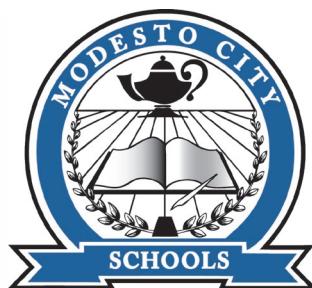


Modesto City Schools Special Education Local Plan Area

INDIVIDUALIZED EDUCATION PROGRAM PRACTICES AND PROCEDURES MANUAL



Christina Romero, Sr. Director, SELPA/Elementary Special Education
Kristen Panou, Sr. Director, SELPA/Secondary Special Education

Revised October 2024

TABLE OF CONTENTS

INTRODUCTION	7
CHAPTER 1- DISTRICT OVERVIEW.....	8
Procedure for On-going Review of the Special Education Program.....	8
General Guidelines and Procedures- Definitions	10
Team Meeting Notes Procedures and Guidance	10
Amendment to Annual IEP Meeting	14
IEP Team Member Excusal from an IEP Meeting.....	15
Paraprofessionals	16
Special Circumstance Instructional Assistance.....	16
CHAPTER 2 – CASE MANAGEMENT	18
Special Education Case Management.....	18
Scheduling Assessments and Preparing for IEPs.....	19
Behavior Management.....	24
CHAPTER 3 – THE IMPLEMENTATION OF THE IEP PROGRAM.....	28
Procedures for the Implementation of the IEP Program.....	28
Members of the IEP Team.....	28
Individual Education Plan Excusals	30
Contents of the IEP.....	31
Development of the IEP and Timelines	33
Provision of Special Education and Related Services.....	34
Review and Revision of the IEP.....	35
When an IEP Meeting is Not Necessary	36
Audio Recording of IEP Team Meetings	36
Parent/Guardian Participation and Other Rights	36
Parent/Guardian Consent for Special Education and Related Services	38
Transfer Students	39
CHAPTER 4 – EARLY CHILDHOOD EDUCATION.....	41
Procedures for Working with Infants and Toddlers	41
VMRC Eligibility	41
Local Education Agency (LEA) Referral Procedures and Eligibility Criteria	42
Individualized Family Service Plan (IFSP)	43
Transition.....	44
Service Coordination	45
The Provision of Services	45
Surrogate Parents.....	47
Dispute Resolution.....	47

Infants and Toddlers	48
CHAPTER 5 – IDENTIFICATION, REFERRAL AND ASSESSMENT.....	52
Referrals for Special Education	52
Procedure for Referrals for Special Education and Related Services	54
The Student Success Team (SST)	55
Referrals for Special Education	56
Referrals for English Language Learners (ELL)	57
Completion of the Assessment Plan	59
Parent/Guardian Consent for Assessment.....	60
Prior Written Notice.....	61
Prior Written Notice: Requests for Assessment.....	61
Prior Written Notice: Revocation of Parental Consent	62
Three-Year Evaluation.....	62
The Assessment and Assessment Report.....	63
CHAPTER 6 – ELIGIBILITY CRITERIA FOR SPECIAL EDUCATION.....	65
Eligibility Criteria	65
Special Eligibility Determinations	65
Change in Eligibility Evaluations	66
Low Incidence Disabilities.....	66
Definition of Low Incidence Disability.....	66
Eligibility for Low Incidence Funding	67
Autism	68
Deaf/Blindness	71
Deafness	72
Hearing Impairment (HI)	72
Intellectual Disability (ID)	73
Multiple Disabilities (MH)	74
Orthopedic Impairment (OI)	74
Other Health Impaired (OHI)	75
Emotional Disturbance (ED)	76
Specific Learning Disability (SLD)	78
Speech or Language Impairment (SLI)	82
Articulation Disorder	83
Abnormal Voice	84
Fluency Disorder.....	84
Language Disorder	84
Traumatic Brain Injury.....	86
Visual Impairment Including Blindness (VI)	87
CHAPTER 7 – TRANSITION	88
The Secondary Transition Program	88
The Purpose and Scope of Transition.....	88
Transition Services Must Be in Effect and On IEP	89
Timeline For Developing the Individual Transition Plan (ITP)	89
Areas To Be Addressed	90

