Youth, and Families, Region IX, Head Start, United States Department of Health and Human Services, to permit a Charter LEA to contract with a Head Start program for special education services for individuals with exceptional needs between the ages of three and five years (*Education Code § 56443(a)*).

Reassessment Prior to Transitioning to Kindergarten or First Grade

Prior to transitioning an individual with exceptional needs from a preschool program to kindergarten, or first grade, an appropriate reassessment of the individual shall be conducted to determine if the individual is still in need of special education and services (*Education Code § 56445(a)*).

Transition into Regular Class

Provision for the transition into the general education program if the child is to be transferred from a special class or nonpublic, nonsectarian school into a general education class in a Charter LEA for any part of the school days, include the following *Education Code § 56345(b)(4)*:

1. A description of activities provided to integrate the child into the general education program. The description shall indicate the nature of each activity and the time spent on the activity each day or week; and
2. A description of the activities provided to support the transition of the child from the special education program into the general education program.

Transition from Elementary School LEA to High School LEA

When a child is to enroll in a high school Charter LEA from an elementary Charter LEA, the elementary Charter LEA shall invite the high school LEA to the IEP team meeting prior to the last scheduled review. If the authorized high school personnel participate with the elementary Charter LEA personnel in the IEP team meeting, the IEP shall specify the appropriate high school placement.

If the authorized representative of the high school Charter LEA has not participated in the IEP development prior to transfer from the Charter elementary program, the elementary Charter LEA shall notify the high school LEA of those individuals with exceptional needs who require special education and related services. For each child listed who enrolls in the high school Charter LEA, the Charter LEA Administrator or designee shall make an interim placement in accordance with Education Code § 56325 or shall immediately convene an IEP team meeting (*Title 5 of the California Code of Regulations § 3024*).

Transition Service Language

According to the Federal Regulations for the implementation of IDEA 2004 effective October 13, 2006, beginning not later than the first IEP to be in effect when the child turns 16 or younger, if determined appropriate by the IEP team, and updated annually, thereafter, the IEP must include:

1. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills and functional evaluation; and
2. The transition services (including courses of study) needed to assist the child in reaching those goals.

The Regulations continue,

1. The public agency must invite a child with a disability to attend the child's IEP team meeting if a purpose of the meeting will be the consideration of the postsecondary

goals for the child and the transition services needed to assist the child in reaching those goals under § 300.320(b).

2. If the child does not attend the IEP team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.

3. To the extent appropriate, with the consent of the parents or a child who has reached the age of majority...the public agency must invite a representative of any participating agency that is likely to be responsible for providing or pay for transition services.

The Individuals with Disabilities Education Act (IDEA) 2004 requires that children are invited to their IEP meetings whenever it is anticipated transition will be discussed. In the Charter SELPA IEP, the placement of transition goals prior to academic goals emphasizes the importance placed on transition planning driving each child's IEP. The child's course of study, agencies that may be involved in his/her transition from school to a quality adult life, and transition programs that may be of assistance in meeting his/her postsecondary goals, are indicated.

Charter SELPA form D/M 68E – Transition Plan (Appendix C) is intended to document and consider what transition services and activities the child has previously received or in which the child has previously participated.

Transition goals are intentionally written in the words of the child to emphasize the importance of making sure that these goals are goals that the child developed. These postsecondary goals must be based on ageappropriate transition assessments and they must be measurable. A child's IEP must also include the transition services (including courses of study) needed to assist the child in reaching his/her goals, activities that lead to the attainment of each of the child's postsecondary goals and how these activities will be measured and/or documented, and who is responsible for their completion.

C.F.R. 34 § 300.520. (a) General. A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)—

(1)(i) The public agency must provide any notice required by this part to both the child and the parents; and

(ii) All rights accorded to parents under Part B of the Act transfer to the child;

(2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institutions; and

(3) Whenever a State provides for the transfer of rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency must notify the child and the parents of the transfer of rights.

(b) Special rule. A State must establish procedures for appointing the parent of a child with a disability, or, if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of

majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program.

When a child with a disability reaches the age of majority, age 18, the legal rights for special education services move from the parent to the child. The parent and child with a disability are notified one year before the child's 18th birthday of this transfer of rights. If the parent or care provider determine that the child is unable to, or incapable of, making decisions about education or independent living, there are two options. A legal guardianship can be established as the broadest and most restrictive form of management. The guardian makes decisions on behalf of the child for medical care, financial management, education, and all other life situations. An alternate option is conservatorship. This less restrictive method allows a conservator to handle financial decisions only (*Transition to Adult Living, A Guide for Secondary Education*, California Department of Education, 2001).

Charter SELPA form D/M 68G – IEP Signature Page (Appendix G) provides the mechanism for documenting that a child with a disability has been advised of the rights and his/her attendance responsibilities that he/she will gain when he/she reaches the age of 18.

Course of Study

According to IDEA 2004, the term transition services means a coordinated set of activities that is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of a child with a disability and facilitating the child's movement from school to post-school activities, including postsecondary education, vocational education, employment, continuing and adult education services, independent living, and community participation. These activities are determined and coordinated as part of a child's IEP. These transition services are based on the child's needs, taking into account the child's strengths, preferences, and interests. They include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, the acquisition of daily living skills, and functional vocational evaluation.

Beginning not later than the first IEP to be in effect when the child is 16 years of age, and updated annually thereafter, the IEP shall include appropriate measurable postsecondary goals, measurable annual goals, and transition services needed to assist the child in reaching those goals. The governing board of each Charter LEA shall adopt a policy to implement a course of study that prepares children to meet Charter LEA and state requirements for graduation or a certificate of completion (*Title 34 of the Code of Federal Regulations § 300.320; Education Code §§ 51225.3 and 51225.4*).

Requirements for graduation and specified alternative means for completing the prescribed course of study shall be made available to children, parents, guardians, and the public. The Charter LEA's course of study shall provide children with opportunities to attain the skills, knowledge, and abilities they need to be successful in school, college, and the workplace.

The Charter SELPA recognizes that children with disabilities are entitled to a course of study that provides them with free appropriate public education (FAPE) and modifications to the Charter LEA's regular course may be needed on an individual basis to provide FAPE. In accordance with law, each

child's IEP team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the child on state and districtwide assessments.

State and federal law state the IEP for each child with a disability must contain statements of measurable annual goals that would enable the child to progress in the general education curriculum and a statement regarding any accommodations necessary to measure the child's performance on state and districtwide assessments (*Title 34 of the Code of Federal Regulations § 300.320; Education Code § 56345*).

For children in grades seven to 12, inclusive, any alternative means and modes necessary for the child to complete the prescribed course of study of the Charter LEA and to meet or exceed proficiency standards for graduation shall be documented in the child's IEP. The child's IEP shall contain a multi-year description of the child's coursework from current year to anticipated exit year, to enable the child to meet his/her appropriate postsecondary goal. The IEP team shall document and/or attach a copy of the child's course of study to Charter SELPA form D/M 68E – Transition Plan.

An assessment to determine that a child with a disability is no longer an individual with exceptional needs shall not be required due to graduation from high school with a regular diploma, or due to exceeding the age eligibility for FAPE. Under these circumstances, the Charter LEA shall provide the child with a summary of the child's academic achievement and functional performance using Charter SELPA form D/M 139 - Summary of Performance, which shall include recommendations on the manner in which to assist the child in meeting his/her postsecondary educational goals (Education Code § 56381).

Chapter 6: Participation in State and Districtwide Assessments

Introduction

It shall be the policy of the Desert/Mountain Charter SELPA that all children with disabilities shall participate in state and districtwide assessment programs. The 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 LEA shall administer mandatory student assessments as required by law and in accordance with Charter SELPA policy and administrative regulations. ASA Thrive committed to all children having access to state and local assessments. Through the IEP process each child's strengths and weaknesses will be evaluated to determine areas of educational need.

ASA Thrive 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.

Profile of State Assessment Programs

Testing Accommodations

E.C. § 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.

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:

- English language arts/literacy and mathematics assessments (grades three through eight and grade eleven):
 - Smarter Balanced
 - California Alternate Assessments (CAAs)
- Science assessments (grades five and eight and high school):
 - California Science Test
 - CAA for Science
- Primary language assessment in Spanish:

- California Spanish Assessment—grades three through twelve (students in selected LEAs only)
- Standards-based Tests in Spanish (STS) for Reading/Language Arts—grades two through eleven (optional)

English Language Proficiency Assessments for California (ELPAC)

The English Language Proficiency Assessments for California (ELPAC) is the successor to the California English Language Development Test (CELDT). Beginning in 2017–18, the ELPAC was the required state test for English language proficiency (ELP) that must be given to students whose primary language is a language other than English. The California Department of Education (CDE) expects to be fully transitioned from the CELDT to the ELPAC as the state's assessment of ELP by 2018–19.

State and federal law require that local educational agencies administer a state test of ELP to eligible students in kindergarten (or year one of a two-year kindergarten program, sometimes referred to as “transitional kindergarten”) through grade twelve (ages 3-21). The ELPAC is aligned with California’s 2012 English Language Development Standards, and is comprised of two separate ELP assessments:

1. Initial Assessment (IA)—an initial identification of students as English learners
2. Summative Assessment (SA)—an annual summative assessment to measure an English learner's progress in learning English and to identify the student's ELP level

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.

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.

Guide to the D/M SELPA Accommodations Matrix: CAASPP

Charter SELPA form D/M 68L was designed to help IEP and Section 504 teams make informed decisions about supports on statewide assessments. The CAASPP System is based on the California Common Core Standards for English language arts (ELA) and mathematics adopted by the SBE in 2010. 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 CAASPP 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.

