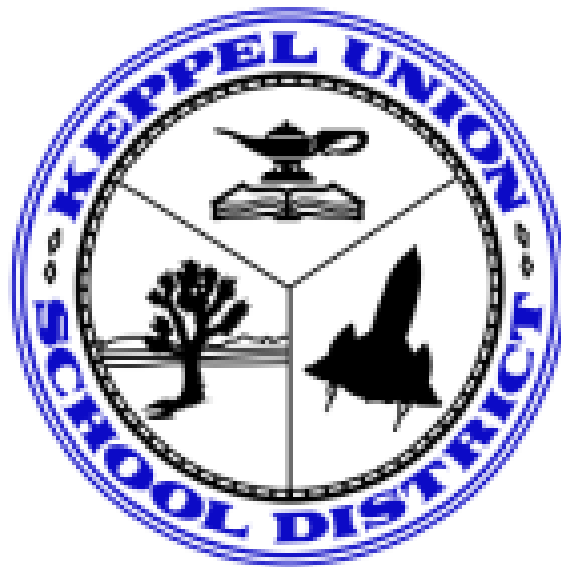


Keppel Union School District Special Education Procedural Handbook



2024-2025

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The mission of the Special Education Department is to provide all students access to high-quality educational services in an inclusive setting through services and support.

Core Beliefs

- Students receiving Special Education services are General Education students first.
- Special Education offers services and support, it is not a place.

II. PROCEDURES FOR LOCATING AND IDENTIFYING CHILDREN WITH DISABILITIES

A. CHILD FIND OBLIGATIONS

The Child Find process requires Keppel Union School District (KUSD) to identify, locate, and evaluate all children with disabilities residing in its jurisdiction. This obligation includes all students who attend private (including religious) schools, migrant or homeless students, students who are wards of the State, and students with suspected disabilities who are not advancing in grade level. (*20 USC 1412 (a)(3)(A), 20 USC 1412 (a)(10)(A)(ii)(I), 34 CFR 300.111, 34 CFR 300.131, 34 CFR 300.111(c)(2), 34 CFR 300.101(c), 30 EC 56301.*)

It is important to note that Child Find is a screening process that identifies children who have a disability, or are suspected of having a disability and may need special education and related services. Children identified through the Child Find process must be assessed to determine and confirm eligibility. For more information on Disability Assessments, reference *IV. PROCEDURES FOR DETERMINING ELIGIBILITY*

KUSD must actively and systematically seek out all children with exceptional needs who reside within the school district by engaging in the following activities:

- Distributing written information to all schools in the area, as well as to other agencies that are likely to encounter children with special needs
- Furnishing information on the internet
- Offering training to private school employees
- Developing pamphlets about the availability of special education services and how to access them
- Reaching out to the Keppel Union School District community through:
 - Public Service Announcements
 - *KUSD Website*

Specific information concerning Child Find is provided under the following topic areas:

1. Infants and Toddlers
2. Preschool-Aged Students
3. Private School Students
4. Determining whether a child is eligible for services under the IDEA as a result of identification through Child Find

B. PRESCHOOL STUDENTS

KUSD must identify preschool children aged 3 to 5 with disabilities through:

- Child Find activities listed in the *A. Child Find Obligations* Section

- Direct referrals from parents, preschools, physicians, members of the community, and Kindergarten teachers. More information regarding referrals is located within *Part III: General Education Interventions*
- Identification of children who are in transition from the Early Start Program

C. PRIVATE SCHOOLS

If a student attends a private school located within the jurisdiction of KUSD, KUSD is considered the student's "District of Attendance." As such, KUSD is responsible for Child Find activities for that student regardless of where the student actually resides. Therefore, KUSD must conduct Child Find in all private schools, including religious, elementary and secondary schools that are located within KUSD's jurisdictional boundaries (*34 CFR 300.131*).

If a student resides within KUSD's jurisdictional boundaries but attends a private school outside of the school district, KUSD **is not** responsible to conduct Child Find. However, KUSD **is** responsible to assess (or otherwise respond) if and when there is an assessment request to determine whether the student is eligible for special education and related services and to develop an individualized education program (IEP) if the student desires a free appropriate public education (FAPE).

For more information on Process for Referral, reference *Part III C. 3.: Referral*

For more information on Disability Assessments, reference *Part IV: Procedures for Determining Eligibility*.

In its execution of Child Find activities for private school students, KUSD must:

- Consult with appropriate representatives of private school students with disabilities on how to carry out Child Find activities (*34 CFR 300.134, 30 EC 56301 and 56171*)
- Maintain in its records, and provide to the State, the number of parentally placed private school students evaluated, determined to have disabilities and served (*20 USC 1412 (a)(10)(A)(i)(V), 34 CFR 300.132(c) & 300.131(b), 30 EC 56301 (c)(1)*.)
- Ensure the equitable participation of parentally placed private, including religious school students with disabilities, an accurate count of these students, and a completion period that is comparable to that for other pupils attending public schools in the local educational agency (*20 USC 1412 (a)(10)(A)(ii)(V), 34 CFR 300.131(e), 34 CFR 300.134, 30 EC 56301(c)(1) & (c)(3)*.)
- Ensure timely and meaningful consultation during the Child Find process by consulting with private school representatives and representatives of parents of parentally placed private school students with disabilities during the design and development of special education and related services for the students, including:

- Equitable participation opportunity
- Information as to how parents, teachers, and private school officials will be informed of the process and assurance of how the consultation process will operate throughout the school year to provide meaningful participation in special education and related services (*20 USC 1412 (a)(10)(A)(ii) & (iii), 34 CFR 300.134 & 300.138, 30 EC 56301(c)(1) & (d)(1).*)
- In the event of a disagreement over provision of services or the types of services for a private school student with a disability, provide a private school official with a written explanation of the reasons explaining why KUSD chose not to provide services (*20 USC 1412 (a)(10)(A)(iii)(V), 300.134(e).*)
- Obtain written, signed affirmation of timely and meaningful consultation from private school representatives of parents of parentally placed private school students with disabilities in the design and development of special education and related services (*20 USC 1412 (a)(10)(A)(iv), 34 CFR 300.134 and 300.135(a), 30 EC 56172(c).*)
- Provide special education and related services to parentally placed private school students with disabilities secular, neutral, and non-ideological, including materials and equipment (*20 USC 1412 (a)(10)(A)(vi)(II), 34 CFR 300.304(c)(6), 34 CFR 300.138(c), 30 EC 56172(f).*)

D. DETERMINING WHETHER A CHILD IS ELIGIBLE FOR SERVICES UNDER IDEA AS A RESULT OF IDENTIFICATION THROUGH CHILD FIND

If KUSD has knowledge that a student has a disability, or is suspected of having a disability and may need special education and related services, KUSD must offer to assess the student.

Indicators for when a student is suspected of having a disability and KUSD should thus offer an initial assessment include, but are not limited, to the following:

- Parent(s) expressed concerns in writing to KUSD personnel, or to one of the student's teachers, that the student may be in need of special education and related services
- Parent has requested an initial evaluation of the student

Please refer to the timeline section for additional information pertaining to initial assessments and evaluation requests.

III. GENERAL EDUCATION INTERVENTIONS

A. OVERVIEW OF PRE-REFERRAL REQUIREMENTS

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

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

B. PROBLEM SOLVING STRUCTURES

KUSD must utilize Multi-Tiered Systems of Support including the Student Support Team structure to maximize student success across all grade levels (TK-8):

1. MTSS

- Multi-Tiered Systems of Support- MTSS can be defined as a **coherent** continuum of evidence based, **system wide practices** that support a **rapid response** to academic, behavioral, and social-emotional needs. Frequent **data monitoring** serves as the foundation for effective decision making to address the needs of the **whole child**.

2. SST

- Student Study Teams (SST) are school-based, problem-solving groups whose mission is to assist teachers, administrators, and school staff with interventions and strategies for dealing with the academic, social/emotional, and behavior needs of students. Such groups seek creative ways to maximize the use of available resources and formalize what is already being done for students at the site.
- The Student Study Team (SST) serves as a way to address individual student needs and to enhance existing methods of operation within the school. The SSTs have the potential to:
 - Provide structured support and assist teachers in varying instructional strategies

- Assist teachers in developing and implementing positive behavioral supports to improve student behavior and classroom management
- Identify early interventions for students who are at-risk to themselves and/or others
- Encourage attitude shifts from problem-centered to child-centered
- Engage outside resources and foster positive relationships with parent and community partners
- Acknowledge a sense of teamwork and enhance professional development by sharing expertise
- Reduce the number of inappropriate referrals for special education

The purpose of the Student Study Team is to design a support system for students having difficulty in a general education classroom. Once activated, this proactive process will assist teachers and students by generating additional classroom instructional strategies, classroom accommodations, and/or intervention plans. The team may also act as a resource for additional services or programs (i.e., reading intervention groups, general education social skills groups, 1:1 mental health counseling).

C. Referrals

1. Section 504

Section 504 of the Rehabilitation Act of 1973 protects disabled individuals against discrimination. It does so by mandating that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of any entity that is a recipient of Federal financial assistance (*34 CFR § 104.4(a)*).

Accommodations and related services provided through Section 504 of the Rehabilitation Act Program (Section 504) ensure that a student with a physical or mental impairment that substantially limits one or more major life activities has equal access to education.

Section 504 accommodations and/or related services must be delineated in a Section 504 Plan formulated by the student's teacher(s), parents/guardians, members of the Student Study Team (SST), Section 504 School Site Coordinator, and other relevant school site staff.

Examples of accommodations and/or services that KUSD must provide to students with a 504 include:

- Assistance on stairways for a student with mild cerebral palsy

- Extra time on tests for a student with Attention Deficit Hyperactivity Disorder (ADHD)
- Nursing services for a student with Type I Diabetes

KUSD must establish and maintain services and accommodations for students with disabilities in order to ensure that these students have equal access to education. KUSD's 504 Team is responsible for determining if a student qualifies for a Section 504 Plan as follows:

- Each school site must have a designated Section 504 Team to assist the site with referrals and oversee the implementation of Section 504 accommodations and services at the site. Please note that this is a general education function.

2. SPECIAL EDUCATION

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

KUSD must base this determination on progress monitoring and subsequent modification of interventions and supports implemented with **fidelity**. **Fidelity** refers to implementation practices based on program requirements, including the length of time necessary to obtain sufficient data to determine effectiveness.

Through the referral and assessment process, KUSD must determine whether a student is eligible to receive special education and related services to meet their educational needs.

Through the procedures outlined below and in the following sections, KUSD must provide for the identification and assessment of the needs of an individual student, and the planning of an instructional program to meet his/her assessed needs.

Identification procedures include systematic methods of utilizing referrals of students from teachers, parents, agencies, appropriate professional persons, and from other members of the public. ***As discussed above, KUSD must refer students for special educational instruction and services only after considering and utilizing, where appropriate, the resources of the general education program.***

A student may be referred for special education services at any time by the student's parents. Staff of other public agencies may also request an assessment of students. Referrals pertain to students enrolled in KUSD, residing in KUSD boundaries, or attending a private school in KUSD's boundaries.

A. Assessment Referral Approval Criteria

- **Documentation.** The SST must provide documentation showing that it addressed student's academic, language/speech, and/or behavioral issues, incorporating:
 - **Interventions-** Scientifically research-based intervention(s) implemented with **fidelity** as evidenced by data sheets, computer-generated records, or other permanent products.
 - **Fidelity** refers to implementation practices based on program requirements, including the length of time necessary to obtain sufficient data to determine effectiveness.

B. Guidance for Determining Whether the Student Needs an Assessment:

- The SST reviews and analyzes all the data described above to determine the most beneficial option for the student.
- One option the SST team must consider is that the student would benefit from additional interventions and progress monitoring. Note that additional interventions should be provided in lieu of or during the assessment process.
- If it is determined that an assessment is not warranted, KUSD must provide the parents a written explanation of the reason for the decision within 15 calendar days of receipt of the referral

C. Process for Response to Written Assessment Request:

When a parent requests an assessment (written or verbal) document and dates the request. Notify the site SST Team and arrange for a meeting (**within 15 calendar days**) to discuss the parents concern and request.

An assessment plan or Prior Written Notice (denying assessment) must be provided within 15 calendar days from the date that the district received the request.

- Tolerated for school breaks in excess of 5 schooldays.
- If referral received 10 days or fewer before the end of school year, then due within the first 10 days of next school year. EC 56043(a) EC 56321(a)

Process for Referring Non-attending Students:

When the parent of a student who is not enrolled in an KUSD program believes that the student may have a disability, one of the following processes is used:

- **Private School Students-** Parents with children who attend a private school located within KUSD's boundaries should contact KUSD Special Education Department at (661) 944-0805.

To the extent possible, all referrals for a disability assessment for KUSD enrolled students must be made through the SST so that the team has an opportunity to review supporting documentation to ensure it provides an appropriate basis for initiating an assessment. If the student was not referred through the SST, the request must document why this process was not utilized.

The individual receiving the referral must immediately provide it to the Special Education Department, School Psychologist, or Speech Language Pathologist for processing.

Assessment request/referrals for students attending Private School:

- Request/referrals sent to Special Education Office
 - Special Education shares parent/student information with school site secretary
 - School site secretary contacts parent to complete enrollment process
- Special Education Office assigns the student to appropriate case manager (i.e., SAI or SLP) and notifies team member(s) (i.e., SAI and/or SLP and psych (when appropriate))

The assigned case manager must:

- Contact parents and the Private School Team to schedule an SST meeting **within 15 days** of referral.
 - Include Special Education Director for LEA representative
- SST Meeting is held **within 15 days** of referral
 - If Team determines to assess, the parent is provided an assessment plan
 - Appropriate assessors schedule and conduct appropriate assessments
 - An IEP meeting to determine eligibility is held within 60 days of receiving signed consent to the assessment
 - If the Team determines that assessment is not appropriate at this time, this is documented in the meeting notes along with any supports and/or follow-up
 - If the LEA denies the request a Prior Written Notice is provided to the parent **no later than 15 days** from the date of receipt of the request/referral.

IV. PROCEDURES FOR DETERMINING ELIGIBILITY

A. OVERVIEW OF Eligibility

Upon receipt and acceptance of a referral to determine disability eligibility, KUSD must assess all areas of suspected disability and determine whether the student is eligible for Special Education services based on assessment results.

Assessments include examinations, tests and observations and are conducted by an IEP Assessment Team.

When IEP Assessment Teams conduct disability assessments, they must provide evidence of the following:

- The assessment is comprehensive (34 CFR 300.304(c)(6), 34 CFR 300.304(b)(1)30 EC 56320 (b), 30 EC 56321, 5 CCR 3022.)
- Students evaluated for initial and three-year reviews have a hearing and vision screening unless parental permission is denied (34 CFR 300.304(c)(4), 30 EC 56320(f), 5 CCR 3027.)
- Assessments are conducted by trained personnel in conformance with the instructions provided by the producer of the tests (34 CFR 300.304(c)(1)(iv) and (v), 30 EC 56320(b)(3).)
- Individually administered tests of intellect or emotional functioning are administered by a credentialed school psychologist (34 CFR 300.308, 30 EC 56320(b)(3).)
- Assessments are administered in all areas related to the suspected disability by trained and knowledgeable personnel using sound instruments (20 USC 1414 (b)(3)(B), 34 CFR 300.304(c)(4) and (c)(1)(iv), 30 EC 56320(b), 30 EC 56320(f).)
- Assessments for severe and low incidence disabilities are:
 - Administered by trained and knowledgeable personnel, using technically sound instruments
 - Cover all areas related to the student's suspected disability
 - Attend to the need for specialized services, materials and equipment consistent with the guidelines for Deaf-Blind, Deaf and Hard of Hearing, Visually Impaired, and Severely Orthopedically Impaired. (30 EC 56320(g), 30 EC 56327(h), 30 EC 56352(a).)
- A variety of tools and strategies are used to gather functional, developmental and academic information to determine eligibility and the content of the IEP:
 - The tools and strategies directly assist in determining the educational needs of the student (20 USC 1414(b)(2)(A), 34 CFR 300.304(b)(1), 30 EC 56320(e).)
- Technically sound instruments are used to assess:
 - The relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors (20 USC 1414 (b)(2)(C), 34 CFR 300.304(b)(3), 30 EC 56320(f).)