IEP/ITP Roles	91
Post-Secondary Goals	92
Summary of Academic Achievement	92
Transfer of Rights at Age of Majority.....	93
Post-Secondary Follow-Up	93
Students between Nineteen and Twenty-Two Years	93
Legal Requirements and Best Practices Q and A's	94
 CHAPTER 8 – SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES.....	
Discipline of Students in Special Education	98
Procedures Based on Cumulative Days of Suspension/Change in Placement	98
Manifestation Determination	99
The Manifestation Determination Process	99
Manifestation Determination (MD) –FAQs	100
Manifestation Determination Meeting Procedures	101
Manifestation Determination Meeting-SEIS IEP Paperwork Procedures	102
Parental Rights and Procedural Safeguards for Special Education	104
Case-By-Case Determination	105
Procedural protections regarding a “Change in Placement”	105
Placement During Appeals	105
Previously Unidentified Students	106
Exclusion From School Bus Transportation	106
Interim Alternative Education Setting for Weapon/Drug/Serious Injury	107
 CHAPTER 09 – EDUCATIONAL REPRESENTATIVES FOR FOSTER YOUTH AND SURROGATE PARENT PROCEDURES	
Surrogate Parents.....	108
What Is a Surrogate Parent?	108
Who Needs A Surrogate Parent	109
A Student Does Not Need a Surrogate Parent If	109
Who Appoints Surrogate Parents	110
Surrogate Parent Requirements	110
 CHAPTER 10 – LOW INCIDENCE (LI) PROCEDURES.....	
Summary of Legal Requirements	111
Responsibility	111
Eligibility.....	111
Low Incidence (LI) Guidelines.....	112
Requests for Low Incidence Equipment.....	112
Low Incidence Follow-Up Procedures.....	113
When a Low Incidence Student Moves Into the District	114
When A Low Incidence Student Moves Out of the District	114
When a Low Incidence Student Graduates.....	114

Definition of Low Incidence Disabilities	115
Visual Impairment	115
Severe Orthopedic Impairment	115
Hearing Impairment	115
Equipment Guidelines.....	116
CHAPTER 11 – POSITIVE BEHAVIORAL SUPPORT AND INTERVENTION PLANS	117
Behavioral Addendum/Goals or Classroom Behavior Management Plans	117
Definitions.....	117
Who is Responsible for the BIP?	118
The Reasons for Developing a BIP.....	119
Types of Behavioral Support Interventions	120
Emergency Situations and Interventions	126
Behavioral Strategies.....	128
Examples of Positive Reinforcement in the Classroom.....	130
Classroom Incentives	130
Tips for Helping Distractable Students	130
Maintaining Attention and Students' Involvement	131
Keeping Students Actively Participating In the Lesson and Focused by	132
CHAPTER 12 – PARENTALLY PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES.....	133
Eligible Private School Students for Special Education Services	133
Individual Service Plan (ISP)	134
Private School Procedures	135
If the Parent/Guardian Declines.....	136
If the Parent/Guardian Disagrees with District Offer of FAPE	136
CHAPTER 13 – EXTENDED YEAR (ESY) PROGRAM.....	137
Determination of ESY Eligibility and Programming	137
Definitions to Consider in the Determination of ESY Eligibility and Programming.....	138
Procedures for the Determination of ESY Eligibility and Programming	138
Extended School Year: What Extended School Year Is and Is Not.....	139
CHAPTER 14 – TRANSFERS, INTAKE AND THE REGISTRATION PROCESS.....	140
Transfers – School Site Interim IEP Procedures	143
The Interim Individualized Education Plan-	143
The Thirty Day Individualized Education Plan.....	143
CHAPTER 15 – EDUCATIONALLY RELATED MENTAL HEALTH (ERHMS).....	145
Table of Contents.....	146

Appendices

APPENDIX 1	
Low Incidence Forms	159
APPENDIX 2	
Sample IEP Meeting Agenda	164
APPENDIX 3	
Form Letters.....	169
APPENDIX 4	
Secondary Forms	173
APPENDIX 5	
Independent Educational Evaluation Process/Procedures.....	178
APPENDIX 6	
School Based Occupational Therapy Process/Procedures	185
Eligibility Criteria.....	187
Referral for Occupational Therapy	188
APPENDIX 7	
Special Education Timeline	192
APPENDIX 8	
Larry P. Assessment Guidelines	193
APPENDIX 9	
Transition Questionnaire	196
Transition Services.....	198
Transition Goals	200
APPENDIX 10	
Additional Forms	229
BEIR.....	230
3-Year Evaluation Worksheet.....	235

INTRODUCTION

The purpose of this handbook is to provide information to special education teachers, related services staff, program managers, administrators, and others as appropriate on Modesto City Schools (MCS) SELPA procedures and practices related to the implementation of the Individualized Education Program (IEP) process and Special Education Services.

This manual will be updated periodically as changes to existing procedures are made and new procedures are added.

This manual does not go into detail regarding the specific completion of each specific IEP form. MCS SELPA IEP forms are web-based and should be accessed on SEIS (Special Education Information System) at www.beta_seis.org. More specific directions and guidance for IEP writing and form completion may be found on SEIS under the *Help Center* tab.

A special thanks to West Contra Costa Unified School District for sharing their IEP Manual with MCS SELPA. Their work helped drive and provide a framework for our IEP manual.