5 C.C.R. § 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.

Guide to the D/M SELPA Accommodations Matrix: California English Language Development Test (CELDT) and Physical Fitness Test (PFT)

Charter SELPA form D/M 68L (Appendix D) was designed to help IEP and Section 504 teams make informed decisions about supports on statewide assessments. 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).

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(g)*, California Alternate Assessments (CAAs) are the alternate assessments and corresponding test materials in ELA, mathematics, and science as provided for in *Education Code § 60640(k)* for children with significant cognitive disabilities. The CAAs are the successor alternate assessments for ELA, mathematics, and science 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, mathematics, and science. 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.

Chapter 6: Suspension and Expulsion

Introduction

Data on suspension and expulsion rates will be retained and provided in a manner prescribed by the California Department of Education (CDE). When indicated by data analysis, the Charter SELPA further assures that policies, procedures, and forms related to the development and implementation of Individualized Education Programs (IEPs) will be revised.

NOTE: The following administrative regulations reflects the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA) (Title 20 of the United States Code §§ 1400-1482), implementing federal regulations, effective October 13, 2006 (Title 34 of the Code of Federal Regulations §§ 300.1-300.818, added by 71 Fed. Reg. 156), and conforming state legislation (AB 1662, Ch. 653, Statutes of 2005). Because federal regulatory provisions related to discipline were amended and renumbered pursuant to 71 Fed. Reg. 156, it is likely that further state legislation will be needed to conform state law to the new federal regulations. Note that in cases where state law provides greater protections to children, state law supersedes federal law. Neither state nor federal law requires that these procedures apply to children identified under the federal Rehabilitation Act of 1973, Section 504 (Title 29 of the United States Code § 794). However, in some instances, the Charter Local Education Agency (LEA) may find it appropriate to apply portions of these procedures (e.g., the limitation that a child with a disability may not be suspended for more than 10 consecutive school days) to Section 504 students with an accommodation plan. Charter LEAs that wish to apply IDEA procedures to Section 504 students should modify the following regulation accordingly.

A child identified as a child with a disability pursuant to the IDEA is subject to the same grounds for suspension and expulsion which apply to children without disabilities.

The guidelines in this section are not binding for Charter LEAs or other entities except for the statutes, regulations, and court decisions that are referred herein. The information provided is taken from the California School Boards Association (CSBA) Board and Administrative Policy. School administrators are presented with complex disciplinary issues and some of these situations involve children with disabilities who are entitled to certain protections under the IDEA.

Procedures for Students Not Yet Eligible for Special Education Services

A child who has not been officially identified as a child with a disability pursuant to IDEA and who has engaged in behavior that violated the Charter LEA's code of student conduct may assert any of the protections under IDEA only if the Charter LEA had knowledge that the child was disabled before the behavior that precipitated the disciplinary action (*Title 20 of the United States Code § 1415(k)(5); Title 34 of the Code of Federal Regulations § 300.534*).

The Charter LEA shall be deemed to have knowledge that the child has a disability if one of the following conditions exists (*Title 20 of the United States Code § 1415(k)(5); Title 34 of the Code of Federal Regulations § 300.534*):

1. The parent has expressed concern to the Charter LEA supervisory or administrative personnel in writing, or to a teacher of the child, that the child is in need of special education or related services;
2. The parent has requested an evaluation of the child for special education pursuant to Title 34 of the Code of Federal Regulations §§ 300.300-300.311; or
3. The teacher of the child or other Charter LEA personnel has expressed specific concerns directly to the Charter LEA's director of special education or to other supervisory Charter LEA personnel about a pattern of behavior demonstrated by the child.

The Charter LEA would be deemed to not have knowledge that a child is disabled if the parent has not allowed the child to be evaluated for special education services or has refused services. In addition, the Charter LEA would be deemed to not have knowledge if the Charter LEA conducted an evaluation pursuant to Title 34 of the Code of Federal Regulations §§ 300.300-300.311, and determined that the child was not a child with a disability. When the Charter LEA is deemed to not have knowledge of the disability, the child shall be disciplined in accordance with procedures established for children without disabilities who engage in comparable behavior (*Title 20 of the United States Code § 1415(k)(5); Title 34 of the Code of Federal Regulations § 300.534*).

If a request is made for an evaluation of a child during the time period in which the child is subject to disciplinary measures pursuant to Title 34 of the Code of Federal Regulations § 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the child shall remain in the educational placement determined by school authorities (*Title 20 of the United States Code § 1415(k)(5); Title 34 of the Code of Federal Regulations § 300.534*).

Suspension

The Charter SELPA Administrator or designee may suspend a child with a disability for up to 10 consecutive or cumulative school days, for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to Title 34 of the Code of Federal Regulations §§ 300.530 and 300.536; Education Code § 48903.

NOTE: Pursuant to Title 20 of the United State Code § 1415(k)(1), Title 34 of the Code of Federal Regulations § 300.530, and a 1988 U.S. Supreme Court decision (Honig v. Doe), Charter LEAs receiving funds under the IDEA may suspend a child for no more than 10 consecutive or cumulative school days, as long as the removal does not constitute a change in placement pursuant to Title 34 of the Code of Federal Regulations § 300.536. Education Code § 48903 specifies that a child may not be suspended for more than 20 cumulative school days in a school year.

The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46715, explains that whether a bus suspension or "in school suspension" would count as a day of suspension affecting the cumulative

total depends on the unique circumstances of each case, such as whether bus transportation is part of the child's IEP. An "in-school suspension" or "supervised suspension classroom" as authorized by Education Code 48911.1 would not count towards the 20-day cumulative limit described above as long as the child is afforded the opportunity to continue to appropriately participate in the general curriculum, receive the services specified in his/her IEP, and participate with nondisabled children to the extent he/she would have in the current placement. However, the Charter LEA should be careful that such actions do not constitute a change of placement and should carefully monitor such suspensions.

The principal or designee shall monitor the number of days, including portions of days, in which a child with a valid IEP has been suspended during the school year. NOTE: *As added by 71 Fed. Reg. 156, Title 34 of the Code of Federal Regulations § 300.536, lists new factors under which a series of removals would constitute a change of placement, as specified below. If the removal is determined to be a change of placement, Title 34 of the Code of Federal Regulations § 300.530 requires the IEP team to determine the appropriate services.*

The Charter LEA shall determine, on a case-by-case basis, whether a pattern of removals of a child from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances (*Title 34 of the Code of Federal Regulations § 300.536*):

1. The removal is for more than 10 consecutive or cumulative school days;
2. The child has been subjected to a series of removals that constitute a pattern because of all the following:
 - a. The series of removals total more than 10 school days in a school year;
 - b. The child's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals;
 - c. Additional factors, such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another, indicate a change of placement; or
3. If the removal has been determined to be a change of placement as specified in items #1-2 above, the child's IEP team shall determine the appropriate educational services (*Title 34 of the Code of Federal Regulations § 300.530*).

SELPA form D/M 122 – Special Education Suspension Review may be used by the Charter LEA in determining whether or not a series of removals constitutes a change of placement.

Services during Suspension

Any child with a disability suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the child's teachers, shall determine the extent to which services are needed as provided in Title 34 of the Code of Federal Regulations § 300.101(a), so as to enable the child to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in

his/her IEP (*Title 20 of the United States Code § 1412(a)(1)(A); Title 34 of the Code of Federal Regulations § 300.530*).

NOTE: *Pursuant to Title 20 of the United States Code § 1412(a)(1)(A) and Title 34 of the Code of Federal Regulations § 300.530, a “free appropriate public education” (FAPE) must be available to all children, including any child with disabilities who has been suspended for more than 10 school days in a year. The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46716, clarifies that the Charter LEA is not required to provide a child who has been suspended for more than 10 school days in a school year for disciplinary reasons exactly the same services in exactly the same setting as the child was receiving prior to the imposition of discipline. However, the special education and related services the child does receive must enable him/her to continue to participate in the general curriculum and to progress toward meeting the goals set out in his/her IEP. The Analysis of Comments, 71 Fed. Reg. 156, pg. 46717, clarifies that services need not be provided when a child is removed for 10 school days or less, as long as the Charter LEA does not provide services to nondisabled children removed for the same amount of time.*

If a child with a disability is excluded from school bus transportation, the child shall be provided with an alternative form of transportation at no cost to the child or his/her parent, provided that transportation is specified in his/her IEP (*Education Code 48915.5*).

Interim Alternative Educational Placement Due to Dangerous Behavior

The Charter LEA may unilaterally place a child with a disability in an appropriate Interim Alternative Educational Setting (IAES) for up to 45 school days, without regard to whether the behavior is a manifestation of the child’s disability, when the child commits one of the following acts while at school, going to or from school, or at a school-related function (*Title 20 of the United States Code § 1415(k)(1)(G); Title 34 of the Code of Federal Regulations § 300.530*):

1. Carries or possesses a weapon, as defined in Title 18 of the United States Code § 930;
2. Knowingly possesses or uses illegal drugs;
3. Sells or solicits the sale of a controlled substance as identified in Title 21 of the United States Code § 812(c), Schedules I-V; or
4. Inflicts serious bodily injury upon another person as identified in Title 18 of the United States Code § 1365.

NOTE: *Title 20 of the United States Code § 1415(k) and Title 34 of the Code of Federal Regulations § 300.530 permit an alternative placement for 45 school days when a child with a disability, while on school grounds, while going to or coming from school, or at a school function, either (1) carries or possesses a weapon, (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, or (3) inflicts serious bodily injury upon another person. “Serious bodily injury” is defined in Title 18 of the United States Code § 1365 as bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of*

the function of a bodily member, organ, or mental faculty. This alternative placement decision may be made unilaterally by the Charter LEA.