IEP Assessment Team evaluates students for one or more of the following eligible disabilities:

- Hearing Impairment (including deafness)
- Both Hearing and Visual Impairment (Deaf-blindness)
- Speech or language impairment
- Visual Impairment (including blindness)
- Orthopedic impairment
- Other Health Impairment (OHI)
- Autistic-like behaviors
- Specific Intellectual Disabilities

- Emotional Disturbance
- Learning Disability
- Multiple Disabilities
- Traumatic Brain Injury

B. IDEA defines these disabilities as follows:

- Hearing Impairment (including deafness)
 - Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance (*IDEA 300.8 (c)(3).*)
 - Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section (*IDEA 300.8 (c)(5).*)
- Both Hearing and Visual Impairment (Deaf-blindness)
 - Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness (*IDEA 300.8 (c)(2).*)
- Speech or Language Impairment
 - Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance (*IDEA 300.8 (c)(11).*)
- Visual Impairment (including blindness)
 - Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness (*IDEA 300.8 (c)(13).*)
- Orthopedic Impairment
 - Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures) (*IDEA 300.8 (c)(8).*)
- Autistic-like behaviors
 - Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, which adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences (*IDEA 300.8 (c)(1)(i).*)

- Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance (*IDEA 300.8 (c)(1)(ii).*)
- A child who manifests the characteristics of autism after age three could be identified as having autism if he/she satisfies the above criteria (*IDEA 300.8 (c)(1)(iii).*)

☐ Intellectual Disability

- Intellectual Disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance (*IDEA 300.8 (c)(6).*)

☐ Emotional Disturbance

- Emotional Disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:
 - An inability to learn that cannot be explained by intellectual, sensory, or health factors (*IDEA 300.8 (c)(4)(i)(A).*)
 - An inability to build or maintain satisfactory interpersonal relationships with peers and teachers (*IDEA 300.8 (c)(4)(i)(B).*)
 - Inappropriate types of behavior or feelings under normal circumstances (*IDEA 300.8 (c)(4)(i)(C).*)
 - A general pervasive mood of unhappiness or depression (*IDEA 300.8 (c)(4)(i)(D).*)
 - A tendency to develop physical symptoms or fears associated with personal or school problems (*IDEA 300.8 (c)(4)(i)(E).*)

☐ Specific Learning Disability

- Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as:
 - Perceptual disabilities
 - Brain injury
 - Minimal brain dysfunction
 - Dyslexia
 - Developmental aphasia (*IDEA 300.8 (c)(10)(i).*)
- Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage (*IDEA 300.8 (c)(10)(ii).*)

☐ Multiple Disabilities

- Multiple disabilities mean concomitant impairments (such as intellectual

disabled blindness or intellectual disabled-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness (*IDEA 300.8 (c)(7).*)

Traumatic Brain Injury

- Traumatic Brain Injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance (*IDEA 300.8 (c)(12).*)
 - Cognition
 - Language
 - Memory
 - Attention
 - Reasoning
 - Abstract thinking
 - Judgment
 - Sensory, perceptual, and motor abilities
 - Psychosocial behavior
 - Physical functions
 - Information processing
 - Speech
- Traumatic Brain Injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma (*IDEA 300.8 (c)(12).*)

If the IEP team determines that a student has a disability, the student's Individualized Education Program (IEP) team must meet and determine if the student is in need of special education and related services. The IEP team includes qualified special education professionals and the student's parent(s). For more information on IEP teams and the IEP process, reference *Part VI: Individualized Education Programs.*

A student may demonstrate a disability, but may **not** necessarily be eligible for special education/related services. The IEP team will determine eligibility based on the requirement that the student's disability negatively/adversely affects his/her educational performance.

C. TIMELINES

Disability regulations outline certain timelines that KUSD must meet when conducting a student's eligibility assessment. This ensures that a student's disability related needs are addressed within a timely fashion.

KUSD must follow the following timelines related to disability eligibility:

- Parental request in writing: Once signed and returned by the parent, KUSD has **15 calendar days** to provide the parent with an assessment plan or a written response denying the request (*EC 56043(a), EC 56321(a)*).
- For school-age children, the eligibility assessment must be conducted and an IEP held within **60 calendar days** of KUSD's receipt of written parental consent for specified assessment activities (*EC 56043(c), EC 56302.1*).
- If the referral is received 30 or fewer days before the end of the school year, then the due date is within 30 days of the next school year (*ED 56344(a)*).
- Calendar includes weekend and holidays
- For school holidays that exceed five days, the 60-day timeline is extended by an equal number of days *EC 56321(a)*

D. DEVELOPING A SPECIAL EDUCATION ASSESSMENT PLAN

Before a student can be assessed for eligibility of special education or reassessed while receiving special education and related services, KUSD must develop an Assessment Plan and provide it to the parents for their consent.

KUSD must develop the special education Assessment Plan in cooperation with the student's teacher(s), general and special education, and other appropriate staff, depending upon the student's disability or suspected area of disability, such as:

- The school psychologist
- Related services personnel
- The school nurse

Persons developing a special education Assessment Plan should use information from:

- The written request for a special education assessment
- The parent
- School records, including teacher interviews and observations, student work samples, and other knowledge gathered through a process that reviews the student's achievement
- The Student Study Team (SST) recommendations, including accommodations and modifications
- Recent evaluations, including any Independent Educational Evaluations (IEE) provided by the parent (*34 CFR 300.502(a) and 303.504(c), 30 EC 56329(b), 5 CCR 3022.*)
- Existing evaluation information provided by the parents, current classroom-based assessments, and observations by teachers and related service providers (*34 CFR 300.305(a)(1), 30 EC 56321(e), 30 EC 56381(a)(1), 5 CCR 3022.*)

The special education Assessment Plan must describe:

- The reason(s) for the assessment (*30 EC 56321(a).*)
- The areas of suspected disabilities that will be assessed
- The types of assessments that will be included (*34 CFR 300.503(b)(3), 34 CFR 300.304(a), 30 EC 56321(b)(3).*)
- The types of staff who will conduct the assessments
- The student's primary language and language proficiency status (LEP/FEP) for English

- Learners (ELs) (34 CFR 300.304(c)(4) and (c)(1)(ii), 30 EC 56321(b)(1), 5 CCR 3022.)
- Alternative means that will be used to assess language impairment or specific learning disabilities when standard tests are considered invalid (34 CFR 300.304(c), 5 CCR 3030(c)(4)(B), 5 CCR 3030 (j)(4)(B).)
 - Any additional data 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 (34 CFR 300.305(a)(2), 30 EC 56381(b)(2).)
 - Assessment information that the parent requests to be considered, including private assessments (34 CFR 300.304(b), 30 EC 56341.1(a), 5 CCR 3022., 20 USC 1414(b)(2)(A), 34 CFR 300.305(a)(1)(i), EC 56329(c).)
 - Information related to enabling the student to be involved in and progress in the general ed setting (20 USC 1414(b)(2)(A)(ii), 34 CFR 300.304(b)(1)(ii), 30 EC 56345.)
 - Information about the student's communication status and language function, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f).)
 - Information about the student's motor abilities, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f).)
 - Information about the student's career and vocational abilities and interests, as appropriate (30 EC 56320(f).)
 - Information about the student's health and developmental information, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f), 30 EC 56327(e).)
 - Information about the student's vision, including low vision, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f), 30 EC 56352, 5 CCR 3027.)
 - Information about the student's hearing status, as appropriate (34 CFR 300.304(b), 30 EC 56320(f), 5 CCR 3027.)
 - Information about the student's social and emotional status (34 CFR 300.304(c)(4), 30 EC 56320(f).)
 - Information about the student's general intelligence and ability (34 CFR 300.304(c)(4), 30 EC 56320(f).)
 - Information about self-help, as appropriate (30 EC 56320(f).)
 - Information about the student's academic performance, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f).)

In addition, an Assessment Plan must contain documentation of parent consent and the date on which consent was obtained. (20 USC 1414(a)(1)(C)(i), 34 CFR 300.300(a), 34 CFR 300.300(c) 30 EC 56321.)

KUSD must develop a special education Assessment Plan and provide it to a student's parents:

- Within **15 calendar days from** the date of receipt of a written request for an initial special education assessment (34 CFR 300.503(a) and (c), 34 CFR 300.304(c)(1)(iv) and (v), 30 EC 56321(a), 30 EC 56321(b).)
- Within **15 calendar days** from the date of receipt of a written request for an assessment of a student currently receiving special education and related services (34 CFR 300.503(a) and (c), 34 CFR 300.304(c)(1)(iv) and (v), 30 EC 56321(a), 30 EC 56321(b).)
- Prior to conducting a reassessment of a student receiving special education and related services

- When a change in a student's eligibility for special education or related services is being considered

Parents must be notified that:

- Upon completion of the assessment, an IEP team meeting shall be scheduled to determine if the student is an individual with exceptional needs (34 CFR 300.306(a), 30 EC 56329(a), 34 CFR 300.504, 30 EC 56506(c).)
- They have a right to request, at public expense, an Independent Educational Assessment (IEE), if they disagree with the assessment conducted by KUSD or the right to obtain an assessment at any time at their own expense (34 CFR 300.306(a), 30 EC 56329(a), 34 CFR 300.504, 30 EC 56506(c).)

Note: *The Assessment Plan provided to the parents must be in the primary language spoken in the home. Forms in all of the major languages are available. The Assessment Plan must also be written in language that can be easily understood by the general public. (34 CFR 300.503(a) and (c), 34 CFR 300.304(c)(1)(iv) and (v), 30 EC 56321(a), 30 EC 56321(b).)*

The Assessment Plan must provide for:

- Assessing the student in all areas of suspected disability
- Selecting and administering tests and other assessment materials that are not racially, culturally, or linguistically discriminatory (20 USC 1414(b)(3)(A)(i), 34 CFR 300.304(c)(1)(i), 30 EC 56320(a).)
- Administering tests and other assessment materials in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally unless it is not feasible to provide or administer
- Selecting and administering tests and other assessment materials to assess English Learners (EL) that measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills (34 CFR 300.304(c)(1)(ii), 34 CFR 300.306(b)(iii).)
- Selecting tests and other assessment materials that assess specific areas of educational need and are not designed to provide a single intelligence quotient (20 USC 1414 (b)(2), 34 CFR 300.304(c)(2), 30 EC 56320(c).)
- Ensuring that IQ tests are not administered to African-American students (Larry P. vs. Riles.)
- Using a variety of assessment tools and strategies to gather relevant functional and developmental information about the student
- Using information provided by the parent/guardian
- Obtaining information about how the student is involved and progressing in the general curriculum
- Ensuring vision and hearing screenings have been conducted within the past year, or securing written documentation that the parents do not feel these assessments are necessary

*Note that KUSD does **not** need to develop an Assessment Plan when administering assessments that are generally administered to students in the class, school, or District.*

E. INITIAL ASSESSMENT

Once consent for assessment has been received, the IEP Team must conduct the assessment, as defined above, to answer the following three questions:

- Does the student meet the eligibility criteria as an individual with a disability?
- Does the severity of the disability have an adverse effect on the student's educational performance?
- Does the student require special education support and services to achieve a free appropriate public education?

Note that KUSD must assess all English Learners (EL) in the student's primary language, unless it is not feasible to do so, by evaluators who are qualified specialists and proficient in the student's primary language. The assessment report must address the validity and reliability of the assessments in light of the student's language background and be interpreted in a language that is accessible to the student's parents.

F. REASSESSMENT

Once a student has been identified by an IEP team as having a disability and needing special education, it is required that the student be reassessed unless the parent and KUSD agree that it is unnecessary, at the following times (*20 USC 1414 (a)(2), 34 CFR 300.303(b), 30 EC 56043(k)*):

- Every three years (eligibility evaluation)
- At any time, at the request of the parent(s) or KUSD staff except it shall not occur more frequently than once a year unless the parent and KUSD agree
- When KUSD determines that the educational or related service needs (including improved academic achievement and functional performance) warrant an evaluation
- To determine continued eligibility prior to transitioning from a preschool program to kindergarten, or to first grade (*30 EC 56445.*)

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

- That the student may no longer be eligible based on the previous assessment
- That the student may be eligible in an additional or different suspected disability
- That the student is not adequately progressing in achieving the goals and

- objectives set forth in his/her IEP
- That the student’s current special education and related services may no longer be appropriate
- That the student may no longer require special education and related services

Three-year eligibility evaluations must include review and consideration of all required information (*20 USC 1414(c)(1)(A), 34 CFR 300.305(a), 30 EC 56381(b).*):

- A review of existing data (*20 USC 1414(c)(1)(A), 34 CFR 300.305(a)(1), 30 EC 56381(b).*)
 - If the review of existing evaluation data on the student indicates that there is no need to conduct additional evaluations, KUSD must notify the parent of:
 - The determination and the reasons for it
 - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs (*20 USC 1414(c)(4), 34 CFR 300.305(d), 30 EC 56381(d).*)
 - Based on the review of existing evaluation data on the student, KUSD conducts the additional assessments required to produce the information needed to complete the reevaluation (*20 USC 1414(c)(1), 34 CFR 300.305(c), 30 EC 56381(d).*)
 - KUSD uses the required members of the IEP team and other qualified professionals as appropriate, to review existing evaluation data, and on the basis of that review, and input from the student's parents:
 - Identify what additional data, if any, are needed to determine whether the student continues to have a disability, and the student's educational needs (*20 USC 1414(c), 34 CFR 300.305, 30 EC 56381(b).*)
- A review of information provided by the parent (*20 USC 1414(c)(1)(A), 34 CFR 300.305(a)(1)(i), 30 EC 56381(b).*)
- A review of teacher and related service provider information (*20 USC 1414(c)(1)(A), 34 CFR 300.305(a)(1)(iii), 30 EC 56381(b).*)
- A review of current classroom based, local, or State assessments and classroom-based observations (*20 USC 1414(c)(1)(A), 34 CFR 300.305(a)(1)(ii), 30 EC 56381(b).*)
- A hearing and vision screening of the student unless parental permission is denied (*34 CFR 300.304(c)(4), 30 EC 56320(f), 5 CCR 3027.*)

G. ASSESSMENT REPORTS

KUSD personnel must document the information gathered during the assessment process in a Multidisciplinary Assessment Report. This is in accordance with the following regulation:

- Assessment results in a multidisciplinary written report or reports that include the findings of each assessment (*34 CFR 300.306(a)(2), 30 EC 56327.*)

The Assessment Report must include:

- Results of tests administered in the student's primary language by qualified personnel (*20 USC 1412(a)(6)(B), 34 CFR 304(c)(1(i), 30 EC 56320.*)
- If a test was administered through an interpreter:
 - The written report includes a statement regarding the validity of the assessment (*30 EC 56320(b), 5 CCR 3023(a).*)
- A description of the extent to which testing varied from standard conditions (*20 USC 1414(b)(3)(A)(iii), 5 CCR 3023(a)*)
- Information related to enabling the student to be involved in, and progression, the general education curriculum or, for preschool students, to participate in appropriate activities (*20 USC 1414(b)(2)(A)(ii).*)
- A determination of whether the student needs special education and related services (*30 EC 56327(a).*)
- Information on relevant behavior noted during observation of the student in the appropriate setting (*30 EC 56327(c).*)
- Educationally relevant health, developmental and medical findings, if any (*34 CFR 300.532, 30 EC 56327(e).*)
- A determination of the effects of environmental, cultural, or economic disadvantage, where appropriate (*30 EC 56327(g).*)
- A description of the need for specialized services, materials, and equipment for students with low incidence disabilities (*30 C 56327(h).*)
- Consideration of independent evaluations (*34 CFR 300.502(b), 30 EC 56329(b).*)
- The basis for making the determination of eligibility for students with specific learning disabilities (*34 CFR 300.311(a)(2) 30 EC 56327(b).*)

Following completion of a student's Assessment Report, KUSD must provide a copy to the student's parents (*20 USC 1414(b)(4)(B), 34 CFR 300.306(a)(2), 30 EC 56329.*)

H. PARENT REFUSAL TO ALLOW EVALUATION

The administrator or designated staff members responsible for ensuring that all assessments are conducted, reports completed, and an IEP meeting is held within the **60-day** timeline.

If the parent/guardian does not return a signed special education Assessment Plan within a reasonable amount of time (**5 days**), the case manager must do the following:

- Contact the parents to determine if they received the plan and intend to sign and return it
 - *Note: Documentation of any contacts made with parents regarding signing the plan should be maintained. If necessary, a second copy of the plan should be sent to parents and the date documented on contact logs.*
- Provide parents with information to answer any questions they may have
- If appropriate, revise the plan to accommodate concerns parents may have
- If parents refuse to sign the Assessment Plan, request written refusal or document communication of refusal. Place a copy in the student's cumulative folder, document on the web-based IEP system, and notify the personnel identified on the plan of the parent's decision

I. DISTRICT REFUSAL TO CONDUCT EVALUATION

If a parent of a student with an IEP requests an evaluation, and the IEP team determines that an evaluation is not required or otherwise warranted, the IEP team must notify the Special Education Department. The Special Education department will provide the parent written notice (PWN) of KUSD's determination to refuse the evaluation.

V. ADDITIONAL ASSESSMENTS

A. BEHAVIOR ASSESSMENTS

If the IEP team determines that a child's behavior impedes his or her learning or the learning of others, then consistent with the IDEA, the IEP team requirement is to "consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior, consistent with Section 1414(d)(3)(B)(i) and (d)(4) of Title 20 of the United States Code and associated federal regulations." This could mean that instead of developing a BIP, the IEP team may conclude it is sufficient to address the student's behavioral problems through the development of behavioral goals and behavioral interventions to support those goals.