The term “weapon,” as used above, refers to a “dangerous weapon” as defined in Title 18 of the United States Code § 930 and includes any device which is capable of causing death or serious bodily injury. The term does not include a pocket knife with a blade less than 2 ½ inches in length.

The child’s interim alternative educational setting shall be determined by his/her IEP team (*Title 20 of the United States Code § 1415(k)(1)(G); Title 34 of the Code of Federal Regulations § 300.531*).

On the date of the decision to take disciplinary action is made, the parents of the child shall be notified of the decision and provided the procedural safeguards notice pursuant to Title 34 of the Code of Federal Regulations § 300.504 (*Title 20 of the United States Code § 1415(k)(1)(H); Title 34 of the Code of Federal Regulations § 300.530*).

A child who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the child shall also receive a Functional Behavioral Assessment (FBA) and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur (*Title 20 of the United States Code § 1415(k)(1)(D); Title 34 of the Code of Federal Regulations § 300.530*).

Manifestation Determination

The following procedural safeguards shall apply when a child is suspended for more than 10 consecutive school days, when a series of removals of a child constitutes a pattern, or when a change of placement of a child is contemplated due to a violation of the Charter LEA’s code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents of the child with a disability shall be notified of the decision and provided the procedural safeguards notice pursuant to Title 34 of the Code of Federal Regulations §§ 300.504 and 300.530; Title 20 of the United States Code § 1415(k)(1)(H);
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made to determine the relationship between the child’s disability and the behavior subject to the disciplinary action (*Title 20 of the United States Code § 1415(k)(1)(E); Title 34 of the Code of Federal Regulations § 300.530*).

At the manifestation determination review, the Charter LEA, the child’s parent, and relevant members of the IEP team (as determined by the Charter LEA and parent) shall review all relevant information in the child’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parent, to determine whether the conduct in question was either of the following (*Title 20 of the United States Code § 1415(k)(1)(E); Title 34 of the Code of Federal Regulations § 300.530*):

- a. Caused by or had a direct and substantial relationship to the child's disability; or
- b. A direct result of the Charter LEA's failure to implement the child's IEP, in which case the Charter LEA shall take immediate steps to remedy those deficiencies.

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the child's disability (*Title 20 of the United States Code § 1415(k)(1)(E); Title 34 of the Code of Federal Regulations § 300.530*);

3. Determination that the Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the child's disability, the IEP team shall conduct a FBA, unless a FBA had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a Behavioral Intervention Plan (BIP) for the child. If a BIP has already been developed, the IEP team shall review the BIP and modify it as necessary to address the behavior (*Title 20 of the United States Code § 1415(k)(1)(F); Title 34 of the Code of Federal Regulations § 300.530*).

The child shall be returned to the placement from which he/she was removed, unless the parent and Charter LEA agree to a change of placement as part of the modification of the BIP (*Title 20 of the United States Code § 1415(k)(1)(F); Title 34 of the Code of Federal Regulations § 300.530*).

NOTE: *Education Code 48915.5 provides that, if a child is excluded from school bus transportation, alternative transportation must be provided at no cost, provided that transportation is specified in the child's IEP. Refer to section entitled "Services during Suspension" (Section C); and*

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the child's behavior was not a manifestation of his/her disability, the child may be disciplined in accordance with the procedures for children without disabilities (*Title 20 of the United States Code § 1415(k)(1)(D); Title 34 of the Code of Federal Regulations § 300.530*).

The child shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the child shall also receive a FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur (*Title 20 of the United States Code § 1415(k)(1)(D); Title 34 of the Code of Federal Regulations § 300.530*).

Due Process Appeals

If the parent disagrees with any Charter LEA decision regarding placement under Title 34 of the Code of Federal Regulations § 300.530 (suspension and removal for dangerous circumstances) or Title 34 of the Code of Federal Regulations § 300.531 (interim alternative educational setting), or the manifestation determination under Title 34 of the Code of Federal Regulations § 300.530(e), he/she may appeal the decision by requesting a due process hearing. The Charter LEA may request a hearing if the Charter LEA

believes that maintaining the child's current placement is substantially likely to result in injury to the child or others. In order to request a hearing, the requesting party shall file a complaint pursuant to Title 34 of the Code of Federal Regulations §§ 300.507, 300.508(a) and (b), 300.532 and Title 20 of the United States Code § 1415(k)(3).

NOTE: *The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46723, clarifies that the burden of proof in due process hearings is on the party that is responsible for the issue going forward to the due process hearing officer, consistent with the U.S. Supreme Court's decision in Schaeffer v. Weast. Thus, if the Charter LEA has requested that a hearing officer remove a child to an interim alternative educational setting, the burden of persuasion at the hearing is on the Charter LEA.*

Whenever a hearing is requested as specified above, the parent or the Charter LEA shall have an opportunity for an expedited due process hearing consistent with requirements specified in Title 34 of the Code of Federal Regulations §§ 300.507, 300.508(a)-(c) and 300.510-300.514.

If the child's parents or the Charter LEA has initiated a due process hearing under Title 34 of the Code of Federal Regulations § 300.532 as detailed above, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent and Charter LEA agree otherwise (*Title 20 of the United States Code § 1415(k)(4); Title 34 of the Code of Federal Regulations § 300.533*).

Readmission

Readmission procedures for children with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

Suspension of Expulsion

The Charter LEA Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to children with disabilities in the same manner as they are applied to all other students (*Education Code § 48917*).

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any child with a disability, the principal or designee shall notify the appropriate city or county law enforcement authorities of any act of assault with a deadly weapon which may have violated Penal Code § 245 (*Education Code § 48902*).

The principal or designee shall also notify the appropriate city or county law enforcement authorities of acts by any child with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code §§ 626.9 and 626.10 (*Education Code § 48902*).

Within one school day after a suspension or expulsion of a child with a disability, the principal or designee shall notify the appropriate city or county law enforcement authorities by telephone or other appropriate means, of any act by the child which may violate Education Code § 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol, or intoxicants of any kind (*Education Code § 48902*).

Report to County Superintendent of Schools

The Charter SELPA Administrator or designee shall report to the County Superintendent of Schools when any child with a disability has been expelled or suspended for more than 10 school days. The report shall include the child's name, last known address, and the reason for the action (*Education Code § 48203*).

NOTE: As amended by SB 1327 (Ch. 59, Statutes of 2006), Education Code 48203 requires the Charter CEO to report to the County Superintendent of Schools when any child with a disability has been expelled or suspended for more than 10 school days. Education Code 48203 specifies that it is the duty of the County Superintendent to examine the reports and, if any case exists in which the interest of the child or welfare of the state may need further examination, draw the reports to the attention of the Charter LEA Governing Board and the County Board of Education.

Chapter 7: Nonpublic Agency Nonpublic School Services

Introduction

Nonpublic, nonsectarian school and agency (NPS/NPA) services shall be available to children in the Desert/Mountain Charter 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 contract with state-certified NPS/NPA to provide special education services or facilities when an appropriate public education program is not available.

When entering agreements 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

E.C. § 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.

E.C. § 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.

E.C. § 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. The Charter LEA will ensure that the NPS/NPA meets the following 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 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 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 Nonpublic School Coordinator shall act as a liaison between the Charter SELPA, the Charter LEA, and the NPS in all matters concerning a child's placement.

Children with disabilities may be enrolled concurrently in both public and NPS services, provided one is the major enrollment and the other is supplemental. This determination will be made by the Charter LEA IEP team based upon the educational needs of the child and will be provided only when this arrangement best meets these needs.

The Charter LEA will consider nonpublic 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.

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.

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 Charter 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 Charter 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 Charter 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 Charter LEA Chief Executive Officer (CEO) or designee of an elementary Charter 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 Charter LEA requirements for completion of the prescribed course of study as designated in his/her IEP, the Charter 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 Charter LEA's graduation ceremony.

Out-of-State Placements

Before contracting with a NPS/NPA outside California, the Charter LEA/SELPA 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 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*).

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*).

Placement Procedures

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 and/or collaborate with the Charter LEA to locate an appropriate NPS.

Each Charter LEA agrees to use the Master Contract and ISA 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.

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 SELPA Nonpublic School Coordinator:
 - i. D/M 52 Transfer into LEA form;
 - ii. D/M 134 Nonpublic School Placement Referral form;
 - iii. IEP or IEP Addendum dated within one year of the transfer referral for NPS placement that documents the previous NPS placement;
 - iv. Psycho-educational evaluation dated within three years of the transfer referral for NPS placement;
 - v. If the last triennial was completed with a Triennial Assessment Determination form (D/M 119), include the last full psycho-educational report; and
 - vi. 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 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 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 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 Charter SELPA 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 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.

Chapter 8: Civil Rights Protection and 504 Accommodations

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 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 of 2004 (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.

DEFINITIONS

Title 34 of the Code of Federal Regulation 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 may be referred by a parent, teacher, other certificated school personnel, or community agency. This referral is submitted to the Charter 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 Charter 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.

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 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 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 website 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 – NYAV
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

Chapter 9: Eligibility Criteria

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 a 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 student must be in the age range of birth to 22 years of age and meet criteria in two areas outlined in Title 34 C.F.R. section 300. First, the child must be identified as a child with exceptional needs in one or more of the 13 categories defined in Section A in accordance with 34 C.F.R. section 300.7. Second, the student'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 IEP team shall take into account all assessment information and use no single score or product of scores as the sole criterion for making a decision regarding the student's eligibility for special education. Once the IEP team has made a determination that both of these areas are satisfied, a student may be identified as a student with exceptional needs. Processes and procedures for assessment are outlined in this manual.

A student remains eligible for special education and related services for as long as the student qualifies under the eligibility criteria established under Title 5 of the California Code of Regulations section 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 student 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 34 C.F.R. section 300 and the criteria for meeting eligibility for special education services.

Definitions

34 C.F.R. 300.8. The thirteen disabling conditions identified are: (1) autism, (2) deafblindness, (3) deafness, (4) hearing impairment, (5) [intellectual disabilities (MR)], (6) multiple disabilities, (7) orthopedic impairment, (8) other health impairment, (9) specific learning disability, (10) emotional disturbance, (11) speech or language impairment, (12) traumatic brain injury, and (13) visual impairment.

1. Autism (AUT) 34 C.F.R. 300.8(c)(i)-(iii) 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. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of section 300.8. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied. Note: See 5 C.C.R. 3030(g) for a similar definition of eligibility for autistic-like behaviors based upon state criteria.
2. Deaf-Blindness (DB) 34 C.F.R. 300.8(2) 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.
3. Deafness 34 C.F.R. 300.8(3) 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.
4. Hearing Impaired (HI) A hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance, but which is not included under the definition of "deafness" in this section.
5. Intellectual disabilities (MR) Significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.
6. Multiple Disabilities (MD) Concomitant impairments, such as intellectual disabilities-blind or intellectual disabilities-orthopedic impaired, the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.
7. Orthopedic Impairment (OI) A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of a member, etc.) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).
8. Other Health Impaired (OHI) Having limited strength, vitality, or alertness, due to chronic or acute health problems, such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, attention deficit disorder, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

9. **Specific Learning Disability (SLD)** A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing, or motor disabilities, mental retardation, or emotional disturbance. Sociological causes, including environmental, cultural, or economic disadvantages and limited English proficiency may not be factors causing the learning problems.

10. **Emotional Disturbance (ED)** 34 C.F.R. 300.8(4)(i)(A)-(E), and (ii) 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 feeling 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.

The term includes children who are schizophrenic. The term does not apply to children who are socially maladjusted, unless it is determined that they exhibit one or more of the characteristics listed above.

11. **Speech and Language Impaired (SLI)** A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

12. **Traumatic Brain Injury (TBI)** An acquired injury to the brain caused by an external physical force or by an internal occurrence, such as a stroke or aneurysm, resulting in total or partial functional disability or psychosocial maladjustment that adversely affects educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, including cognition; language memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

13. **Visual Impairment (VI)** A visual impairment that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

State Eligibility Criteria

5 C.C.R. Section 3030. A pupil shall qualify as an individual with exceptional needs, pursuant to Education Code § 56026, if the results of the assessment as required by § 56320 demonstrate that the degree of the student's impairment as described in § 3030 (a through j) requires special education in one or more of the program options authorized by E.C. 56361. The decision as to whether or not the assessment results demonstrate that the degree of the student's impairment requires special education shall be made by the individualized education program team, including assessment personnel in accordance with Education Code § 56431(d). The individualized education program team shall take into account all the relevant material which is available on the student. No single score or product of scores shall be used as the sole criterion for the decision of the individualized education program team as to the student's eligibility for special education. The specific processes and procedures for implementation of these criteria shall be developed by each special education local plan area and be included in the local plan pursuant to Education Code § 56220(a).

E.C. 56031. (a) "Special education," in accordance with Section 1401(2) 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.

Specific Learning Disabilities

E.C. 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.

E.C. 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 part of the assessment procedures described in paragraphs (2) and (3) of subsection (b) of Section 1414 of Title 20, U.S.C.

5 C.C.R. § 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 disabilities, 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 ability 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, test or procedure 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 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 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 skills.
 - (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 34 C.F.R. sections 300.304 and 300.305; and
3. The findings under subdivision (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 34 C.F.R. section 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 34 C.F.R. section 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 and learning potential and shall be determined by a systematic assessment of intellectual functioning.

The level of achievement includes the student'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 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 user 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 SLD.

An IEP 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 grade level standards in one or more of the following areas when provided with age-appropriate standards-based learning experiences and instruction:
 - a. Oral expression
 - b. Listening comprehension
 - c. Written expression
 - d. Basic reading skills
 - e. Reading fluency skills
 - f. Reading comprehension
 - g. Mathematics calculation
 - h. 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; 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 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.

Language or Speech Disorders

5 C.C.R. Section 3030c. A pupil has a language or speech disorder as defined in Education Code § 56333 and it is determined that the pupil's disorder meets one or more of the following criteria:

- (a) Articulation Disorders, such that the pupil's production of speech significantly interferes with communication and attracts adverse attention.
- (b) Abnormal voice, characterized by persistent, defective voice quality, pitch, or loudness. An appropriate medical examination shall be conducted, where appropriate.
- (c) Fluency difficulties which result in an abnormal flow of verbal expression to such a degree that these difficulties adversely affect communication between the pupil and listener.
- (d) Inappropriate or inadequate acquisition, comprehension, or expression of spoken language such that the pupil's language performance level is found to be significantly below the language performance level of his or her peers.
- (e) Hearing loss which results in a language or speech disorder and significantly affects educational performance.

Dismissal from Special Education

20 U.S.C. Section 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 receiving the student, the special education teacher, administrator or designee, parent, and the student when appropriate. Others, such as the case carrier, may attend when deemed appropriate. Exit from special education occurs when:

- the student 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 student no longer meets the eligibility criterion as determined by the IEP team based upon the results of an assessment
- the parents and/or the student, 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 a free appropriate public education, the LEA may pursue continued placement in special education through the procedures described in Section 1415 of Title 20 of the United States Code and in accordance with paragraph (3) of subdivision (a) of Section 56501 and subdivision (e) of Section 56506.

Chapter 10: Supports and Services

Introduction

It is the philosophy of ASA Thrive and the D/M 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 the Charter LEA, the Charter LEA may contract with a California Department of Education (CDE) certified nonpublic, nonsectarian school or agency (NPS/NPA) in accordance with the requirements of a Master Contract and an Individual Service Agreement (ISA). For mental health services, employees, vendors or contractors of the State Department of Mental Health, or any designated local public 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. ASA shall assure that each student with a disability is provided services in accordance with his or her IEP, regardless of whether ASA 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 Charter 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 provide for a child's needs, are housed on regular school campuses as well as on leased sites, and are dispersed throughout the Charter SELPA as equitably as possible to ensure that children with disabilities are served as close to home as much as possible. Each Charter LEA shall ensure that the physical location of special education programs is selected to facilitate continuing social interaction with children with disabilities. Each Charter LEA shall ensure that children 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 Charter SELPA IEP form contains a statement of supplementary aids and supports that the child with a disability may need to ensure his/her participation in the general education curriculum. Each Charter LEA shall encourage the close cooperation of all school personnel to facilitate opportunities for social as well as academic interaction between children with disabilities and nondisabled children. Each Charter LEA shall ensure that all children with disabilities are educated and participate with nondisabled children 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 child with a disability in order to be educated and participate in activities with nondisabled children.

The Charter LEA ensures that removal of children with disabilities from the general education environment occurs only when the nature or severity of the disability is such that education in regular classes 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 child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities.

Each Charter LEA shall provide school personnel the necessary support to ensure student success. The Charter SELPA's funding allocation plan shall consider the distribution of resources to ensure that each Charter LEA can provide the necessary supports. Each Charter LEA shall ensure that a child 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 (SST), early literacy programs, and remediation programs.

Least Restrictive Environment, a Continuum of Services and Placement Options

E.C. 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.

E.C. 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 school/nonpublic agency (NPS/NPA) as well as all other options outlined within the Service Delivery Options Section of the Charter SELPA Local Plan.

Children with low incidence disabilities shall receive services consistent with the state guidelines and child's needs. Children are referred for special education consideration after general education modifications are deemed not to be appropriate. Children are identified and provided with special education services in accordance with appropriate legal assessment standards. The Charter SELPA staff and Charter LEA administrators review programs on a regular basis to determine whether 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. ASA supports and encourages successful transition toward the least restrictive environment.

It is the expressed intent of ASA 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.

Related Services

E.C. Section 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 (i) 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 services.
- (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 individualized education program.
- (13) Social worker services.
- (14) Specially designed vocational education 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 Charter LEA Governing Board. These services may include, but are not limited to the following:

Language and Speech Development and Remediation

5 C.C.R. Section 3051.1. Language, Speech and Hearing Development and Remediation.

(a) Language, Speech and Hearing Development and Remediation services include:

- (1) Referral and assessment of individuals suspected of having a disorder of language, speech, or hearing. Such individuals are not considered as part of the caseload pursuant to Education Code section 56363.3 unless an IEP is developed and services are provided pursuant to sections 3051.1(a)(2) and (3).
- (2) Specialized instruction and services for individuals with disorders of language, speech, and hearing, including monitoring of pupil progress on a regular basis, providing information for the review, and when necessary participating in the review and revision of IEPs of pupils.
- (3) Consultative services to pupils, parents, teachers, or other school personnel.

- (4) Coordination of speech and language services with an individual's regular and special education program.
- (b) Caseloads of full-time equivalent language, speech and hearing specialists providing instruction and services within the district, SELPA, or county office shall not exceed a district-wide, SELPA-wide, or county-wide average of 55 individuals unless prior written approval has been granted by the SSPI.
- (c) Language and speech development and remediation shall be provided only by personnel who possess:
 - (1) a license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs; or
 - (2) a credential authorizing language or speech services.
- (d) Services may also be provided by speech-language pathology assistants working under the direct supervision of a qualified language, speech, and hearing specialist, as defined in Business and Professions Code section 2530.2(i), and if specified in the IEP. No more than two assistants may be supervised by one qualified language, speech, and hearing specialist. The caseloads of persons in subdivision (b) shall not be increased by the use of assistants.