KUSD may consider conducting behavior-based assessments of students with special needs when one of the following has occurred and/or been observed from a student:

- The behavior is self-injurious, assaultive, or causing property damage leading to suspension or expulsion
- The behavior is so pervasive/maladaptive as to require systematic and frequent application of behavioral interventions
- The serious behavior problem interferes with the individual's opportunity for placement in the least restrictive environment

- A behavioral emergency has occurred that required the use of restricted, emergency techniques in order to protect the safety of the student or others
- An assessment has been conducted and a report written that identified the need for a Functional Behavior Assessment (FBA)

Behavior Assessment and Development of a BIP- If an IEP team agrees that a behavior-based assessment is warranted for a student with special needs, it is required to complete a Functional Behavior Assessment (FBA). The FBA is initiated when the behavior of a student with an IEP has been determined to be a manifestation of his/her disability. A signed assessment plan is required.

1. FUNCTIONAL BEHAVIORAL ASSESSMENT

When determining whether a student qualifies for an FBA, the student's IEP team must determine whether the behavioral and/or instructional approaches to correcting the student's behavior, as specified in the student's IEP, have been effective (*30 EC 56523, 5 CCR 3052(b).*).

If the IEP team determines that the behavioral and/or instructional approaches have been ineffective, it must perform an FBA to assess the student's behavior.

FBA's must include:

- Observations of the student's targeted inappropriate behavior including a description of the frequency, duration, and intensity of the behavior (*30 EC 56523, 5 CCR 052(b)(1)(A).*)
- Observations of the events immediately preceding each instance of the students targeted inappropriate behavior (*30 EC 56523, 5 CCR 3052(b)(1)(B).*)
- Observations and analysis of the consequences that follow the student's display of the targeted inappropriate behavior to determine how they affect the student (*30 EC 56523, 5 CCR 3052(b)(1)(C).*)
- An ecological analysis of the setting in which the behavior occurs most frequently (*30 EC 56523, 5 CCR 3052(b)(1)(D).*)
- A review of student records for health and medical factors, which may influence the student's behaviors (*30 EC 56523, 5 CCR 3052(b)(1)(E).*)
- A review of the history of the targeted inappropriate behavior including the effectiveness of previously used behavioral interventions (*30 EC 56523, 5 CCR 3052(b)(1)(F).*)

Following completion of a student's FBA, KUSD must create a report outlining the results of the assessment. FBA reports must include descriptions of:

- The nature and severity of the targeted behaviors using objective and measurable terms (*30 EC 56523, 5 CCR 3052(b)(2)(A).*)
- The targeted behavior(s) including (*30 EC 56523, 5 CCR*

3052(b)(2)(B):

- Baseline data
- Preceding events
- Consequences
- A functional analysis of the behavior(s) across all appropriate settings in which it occurs
- The rate of the targeted behaviors, their preceding events and consequences (30 EC 56523, 5 CCR 3052(b)(2)(C).)
- Recommendations for consideration by the IEP team, which may include a proposed Behavioral Intervention Plan (BIP) (30 EC 56523, 5 CCR 3052(b)(2)(D) and 5 CCR 3001(f).)

2. BEHAVIORAL INTERVENTION PLAN

Behavior Intervention Plans (BIP) are documents that utilize the recommendations from FBAs to outline plans of actions to correct a student's behavior. Typically, a BIP has been developed, implemented with fidelity, and adjusted with IEP team agreement as needed. Ongoing data collection is required to determine the effectiveness of the plan to manage serious behaviors.

A. Behavior Intervention Plan (BIP):

- Attempts to understand "why" the behavior is occurring; what "function" it serves for the individual
- Identifies how the environment can be altered to eliminate the student's need to use the behavior
- Identifies how educators can support students using identified positive replacement behaviors that meet his/her need
- Is essentially a teaching plan
- Assessment Plan (FBA can lead to the development of an IEP) is required
- Involves systematic data collection (definition of target behaviors, Antecedent Behavior Consequence, frequency data, duration data, interview and/or observations)
- Requires that an IEP meeting be held to propose and formalize the BIP (considered a supplementary aid and support)
- Implementation of the BIP and ongoing data collection to determine whether or not the BIP is effective and what, if any, changes or next steps are necessary

IEP teams must include the following in BIPs (5 CCR 3052(d)):

- Plans on how to change situations that cause the student's inappropriate behavior
- Plans for teaching the student alternative behaviors to replace his/her inappropriate behavior
- Plans for teaching the student adaptive behaviors to improve the negative conditions that lead to inappropriate behavior
- Plans for changing the consequences for inappropriate behaviors and acceptable behaviors so that the student becomes aware that acceptable behaviors produce better results
- Description of how and when the IEP team will reevaluate the student's behavior. Reevaluations must occur on scheduled intervals (5 CCR 3052(f))

When creating BIPs, IEP teams must be aware that certain behavioral interventions are prohibited. Prohibited behavioral interventions include those that:

- Cause physical pain to the student
- Involve the release of noxious or otherwise unpleasant substances in proximity to the student's face
- Involve the denial of adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
- Subject the student to verbal abuse, ridicule or humiliation, or excessive emotional trauma
- Subject the student to restrictive intervention, including prone containment or locked seclusion that precludes adequate supervision of the individual
- Deprive the student of one or more of his or her senses

When evaluating whether the implementation of a BIP has successfully modified a student's behavior, IEP teams must consider (5 CCR 3052(f)):

- Baseline measures of the frequency, duration, and intensity of the student's targeted inappropriate behavior, taken during the FBA
- Documentation of program implementation as specified in the BIP
- Interim measures of the frequency, duration, and intensity of the student's targeted inappropriate behavior, taken during reevaluations

If, while evaluating the effectiveness of a BIP, the IEP team determines that changes are required, it must conduct additional FBA and propose changes to the student's BIP as appropriate.

3. BEHAVIORAL EMERGENCY REPORT

IEP teams must create Behavioral Emergency Reports (BERs) immediately following a

behavioral emergency. A BER must be created following an incident that requires physical restraint on the behalf of KUSD staff in order to resolve the incident or prevent injury.

When creating a BER, IEP teams must include the following in BER (5 CCR 3052(i).):

- Name and age of the student
- Setting and location of the behavioral incident
- Name of the staff or other persons involved
- Description of the incident and the emergency intervention used
- Whether the student is currently engaged in a systemic BIP

In addition, IEP teams should notify a student's case manager immediately following a behavioral emergency if he/she was not involved in the emergency. After completing a BER:

IEP Team Responsibilities: After completing a BER, IEP teams must immediately forward it to designated responsible school-site administrators. (5 CCR 3052(i)(6).).

School-site Administrator Responsibilities: Upon receipt of a BER, the designated responsible administrators must immediately review the BER (5 CCR 3052(i)(6).).

After reviewing a BER, the administrator must offer an IEP team meeting **within 2 days** of the behavioral emergency (5 CCR 3052(7)) if the student does not currently have a Behavior Intervention Plan (BIP):

- Review the emergency report
- Determine the necessity for a Functional Behavioral Assessment (FBA)
- Determine the necessity for an interim Behavioral Intervention Plan (BIP)
- If the IEP team decides not to conduct an FBA and/or create an interim BIP, it must outline the reasons for doing so within the BER

B. INDEPENDENT EDUCATIONAL EVALUATION

1. Antelope Valley SELPA IEE Policy

The procedural safeguards of the Individuals with Disability Education Act (IDEA) provide that under certain conditions, a parent may have the right to obtain an independent educational evaluation (IEE), at public expense.

KUSD adheres to procedures that are in accordance with federal and state laws:

Once the parent communicates his or her desire for an Independent Educational Evaluation (IEE) at public expense, KUSD must complete the

following steps:

- Notify Special Education Office, Special Education Director
- Immediately forward all request for an IEE to the Special Education Department

C. MODIFIED STATEWIDE ASSESSMENT

KUSD must provide modified statewide assessments to students who receive special education services as a way to measure student achievement based on alternate achievement standards. When determining whether a student qualifies for a modified statewide assessment, the student's IEP team must:

- Ensure that the student's record contains evidence of multiple measurements of student progress over a period of time for each subject specified within the student's IEP (*34 CFR 200.1(e)(2)(ii)(B) and 200.1(f)(2)(ii)(B).*)
- Determine that the student's disability prevents him/her from achieving grade-level proficiency on the statewide standardized achievement tests by using objective evidence such as the student's performance on assessments or other objective measures (*34 CFR 200.1(e)(2)(i).*)

For Students whom the IEP team determines are eligible for modified statewide assessments, the student's IEP team must:

- Ensure that students who are assessed using the modified state assessments have access to the general curriculum, including instruction, for the grade in which they are enrolled (*34 CFR 200.1(f)(2)(iii).*)
- Inform the student's parents that the student's achievement will be measured based on alternate or modified academic achievement standards (*34 CFR 200.1(f)(1)(iv).*)
- Document the decision within the IEP goals for academic achievement based on content standards in English Language Arts, Math and Science for the grade in which the student is enrolled (*34 CFR 200.1(f)(2)(ii)(A).*)

For Students whom the parent wishes not to have their child participate in the statewide assessments, the student's IEP case manager must:

- Notify the site testing coordinator and request a State Testing waiver
- Parent signs State Testing waiver
- Case Manager attaches State Testing waiver to the current IEP

D. OCCUPATIONAL THERAPY/PHYSICAL THERAPY ASSESSMENTS

KUSD is required to provide Occupational and/or Physical Therapy (OT/PT) assessments to students who it suspects may require OT and/or PT in order to benefit from his/her education program. For more information on OT/PT services

contact the Special Education Office.

When determining if a student needs an OT/PT assessment, the student's IEP team must include the Occupational Therapist and/or Physical therapist to determine if the student may have; fine, gross motor or sensory integration impairments that negatively impact his/her ability to succeed in his/her educational setting. If the student demonstrates an area of need in one or both of these areas, the student's IEP team will complete an OT/PT assessment for the student.

When conducting an OT/PT assessment, IEP teams and other appropriate personnel must include:

OT Assessment:

- An evaluation of student's fine and gross motor skills
- An evaluation of student's visual motor integration
- An evaluation of student's visual perception/processing
- An evaluation of student's sensory integration

PT Assessment:

- An evaluation of student's strength, coordination, balance, and symmetry
- An evaluation of student's physical activities such as sitting, standing, running, etc.
- An evaluation of student's birth history and developmental milestones

E. ASSISTIVE TECHNOLOGY ASSESSMENT

KUSD is required to provide Assistive Technology (AT) to students who require it in order to benefit from their educational program.

IEP teams are responsible for considering whether assistive technology is needed for each student. *(20 USC 1414(d)(3)(B)(v), 34 CFR 300.324 (a)(2)(v), 30 EC 56341.1(b)(5).*

Some AT can be provided through accommodations on an IEP/504 without requiring an AT assessment (i.e. reading guide, text-to-speech), if it can be supported at the site-level. However, if the site team is unable to determine what AT to employ, or if the AT being considered is more substantial, they should reach out to the Special Education Office for additional support. The Special Education Office will have an individual with AT training review and collaborate with site team members. Guidance will be provided on what additional supports can be trialed, or if an assessment plan needs to be completed for AT.

When determining if a student requires an AT assessment, the student's IEP team must include an individual with AT training. In making this decision, the IEP team must consider the individual student's AT needs in relation to his or her education program.

The AT assessment will include interviews and an observation of how the student completes everyday educational tasks in the area(s) of perceived need, such as reading and writing. Observations will be completed in the normal learning environment in which the student receives instruction. A follow-up meeting will then need to be held with all applicable team members to review the results of the assessment, and consider any potential recommendations made.

F. SPECIAL CIRCUMSTANCE INDEPENDENCE ASSESSMENT

1. KUSD SCIA Process:

ALL SCIA Assessments (Initials & Triennials)

- **60 days** prior to the IEP, attend Behavior Case Study w district psychologist team
- **Two weeks** prior to your IEP, email your report to the special education director
- At least **1 week** prior to your IEP, meet with the special education director. Please schedule this appt. through the Special Education Dept. Secretary.

ALL SCIA's with Plan Review IEPs:

- **30 days** prior to the IEP, attend behavior case study with district psychologist team
- The school psychologist will observe the student and make any recommendations
- **2 weeks** prior to the IEP, email any revisions to the BIP and the fading plan to special education director

ALL SCIA Assessments (Initials, Triennials and Annuals)

- **60 days** prior to the IEP, attend Behavior Case Study w/school psychologist
- **30 days** prior the IEP attend Behavior Case Study w/district school psychologist

Any student assigned to a behavior para for more than 30 days:

- Attend Behavior Case Study after the 30 days

ALL Initials and Triennial SCIA Assessments:

- Two weeks prior to your IEP, email your report to the special education department
- At least 1 week prior to your IEP, meet with special education director

ALL SCIA's with Plan Review IEPs:

- 30 days prior to the IEP, school psychologist will observe the student and make any recommendations
- 2 weeks prior to the IEP, email any revisions to the BIP and the fading plan

G. MENTAL HEALTH ASSESSMENTS

A student with an active IEP may be eligible for Related Services.

The District/SELPA will utilize a process to determine eligibility for and provision of Educationally Related Intensive Counseling Services (ERICS). Steps to initiate a referral for assessment for these services are outlined in this procedural memo. If a student is found eligible for ERICS as part of his IEP, recommendations for appropriate services will be made at the IEP meeting. All services will take place in the least restrictive environment for the student. The District has the following continuum of service options for students in need of mental health services:

- Consultation with teacher, student or parent by Behavior Intervention Specialist, Psychologist, or any combination thereof
- Collaboration with students' private mental health provider
- Individual or small group counseling by
- Monitoring of Behavior Intervention Plan
- Assistance to site or classroom to implement, train staff or collect data on Behavior Intervention Plan

During each eligible student's plan review or eligibility evaluation, the need for ongoing mental health services will be discussed. An assessment plan for ERICS is signed when it is suspected that the student has emotional and behavioral needs that will need appropriate related services for the student to access their special education services. An assessment is completed, an IEP meeting convened and recommendations are made as to whether the student requires any of the previously outlined related services. It is recommended that an IEP be held to discuss the progress of the services provided at least at every periodic progress check period (6–8 weeks) and to review the need for services to continue or terminate depending on their effectiveness.

EDUCATIONALLY RELATED INTENSIVE COUNSELING SERVICES (ERICS):

1. ERICS vs Counseling & Guidance

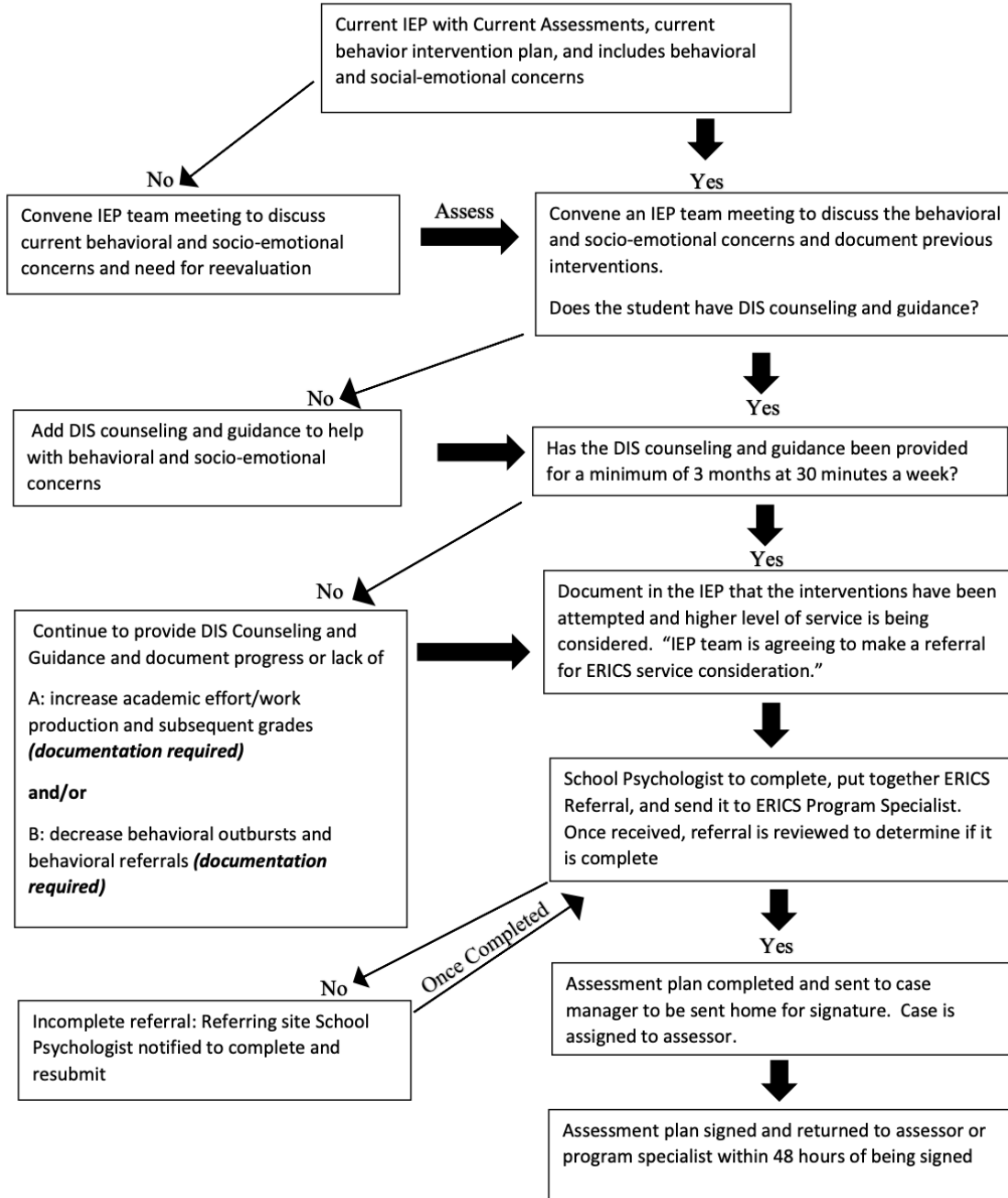
- Counseling and Guidance: For a student whose social-emotional and behavioral needs affect their ability to benefit from their special education program and are manifested primarily at school. Specifically, counseling and guidance is short term solution focused counseling that would identify the problem, help identify a solution and social skill, and then work on discontinuing once the skill is learned and used.
- Educationally Related Intensive Counseling Services (ERICS): For a student whose social-emotional and behavioral needs are documented to be more

significant in frequency, duration, or intensity and negatively affect their ability to benefit from their special education program. Specifically, ERICS is used to address the deeper cognitive thoughts and feelings as it directly relates to their behaviors and helps shift the negative thoughts and feelings to promote more appropriate social-emotional and behavioral responses.