Audiological Services

5 C.C.R. Section 3051.2. Audiological Services.

- (a) In addition to provisions of 34 C.F.R. Section 300.34, audiological instruction and services may include:
 - (1) Aural rehabilitation (auditory training, speech reading, language habilitation, and speech conservation) and habilitation with individual pupils or groups and support for the hearing-impaired pupils in the regular classroom.
 - (2) Monitoring hearing levels, auditory behavior, and amplification for all pupils requiring personal or group amplification in the instructional setting.
 - (3) Planning, organizing, and implementing an audiology program for individuals with auditory dysfunctions, as specified in the IEP.
 - (4) Consultative services regarding test findings, amplification needs and equipment, otological referrals, home training programs, acoustic treatment of rooms, and coordination of educational services to hearing-impaired individuals.
- (b) Audiological services shall be provided only by personnel who possess:
 - (1) a license in Audiology issued by a licensing agency within the Department of Consumer Affairs; or
 - (2) a credential authorizing audiology services.

Orientation and Mobility Instruction

5 C.C.R. Section 3051.3. Orientation and Mobility Instruction.

- (a) Orientation and mobility instruction may include:
 - (1) Specialized instruction for individuals in orientation and mobility techniques.
 - (2) Consultative services to other educators and parents regarding instructional

planning and implementation of the IEP relative to the development of orientation and mobility skills and independent living skills.

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

Instruction in the Home or Hospital

5 C.C.R. Section 3051.4. Instruction in the Home or Hospital.

(a) Special education and related services provided in the home or hospital for school age pupils is limited to those pupils who have been identified as individuals with exceptional needs in accordance with section 3030 and for whom the IEP team recommends such instructions or services.

(b) Instructions may be delivered individually, in small groups or by teleclass.

(c) For those individuals with exceptional needs with a medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness, the IEP team shall review, and revise, if appropriate, the IEP whenever there is a significant change in the pupil's current medical condition.

(d) When recommending placement for home instruction, the IEP team shall have in the assessment information a medical report from the attending physician and surgeon or the report of the psychologist, as appropriate, stating the diagnosed condition and certifying that the severity of the condition prevents the pupil from attending a less restrictive placement. The report shall include a projected calendar date for the pupil's return to school. The IEP team shall meet to reconsider the IEP prior to the projected calendar date for the pupil's return to school.

(e) Instruction in the home or hospital shall be provided by a regular class teacher, the special class teacher or the resource specialist teacher, if the teacher or specialist is competent to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible. If not, the appropriate related services specialist shall provide such instruction.

(f) The teacher providing the home instruction shall contact the pupil's previous school and teacher to determine:

(1) The course work to be covered;

(2) The books and materials to be used;

(3) Who is responsible for issuing grades and promoting the pupil when appropriate;

(4) For pupils in grades 7 to 12, the teacher shall confer with the school guidance counselor to determine:

(A) For the hours the pupil has earned toward semester course credit in each subject included in the IEP and the grade as of the last day of attendance;

(B) Who is responsible for issuing credits when the course work is completed;

(C) Who will issue the diploma if the pupil is to graduate.

Adapted Physical Education

5 C.C.R. Section 3051.5. Adapted Physical Education for Individuals with Exceptional Needs.

(a) Adapted physical education is for individuals with exceptional needs who require developmental or corrective instruction and who are precluded from participation in the activities of the general physical education program, modified general physical education program, or in a specially designed physical education program in a special class. Consultative services may be provided to pupils, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the regular "D" Physical education program or specially designed physical education programs.

(b) Adapted physical education shall be provided only by personnel who possess a credential issued by the California CTC that authorizes service in adapted physical education.

Physical and Occupational Therapy

5 C.C.R. Section 3051.6. Physical and Occupational Therapy.

(a) When the district, SELPA, or county office contracts for the services of a physical therapist or an occupational therapist, the following standards shall apply:

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

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

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

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

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

Vision Services

5 C.C.R. Section 3051.7. Vision Services.

(a) Vision services may include:

(1) Adaptations in curriculum, media, and the environment, as well as instruction in special skills.

(2) Consultative services to pupils, parents, teachers, and other school personnel.

(b) An assessment of and provision for services to visually impaired pupils may be conducted by an eye specialist who has training and expertise in low vision disabilities and has available the appropriate low vision aids for the purpose of assessment. The eye specialist may provide consultation to the pupil, parents, teacher and other school personnel as may be requested by an IEP team.

- (c) Procedures which may be utilized by qualified personnel are those procedures authorized by federal and state laws and regulations and performed in accordance with these laws and regulations and standards of the profession.
- (d) For the purposes of this section, and eye specialist shall mean a licensed optometrist, ophthalmologist, or other licensed physician and surgeon who has training and expertise in low vision disabilities.
- (e) Vision services shall be provided only by personnel who possess:
 - (1) a license as an Optometrist, Ophthalmologist, Physician or Surgeon, issued by a licensing agency within the Department of Consumer Affairs and authorizing the licensee to provide the services rendered, or
 - (2) a valid credential authorizing vision instruction or services.

Vision Therapy

5 C.C.R. Section 3051.75. Vision Therapy.

- (a) Vision therapy may include: Remedial and/or developmental instruction provided directly by or in consultation with the optometrist, ophthalmologist, or other qualified licensed physician and surgeon provided ongoing care to the individual.
- (b) Vision therapy shall be provided by an optometrist, ophthalmologist, or by appropriate qualified school personnel when prescribed by a licensed optometrist, ophthalmologist, or other qualified licensed physician and surgeon.
- (c) Procedures which may be utilized by qualified personnel are those procedures authorized by federal and state laws and regulations and performed in accordance with these laws and regulations and standards of the profession.

Specialized Driver Training Instruction

5 C.C.R. Section 3051.8. Specialized Driver Training Instruction.

- (a) Specialized driver training instruction may include instruction to an individual with exceptional needs to supplement the regular driver training program. The IEP team shall determine the need for supplementary specialized driver training instruction. The need to supplement the regular program shall be based on an assessment of the pupil's health, physical, and/or educational needs which require modifications which cannot be met through a regular driver training program.
- (b) Driver training for individuals herein described must be provided by qualified teachers, as defined by Education Code sections 41906 and 41907.

Counseling and Guidance

5 C.C.R. Section 3051.9. Counseling and Guidance Services.

- (a) Counseling and guidance services may be provided to an individual with exceptional needs who requires additional counseling and guidance services to supplement the regular guidance and counseling program. The IEP team shall determine the need for additional guidance and counseling services.
- (b) Counseling and guidance services necessary to implement the IEP may include:
 - (1) Educational counseling in which the pupil is assisted in planning and implementing his or her immediate and long-range educational program.

- (2) Career counseling in which the pupil is assisted in assessing his or her aptitudes, abilities, and interests in order to make realistic career decisions.
- (3) Personal counseling in which the pupil is helped to develop his or her ability to function with social and personal responsibility.
- (4) Counseling and consultation with parents and staff members on learning problems and guidance programs for pupils.
- (c) Counseling and guidance shall be provided only by personnel who possess a:
 - (1) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs.
 - (2) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
 - (3) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or
 - (4) license in psychology, or who are working under supervision of a licensed psychologist, both regulated by the Board of Psychology, within the Department of Consumer Affairs; or
 - (5) Pupil Personnel Services Credential, which authorizes school counseling or school psychology.
 - (6) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

Psychological Services Other Than Assessment and Development of the IEP

5 C.C.R. Section 3051.10. Psychological Services Other Than Assessment and Development of the IEP.

- (a) Psychological services may include:
 - (1) Counseling provided to an individual with exceptional needs by a credentialed or licensed psychologist or other qualified personnel.
 - (2) Consultative services to parents, pupils, teachers, and other school personnel.
 - (3) Planning and implementing a program of psychological counseling for individuals with exceptional needs and parents.
 - (4) Assisting in developing positive behavioral intervention strategies.
 - (5) This term does not include assessment services and the development of an IEP.
- (b) Psychological services required by a student's IEP may be rendered by any of the following professionals who possess the credential or license required by law for the performance of particular psychological services by members of that profession:
 - (1) Licensed Educational Psychologist pursuant to Business and Professions Code section 4989.14;

- (2) Licensed Marriage and Family Therapist pursuant to Business and Professions Code section 4980.02;
- (3) Licensed Clinical Social Worker pursuant to Business and Professions Code section 4996.9; or
- (4) Licensed Psychologist pursuant to Business and Professions Code section 2903; or
- (5) Pupil Personnel Services Credential that authorizes school psychology.

Parent Counseling and Training

5 C.C.R. Section 3051.11. Parent Counseling and Training.

- (a) Parent counseling and training may include:
 - (1) Assisting parents in understanding the special needs of their child, and
 - (2) Providing parents with information about child development.
- (b) Parent counseling and training shall be provided only by personnel who possess a:
 - (1) credential that authorizes special education instruction; or
 - (2) credential that authorizes health and nursing services; or
 - (3) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs; or
 - (4) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
 - (5) license as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or
 - (6) license as a Psychologist, or who are working under the supervision of a licensed Psychologist, both regulated by the Board of Psychology, within the Department of Consumer Affairs; or
 - (7) Pupil Personnel Services Credential that authorizes school counseling or school psychology or school social work.
 - (8) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

Health and Nursing

5 C.C.R. Section 3051.12. Health and Nursing Services.

- (a) Health and nursing services may include:
 - (1) Providing services by qualified personnel.
 - (2) Managing the individual's health problems on the school site.
 - (3) Consulting with pupils, parents, teachers, and other personnel.
 - (4) Group and individual counseling with parents and pupils regarding health problems.

(5) Maintaining communication with health agencies providing care to individuals with disabilities.

(b) Specialized physical health care may be provided as described in Education Code section 49423.5.

(1) Definitions.

(A) Specialized physical health care services means those health services prescribed by the child's licensed physician and surgeon requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the child to attend school.

(B) Standardized procedures means protocols and procedures developed through collaboration among school or hospital administrators and health professionals, including licensed physicians and surgeons and nurses, to be utilized in the provision of the specialized physical health care services.

(C) Qualified means the ability to demonstrate competence in Cardio-Pulmonary Resuscitation, current knowledge of community emergency medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with exceptional needs. In addition:

1. "Qualified" for the professional school or public health nurse or licensed physician and surgeon shall mean trained in the procedures to a level of competence and safety which meets the objectives of the training.

2. "Qualified" for the designated school personnel shall mean trained in the procedures to a level of competence and safety which meets the objectives of the training as provided by the school nurse, public health nurse, licensed physician and surgeon, or other programs which provide the training.

(D) Supervision means review, observation, and/or instruction of a designated school person's performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times.

1. Immediate supervision means that the supervisor shall be physically present while a procedure is being administered.

2. Direct supervision means that the supervisor shall be present in the same building as the person being supervised and available for consultation and/or assistance.

3. Indirect supervision means that the supervisor shall be available to the qualified designated school person either in person or through electronic means to provide necessary instruction, consultation, and referral to appropriate care and services as needed. Supervision of designated school persons shall include review on-site by a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon. Supervision shall also include review of the competence of that individual in performing the specialized health care service, maintenance of appropriate records, physical environment, and equipment.

(E) Training means preparation in the appropriate delivery and skillful performance of specialized physical health care services. In addition:

1. Medically related training of credentialed school nurses or public health nurses shall be that training in an approved program which may be necessary to update or make current the nurse's professional skills and knowledge related to meeting pupils' needs for specialized physical health care services.

2. Medically related training of employed designated school personnel is that training in an approved program in standardized procedures provided by a qualified school nurse, qualified public health nurse, qualified licensed physician and surgeon, or other approved programs to enable the person to provide the specialized physical health care services necessary to enable the child to attend school.

(F) Competence in Cardio-Pulmonary Resuscitation means possession of a current valid certificate from an approved program.

(2) Standards and Staffing.

(A) Allocation of qualified designated school personnel shall be determined by the amount and type of supervision necessary to this regulation, and also the type and frequency of services needed by students in special classes and centers, and regular instructional settings.

(B) Approved training for qualified personnel shall be provided in one or more of the following ways:

1. By a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon, as defined in these regulations.

2. By career and continuing education programs, approved by the appropriate licensing board.

3. By training programs through public or private medical institutions, i.e., hospitals, public health agencies, Visiting Nurses Associations, and Red Cross.

(3) Organization and Administration.

(A) Specific continuing specialized physical health care services required in order for the individual to benefit from special education will be included in the individualized education program. If the parent elects to perform the service during the school day, a waiver shall be signed relieving the school of the responsibility.

(B) Appropriate accommodations for safety and necessary physical care services for the individual with exceptional needs in the school setting shall be provided by the school. Personal privacy and dignity of an individual with exceptional needs shall be assured.

(C) The school district shall not be required to purchase medical equipment for an individual pupil. However, the school district, SELPA, or county office is responsible for providing other specialized equipment for use at school that is needed to implement the IEP.

(D) In accordance with Education Code section 49423.5(a)(2), a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon responsible for supervising the physical health care of an individual with exceptional needs in the school setting shall:

1. Coordinate the health care services to the individuals with exceptional needs on the school site.

2. Consult with appropriate personnel regarding management of health care services for individuals with exceptional needs.

3. Make appropriate referrals and maintain communication with health agencies providing care to individuals with exceptional needs.

4. Maintain or review licensed physician and surgeon and parent requests and daily documentation records.

(E) Written licensed physician and surgeon and parent requests, as well as the specific standardized procedures to be used if physical health care services are provided, shall be maintained for each individual with exceptional needs. Daily documentation of specific services which are provided shall be maintained on a district-approved form which shall include the signatures of the qualified designated school person(s) who performs the procedure.

1. Any pupil who is required to have specialized physical health care services during the school day, prescribed for him or her by a licensed physician and surgeon, may be assisted by a qualified school nurse, qualified public health nurse, or other qualified school personnel, if the school district receives:

a. A written statement from the licensed physician and surgeon stating the procedure and time schedules by which such procedures are to be given; and

b. A written statement from the parent or guardian of the pupil, indicating the desire that the school district assist the pupil in the matters set forth in the licensed physician and surgeon's statement, and granting consent for the delivery of such services.

2. This written statement of a licensed physician and surgeon and parent requests and daily documentation shall be maintained in accordance with the requirements of confidentiality of pupil records, and are considered mandatory interim pupil records.

Social Work

5 C.C.R. Section 3051.13. Social Worker Services.

(a) Social work services may include:

(1) Individual and group counseling with the individual and his or her immediate family.

(2) Consultation with pupils, parents, teachers, and other personnel regarding the effects of family and other social factors on the learning and developmental requirements of individual pupils with exceptional needs.

(3) Developing a network of community resources, making appropriate referral and maintaining liaison relationships among the school, the pupil with exceptional needs, the family, and the various agencies providing social, income maintenance, employment development, mental health, or other developmental services.

(b) Social worker services shall be provided only by personnel who possess a:

(1) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or

- (2) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs; or
- (3) credential authorizing school social work.
- (4) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

Specially Designed Vocational Education and Career Development

5 C.C.R. Section 3051.14. Specially Designed Vocational Education and Career Development.

(a) Specially designed vocational education and career development for individuals with exceptional needs regardless of severity of disability may include:

- (1) Providing prevocational programs and assessing work-related skills, interests, aptitudes, and attitudes.
- (2) Coordinating and modifying the regular vocational education program.
- (3) Assisting individuals in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community.
- (4) Establishing work training programs within the school and community.
- (5) Assisting in job placement.
- (6) Instructing job trainers and employers as to the unique needs of the individuals
- (7) Maintaining regularly scheduled contact with all work stations and job-site trainers.
- (8) Coordinating services with the Department of Rehabilitation and other agencies as designated in the IEP.

(b) Specially designed vocational education and career development shall be provided only by personnel who possess:

- (1) an adult education credential with a career development authorization; or
- (2) a credential that authorizes instruction in special education or vocational education; or
- (3) a Pupil Personnel Services Credential that authorizes school counseling.

Recreation

5 C.C.R. Section 3051.15. Recreation Services.

(a) Recreation services include but are not limited to:

- (1) Therapeutic recreation services which are those specialized instructional programs designed to assist pupils in becoming as independent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into regular recreation programs.

(2) Recreation programs in schools and the community which are those programs that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills; and, the provision of nonacademic and extracurricular leisure activities and the utilization of community recreation programs and facilities.

(3) Leisure education programs which are those specific programs designed to prepare the pupil for optimum independent participation in appropriate leisure activities, including teaching social skills necessary to engage in leisure activities, and developing awareness of personal and community leisure resources.

(b) Recreation services shall be provided only by personnel who possess:

(1) a certificate issued by the California Board of Recreation and Park Certification; or

(2) a certificate issued by the National Council for Therapeutic Recreation; or

(3) the National Recreation and Park Association, authorizing services in recreation or therapeutic recreation.

Specialized Services for Low-Incidence Disabilities

5 C.C.R. Section 3051.16. Specialized Services for Low-Incidence Disabilities.

(a) Specialized services for low-incidence disabilities may include:

(1) Specially designed instruction related to the unique needs of pupils with low-incidence disabilities provided by teachers credentialed pursuant to Education Code section 44265.

(2) Specialized services related to the unique needs of pupils with low-incidence disabilities provided by qualified individuals such as interpreters, notetakers, readers, transcribers, and other individuals who provide specialized materials and equipment.

(b) An “educational interpreter” provides communication facilitation between students who are deaf or hard of hearing, and others, in the general education classroom and for other school-related activities, including extracurricular activities, as designated in a student's IEP.

(c) An educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter and Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

(d) Specialized services for pupils with low-incidence disabilities shall be provided only by personnel who possess a credential that authorizes services in special education or clinical rehabilitation services in the appropriate area of disability.

Services for Pupils with Chronic Illnesses or Acute Health Problems

5 C.C.R. Section 3051.17 (a) Specialized services may be provided to pupils determined eligible pursuant to section 3030(f). Such services include but are not limited to:

(1) Individual consultation;

(2) Home or hospital instruction; and

(3) Other instructional methods using advanced communication technology.

(b) For pupils, whose medical condition is in remission or in a passive state, the IEP team shall specify the frequency for monitoring the pupil's educational progress to assure that the illness does not interfere with the pupil's educational progress.

(c) When a pupil identified pursuant to section 3030(f) experiences an acute health problem which results in his or her non-attendance at school for more than five consecutive days, upon notification of the classroom teacher or the parent, the school principal or designee shall assure that an IEP team is convened to determine the appropriate educational services.

(d) If there is a pattern of sporadic illness, the IEP team shall convene to consider alternative means for the pupil to demonstrate competencies in the required course of study so that the cumulative number of absences do not prevent educational progress.