2. ERICS Process Flow Chart (PSD Form)



ERIC'S PROCESS FLOW CHART
Student already identified as
Individual with exceptional needs



ERIC'S Process Flow Chart_V8_17

*Palmdale School District supports KUSD's ERIC'S needs.

**This flowchart is a Palmdale School District form.

VI. INDIVIDUALIZED EDUCATION PROGRAMS

A. OVERVIEW OF IEP

The Individual Education Program (IEP) is a written document that KUSD must develop for each student who receives special education and related services. The purpose of an IEP is to outline a plan for utilizing special education and related services to meet a student's individual needs, as related to their disability.

The IEP document must include the following essential elements:

1. **Present Levels of Performance:** A statement of the student's present levels of performance including how the disability affects the student's involvement and progress in the general curriculum (20 USC 1414(d)(1)(A)(i)(I)(aa), 34 CFR 300.320 (a)(1), 30 EC 56345(a)(1))
2. **Measurable Annual Goals:** Measurable annual goals, including academic and functional goals, related to the student's needs, resulting from the student's disability, that will enable the student to be involved in and progress in the general education curriculum and that meet each of the student's other educational needs that result from the student's disability (20 USC 1414(d)(1)(A)(i)(II)(aa) and (bb), 34 CFR 300.320 (2)(i), 30 EC 56345(a)(2).)
3. **Progress:** A description of how the student's progress towards meeting the annual goals described above will be measured and periodic reports on student progress towards annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided
4. **Special Education and Related Services:** A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to advance appropriately
5. **Participation in General Education:** An explanation of the extent, if any, to which the student will not participate with general education students in the general education classroom and in extracurricular and nonacademic activities
6. **State Testing:** A statement of any individually appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and district wide assessments consistent with 20 USC 1412(a)(16)(A). If the IEP team determines that the student shall take an alternate assessment on a particular State or district wide assessment of student achievement, the IEP must include a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student
7. **Timing of Services and Modifications:** The projected date for the beginning of the services and modifications identified in the IEP, along with the anticipated frequency, location, and duration of the services and modifications

B. TIMELINES

KUSD must meet several timeline requirements for determining eligibility, developing, and maintaining IEPs; these include:

☐ Determination of Eligibility:

- Parental request in writing: Once signed and returned by the parent, KUSD has **15 calendar days** to provide the parent with an assessment plan or a written response denying the request (*EC 56043(a), EC 56321(a)*).
- For school-age children, the eligibility assessment must be conducted and an IEP held within **60 calendar days** of KUSD's receipt of written parental consent for specified assessment activities (*EC 56043(c), EC 56302.1*).
- If the referral is received 30 or fewer days before the end of the school year, then the due date is within 30 days of the next school year (*ED 56344(a)*).
- Calendar includes weekend and holidays
- For school holidays that exceed five days, the 60-day timeline is extended by an equal number of days *EC 56321(a)*

☐ Development and Implementation:

- An IEP is developed and implemented for each eligible student **at least once each year**, in accordance with federal and state statutes (*20 USC 1412(a)(4), 20 USC 1414(d), 34 CFR 300.320 (1-7), 30 EC 56344.*)
- An IEP is developed and implemented for each student that is eligible, within **60 days** of obtaining written parental consent on the assessment plan
 - The IEP must be completed within **60 days** of parent consent for assessment, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days, unless a written request for extension is on file (*20 USC 1414(a)(1)(C)(i)(I), 34 CFR 300.301(c)(1), 30 EC 56344.*)
- The IEP is implemented for each student (including students placed by KUSD in a private school or facility), **as soon as possible** after the IEP meeting (*34 CFR 300.323(a) & (c)(2), 30 EC 56043(l), 5 CCR 3040(a).*)

☐ IEP Meetings:

- An IEP meeting is held within **30 days** of receipt of a written request from a parent-- not counting days between the student's regular school sessions, terms, or days of school vacation in excess of 5 school days, or days in July and August (*34 CFR 300.323 (c)(1), 30 EC 56343.5.*)

C. IEP TEAM COMPOSITION

KUSD must create an IEP Team for each student with an IEP enrolled in KUSD. IEP team must hold an IEP meeting for students with disabilities on an annual basis (Plan Review), a triennial basis (Eligibility Evaluation), and anytime a significant change in a student's status occurs.

When creating an IEP Team, KUSD must include; Parents (Ed. Rights holder), Case Manager; a Special Education Teacher and/or Speech and Language Pathologist, a General Education Teacher, an LEA representative, and service providers. In addition, translator for parents, when requested.

LEA representatives must be those who are knowledgeable of:

- Reason(s) for referral to special education, present levels, description of services/accommodations/modifications (*20 USC 1414(d)(1)(B)(iii), 34 CFR 300.321 (a)(3), 30 EC 56341(b)(3).*)
- General education curriculum, resources, and programs (*20 USC 1414(d)(1)(B)(iv), 34 CFR 300.321 (a)(4), 30 EC 56341(b)(4).*)
- An individual who can interpret the instructional implications of the evaluations (*20 USC 1414(d)(1)(B)(v), 34 CFR 300.321 (a)(5), 30 EC 56341(b)(5).*)
- District resources and services
 - School Psychologist or Behavioral Intervention Specialist (BIS) whenever the team reviews the Functional Behavioral Assessment (FBA) and, if necessary, develops a Behavioral Intervention Plan (BIP) (*5 CCR 3052(c).*)
 - For a student suspected of having a specific learning disability, at least one member who is qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, or remedial reading teacher (*34 CFR 300.308, 30 EC 56341(c).*)

IEPs are created via a team effort conducted by IEP teams. IEP teams include the following non-KUSD staff members:

Non-KUSD Personnel:

- Parents of the student (*20 USC 1414(d)(1)(B)(I), 34 CFR 300.321(a)(1), 30 EC 56341(b)(2).*)
- Other individuals with knowledge or expertise regarding the student, including representatives of the student's private school, as appropriate, including: (*20 USC 1414(d)(1)(B)(vi), 34 CFR 300.321 (a)(6), 30 EC 56341(b)(6).*)
 - Other individuals who have knowledge or special expertise regarding the student (*34 CFR 300.321(a)(6).*)

- Representatives of any other agency that is likely to be responsible for providing services (34 CFR 300.321(b)(3).)

IEP team members must be in attendance in order to sign the IEP

1. Duties of the IEP team:

- Review assessment results (30 EC 56342)
- Determine eligibility (30 EC 56342)
- Develop the content of the IEP (30EC56342)
- Consider local transportation policies and criteria (30EC56342)
- Make program placement recommendations (30 EC 56342)
- In making the determination of eligibility, draw upon a variety of sources of information, such as:
 - Tests (34 CFR 300.306 (a)(1) & 34 CFR 300.306 (c)(1), 30 EC 56342(b).)
 - Teacher recommendations (34 CFR 300.306 (a)(1) & 34 CFR 300.306 (c)(1), 30 EC 56342(b).)
 - Parent input (34 CFR 300.306 (a)(1) & 34 CFR 300.306 (c)(1), 30 EC 56342(b.).)
 - Document and consider information obtained from all of the aforementioned sources (34 CFR 300.306 (c)(1)(ii).)
 - Ensure that all assessments are completed before the development of the initial IEP or triennial IEP (20 USC 1414(a)(1)(C), 1414(b)(4), 34 CFR 300.306(a).)

2. IEP Meeting Excusal Requirements:

The following requirements govern the excusal of required IEP team members from IEP team meetings:

- A member of the IEP team is excused from attending an IEP meeting, in whole or in part, if the parent and KUSD agree that the attendance is not necessary (20 USC 1414(d)(1)(C)(i), 34 CFR 300.321 (e)(1), 30 EC 56341(f).)
- A member of the IEP team is excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services when all the following conditions are met:
 - The parent and KUSD consent to the excusal after conferring with the member (20 USC 1414(d)(1)(C)(ii), 34 CFR 300.321 (e)(2), 30 EC 56341(g)&(h).)
 - The member submits in writing to the parent and the IEP team, information for the development of the IEP prior to the meeting

(20 USC 1414(d)(1)(C)(ii), 34 CFR 300.321 (e)(2), 30 EC 56341(g)&(h).)

- The parent's agreement to the excusal is in writing *(20 USC 1414(d)(1)(C)(ii), 34 CFR 300.321 (e)(2), 30 EC 56341(g)&(h).)*
 - Excusal form provided to the parent prior to the date of the meeting for parent consideration and agreement
 - This is a mutual agreement between the parent/adult student, and designated representative of the local education agency, that the presence and participation of the Individual Education Program team member(s) (identified on form) are not necessary and will be excused from being present and participating in the meeting scheduled on because:
 - The member's area of the curriculum or related services is not being modified or discussed in the meeting or
 - The meeting involves a modification to or discussion of the member's area of curriculum or related services and the member submitted, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

D. WRITTEN NOTICE FOR IEP TEAM MEETING

IEP teams are required to notify parents of IEP team meetings as follows *(34 CFR 300.322 (a) (1 & 2), 30 EC 56341.5(a).)*:

- The notice is early enough **(at least 10 days before the IEP meeting is scheduled to occur)** to ensure they have an opportunity to attend *(34 CFR 300.322 (a) (1 & 2), 30 EC 56341.5(b).)*
- IEP meetings are scheduled at a mutually agreed upon time and place *(34CFR300.322 (2), 30 EC 56341.5(c).)*
- The notice includes an indication of the purpose, time, and location of the meeting and the individuals who will attend *(34 CFR 300.322 (b).)*
- The notice includes information relating to the participation of other individuals on the IEP team that the parent may invite who have knowledge or special expertise about the student *(34 CFR 300.322 (b)(1)(ii).)*
- The notice is provided in writing
- For all English Learners, notices of IEP meetings are in parent's primary language and inform parents of interpretation rights (explaining process for requesting interpretation services)

E. PREPARATION FOR IEP MEETING

Interaction with Parents:

- Ensure that the parents were notified of the IEP meeting in writing as specified in the meeting notification
- Prior Written Notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 USC 1415[b][3] and (4), 1415[c][1], 141[b][1]; 34 CFR 300.503; EC 56329 and 56506[a])
- The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan **within fifteen (15) days** of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 CFR 300.304; EC 56321)
- If neither parent can attend the IEP meeting, use other means to ensure parent participation including virtual meetings or conference phone calls (34 CFR 300.322 (c-f).)
- If you are unable to convince the parents they should attend the IEP meeting, record attempts to arrange for a mutually agreed on time and place (SEIS)(34 CFR 300.322 (c-f).)
- Ensure that the parent understands the proceedings at the IEP meeting, *including arranging for an interpreter for parents with hearing limitations or whose native language is not English* (34 CFR 300.322 (e), 30 EC 56341.5(i).)
- If the parent makes a request for an IEP meeting orally, inform the parent of the need for a written request and the procedure for filing a written request (30 EC 56343.5.)
- Permit parents to electronically record their child's IEP meeting (30EC56341.1(g)(1).)
 - Ensure that this right to electronically record the IEP meeting is included in the notice to parents of their rights (30 EC 56321.5.)
 - Parents must notify KUSD 24 hours before an IEP meeting of their intention to record the meeting
 - KUSD records all meetings that are recorded by the parents
 - Case manager will notify the Special Education office and request a recording device
- IEP Copies

- Give the parent a copy of the IEP at no cost (*34 CFR 300.322(f), 30 EC 56341.5(j).*)
- Provide parents with a revised copy of the IEP, upon request, with amendments after a change is made to the IEP (*20 USC 1414(d)(3)(F), 34 CFR 300.324 (a)(6), 30 EC 56380.1(a).*)
- For all English Learners, translate the copy of the IEP and reports for parents upon request

1. IEP Plan Review/Revision:

Review:

- Periodically review but, **not less than annually**, the student's IEP (*20 USC 1414(d)(4)(A)(i), 34 CFR 300.324(b)(1), 30 EC 56380.*)
- Review progress toward previous annual goals and progress in the general curriculum when developing new goals (*20 USC 1414(d)(4)(A)(i), 34 CFR 300.324 (b)(1)(i)(ii), 30 EC 56380.*)
- **At least annually**—review the degree to which benchmarks are met for students eligible for statewide testing using the California Alternate Performance Assessment (CAPA) (*20 USC 1414(d)(4)(A)(i), 34 CFR 300.324 (b)(1)(i)(ii), 30 EC 56380.*)
- Interim Placements- Hold an IEP meeting to review previous information, records, reports and evaluations and make final recommendations for placement before the expiration of a 30-day interim placement (*1414(d)(2)(C)(i)(I), 30 EC 56325(a)(1).*)

Revision:

- During the annual review of the IEP, revise (Amend) the IEP as appropriate due to:
 - Any lack of progress toward the annual goals and in the general curriculum (*20 USC 1414(d)(4)(A)(ii)(I), 34 CFR 300.324 (b)(1)(ii).*)
 - Results of any reevaluation (*20 USC 1414(d)(4)(A)(ii)(II), 34 CFR 300.324 (b)(1)(ii)(B).*)
 - Information about the student provided to or by the parents (*20 USC 1414(d)(4)(A)(ii)(III), 34 CFR 300.324 (b)(1)(ii)(C).*)
 - Student's anticipated needs (*20 USC 1414(d)(4)(A)(ii)(IV), 34 CFR 300.324 (b)(1)(ii)(E).*)
- In making the aforementioned changes to an IEP after the Plan Review IEP, the parent(s) and KUSD may agree not to convene an IEP meeting for the purposes of making such changes, and instead develop a written document to amend or modify the current IEP (*20 USC 1414(d)(3)(D), 34 CFR 300.324 (a)(4), 30 EC 56380.1.*)

2. Key IEP Considerations:

- During IEP meetings, IEP team members must consider the following:
 - Strengths of the student (*20USC1414(d)(3)(A)(i), 34CFR300.324(a)(1)(ii), 30EC56341.1. (a)(1).*)
 - Parent concerns for enhancing the education of the student (*20 USC 1414(d)(3)(A)(ii), 34 CFR 300.324 (a)(1)(ii), 30 EC 56341.1(a)(2).*)
 - Results of the initial evaluation, most recent evaluation, and results of statewide assessment of the student (*20 USC 1414(d)(3)(A)(iii), 34 CFR 300.324(a)(1)(iii), 30 EC 56341.1(a)(3).*)
 - Academic, developmental, and functional needs of the student (*20 USC 1414(d)(3)(A)(iv), 34 CFR 300.324(a)(1)(iv), 30 EC 56341.1(a)(4).*)
 - For a student whose behavior impedes his or her learning or that of others, the IEP team must consider providing positive behavior interventions and strategies and/or supports to address the behavior (*34 CFR 300.307(a)(3), 5 CCR 3030(j)(4)(B).*)
 - For English Learners (ELs), the IEP team must consider the language needs of the student as such needs relate to the student's IEP and whether the IEP includes linguistically appropriate goals, objectives, programs and services (*20 USC 1414(d)(3)(B)(ii), 34 CFR 300.324 (a)(2)(ii), 30 EC 56345(b)(2), 30 EC 56341.1(b)(2).*)

F. IEP MEETINGS

KUSD must structure IEP meetings in such a way as to ensure that parents are engaged as full participants in the IEP process. In addition, KUSD must structure meetings to cover all key topics related to meeting student needs.

1. Facilitated IEPs

An FIEP is an IEP meeting developed by a collaborative team whose members participate fully and share responsibility for the meeting process and results; the decision making is managed through the use of facilitation skills.

A. Purpose of a facilitated IEP Meeting

- a. Build and improve strong relationships among all team members;
- b. Reach true consensus;
- c. Focus the IEP content and process on the needs of the individual student;
- d. Exercise an efficient, guided meeting process where effective communication and reflective listening are practiced.