Related Services for the Deaf and Hard of Hearing

5 C.C.R. § 3051.18 (a) Instruction and services for deaf and hard of hearing pupils shall be provided by an individual holding an appropriate credential, who has competencies to provide services to the hearing impaired and who has training, experience and proficient communication skills for educating pupils with hearing impairments. Such services may include but need not to be limited to:

- (1) Speech, speech reading and auditory training.
- (2) Instruction in oral, sign, and written language development.
- (3) Rehabilitative and educational services for hearing impaired individuals to include monitoring amplification, coordinating information for the annual review, and recommending additional services.
- (4) Adapting curricula, methods, media, and the environment to facilitate the learning process.
- (5) Consultation to pupils, parents, teachers, and other school personnel as necessary to maximize the pupil's experience in the regular education program.

(b) A specially trained instructional aide, working with and under the direct supervision of the credentialed teacher of the deaf and hard-of-hearing, may assist in the implementation of the pupil's educational program.

Assistive Technology Services

5 C.C.R. § 3051.19 (a) "Assistive technology service" means any service that directly assists an individual with exceptional needs in the selection or use of an assistive technology device that is educationally necessary. The term includes the evaluation of the needs of an individual with exceptional needs including a functional evaluation of the individual in the individual's customary environment; coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education programs and rehabilitation plans and programs; training or technical assistance for an individual with exceptional needs or, where appropriate, the family of an individual with exceptional needs or, if appropriate, that individual's family; and training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with exceptional needs.

(b) Assistive technology services shall be provided only by personnel who possess a:

- (1) license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs, where the utilization of assistive technology

- services falls within the scope of practice of physical therapy as defined in Business and Professions Code section 2620 and implementing regulations; or
- (2) license in Occupational Therapy issued by a licensing agency within the Department of Consumer Affairs; or
 - (3) license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs or a valid document, issued by the California CTC, where the function of the assistive technology service is augmentative communication; or
 - (4) baccalaureate degree in engineering with emphasis in assistive technology; or
 - (5) baccalaureate degree in a related field of engineering with a graduate certificate in rehabilitation technology or assistive technology; or
 - (6) certification from the Rehabilitation Engineering and Assistive Technology Society of North America and Assistive Technology Provider (RESNA/ATP); or
 - (7) certificate in assistive technology applications issued by a regionally accredited postsecondary institution; or
 - (8) credential that authorizes special education of physically impaired, orthopedically impaired, or severely impaired pupils.

Early Education Programs

5 C.C.R. § 3051.20 (a) “Early education” means the program and services specified by Education Code section 56425 et. seq.

(b) Early education programs for children with disabilities, as defined in Education Code section 56426, shall be provided only by personnel who meet the appropriate personnel qualifications set forth in this article and comply with Education Code section 56426.2.

Music Therapy

5 C.C.R. § 3051.21 (a) According to the Certification Board for Music Therapists “Music therapy is the specialized use of music by a credentialed professional who develops individualized treatment and supportive interventions for people of all ages and ability levels to address their social, communication, emotional, physical, cognitive, sensory and spiritual needs.”

(b) Music therapy shall be provided only by personnel who hold a Music Therapist - Board Certified credential from the Certification Board for Music Therapists (CBMT) on the completion of all academic and clinical training requirements, and after successfully passing the CBMT National Board Certification Examination.

Transcription Services

5 C.C.R. § 3051.22 Transcribers for visually impaired pupils shall have a certificate issued by the Library of Congress as a Braille Transcriber.

Behavioral Intervention

5 C.C.R. § 3051.23 (a) Pursuant to Education Code section 56520, behavioral interventions shall be designed or planned only by personnel who have a:

- (1) Pupil Personnel Services Credential that authorizes school counseling or school psychology; or
- (2) credential authorizing the holder to deliver special education instruction; or

- (3) license as a Marriage and Family Therapist certified by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
 - (4) license as a Clinical Social Worker by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
 - (5) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or
 - (6) license in psychology regulated by the Board of Psychology, within the Department of Consumer Affairs; or
 - (7) master's degree issued by a regionally accredited post-secondary institution in education, psychology, counseling, behavior analysis, behavior science, human development, social work, rehabilitation, or in a related field.
- (b) To provide behavioral intervention, including implementation of behavior intervention plans, but not including development or modification of behavior intervention plans, an LEA shall deliver those services using personnel who:
- (1) possess the qualifications under subdivision (a); or
 - (2) (A) are under the supervision of personnel qualified under subdivision (a); and
 - (B) possess a high school diploma or its equivalent; and
 - (C) receive the specific level of supervision required in the pupil's IEP.

Other Related Services

5 C.C.R. § 3051.24 Other related services not identified in sections 3051.1 through 3051.23 shall be provided only by staff who possess a:

- (a) license to perform the service issued by an entity within the Department of Consumer Affairs or another state licensing office; or
- (b) credential issued by the California CTC authorizing the service.

Special Classes

5 C.C.R. § 3053 (a) Placement in a special day class shall not limit or restrict the consideration of other options, including services provided in a vocational education program or any combination of programs and placements as may be required to provide the services specified in a pupil's IEP.

(b) The following standards for special classes shall be met:

- (1) A special class shall be composed of individuals whose needs as specified in the IEPs can be appropriately met within the class.
- (2) Pupils in a special class shall be provided with an educational program in accordance with their IEPs for at least the same length of time as the regular school day for that chronological peer group:
 - (A) When an individual can benefit by attending a regular program for part of the day, the amount of time shall be written in the IEP.
 - (B) When the IEP team determines that an individual cannot function for the period of time of a regular school day, and when it is so specified in the IEP, an individual may be permitted to attend a special class for less time than the regular school day for that chronological peer group.
- (3) The procedure for allocation of aides for special classes shall be specified in the local plan. Additional aide time may be provided when the severity of the disabling conditions of the pupils or the age of the pupils justifies it, based on the IEPs.

(4) Special class(es) shall be located to promote maximum appropriate interaction with regular educational programs.

(c) The special class shall be taught by a full-time-equivalent teacher whose responsibility is the instruction, supervision, and coordination of the educational program for those individuals enrolled in the special class.

The special class shall be taught by a teacher who holds an appropriate special education credential authorized by the Commission on Teacher Credentialing and who possesses the necessary competencies to teach individuals assigned to the class. Special class teachers with a Special Education Credential employed as of September 1, 1975, as teachers in special classes for pupils in severe language disorder aphasia programs and who possess the necessary competencies to teach individuals assigned to the class, shall be authorized to continue to teach.

All services currently listed in Education Code § 56363(b), are available to children with disabilities within the Charter SELPA based upon what the child needs to benefit from his/her instructional program. Services are offered to appropriately identified children. Care is continually taken to ensure a uniformity of meaningful and appropriate services. Caseload assignments to various related services staff members 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 determination of eligibility of children with disabilities. Second, to conduct therapeutic and remedial work that attempts to offset or to mitigate the effects of the child's disability. The emphasis is to extend education services provided by the regular classroom teacher and personnel designated to provide specialized academic instruction. These specialized educational services promote student success with the 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 to be reached. When the child has reached the goals specified, the child is reviewed by the appropriate service provider. 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 Charter LEA, the service(s) are contracted through private vendors. The IEP team, in cooperation with parents, can assist with the necessary services and the appropriate provider. The Charter SELPA contracts for NPS/NPA services and is responsible for the oversight of those services to children and parents.

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:

29 U.S.C. 3002. (4) Assistive technology device. The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(5) Assistive technology service. The term “assistive technology service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

(G) a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

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 multifaceted 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. See Appendix A.

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.

APPENDIX A
Assistive Technology

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 and 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>

Chapter 11: Extended School Year

Introduction

Extended School Year (ESY) services are provided when children with disabilities have unique needs and require special education and related services that extend beyond the regular academic year. These children have disabilities that are likely to continue indefinitely or for a prolonged period. Interruption of their educational programming may cause regression and when coupled with limited recoupment

capacity, render it impossible or unlikely that the child with disabilities will attain the level of self-sufficiency and independence that would otherwise be expected in view of the disabling condition.

ESY services are only provided for those areas on the current Individualized Education Program (IEP) where the child has met the above conditions. The lack of clear evidence of such factors may not be used to deny ESY if the IEP team determines the need for such a program, and includes ESY in the IEP. The provision of ESY is not limited to particular categories of disability; or unilaterally limited to a type, amount, or duration of services.

DEFINITIONS

Extended School Year (ESY): As used in this chapter, ESY 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 Charter Local Education Agency (LEA), special education services region, or county office to apportionments of state funds.

Regression: The loss, as a result of a scheduled break in instruction, of one or more mastered skills included in the short-term objectives of the child.

Recoupment: Following a scheduled break in instruction, recoupment is the process of regaining previously mastered skills through review and re-teaching.

Recoupment Time: The length of time required to regain previously mastered skills. 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 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.

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.

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 (SEA) (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 a child with a disability 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 regular 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 the child's IEP.
- The Code of Federal Regulations 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 supplemental aids and services cannot be achieved satisfactorily.
- However, Title 34 of the Code of Federal Regulations § 300.11, 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 are not normally available for any child, the Department does not require states to ensure that a full continuum of placements are 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 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.

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 school 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).

5 C.C.R. § 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:

- (1) Are placed in special classes; or
- (2) Are individuals with exceptional needs whose IEPs specify an extended year program as determined by the IEP team.

(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.

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 Unified 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. CO 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 (*Hoelt 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).

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

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.

1. 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.

2. 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.

3. 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 general education students was four percent. Students with mild handicaps, hearing impairments, and serious behavior disorders regressed at approximately the same rate as their general 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.

Several LEAs have year-round calendars which may require a timeline for the provision of ESY slightly different than traditional school year calendars. However, consideration of the need for ESY services would follow a similar pattern as 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 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.