G. CONTENT OF THE IEP

1. GENERAL STUDENT INFORMATION

The following general student information must be included within each student's IEP:

- Demographics such as student name, date of birth, gender, primary language, grade, ethnicity, English Learner status, etc.
- Contact information for the student's emergency contact(s)
- Description of the student's disability/disabilities and how it/they affect the student's academic performance
- Any parental concerns
- For English Learner (EL) students, parent's preferred language and whether or not an interpreter is needed

2. PRESENT LEVEL OF ACADEMIC ACHIEVEMENT & FUNCTIONAL PERFORMANCE

Present levels provide a snapshot of the student's present levels of performance including the activities the student can and cannot do. This information serves as a foundation for the development of the goals and benchmarks in the IEP and:

- Must include the results of the most recent evaluation or reevaluation
- Must include the information most relevant to the student's present levels of performance

Within the IEP, IEP teams must list the assessments conducted and any other sources of information used to describe the student's present levels, which may include:

- Formal or informal methods
- Norm- or criterion-referenced tests
- Classroom observation
- Student work samples
- Teacher-made tests or other achievement tests
- Recent evaluations
- Behavior rating scales
- Performance data from general education teachers

- Parent input

Present levels must include:

- A statement of the student's academic achievement (core curriculum) and functional performance (self-help, social-emotional, organizational skills, and/or daily living). Functional performance must be stated even if the student is functioning with age-appropriate skills
- A description of the requirements and expectations in the general education curriculum (what is taught, how is it taught, what instructional activities are students engaged in, how are knowledge and skills demonstrated and evaluated)
- A description of the ways in which the student's disability(ies) will affect the student's involvement and progress in the general education curriculum
 - Include statements that address each major area of the curriculum that are impacted by the student's disability
- Beginning no later than the first IEP to be in effect, when the student is 16, must include results of age-appropriate transition assessments related to training/education, employment, and (where appropriate) independent living skills
 - Transitional assessments may be formal and/or informal and may include observations, anecdotal information, on-the-job tryouts, classroom performance examples, tests, work samples, apprenticeships, paid work experiences or student work programs

If a student has related services, related service staff will:

- Collaborate with the teacher of record to develop present levels related to any area(s) of concern.
- Note that if the student is an English Learner, the IEP team must identify the student's primary and/or dominant language and which language the student prefers to use at school when determining Present Levels. Each student's language dominance must be considered in goals. The IEP team must specify the student's English Language
- Development proficiency level and other information including, but not limited to, expressive and receptive language skills.

3. CONSIDERATION OF SPECIAL FACTORS

A. ASSISTIVE TECHNOLOGY

As part of Free Appropriate Public Education (FAPE), KUSD must provide Assistive

Technology (AT) devices and/or services to a disabled student at no charge to the family of the students. This is only the case if the student's IEP indicates that the student requires the AT in order to benefit from his/her educational program. Note that Assistive Technology excludes surgically implanted medical devices or replacement of such devices. Also note that Assistive Technology is **not** educational technology. AT provides access to the curriculum while Educational technology (hardware and software) functions as a supplement to the curriculum that reinforces concepts taught and is one of the many instructional tools available to a teacher. The need for educational technology should **not** be specified in the IEP.

The IEP team must consider, for each student, whether assistive technology (AT) is needed in order for the student to benefit from his/her educational program. (*20 USC1414(d)(3)(B)(v), 34 CFR 300.324 (a)(2)(v), 30 EC 56341.1(b)(5)*). When doing so, IEP teams must:

- Discuss if the student requires assistive technology, using information previously discussed by the team
- Focus first on specific present levels of performance
- Consider any assessment information presented
- In addressing the student's need for assistive technology begin with low/no tech (i.e., graphic organizers, color coding, picture boards) to mid-level technology (calculator, books on tape) to higher-level technology (word processor, computers)
- If equipment is recommended, use descriptive terms, not brand names (i.e., notebook or computer not "Canon 250")
- Be sure that the need for assistive technology is documented in the student's present levels of performance, in addition to the Special Factors, and that goals and objectives incorporate the assistive technology selected

IDEA regulations require that if the IEP team determines that a student requires a particular assistive technology device for home use in order to achieve the goals and objectives on the IEP, KUSD must provide the equipment for the student to use at home. The IEP team must base its decision for home use on the educational and instructional activities that the student needs to complete outside of the school setting.

B. LOW INCIDENCE DISABILITY

Low Incidence (LI) disabilities include the following:

- Hearing Impairments
- Vision Impairments
- Severe Orthopedic Impairments
- Any combination of the above

KUSD must provide the following specialized services for students with LI disabilities:

- Specially designed instruction related to the unique needs of students with low incidence disabilities
- Specialized services related to the unique needs of students with low-incidence disabilities provided by qualified individuals such as interpreters, note-takers, readers, transcribers, and other individuals who provide specialized materials and equipment

The following checklist indicates required considerations:

- For a student with a LI disability such as deafness or blindness, the IEP includes specialized services, equipment and materials consistent with state guidelines (*20 USC 1414(d)(3)(B)(i-v)*, *34 CFR 300.324 (a)(2)(ii-iii)*, *30 EC 56345(b)(5)*, *30 EC 56136.*)
- The IEP team discusses required elements for a student who is blind or has visual impairments (*20 USC 1414(d)(3)(B)(iii)*, *34 CFR 300.324 (a)(2)(iii)*, *30 EC 56341.1(b)(3).*)

The IEP team:

- Determines the appropriate medium/media for the student in accordance with state guidelines (*20 USC 1414(d)(3)(B)(iii)*, *34 CFR 300.324 (a)(2)(iii)*, *30 EC 56352(c)*, *30 EC 56341.1(b)(3).*)
- Considers the provision of instruction in Braille and the use of Braille, unless the team determines after evaluation that Braille instruction or use is not appropriate for the student (*20 USC 1414(d)(3)(B)(iii)*, *34 CFR 300.324 (a)(2)(iii)*, *30EC 56341.1(b)(3)*, *30EC 56352(e).*)

For a student who is deaf, the IEP team considers:

- Language and communication needs (*20 USC 1414(d)(3)(B)(iv)*, *34 CFR 300.324 (a)(2)(iv)*, *30 EC 56341.1(b)(4).*)
- Opportunities for direct communications with peers and professional personnel in the student's language and communication mode (*20 USC 1414(d)(3)(B)(iv)*, *34 CFR 300.324 (a)(2)(iv)*, *30 EC 56341.1(b)(4).*)
- Academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode (*20 USC 1414(d)(3)(B)(iv)*, *34 CFR 300.324 (a)(2)(iv)*, *30 EC 56341.1(b)(4).*)

C. COMMUNICATION NEEDS

IEP teams must consider:

- Students' communication needs

The following for deaf and hard of hearing students:

- Student's language and communication needs
- Student's opportunities for direct communications with peers and professional personnel in the student's language and communication mode
- Student's academic level
- Student's full range of needs, including opportunities for direct instruction in the student's language and communication mode

If the student is an English Learner (EL), IEP teams must indicate so as part of the overall present levels of performance in communication, including primary language. IEP teams must include information about the student's levels of functioning in both primary language and English, including listening, speaking, reading and writing. In addition, the IEP team must specifically discuss:

- Student's primary language mode & language, which may include the use of spoken language with or without visual cues, or the use of sign language, or a combination of both
- Availability of a sufficient number of age, cognitive, and language peers of similar abilities
- Appropriate, direct, and ongoing language access to education specialists and other specialists who are proficient in the student's primary language mode and language
- Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities
- Functioning of hearing aids, and how to ensure that those worn in school are working properly
- Proper functioning of external components of surgically implanted medical devices

Note that KUSD is not responsible for the postsurgical maintenance, programming, or replacement of any medical device that has been surgically implanted, or of an external component of the surgically implanted medical device.

4. SUPPORTS FOR INSTRUCTION

A. SUPPLEMENTARY AIDS, SERVICES, ACCOMMODATIONS AND MODIFICATIONS

KUSD is required to provide supplementary aids, and services may include accommodations and modifications to a student's educational program if the student requires them to benefit from his/her education. Supplements may include, but are not limited to those in the following areas:

Presentation

- o Braille
- o Directions given in a variety of ways
- o Highlighted text
- o Large print
- o Modified curriculum
- o Oral tests
- o Reduced paper/pencil tasks
- o Repeated review/drill
- o Short-answer tests
- o Shortened assignments
- o Sign language
- o Taped lectures
- o Taped texts

Setting/Response

- o Increased verbal/response time
- o Preferential seating
- o Sign language

Timing/Scheduling

- o Extended time for completing assignments
- o Extended time for completing tests
- o Frequent breaks

Use of Aids or Tools

- o Assignment notebooks (planner)
- o Calculator
- o Low vision aids
- o Study sheets

□ Additional Support/Assistance

- o Individualized instruction
- o Note-taking assistance
- o Peer buddy
- o Peer tutor
- o Reader services

B. PROGRAM ACCOMMODATIONS, MODIFICATIONS OR SUPPORTS

The IEP teams must specify any supports that school personnel may need to enable the student to:

- o Advance appropriately toward attaining the annual goals
- o Be involved in and make progress in the general education curriculum
- o Participate in extracurricular and other nonacademic activities
- o Be educated and participate with other students with disabilities and nondisabled students in activities

5. BEHAVIOR

A. BEHAVIOR THAT IMPEDES LEARNING

For students with behavior that interferes with his/her learning or that of others, KUSD must describe the behavior.

Consider the impact on students' achievement. Are these less academic or social skills learned by this student or others because of the problem behavior? Does this behavior raise safety or welfare concerns?

Examples of How Behavior May Interfere with Learning:

- o Unavailable for Instruction
- o Reduced Skills Learning
- o Reduced Productivity
- o Lack of Work Production Negatively Impacts Progress/Grades
- o Disrupts Other Students' Opportunity to Learn
- o Requires Activities/Class Instruction to Stop
- o Instructional Time is Lost for Disciplinary Proceedings
- o Requires Full Adult Attention During the Problem Behavior
- o Negative Interaction with Peers (creates fear and an environment where peers are hyper vigilant about this student, which interferes with peers learning)

Depending on the severity of the student's behavior, KUSD must consider the provision of accommodations along with:

- a. Positive behavior intervention and supports, including goals

b. The provision of a Functional Behavior Assessment (FBA) and a Behavioral Intervention Plan(BIP)

The BIP must contain the following:

- Description of the student’s current positive and targeted behavior, including [data](#) reflecting intensity, frequency and duration (such as Antecedent – Behavior - Consequence)
- Description of learning areas impeded by the behavior
- Description of how behavior impedes learning
- Determination of the need for a BIP
- Description of any current predictors of behavior
- Hypothesis for behavior
- Description of what student should do instead of problem behavior
- Description of any factors that may contribute to the problem behavior (in or missing in environment or instruction)
- IEP behaviors/goals/objectives related to the BIP

Description of the provider of and frequency of:

- Teaching strategies and necessary curricula or materials for new behavior instruction (communication systems, individual schedules, social skills curriculum etc.)
- Environmental modifications and supports to be provided (time, space, materials and interaction)
- Proactive strategies (procedures to support replacement behaviors and new skills)
- Reactive strategies to employ/debrief procedures to use if problem behavior occurs again)
- Communication and documentation procedures (daily, weekly reports, record keeping)
- Projected review date, actual review date, and outcomes

Data collection can be composed of:

- General teacher impressions on the frequency, intensity or duration of the problem behavior
- Review of records
- Interviews with staff and other stakeholders (e.g., parents, agency service providers, etc.) on extent of problem behavior
- Objective data sheets collected by implementers or others to reveal the extent of the problem behavior

- Direct observations of the behavior by more than one person
- Systematic, frequent and on-going data collection often with external observers establishing inter-rater reliability on the extent of the problem behavior (e.g., it is established that two or more raters agree on the extent of the problem behavior)
- The selected data collection method will depend on the severity of the problem behavior. If the behavior is an early-stage intervention, less intensive data collection methods may be employed. However, for serious or extreme behavior, data accuracy must be at the highest level, and therefore requires selection of more formal data collection methods.

Specify one or more: frequency, duration, or intensity to convey to the reader the extent to which this behavior is significant.

- Frequency (How often the behavior happens):
 - Every ten seconds
 - Three times per week
 - Periodically during the month, see behavior logs: averages 2 x per month
 - One time in 2018, 6 times in 2019, 0 in 2020, 10 times in 2021
- Intensity: A description of the heightened impact of the behavior, e.g., the depth, the force, the strength, the vigor or extreme level of the behavior.
 - (Screams) loud enough to be heard in adjacent classrooms
 - (Hits with retracted fist) hard enough to leave bruises on person(s) hit
 - (Bites) hard enough to leave marks, but has not yet broken skin

Duration: How long the behavior lasts

- (After Lunch – 5th and 6th Periods), Entire Period with no stopping
- Continuous for 20 minutes

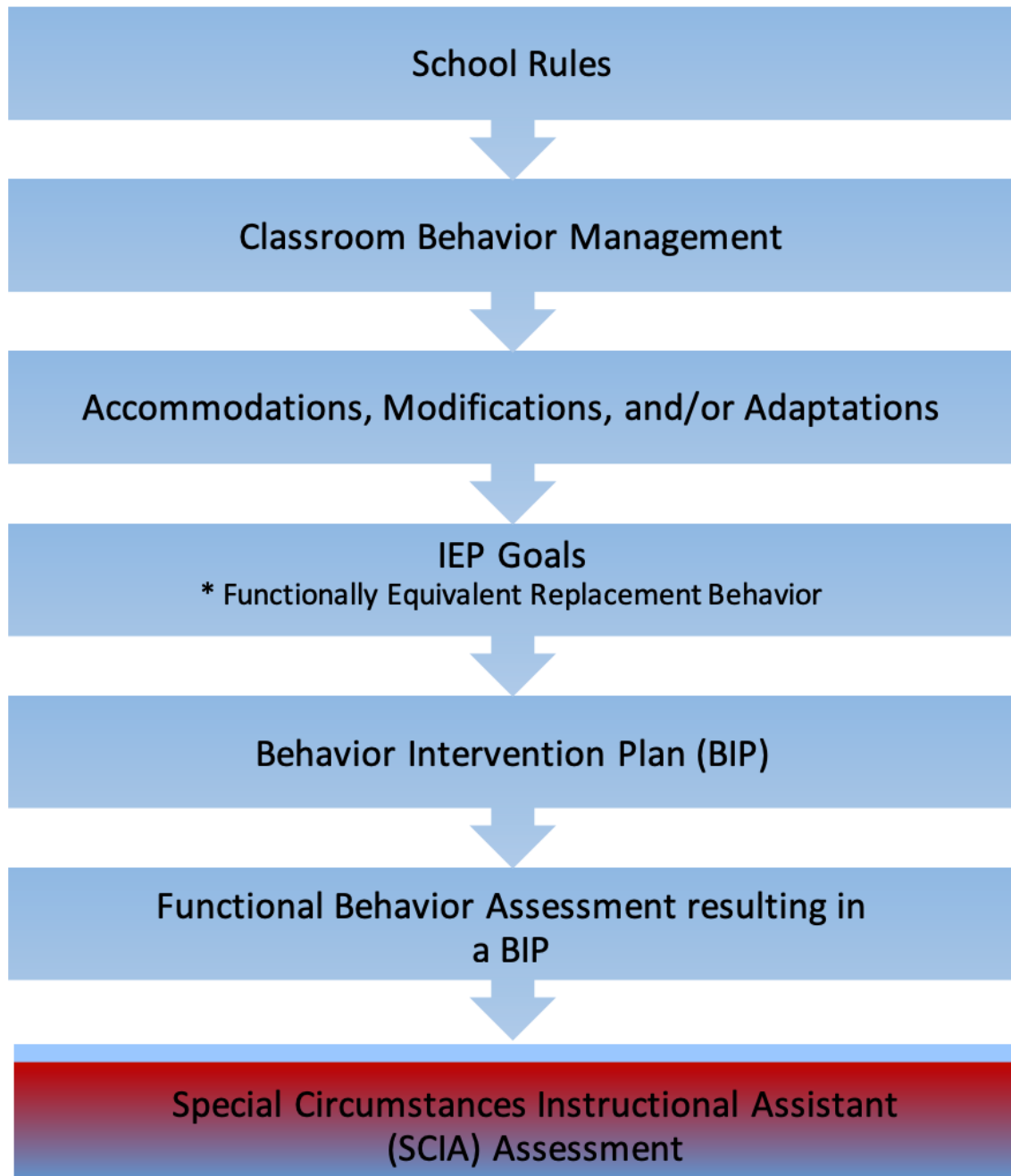
B. FUNCTIONAL BEHAVIOR ASSESSMENT AND BEHAVIOR IMPROVEMENT PLAN

To consider whether a student needs an FBA or BIP, the IEP team must ask whether the student:

- Needs to learn and/or use new behaviors, skills, and/or strategies
- Demonstrates behaviors that are unsafe and/or significantly interfere with the behavior/instruction of others
- Has current behavior that requires intervention

- Is frequently removed from the general education classroom because of inappropriate behavior
- Is currently educated in a resource, separate classroom, or separate school because of inappropriate behavior
- May have behavior that is a manifestation of his/her disability
- Addresses and outlines emergency procedures
- Definition of serious unresponsive or limited responsiveness to BIP

a. BEHAVIORAL CONTINUUM OF SERVICES



6. STATEWIDE ASSESSMENTS

Participation in statewide accountability assessments is a critical component of equity and access to education. Recognizing that, federal and state laws require

all students enrolled in public schools participate in statewide assessments:

- on-grade level academic assessments in English Language Arts (ELA), mathematics, and science and
- on-grade level English language proficiency for both knowledge and skills in reading, listening, writing, and speaking for students eligible for English language development (ELD) services.

The decision about how an eligible student participates in the statewide assessment is an IEP team decision, and *not an administrative decision*. These accountability assessments occur in grades 3-8 and 10 for ELA and mathematics; grades 5, 8, and 11 for science; and grades K-12 for English language proficiency (English Language Proficiency Assessments for California (ELPAC)).

Student's IEPs must contain the following information in relation to Statewide and District-wide Achievement Tests:

- A statement on participation in District or Statewide achievement tests without accommodations or modifications, or with such accommodations or modifications (*20 USC 1414(d)(1)(A)(i)(VI) (aa), 34 CFR 300.320 (6)(i), 30 EC 56345(a)(6).*)
- An explanation of why it is not appropriate for the student to participate in general education District or Statewide achievement tests, if the IEP team makes that decision (*20 USC 1414(d)(1)(A)(i)(VI) (bb), 30 EC 56345(a)(6).*)
- A statement of how that student will be tested if statewide or District tests are not used (*20 USC 1414(d)(1)(A)(i)(VI) (bb), 34 CFR 300.320(6)(i)(ii), 30 EC 56345(a)(6).*)

STEPS TO DETERMINATION OF STANDARDS/ASSESSMENT LEVEL			
	IEP Team Action	Yes	No
1.	Determine if the student is eligible for Special Education Services. Is the student eligible for Special Education under any IDEA eligibility category?	Proceed to step #2	Stop here. Non Eligible students may not qualify for Alternative Assessment or Essential Standards.
2.	Review Present Levels of Performance – ALL Domains; academic, independent / adaptive skills (including health, safety, mobility, community awareness),	Proceed to step #3	If a student is eligible for Special Education, but there is no evidence of Cognitive Disability, then other factors must be addressed to remove barriers to learning Core

	communication skills, social skills, motor / sensory skills, cognitive / problem solving skills, executive functioning skills (including self-regulation and self-management), and vocational skills. Is there evidence of significant cognitive disability?		Standards. Alternative Assessment and Essential Standards are not appropriate. Stop here.
3.	Apply the criterion of the Least Dangerous Assumption and the implementation of a challenging but attainable educational program. Does the student require alternative assessment and standards to access their educational program?	Proceed to step #4	Student can meet Core Standards with accommodations / modifications. No Alternative Assessment / Standards. Plan supports to overcome barriers to learning within the Core Standards.
4.	IEP Team determines that Alternative State Assessment and Essential Standards are appropriate. IEP Goals developed for areas of need on the Present Level of Performance domains indicated. IEP Goals are linked to Essential Standards Learning Targets.		

7. MEASURABLE GOALS

IEP teams must consider all areas in which a student has educational needs that require a measurable annual goal and transition services (i.e., *academic/cognitive; motor, behavior, communication, social, self-help and transition*). Goal information must include the personnel (i.e., special educator, general educator, parent, speech/language pathologist, student, adapted physical educator, related service provider or other appropriate personnel) responsible for implementing goals and objectives.

Measurable goals include academic and functional goals designed to meet the student's needs that result from his/her disability to enable him/her to be involved in and make progress in the general education curriculum.

The IEP must show a direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided.

IEP team members must:

- Develop a measurable annual goal for each student's identified area of need

Develop goals that address student's needs and that are skill-based and provide access to the core curriculum as appropriate; not areas in which the student has yet to be exposed to material

Develop goals that:

- Are measurable
- Are related to the student's needs that result from the disability
- Enable the student to be involved in and progress in the general education curriculum
- Describe what the student can reasonably be expected to accomplish within a twelve-month period
- Are linguistically appropriate
- Address vocational or pre-vocational needs
- Enable a preschool child to participate in appropriate activities
- Student's grade level content standards

Support goals with appropriate baseline data that reflects where the student is presently functioning relative to the desired outcome/goal

Use baseline data that includes objective measures such as pre and post testing, scores on standardized tests or other measurable, objective data

For students taking alternative assessment (e.g., the CAA), develop a minimum of two benchmarks/objectives for each goal that:

- Addresses what the student will do
- Describes the conditions
- Describes the evaluation standards
- Are sequenced toward the annual goal

Identify the person(s) responsible for the implementation of the goal

Standards are the basic framework of the general curriculum and the criteria used to define accountability. In order to ensure that students have the opportunity to access the general curriculum and to participate meaningfully in the statewide assessment process, essential content standards must be used to develop IEP goals and objectives/benchmarks to coordinate instruction, learning and assessment. Standards provide a common language and help bridge the gap between special education and general education.

Designing standards-based IEPs facilitates support for students in achieving the standards, assists students in performing their best on standards-based district and statewide assessments and helps ensure that students are promoted. Types of standards include:

Content Standards: Describe what students are expected to know and be able to do in each subject area and grade level. This should be based on the

student's grade level, not their ability level

☐ **Essential Standards:** Identify specific content critical to the student's program through the curriculum

☐ **Alternate Standards:** These standards are a subset of the CA standards appropriate for students with the most significant cognitive disabilities who take alternate assessments

8. PROGRESS REPORTS

Progress Reports inform parents about the extent to which their children are progressing toward achievement of the academic and functional annual goals. Although a standard format for progress reports is not mandated by IDEA 2004, it is required that KUSD send progress reports to and/or review progress reports with parents/guardians at least as often as report cards are issued. Progress reports are also to be updated and turned in with all annual and triennial IEPs.

Federal regulations for the implementation of IDEA 2004, state that an IEP shall include:

- A description of how the student's progress toward meeting the annual goal(s) will be measured
- When periodic reports on student progress will be provided

Well-developed goals in a student's IEP to identify:

- The skill that a student is working toward
- The anticipated growth in one year's time
- How growth will be measured and with what tool
- The IEP must also state how often progress will be reported to the child's parent(s)/guardian(s). This reporting frequency should not be any less than that used for the student's typical peers.
- Progress reports must be issued by a student's special education teacher(s); however, parents must also receive progress reports from related service providers if their student's IEP contains related services (e.g., OT, PT, and Speech) goals.
- For example, if a student receives speech services and has instructional support for math, parents should receive a progress report from the speech and language therapist in addition to the one from the special education teacher. Progress needs to be reported on **all** goals in the IEP.

9. SPECIAL EDUCATION SERVICES

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

settings, and instruction in physical education

10. RELATED SERVICES

Related services are supportive services that are required to assist a child with a disability to benefit from special education. In order for a student to be determined eligible for a related service they would be assessed by the appropriate service provider that corresponds to the related service. A list of possible related services is listed below that could benefit students receiving special education:

Related services include, but are not limited to, the following:

- Speech and language pathology
- Audiological services
- Orientation and mobility services
- Instruction in the home or hospital
- Adapted physical education
- Physical and occupational therapy
- Vision services
- Counseling and guidance services, including rehabilitation counseling
- Psychological services
- Parent counseling and training
- Health and nursing
- Social worker services
- Vocational education and career development
- Recreation services
- Specialized services for low incidence disabilities
- Interpreting services
- Transportation

Related services are provided by professionals who meet California state requirements in their area of expertise. A student's Individualized Education Program (IEP) team must decide which related services to include within his/her IEP. IEP teams must make this decision based on an analysis of the assessment data and the student's individual needs and whether related services can assist in meeting those needs.

After determining that a student will benefit from a related service, the IEP

team must create goals related to the related service that the student needs. The IEP must provide details of the following:

- The type of related service the student requires
- How often, how long, and where the related service will be provided
- IEP team will determine if a goal is appropriate to be included in the IEP for transportation. If a goal is not appropriate, a statement in the IEP must be made to illustrate the need for transportation.

A. SPEECH AND LANGUAGE PATHOLOGY

In order for students to be deemed eligible for speech and language pathology services, they must be classified as exhibiting one or more of the following:

- Articulation Disorder
- Abnormal Voice
- Fluency Disorders
- Language Disorder:
 - morphology,
 - syntax,
 - semantics,
 - pragmatics

B. AUDIOLOGICAL SERVICES

Audiological related services include the following:

- Hearing screenings
- Formal audiological evaluations
- Auditory processing evaluations
- Ear mold impressions
- Teacher in-service
- Hearing conservation information

In order for students to be deemed eligible for the audiological related services, they must be classified as hearing impaired or deaf according to the following definitions:

- A student has a hearing impairment whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information

includes speech and language reception and speech and language discrimination (C.C.R., Title 5, Sec. 3030)

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student's education performance (C.F.R. 300.7(c)(3))

A student is eligible for audiological related services if the IEP team concludes that the student meets the following standards, as applicable:

Hard of Hearing

- The student has the ability, if aided, to hear and understand most spoken words
- The student's hearing mechanism, though defective, is sufficiently functional with or without the use of a hearing aid to allow a receptive flow of information
- The student has an average hearing threshold of 30 decibels or more

Deafness

- Routine auditory communication is impossible for the student, or nearly so, because of the student's inability to discriminate among and understand the sounds that reach the student
- The sense of hearing of the student is nonfunctional for the ordinary purposes of life, whether as the result of congenital or post lingual deafness
- The student has an average hearing threshold level, at 500, 1,000 and 2,000 Hz, of 92 decibels or more

C. ORIENTATION AND MOBILITY SERVICES

In order to qualify for Orientation and Mobility (O&M) related services, a student must have a visual impairment as diagnosed by an ophthalmologist that, even with best correction, adversely affects his/her ability to move about safely and purposefully within the environment. A separate evaluation by an Orientation & Mobility specialist is required to determine the student's need for instruction in adaptive techniques for travel due to vision loss.

At the student's IEP meeting, the IEP team must determine and identify the following:

- Initiation Date of O&M Services
- Duration of O&M Services
- Description of individualized service needs
- Location of Service (i.e., where the student will receive the service)
- Minutes per Day & Sessions per Week:

- Totaling the number of minutes in a special setting per week and the extent to which the student is removed from the general education class O&M Specialists will collaborate with the student's teacher(s) of record to develop present levels related to the area of concern associated with the student's independent travel abilities

D. ADAPTIVE PHYSICAL EDUCATION

KUSD must provide adapted physical education to school age students 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.

E. PHYSICAL AND OCCUPATIONAL THERAPY

There are no specific requirements outlining a student's eligibility for Physical Therapy or Occupational Therapy. Rather, in school-based practice, both Physical Therapists (PTs) and Occupational Therapists (OTs) view disability in terms of how a student's access is limited in regards to an activity and/or participation restrictions, instead of a focus on projected limitations of a singular diagnosis, disease, or disorder. The student's activity limitations and participation restrictions experienced in gaining access to the educational program are assigned a high priority. Note: OT and PT are not a stand-alone service.

Occupational Therapists are health professionals whose purpose in a public school setting is to support a student's engagement and participation in daily occupations, which include activities of:

- Daily living
- Education
- Prevocational work
- Play
- Rest
- Leisure
- Social participation

In accordance with disability regulations, OTs must provide/assist students with the following:

- Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation (IDEA regulations, Title 34, Code of Federal Regulations, Section 300.34(c)(6))
- Improving ability to perform tasks for independent functioning if functions are impaired or lost (IDEA regulations, Title 34, Code of Federal Regulations, Section 300.34(c)(6))
- Preventing, through early intervention, initial or further impairment or loss of function (IDEA regulations, Title 34, Code of Federal Regulations, Section 300.34(c)(6))

Physical Therapists are health professionals whose purpose is to correct, facilitate, or adapt the student's functional performance in:

- Motor control and coordination
- Posture and balance
- Functional mobility
- Accessibility
- Use of assistive devices

F. VISION SERVICES

In order for a student to be eligible for special education, “a pupil has a visual impairment which, even with correction, adversely affects a pupil’s educational performance.”(California Code of Regulations, Title 5, Education Section 3030(d)).- When an assessment of a student with a visual impairment determines that he or she has educational needs that cannot be met without special education and related services, this student is provided with instruction, specialized services, and materials and equipment in accordance with his or her individualized education program (IEP).

Credentialed teachers must provide such services, which may include:

- Adaptations in curriculum, media, and the environment, as well as instruction in special skills
- Consultative services to students, parents, teachers, and other school personnel

G. COUNSELING SERVICES

KUSD must provide counseling and guidance services to students with disabilities when the student’s IEP team determines that additional counseling and guidance services are necessary to supplement the regular guidance and counseling program.

KUSD must offer eligible students the following counseling and guidance services:

- Educational counseling in which the counselor assists the student in planning and implementing his/her educational program
- Personal counseling in which the counselor helps the student to develop his/her ability to function with social and personal responsibility
- Counseling and consultation with staff members on learning problems and guidance programs for students

Difference between counseling and therapy

- **Therapy (Psychotherapy)** is more of a long-term form of providing mental health services that focuses on a broader range of issues and diagnosis. Therapy is typically done by a licensed Therapist/Counselor and normally done in a clinical setting with family members and children.
- **Counseling-** (School Counseling) takes on a “solution focused”, problem solving and/or learning specific techniques for coping and/or avoiding problem areas. The setting is primarily within the school environment and the focus is working with students. Counseling is also usually short-term.

H. PSYCHOLOGICAL SERVICES

KUSD must offer psychological services to students with disabilities when the student's IEP team determines that such services are required for the student to benefit from his/her educational program.

KUSD must offer the following psychological services:

- Counseling provided by a credentialed or licensed psychologist or other qualified personnel
- Consultative services to parents, students, teachers, and other school personnel
- Planning and implementing a program of psychological counseling for the student and parents

Designated Instructional Services (DIS):

- Designated Instructional Services (DIS), sometimes called Related Services, are any services that are necessary to help a student benefit from his/her **special education** program. These services may include (Speech Therapy, Physical Therapy and Counseling etc.) These services are agreed upon during a student's Individualized **Education** Program (IEP) meeting.

I. SPECIALIZED SERVICES FOR LOW INCIDENCE DISABILITIES

A low incidence disability is a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 8. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof.

Education Code Section 56836.22 provides for funds to purchase specialized books, materials and equipment as required under the student's individualized education program (IEP) for students with low incidence disabilities as defined in Section 56026.5 (hard of hearing, deaf, deaf-blind, visually impairment, or severe orthopedic impairments, or any combination thereof).

As a condition of receiving these funds, the KUSD must ensure that:

- The appropriate books, materials and equipment are purchased
- The use of items are coordinated as necessary
- The books, materials and equipment are reassigned within KUSD once the student that originally received the items no longer needs them

J. INTERPRETING SERVICES

KUSD must provide interpreting services to students with disabilities when the student's IEP team determines that such services are necessary for the student to benefit from his/her educational program.

K. TRANSPORTATION

IDEA defines transportation as:

- Travel to and from school and between schools
- Travel in and around school buildings
- Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a student with a disability

IEP teams should do the following when evaluating a student's transportation needs:

- Discuss a student's transportation needs at each IEP meeting
- When considering whether a student requires transportation as a related service, the IEP team must evaluate the special education student's needs *relative to his non-special education peers*
 - The primary question to be asked in this evaluation is whether the special education student, in order to get to her specific educational setting, is capable of using the same options to get back-and-forth to school as her non-special education peers
- Discuss a student's transportation needs only AFTER an educational program/placement/service has been selected for the student. IEP teams must be in possession of the details concerning both the length and location of a student's educational program before it can determine the logistics of an appropriate transportation program for a student
- Consider the following factors when determining his/her transportation needs:
 - Student's medical diagnoses and health needs
 - Student's general ability and/or strength to ambulate/wheel
 - The approximate distance the student needs to walk or wheel his/herself to school
 - Student's needs in very hot or inclement weather
 - The physical accessibility of curbs, sidewalks, streets, and public transit
 - Student's ability to arrive to school on time, avoid getting lost, avoid dangerous traffic situations
 - The implementation of Behavioral Intervention Plan (BIP) for the student
 - Student's program placement in relationship to the student's homeschool
 - If the LEA's offer of FAPE is a program located at a site other than the student's home school, then KUSD must offer transportation to the program offered

Note that not every student, by the sole reason that they receive special education services, will receive transportation as a related service, just like every student who receives special education does not automatically receive speech-language pathology services, for example. This is because the need for transportation, like all related services, should be *determined on a case-by-case basis depending on whether the student needs the service to benefit from his/her education.*

After an IEP team has decided a student's educational plan and assessed his/her transportation needs, the IEP team should document how the student will get from home to school and back each day.

11. PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

IEP teams must discuss the placement that is the least restrictive environment (LRE) for students with disabilities. In this context, placement refers to facilities, personnel, location or equipment necessary to provide all of the services identified in the IEP.

Core LRE Basic Principles:

- **Standards for Removal from General Education.** The IEP team must ensure that special day classes, separate schools, or other removal of students with disabilities from the general education environment, occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily (i.e., student is not receiving educational benefit)
 - "General educational environment" encompasses general education classrooms and other settings in schools such as lunchrooms and playgrounds in which students without disabilities participate
- **Begin Consideration with General Education Class.** The IEP team must always begin consideration of placement in a general education class, along with the provision of special education/related services and the use of supplementary aids and services
 - These may include the provision of differentiated instruction, assistive technology, and provision of specialized services either in or briefly outside of the general education class
- **Attendance in School Students Would Attend if Not Disabled.** Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he/she would attend if nondisabled. If the student must be placed in another school to receive FAPE, the placement will be as close as possible to his/her home school
- **Inclusion.** To the maximum extent appropriate, students with disabilities, must be educated with students without disabilities
- **Potential Harmful Effects.** When considering LRE, the IEP team must consider any potential harmful effect of a placement on the student or on the quality of services that he/she needs and what strategies may be used to counter these effects
- **Need for Modifications.** A student with a disability may not be removed from education in age-appropriate general education classrooms solely because the general education curriculum needs to be modified
- **Impermissible Factors.** In all cases, the LRE decision must be individually determined on the basis of each student's abilities, needs, and IEP, and not solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, availability of space, transportation routes, or administrative convenience. For example, a student with a primary disability of Emotional

Disturbance (ED) must not be assumed to require and automatically placed in an “ED program”

- **Residential Care.** If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents
- **Timing of Decision.** The LRE decision is based on the student’s unique needs and made only after all goals, modifications, and accommodations have been developed in the IEP
- **Discussion Questions.** For the location of instruction/services, IEP team members must consider the following:
 - Where would the student attend school if he or she did not have a disability?
 - What accommodations and modifications have been used to support the student in the general education class?
 - After a review of the modifications and accommodations designed in the IEP, what additional strategies and supports have been identified to facilitate the student's success in the general education setting?
 - If the student is not currently receiving instruction and/or services in a general education setting, what strategies could be used to do so?
 - Based on IEP goals and objectives or benchmarks, what instructional setting(s) would support the achievement of these goals and objectives or benchmarks?

The following checklist summarizes KUSD’s legal obligations related to placing students within LREs:

- Steps are taken, including placement of classes, to ensure that the student with a disability participates in academic, nonacademic and extracurricular services and activities to promote maximum interaction with the general education school population (*20 USC 1412 (a)(1), 20 USC 1415 (a)(5), 34 CFR 300.114(2)(i & ii), 34 CFR 300.107, 30 EC 56345(a)(4), 30 EC 56364.2, 30 EC 56033.5, 30 EC 56000.5.*)
- Students with disabilities are educated with students who are not disabled (*20 USC 1412(a)(5), 34 CFR 300.114 (2)(ii), 30 EC 56345(a)(4).*)
- Placement in special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (*20 USC 1412(a)(5), 34 CFR 300.114 (2)(ii), 30 EC 56345(a)(4).*)
- A full continuum of services and placements are available if needed for each individual with disabilities (*20 USC 1412(a)(5), 34 CFR 300.115, 30 EC 56361.*)
- The IEP team considers:
 - General education programs (*20 USC 1412(a)(5), 34 CFR 300.320(a)(5), 30 EC 56361(a).*)

- General education classroom with specialized academic instruction (*20 USC 1412(a)(5), 34 CFR 300.305(a)(2)(iv), 30 EC 56361(a)- (b).*)
- General education classroom with designated instruction and services or related services (*20 USC 1412(a)(5), 34 CFR 300.115(b)(2), 30 EC 56361(a) & (c).*)
- General education classroom with some services in special classes and centers that enroll students with similar and more intensive educational needs (*20 USC 1412(a)(5), 34 CFR 300.115 (b)(2), 30 EC 56361(a) & (d).*)
- Special classes and centers (*20 USC 1412(a)(5), 34 CFR 300.114(a)(2), 34 CFR 300.115(a) & (b)(1), 30 EC 56361, 30 EC 56364.2.*)
- Instruction in settings other than classrooms (*20 USC 1412(a)(5), 34 CFR 300.115(b), 34 CFR 300.117, 30 EC 56361.*)
- Itinerant instruction in classrooms, SAI rooms, and settings other than classrooms (*20 USC 1412(a)(5), 34 CFR 300.115, 34 CFR 300.117, 30 EC 56361.*)
- Telecommunication and instruction in the home, in hospitals, and in other institutions (*20 USC 1412(a)(5), 34 CFR 300.115(b)(1), 34 CFR 300.117, 30 EC 56361.*)
- Nonpublic, nonsectarian school services (*20 USC 1412(a)(5), 34 CFR 300.114(a)(2)(i), 34 CFR 300.118, 30 EC 56361.*)
- State special schools (*30 EC 56361(f).*)
- Nonpublic schools and agency services certified by the state (*30 EC 56034.*)

12. ENGLISH LEARNERS

English Learners (ELs) are students whose Home Language Survey indicates a language other than English. EL students who qualify for special education services receive both special education services and appropriate language acquisition services. When developing the IEP for English Learners, the IEP team must:

- Include directions that the student must be assessed **annually** using the English Language Proficiency Assessments for California (ELPAC) or an alternative to determine English language proficiency (*30 EC 313, 5 CCR 11511, 5 CCR 11512.*)
- Consider the results of the ELPAC or alternate (*34 CFR 300.324(a).*)
- Include a determination of whether the ELPAC will be administered with or without modifications or accommodations, or whether English proficiency will be measured using an alternate assessment (*34 CFR 300.320, 5 CCR 11516.*)
- Include a description of activities that lead to the development of the student's English language proficiency (*34 CFR 300.320, 5 CCR 3001.*)
- Include a description of instructional systems that meet the language development needs of the student and ensure access to the general education curriculum (*34 CFR 300.320, 5 CCR 3001.*)
- Ensure that teachers who provide instruction to English Learners with disabilities have appropriate special education credentials as well as supplementary authorization to provide English language development and primary language support (e.g., CLAD, BCLAD, or equivalent) (*30 EC 44253.1 to 30 EC 44253.10.*)
- Whenever possible, maximize appropriate primary language support

- For each goal, specify the language of instruction by using the following phrase: “... in the language of instruction that will align with the EL pathway at the school site that maximizes his/her primary language”
 - Example: Student, when reading a third-grade passage, will apply basic syllabication rules when decoding multisyllabic rules [RE.2.1.2] in the language of instruction that will align with the EL pathway at the school site that maximizes his/her primary language as implemented by the Special Education teacher, Student, Parent, Teacher from 10% to 80% by 2/20/2022
- Create English Language Development (ELD) goals or objectives that are related to English Language Acquisition (ELA) goals for all students identified as ELs
- Ensure that all English Learner students receive a minimum of 30 consecutive minutes of English Language Development targeted at their proficiency levels

13. EXTENDED SCHOOL YEAR (ESY)

Extended School Year (ESY) is a related service that KUSD provides students with disabilities beyond the regular school year, in accordance with the student’s IEP, at no cost to the parents.

KUSD must ensure that extended school year programs are available as necessary to provide Free Appropriate Public Education (FAPE). (*34 C.F.R. § 300.309(a)(1).*)

WHAT ESY IS AND IS NOT (Adapted from www.slc.sevier.org 2003)

A. Extended School Year (ESY) Is:

- An exception, not a rule.
- Based only on the individual student’s specific unique needs 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 coupled with limited recoupment 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.

B. Extended School Year (ESY) Is Not:

- A mandated 12-month service for all students with disabilities.

- Required to function as a respite care service.
- Required or intended to maximize educational opportunities for any student 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 the 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.
- Considered in order to help students with disabilities advance in relation to their peers.
- For those students who exhibit random regression solely related to transitional life situations or medical problems which result in degeneration.
- Subject to the same LRE environment considerations as during the regular school year as the same LRE options are not available. Additionally, LRE for some students may be home with family members.
- A summer recreation program for students 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.
- Denied due to a lack of evidence.

ESY: Extended School Year services are programs and services that assist the student in working toward the same goals and objectives that the student works on during the school year. ESY services are only provided for those areas on the current IEP where the student has demonstrated one or both of the following:

- a) regression of skills during an extended school break
- b) limited ability to benefit from re-teaching of skills after an extended school break. Regression Loss of previously attained skills documented by a review of the IEP goals, due to an extended school break.

The student's IEP team will need to consider a variety factors to determine whether the student requires ESY in order to receive a free appropriate public education (FAPE):

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

Regression and Recoupment: Some students have disabilities that are likely to continue indefinitely or for a prolonged period. In this situation, interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the student will attain the

level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition. (5 C.C.R. Section 3043.)

The IEP Team shall determine the following in order to designate a student as requiring ESY as part of FAPE Using input from staff and parents, answer the following questions

1. At the start of the school year, with a review period equal to that of general education students, was the student unable to regain skills lost over the break that would otherwise be expected in view of the student's disabling condition?
2. Does this student display a loss of previously taught skills and an inability to regain those skills following interruptions in instruction during the regular school year, i.e., Thanksgiving break, Winter Break, and Spring Break?
3. Is the current student at a crucial stage in learning a skill(s), such that an interruption in school program might cause loss of a skill(s) that the student would not be able to re-learn in a reasonable period of time, in view of the student's disabling condition?
4. Is the student able to maintain the skills identified without Extended School Year?
5. Does the student require ESY to continue to achieve at the level of independence that is expected in view of the student's disabling condition?
6. The student demonstrates a pattern of past regression in skills as evidenced by breaks of more than four weeks:
7. What is the estimated amount of time it takes or it may take the student to regain the prior level of knowledge skills, benefits or functioning following a school break: One Month or less Up to 3 months 4 to 6 months
8. Describe the student's rate of learning (as compared with the student's ability to recoup after a break):
9. Does the IEP team feel the student's disability will continue indefinitely or for a prolonged period of time?
10. Does the IEP team feel it will be impossible or unlikely the student will attain self-sufficiency and independence expected in view of the student's disability following a break?
11. Comments describe the degree (minimal or serious) of actual or likely regression following a school break
12. Acquisition or readiness where their ability to acquire the skills will be lost or greatly reduced as a result of an interruption of services?
13. Are there any other issues concerning the student's physical, medical condition, emotional, social, behavioral, mental health, academic and/or vocational issues, and his/her ability to be with typically developing peers that may be adversely impacted if the student does not receive ESY services?

In addition to considering the above factors, the IEP team must:

- Provide data to support their decision
- Indicate specialized academic instruction, DIS services, frequency and duration under ESY section of the IEP

14. IEP TEAM MEETING NOTES

This is a required component of every IEP meeting.

IEP Notes are designed to capture information discussed during an IEP meeting. Teams should assign a note taker before the IEP meeting begins. The note taker must:

- Capture information and/or discussion not reflected in the rest of the IEP
- Summarize what was discussed
- Document that the student's parents received a copy of the IEP and procedural safeguards
- Document parent participation within the IEP meeting
- Document if parents require further clarification on free, appropriate public education (FAPE)
- Document any required follow-up tasks for issues that were not resolved during the IEP meeting
- Document any information that the parent requests be added to the notes
- Document full names of all meeting participants
- Document all parental requests expressed during the IEP meeting. Also, note KUSD's response to parental requests
- If the student's parents do not attend the IEP meeting, document prior attempts (including date, method, and time) to get the parents to attend
- If there are problems getting parents to actively participate in the meeting, document all KUSD attempts to encourage parent participation
- If any required members of the IEP team have been excused from the meeting, explain that in the notes and refer to the parent's written approval of the excusal
- Identify any reports that were reviewed and considered by the IEP team, this includes any Independent Educational Evaluation (IEE) provided by the parents
- Clearly identify next steps, including individuals responsible if needed
- Proof read the notes and review with the team, including the parents, before finalizing the IEP

15. MAINTENANCE OF STUDENT IEP RECORDS

All original IEP documents are sent to the Special Education Office.

Copies of the following documents are uploaded within SEIS for future review:

- All signed documents (i.e., assessment plan, IEP consent forms, cover letters, etc.)
- All Parental Notification Documents (i.e., PWN)
- All assessment reports (i.e., Multidisciplinary Reports, IEE Reports, etc.)
- Services Logs

A. AMENDING IEP DOCUMENTS

IDEA Section 614(d) (3) (D) In making changes to a child's IEP after the Plan Review IEP meeting for a school year, the parent of the child with a disability and the LEA may agree not to convene an IEP meeting for the purposes of making such changes, and instead develop a written document to amend or modify the child's current IEP.

Following review and finalization of a student's IEP, changes in circumstances may lead to amendments to the student's IEP. IEP Amendments:

- Occur after the plan review IEP has been developed and signed
- Do **not** change the due date of when the next plan review IEP is due
- May only be done without an IEP meeting when the parent agrees to do so
 - Parental agreement to modify an IEP without an IEP meeting must be obtained in writing
 - Serves as the option for making minor amendments to the IEP, where parent and district agrees that the meeting is not needed

When amending an IEP, IEP teams must:

- Contact the student's parent(s) to discuss the proposed change
- Inform the parent that the proposed change needs to occur through a team process, but can happen with or without a meeting
 - If the parent requests further discussion through a meeting process, KUSD must call and hold an IEP meeting
 - If the parent and KUSD agree that the change(s) can occur without a meeting:
 - The parent(s) and KUSD discuss the IEP change(s)
 - KUSD notes the areas to be changed on the IEP within the Agreement to Amend IEP form.
 - KUSD prints the Agreement to Amend IEP form and send it to the parent
 - Parent(s) sign the Agreement to Amend IEP form.
 - Ensure that the original IEP is finalized before amending it
 - Send copies of the following to the student's parent(s):
 - Amendment page of the IEP
 - Amended IEP
 - Prior Written Notice informing the parent of the proposed changes to the IEP
 - Parent Consent/Objection form.
 - When parental permission is received, KUSD must:
 - Inform the entire IEP Team of the amendments/changes made to the IEP
 - Implement the Amended IEP

Please note: In an amended IEP, the services page is amended to reflect the change in discussed service. Both the amendment and service page need to be saved, affirmed and attested.

H. TRANSFER STUDENT WITH IEP

1. TRANSFER FROM OUT OF DISTRICT – 30 DAY/INTERIM

A student transferring into KUSD from another district within California must **immediately** be placed in an KUSD program that is in conformity with the student's IEP for a period not to exceed **30 days** before a new IEP is developed in consultation with the parent (*20 USC 1414(d)(2)(C)(i)(1), 34 CFR 300.323(e), 30 EC 56325, 30 EC 56043(m).*)

Process for Interim Placements outside SELPA:

New Student Arrives with an IEP from outside AV SELPA

Interim Placement form is completed by the following:

- SDC: School Psychologist
- SAI: School Psychologist
- Speech Only –Speech and Language Pathologist
- Copy of most recent IEP is provided to Case Manager
 - Case manager provides a copy of IEP to additional services providers if applicable.
- Copy of IEP and Original Interim placement form is sent to Special Education Office by the Case Manager
 - Site makes copy of IEP + Interim placement form for students site file

Case Manager completes the following:

- Request Student in SEIS – Use Student Add Form
- Once student is added to the Caseload, the Case Manager completed the following:
 - Attach the most current IEP to the future IEP
 - Complete Information/Eligibility page on SEIS (future IEP)
 - Complete Services Page on SEIS (future IEP)
- Affirm the Future IEP with attached IEP and include the Information/Eligibility Page & Services Page
 - Indicate in the notes section of SEIS prior, “IEP attached for historical record”.

Case Manager schedules and completed a 30-day IEP:

- Input all student IEP information from prior IEP into SEIS on the future IEP.
- Invite School Psychologist to IEPs of students with SAI and SDC services
- Invite relevant service providers to student’s IEP
- Make any adjustments to the IEP if needed
- If annual IEP is overdue or SBAC information is not accurate, update at 30-day IEP.

30-day IEP is completed:

- Affirm future IEP
- Send original IEP to Special Education Office

2. TRANSMITTAL OF RECORDS

When a student who is eligible for special education and related services transfers into KUSD, from either within California or from another state, KUSD must:

- Take reasonable steps to obtain the student's records, including IEP, from the student’s previous school pursuant to Family Educational Rights and Privacy Act (FERPA)

Reasonable steps to take to locate a student’s records include, but are not limited to:

- Calling the student's former school or district office in attempt to locate student records
- Sending a letter of request to the student's former school or district office
- Working with the student's parents to obtain the student's records

I. STUDENT ENROLLED IN PRIVATE SCHOOL BY PARENT

KUSD special education services for students parentally placed in a private school setting consist of the following:

- Child Find
- Identification and assessment
- Initial assessment
- Development of the initial IEP (for students residing within The KUSD boundaries)
- Development of an Individualized Service Plan (ISP) if the child remains in a non-profit private school
- Annual notification to review student progress and the continued availability of special education services
- Reassessment at least every **three years**
- Information, resources, interventions, and instructional supports related to the student's disability
- Professional development opportunities for private school teachers and administrators
- Parent training opportunities
- Written Notice of Procedural Safeguards

The IEP participants described earlier must meet to develop an Individualized Services Plan (ISP) for each private school student. In addition, staff must ensure that a representative of the religious or other private school is invited to attend each meeting. If the representative cannot attend, KUSD must use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls and written input. KUSD must invite parents to review the ISP on an annual basis. A representative of the private school must be invited to participate if a meeting is requested. Students eligible for special education services must be evaluated every **three years** to determine the continued existence of a disability and the need for special education and related services.