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

ESY services are to be considered for children between the ages of three to 21 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.

5. 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.

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 Charter Special Education Local Plan Area (SELPA) developed an "Extended School Year (ESY) Worksheet" 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 the SELPA form D/M 68P (Appendix D). The worksheet is included in the child's IEP. This determination of need for ESY services needs to be discussed annually.

Allegiance STEAM Academy

Multi-Year Forecast

Revised 5/01/18



	2018-19 Budget	2019-20 Forecast	2020-21 Forecast	2021-22 Forecast	2022-23 Forecast
Assumptions					
LCFF COLA	2.51%	2.41%	2.80%	3.17%	3.12%
Non-LCFF Revenue COLA	n/a	0.00%	0.00%	0.00%	0.00%
Expense COLA	2.00%	2.00%	2.00%	2.00%	2.00%
Enrollment	480.00	660.00	810.00	900.00	960.00
Average Daily Attendance	456.00	627.00	769.50	855.00	912.00

Revenues

State Aid - Revenue Limit

8011 LCFF State Aid	\$ 2,924,944	\$ 4,195,924	\$ 5,322,844	\$ 6,151,114	\$ 6,809,500
8012 Education Protection Account	91,200	125,400	153,900	171,000	182,400
8096 In Lieu of Property Taxes	915,516	1,258,834	1,544,933	1,716,592	1,831,032
	<u>3,931,660</u>	<u>5,580,158</u>	<u>7,021,677</u>	<u>8,038,706</u>	<u>8,822,932</u>

Federal Revenue

8181 Special Education - Entitlement	-	57,000	69,955	77,727	82,909
8220 Federal Child Nutrition	128,769	177,057	217,297	241,442	257,538
8290 Title I, Part A - Basic Low Income	77,976	107,217	131,585	146,205	155,952
8294 Title V, Part B - PCSG	450,000	-	-	-	-
	<u>656,745</u>	<u>341,274</u>	<u>418,836</u>	<u>465,374</u>	<u>496,399</u>

Other State Revenue

8311 State Special Education	291,840	344,280	422,525	469,473	500,771
8520 Child Nutrition	11,925	16,397	20,124	22,360	23,851
8550 Mandated Cost	-	7,433	10,220	12,543	13,937
8560 State Lottery	88,464	121,638	149,283	165,870	176,928
	<u>392,229</u>	<u>489,748</u>	<u>602,153</u>	<u>670,246</u>	<u>715,486</u>

Total Revenue

	<u>\$ 4,980,634</u>	<u>\$ 6,411,180</u>	<u>\$ 8,042,666</u>	<u>\$ 9,174,325</u>	<u>\$ 10,034,816</u>
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Expenses

Certificated Salaries

1100 Teachers' Salaries	1,173,500	1,565,174	1,905,191	2,136,156	2,320,240
1200 Pupil Support Salaries	160,000	229,864	236,622	243,697	251,008
1300 Administrators' Salaries	245,000	252,448	349,870	360,331	371,141
	<u>1,578,500</u>	<u>2,047,486</u>	<u>2,491,683</u>	<u>2,740,184</u>	<u>2,942,389</u>

Classified Salaries

2100 Instructional Salaries	112,677	185,540	260,433	268,220	276,267
2200 Support Salaries	143,531	182,894	224,300	231,007	237,937
2300 Classified Administrators' Salaries	135,000	139,104	143,194	227,475	234,299
2400 Clerical and Office Staff Salaries	115,000	118,496	135,825	139,886	144,083
	<u>506,208</u>	<u>626,035</u>	<u>763,752</u>	<u>866,588</u>	<u>892,586</u>

Benefits

3101 STRS	256,980	371,209	475,911	523,375	561,996
3301 OASDI	31,385	38,814	47,353	53,728	55,340
3311 Medicare	30,228	38,766	47,204	52,298	55,607
3401 Health and Welfare	224,000	288,512	348,968	389,990	417,442
3501 State Unemployment	19,600	25,480	31,360	33,320	34,300
3601 Workers' Compensation	29,186	37,429	45,576	50,495	53,690
	<u>591,379</u>	<u>800,211</u>	<u>996,372</u>	<u>1,103,206</u>	<u>1,178,376</u>

Allegiance STEAM Academy

Multi-Year Forecast

Revised 5/01/18



	2018-19	2019-20	2020-21	2021-22	2022-23
	Budget	Forecast	Forecast	Forecast	Forecast
Books and Supplies					
4100 Textbooks and Core Curricula	114,000	51,000	45,750	32,625	26,250
4200 Books and Other Materials	22,800	10,200	9,150	6,525	5,250
4302 School Supplies	79,800	111,920	140,103	158,783	172,756
4303 Special Activities/Field Trips	22,800	31,977	40,029	45,367	49,359
4305 Software	54,720	76,745	96,071	108,880	118,461
4400 Noncapitalized Equipment	186,500	147,900	145,885	126,808	120,615
4700 Food Services	140,694	197,324	247,013	279,948	304,584
	<u>621,314</u>	<u>627,065</u>	<u>724,001</u>	<u>758,936</u>	<u>797,275</u>
Subagreement Services					
5102 Special Education	62,800	88,077	110,256	124,957	135,953
	<u>62,800</u>	<u>88,077</u>	<u>110,256</u>	<u>124,957</u>	<u>135,953</u>
Professional/Consulting Services					
5801 IT	22,800	31,977	40,029	45,367	49,359
5802 Audit & Taxes	20,000	20,400	20,808	21,224	21,649
5803 Legal	50,000	51,000	52,020	53,060	54,122
5804 Professional Development	15,000	21,038	26,335	29,846	32,473
5805 General Consulting	5,000	7,013	8,778	9,949	10,824
5810 Payroll Service Fee	13,000	18,233	22,824	25,867	28,143
5811 Management Fee	136,064	168,732	205,440	230,902	250,263
5812 District Oversight Fee	320,450	380,030	433,907	475,580	510,828
5813 County Fees	5,000	5,100	5,202	5,306	5,412
5814 SPED Encroachment	54,078	74,357	91,257	101,396	108,156
	<u>641,392</u>	<u>777,878</u>	<u>906,600</u>	<u>998,498</u>	<u>1,071,229</u>
Facilities, Repairs and Other Leases					
5603 Equipment Leases	21,600	30,294	37,923	42,979	46,761
5610 Repairs and Maintenance	34,200	47,966	60,044	68,050	74,038
	<u>55,800</u>	<u>78,260</u>	<u>97,967</u>	<u>111,029</u>	<u>120,799</u>
Operations and Housekeeping					
5201 Auto and Travel	5,000	7,013	8,778	9,949	10,824
5203 Business Meals	5,000	7,013	8,778	9,949	10,824
5300 Dues & Memberships	11,400	15,989	20,015	22,683	24,679
5400 Insurance	30,000	42,075	52,670	59,693	64,946
5501 Utilities	167,352	217,558	271,947	312,739	344,013
5502 Janitorial/Trash Removal	6,840	9,593	12,009	13,610	14,808
5510 Office Expense	30,000	42,075	52,670	59,693	64,946
5511 Postage and Shipping	14,000	19,635	24,579	27,857	30,308
5512 Printing	14,000	19,635	24,579	27,857	30,308
5513 Other taxes and fees	3,500	4,909	6,145	6,964	7,577
5514 Bank Charges	2,000	2,805	3,511	3,980	4,330
5515 Public Relations/Recruitment	15,000	15,300	15,606	15,918	16,236
5900 Communications	30,000	42,075	52,670	59,693	64,946
	<u>334,092</u>	<u>445,673</u>	<u>553,959</u>	<u>630,584</u>	<u>688,746</u>
Interest					
7438 Interest Expense	90,041	3,413	10,037	1,017	443
	<u>90,041</u>	<u>3,413</u>	<u>10,037</u>	<u>1,017</u>	<u>443</u>
Total Expenses	\$ 4,481,526	\$ 5,494,097	\$ 6,654,627	\$ 7,335,000	\$ 7,827,797
Surplus (Deficit)	\$ 499,108	\$ 917,083	\$ 1,388,039	\$ 1,839,326	\$ 2,207,019

Allegiance STEAM Academy

Multi-Year Forecast

Revised 5/01/18



	2018-19 Budget	2019-20 Forecast	2020-21 Forecast	2021-22 Forecast	2022-23 Forecast
Fund Balance, Beginning of Year	\$ -	\$ 499,108	\$ 1,416,191	\$ 2,804,230	\$ 4,643,555
Fund Balance, End of Year	\$ 499,108	\$ 1,416,191	\$ 2,804,230	\$ 4,643,555	\$ 6,850,575
	11.1%	25.8%	42.1%	63.3%	87.5%

Cash Flow Adjustments

Surplus (Deficit)	499,108	917,083	1,388,039	1,839,326	2,207,019
Cash Flows From Operating Activities					
Public Funding Receivables	(501,241)	(228,574)	(29,314)	(50,045)	(49,766)
Accounts Payable	168,298	68,573	24,471	21,930	19,193
Accrued Expenses	115,724	40,282	41,941	10,823	13,170
Cash Flows From Financing Activities					
Proceeds from Factoring	1,683,010	-	-	-	-
Payments on Factoring	(1,737,859)	-	-	-	-
Proceeds(Payments) on Debt	250,000	(62,496)	(62,496)	(62,496)	(62,512)
Total Change in Cash	477,041	734,868	1,362,641	1,759,538	2,127,104
Cash, Beginning of Year	50,000	527,041	1,261,909	2,624,550	4,384,088
Cash, End of Year	\$ 527,041	\$ 1,261,909	\$ 2,624,550	\$ 4,384,088	\$ 6,511,192