VII. EDUCATIONAL BENEFIT

A. EDUCATIONAL BENEFIT OVERVIEW

KUSD IEP teams must keep the following in mind when providing special education and related services to students with disabilities. The California Department of Education (CDE) reviews

Individualized Education Programs (IEP) to determine if the student's IEP is ***reasonably calculated*** for the student to receive educational benefit as defined by the federal court case, *Board of Education v. Rowley*.

Reasonable Calculation would include the following:

- The IEP Team identified needs related to:
 - The student's disability
 - Involvement and progress in the general curriculum
- Goals and objectives were established in each area of need
- Services were planned to support:
 - Progress toward all goals
 - Progress in the general curriculum
 - Participation in extracurricular and other nonacademic activities
 - Education with students with disabilities and non-disabled students
- The IEP Team reviewed the student's progress and adjusted the student's IEP if progress was not made and/or to address anticipated needs

The CDE's review process is directed toward answering the following questions:

- Is the assessment complete and does it identify the student's needs?
- Does the present level of performance include all of the needs identified in the assessment?
- Are all of the student's educational needs addressed by appropriate goals and objectives?
- Do the services support the goals and objectives?
- Did the student make yearly progress?
 - If the student did not make progress, were the goals and objectives changed in the next IEP to assist the student to make progress?
 - If the student did not make progress, were the services changed in the next IEP to assist the student to make progress?
 - Were sufficient services provided to ensure that the student would make progress?

- To assess for overall compliance: Considering the answers to each of the above, was the IEP reasonably calculated to result in educational benefit?

The CDE reviews three years of services starting either with an Initial or Triennial Review.

VIII. INFORMED CONSENT

A. INFORMED CONSENT OVERVIEW

Certain actions with respect to a student with a disability require parental consent, as described below. Consent means that:

- The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent’s native language or other mode of communication (*20 USC 1414 (a)(1)(D)(i) (II), 34 CFR 300.504(c)(3), 34 CFR 300.9(a), 30 EC 56021.1.*)
- The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom (*34 CFR 300.504(c)(3), 34 CFR 300.9(b), 30 EC 56021.1.*)
- The parent understands that the granting of consent is voluntary and may be revoked at any time (*34 CFR 300.504(3), 34 CFR 300.9, 30 EC 56021.1.*)

B. EDUCATIONAL RIGHTS HOLDER

1. DEFINITION OF PARENT

A “parent” is required to provide informed consent related to the delivery of a student’s special education services. Since a student’s biological parent may not always be available to provide consent, KUSD’s definition of a “parent” includes the following persons:

- Biological or adoptive parent
- Foster parent, unless state law, state regulations, or contractual obligations prevent the foster parent from acting as a parent
- Guardian (but not including the state if the student is award of the state)
Individual acting in the place of the student’s natural or adoptive parent (including a grandparent, stepparent or other relative) with whom the student lives, or an individual who is legally responsible for the student’s welfare
- Surrogate parent who is authorized to act as the student’s parent and to make educational decisions for the student

C. INITIAL EVALUATIONS

KUSD must obtain parental consent before:

Conducting an initial evaluation (*20USC1414(a)(1),34CFR300.504(3).*)

- If the parent refuses to consent or does not respond to KUSD’s request for consent for an initial evaluation, KUSD may, but is not required to, request mediation or request a due process hearing to override the parent’s refusal
- Initial provision of special education and related services to a student with a disability (*20 USC 1414 (a)(1)(D)(i)(II), 34 CFR 300.300(a)(1)(ii), 34 CFR 300.300(b)(1), 34 CFR 300.504(3).*)
- Note that parental consent to an initial evaluation does not constitute consent to the initial placement

D. RE-EVALUATIONS

KUSD must obtain parental consent before:

- Conducting a reevaluation (*20 USC 1414(c)(3), 34 CFR 300.504(C)(3).*)
 - If the parent refuses to consent for a re-evaluation, KUSD may, but is not required to, request mediation or request a due process hearing to override the parent’s refusal
 - If the parent does not respond to KUSD’s request for consent, KUSD may complete a re-evaluation without the parent’s permission (34 CFR 300.300; EC 56506(e) and (d), and 56346).

E. CONSENT FOR SERVICES

KUSD must obtain parental consent before:

- Initial provision of special education and related services to a student with a disability
- If the parent refuses to consent or does not respond to KUSD’s request for consent to provide special education and related services to the student for the first time, KUSD cannot use mediation or due process to override the parent’s lack of consent
 - If the parent does not provide consent for the initial provision of special education and related services, KUSD is **not** required to develop an IEP and will not be in violation of the obligation to make a free appropriate public education available to the student

IX. STUDENT DISCIPLINE PROCEDURES

A. Student Discipline Overview

KUSD is required to provide Free, Appropriate public education (FAPE) to all students with disabilities. This includes students that KUSD suspends or expels. Students with disabilities have certain legal protections when their disciplinary removal from school constitutes a change in placement.

A “change in placement” refers to the need to modify a student’s current educational placement. A change in placement has occurred if a student’s suspension either:

- Exceeds 10 cumulative or over 5 consecutive school days
- Exhibits a pattern of behaviors or suspensions
- This “change in placement” does not mean that the student is removed from the school site. This refers to the 11th day of suspension.

When KUSD decides to take disciplinary action, including suspension and expulsion, against students with disabilities, KUSD must do the following on the **same day** the decision is made:

- Notify parents of the decision to take disciplinary action against their child (*20 USC 1415(k)(1)(H), 34 CFR 300.350(h).*)
- Provide the parents with a Procedural Safeguards Notice (*20 USC 1415(k)(1)(H), 34 CFR 300.350(h).*)

When a student’s suspension exceeds 10 cumulative or over 5 consecutive school days, KUSD must do the following:

On the day that KUSD decides to change the student’s placement:

- Notify the parents of the decision to change the student’s placement (*20 USC 1415(k)(1)(H), 34 CFR 300.530(h).*)
- Provide the parents with a Procedural Safeguards Notice (*20 USC 1415(k)(1)(H), 34 CFR 300.530(h).*) Reference the Educator Resources website for a copy of the Notice.

Within 10 days of the decision to change the student’s placement:

- Hold an IEP meeting to determine if the student’s actions are a manifestation of his/her disability. Reference the Manifestation Determination section for more information on this process
- Note that KUSD must also hold Manifestation Determination meetings for each suspension that occurs after the 10 day period. Starting the 11th day of a student’s cumulative suspension, KUSD must provide special education and related services to the suspended student (*20 USC 1415(k)(1)(D), 34 CFR 300.534(d), 34 CFR 300.530(b)(2) and (d).*) This includes:
 - Continuation of Educational Services (i.e., FAPE), so as to allow the student to continue to participate in his/her curriculum and to progress toward meeting the goals established in his/her IEP
 - Provision of services outlined in the student’s Functional Behavior Assessment (FBA) and/or Behavioral Intervention Plan (BIP) documents

In the case of the **EXPULSION** of a student with disabilities, KUSD must:

- Conduct a pre-expulsion assessment prior to an IEP meeting held to consider expulsion *(20 USC 1415(k)(1)(E)(i)&(ii), 34 CFR 300.530 - 537, 30 EC 48915.5(a).)*
- Inform the student's parents that they have the right to pursue a due process hearing if they disagree with the decisions of the IEP team regarding expulsion *(20 USC 1415 (c)(1)(C), 34 CFR 300.530 - 537, 30 EC 56301(d)(2)(D).)*
- Convene the IEP team prior to the student's expulsion hearing to determine:
 - If the alleged misconduct was a manifestation of the student's disability *(20 USC1415(k)(1)(E)(i), 34 CFR 300.530 - 537, 30 EC 48915.5(a).)*
 - If the student's placement was appropriate *(20USC1415(k)(1)(E),34CFR300.530 - 537, 30 EC 48915.5(a).)*
 - If the behavior interventions described in the student's IEP were followed *(20 USC 1415(k)(1)(F)(i) and (ii), 34 CFR 300.530 - 537, 30 EC 48915.5(a).)*
- Conduct the expulsion hearing only after the pre expulsion assessment is completed and the IEP team convenes and makes the required findings *(20 USC 1415(K)(1)(E)(i), 34 CFR 300.530 - 537, 30 EC 48915.5(a))*

B. MANIFESTATION DETERMINATIONS

Within **5 school days** of any decision resulting in a change of placement, the IEP team, including the school psychologist, must meet and document its process on the Manifestation Determination form.

In conducting the manifestation determination, the IEP Team shall review all relevant information including;

- The student's IEP
- Any teacher observations
- Any relevant information provided by the parents

The Team must then determine whether in relation to the behavior subject to disciplinary action:

- The conduct in question was caused by or had a direct and substantial relationship to, the student's disability, or
- The conduct in question was the direct result of the Local Education Agency's failure to implement the IEP.

If the LEA, the parent, and relevant members of the IEP Team determine that either of the above conditions is applicable in the case of the disciplinary incident, the conduct shall be determined to be a manifestation of the student's disability.

If it is determined that the conduct in question was a manifestation of the student's disability, the IEP Team shall:

- A. conduct a functional behavioral assessment and implement a behavior intervention plan, if the student did not have a behavior intervention plan in place prior to the misbehavior or
- B. review any existing behavior intervention plan and modify it, as necessary, to address the behavior.

When it has been determined that a student's misbehavior was a manifestation of the disability, the expulsion process may not proceed. In such cases, the student must be returned to his or her prior placement, unless the parent and the LEA agree to a change of placement as part of the modification of the behavior intervention plan.

If the result of the IEP Team manifestation determination is that the misbehavior of the student was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to all students may be applied to the special education student in the same manner in which they would be applied to students without disabilities except that provision of appropriate special education services must continue.

X. PROCEDURAL SAFEGUARDS

A. NOTICE OF PARENTAL RIGHTS AND PROCEDURAL SAFEGUARDS

Parents, legal guardians, and surrogate parents of students with disabilities are entitled to receive a copy of the "Special Education Rights of Parents and Children," which is also known as the "Notice of Procedural Safeguards" and the "Written Notice of Procedural Safeguards." Divorced parents who share educational rights of their child(ren) are each entitled to an individual copy of the Notice of Procedural Safeguards.

Students who have reached the age of eighteen are also entitled to receive this document, which provides an overview of their educational rights under the Individuals with Disabilities Education Act (IDEA).

Notice of Procedural Safeguards (Spanish) must be provided to parents:

- When parents ask for a copy
- The first time their child is referred for a special education assessment
- Each time they are given an assessment plan to evaluate their child
- Upon receipt of the first state or due process complaint in a school year
- When the decision is made to make a removal that constitutes a change of placement (*20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1]*)
- At least annually (e.g., at the Plan Review IEP)

At the start of each IEP team meeting, IEP teams should ask parents if they have received a copy of the Notice of Procedural Safeguards previously. IEP teams must have a copy available in case parents need another copy.

IEP teams must also:

- Ensure that the Notice of Procedural Safeguards is provided in the parents' native language or other mode of communication (unless it is clearly not feasible to do so)
- Ask parents if they have any questions or concerns about their due process rights
- Offer a brief summary of their rights, such as:

As the parent of a child who may receive special education, you have certain rights that are guaranteed by federal law: the Individuals with Disabilities Education Act (IDEA). These rights are listed in the "Notice of Procedural Safeguards" and include your right to participate in meetings dealing with the identification, evaluation, and educational placement of your child and the provision of a free appropriate public education to your child. The "Notice of Procedural Safeguards" also offers information about how families and schools can resolve disputes through mediation, alternative dispute resolution, and due process.

- Offer to schedule a time to thoroughly go over questions or the information listed in the Notice of Procedural Safeguards
- Ask parents to indicate they have received their copy of the "Notice of Procedural Safeguards" in the designated area on the IEP Signature Page.

B. COMMUNICATION LOGS

In order to ensure that good faith effort has been made to gain parent participation in an Individualized Education Program (IEP) meeting or gain consent, it is KUSD's best practice for IEP teams to maintain a Communication Log on SEIS Comments Section of all attempts to contact parents and the outcome of these attempts.

XI. RECORDS AND CONFIDENTIALITY

A. DEFINITION EDUCATIONAL RECORDS

Education records are records that are directly related to a student and maintained by KUSD. Education records may include:

- The name of the student, the student's parent or other family member(s)
- The address of the student
- A personal identifier such as the student's state identification number, student number, or court file number

- A list of personal characteristics or other information that would make it possible to identify the student with a reasonable certainty
- Any item of information directly related to an identifiable student, other than directory information, which is maintained by KUSD or required to be maintained by an employee in the performance of duties whether recorded by handwriting, print, and computer or by other means

Examples of student records include but are not limited to:

- Special Education File
- Cumulative File
- Test Protocols
- Related Service Providers' Logs
- Discipline Records
- Nurses'/Health Records

B. ACCESS TO RECORDS

The following persons or agencies have mandatory access to student records:

- Natural parents, adoptive parents, legal guardians (unless the school has been advised that the individual does not have authority under applicable State law governing matters such as guardianship, separation, and divorce)
- Students aged 18 or older
- Parent/guardian of a student over 18 if the student is a dependent adult
- School officials and employees for legitimate educational purposes
- School Attendance and Review Board members (SARB)
- Other public schools in California where the student has enrolled or intends to enroll (parent/student notification required)
- Private schools or out-of-state schools of anticipated or new enrollment (parent/student notification required)
- Federal, State, and county officials for program audit and compliance purposes
- Agencies specified by law (for example, an agency investigating child abuse)
 - Those authorized by court order to have educational rights for the student (notification to parent/eligible student is required to release information)
 - Attorney/Advocate Request for Records:
 - These requests are handled directly through the Special Education Department
 - Send the request to the Administrative Secretary in the Special Education Department

- Once received, the Secretary will send an email stating the documents that she/he requires from the school site, including the date that the records are due back
- Special Education Department will keep a copy of all documentation that was sent out to the attorney/advocate

For each student with a disability, KUSD must maintain a current listing of names and positions of employees who have routine access to confidential records (*34 CFR 300.623(d)*).

The following persons or agencies **may** have access to student records:

- Appropriate persons in an emergency
- Agencies or organizations in connection with an emergency
- Accrediting associations
- Organizations conducting studies on behalf of KUD
- Persons or agencies authorized by the parent, guardian
- Member of a hearing

Any individual or agency authorized to have access to a student's records must maintain the confidentiality of the records and is prohibited from releasing any of the information without the written consent of the parent/guardian or the student if the right of consent has transferred to the student.

If an individual or agency not included in the above lists requests access to a student's record, access can only be granted by the school principal who is the authorized custodian of the records. Permission must be given in writing and documented on the access log (*34 CFR 300.614*).

In order to assist a parent/guardian in making informed decisions, parents/guardians have the right to examine educational records pertaining to their child. KUSD must document and maintain a parent's written request to review records at each school.

The parent/guardian has the right to:

- Inspect and review all educational records of their child and to receive copies, as requested, within **five** business days after the request is made by the parent
- Request an explanation and interpretation of their child's records
- Request (orally or in writing) copies of their child's records and receive the requested records within **five** days of the date that the request was made
- Have a representative inspect their child's records with written parent consent
- Request qualified certificated personnel to interpret the records in the primary language of the parent or request assistance in securing an interpreter

- If an educational record includes information on more than one student, parents/guardians have the right to inspect and review only the information relating to their child
- The school must make available to a parent/guardian, upon request, a listing of the types and locations of educational records

A student's IEP case manager must keep a record of parties obtaining access to education records collected, maintained, or used under IDEA, including:

- The name of the party
- The date access was given
- The purpose for which the party is authorized to use the records

Within **five** business days from a parent's written or oral request for records, the recipient of the request notify the student's school site records manager and the special education office. At which time a designated staff member must take the following actions:

- If the request is oral, document the request and the date of the request in writing
- Determine the due date for providing the records
- Notify appropriate staff that a request has been received, including the due date for submission
- Copy the contents of the student's special education file and the cumulative record file

XII. INFORMAL DISPUTE RESOLUTION

A. ALTERNATIVE DISPUTE RESOLUTION OVERVIEW

The Special Education Department encourages resolution of disputes at the lowest level possible. Specifically, the resolution of disputes is best accomplished at the school site. However, if there are special education issues that cannot be resolved at the school site, the Special Education Department is available to assist to remediate special education school site issues. Serious issues regarding parent concerns should be directed to the Director in the Special Education Department. The department can be useful in resolving disputes prior to the parent filing a Compliance Complaint or a Due Process Hearing request.