CHAPTER 1

DISTRICT OVERVIEW AND GENERAL GUIDELINES

Procedure for the On-Going Review of the Modesto City Schools Special Education Local Plan Area (SELPA) Program

It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children.

All special education personnel will participate in yearly professional development designed to provide staff with current information on special education laws, compliance, department policies, and procedures.

Local Plan

It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities.

The SELPA Directors will ensure timely transmission of required reports and provide technical assistance to staff in completing those reports.

Interagency

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for a free appropriate public education are provided, including the continuation of services during an interagency dispute resolution.

All special education personnel will participate in yearly professional development designed to provide staff with current information on special education laws, compliance, department policies, and procedures.

Community Advisory Committee

Within the Special Education Department, an on-going review is conducted by the Special Education Administration and by the MCS Community Advisory Committee (CAC), comprised primarily of the parents of students currently receiving special education and related services from MCS. This committee meets monthly to review current practices and procedures, and to receive updates on matters that pertain to special education. All special education personnel are welcome to attend the monthly meetings. In addition, special education personnel, including Program Managers, routinely attend to share

information regarding special education programs, services, and supports within the SELPA.

The CAC participates in a yearly update and review of the MCS Local Plan for Special Education and Related Services. This includes the Annual Service Plan and Budget Plan, as well as any changes that may be needed in the local plan itself. Parents provide input from their observations and experiences, sharing successes, concerns, and recommendations for improvements. Parents are encouraged to provide input on their satisfaction or dissatisfaction with programs and services to assist the SELPA in our continued improvement.

Coordinated System of Curriculum Development and Alignment

The Governing Board accepts responsibility for establishing what students should learn in accordance with standards and standards of proficiency. The Board shall adopt a district curriculum that reflects district philosophy, responds to student needs and abilities, and is consistent with the requirements of law. Insofar as possible, this curriculum shall also reflect the desires of the community and the needs of society as a whole.

The Board considers curriculum improvement to be a top priority for the district. Curriculum development and evaluation will therefore be an ongoing process in the district, routinely supported by planned allocations of resources and staff time.

The Superintendent or designee shall establish procedures that ensure the curriculum development and evaluation process includes input from teachers, administrators, students and parents/guardians from all grade levels, disciplines, schools, special programs and categories of students.

The selection and evaluation of instructional materials shall be coordinated with the curriculum development and evaluation process.

The Superintendent or designee shall keep the Board informed about student achievement in each area of the curriculum.

General Guidelines and Procedures

The following definitions describe terms commonly used in the “Procedures” Manual.

Definitions

Individualized Education Program – Referred to as the “IEP”, the program is designed to meet the needs of students with identified special education needs.

Case Manager – The individual who drafted the IEP. The person should be referenced by title only, i.e. Case Manager, Speech Therapist, etc., rather than by specific name.

Annual Goal – The broad goal correlated to an identified need as determined by several factors. Goals are identified through the student’s present levels of performance and relate to the student’s ability to be involved in the general education (core) curriculum or alternative curriculum. Annual goals are to be specific, measurable, attainable, and realistic for the student over the next school year. The Case Manager should organize the goals by numbering and labeling goals with different areas of need. All goals must be aligned with California Common Core Standards. (Standards are not goals in and of themselves).

Individual Transition Plan (ITP) - The plan for students age 16 and above that addresses goals for post-graduate or students who have aged out. If the student will be turning 16 prior to the next IEP meeting, or if the team is creating an Individual Transition Plan (ITP) earlier than this, the Case Manager should draft Annual goals that are linked to the Post-Secondary goals in the ITP. All goals should be numbered and if written as part of an Individual Transition Plan (ITP), cross-referenced when developing the Individual Transition Goals.

California Common Core Standards adopted by the State of California (CCSS) - California uses the Common Core State Standards to guide instructional practices. All IEP goals must be based on CCSS. While CCSS serve as guidelines, they are not goals. These are not to be copied and substituted for specific goals based on identified needs. When referencing CCSS on the IEP, indicate the number and name of the standard being referenced on the Goal page.

Present Levels of Academic Achievement or Functional Performance – Present levels must be based on data including identified student strengths, weaknesses and involvement in core curriculum. They also may include test data and student observations but should not be based on a single test result nor should they be comprised of a listing of test scores. Present levels should be observable and measurable and should document what a student is able to do, what specific skills and concepts they are working on, and any identified needs should be substantiated within this section.

Benchmark/Short Term Objectives – Short-term objectives/benchmarks are drafted breaking down the annual goal into smaller skill steps or scaffolded concept instruction. The percentage or rubric score identified as mastery and the timeline in which mastery is expected should be delineated. Grade level standards should be scaffolded into short-term benchmarks to allow the student to achieve each benchmark within the specified amount of time. If possible, the case manager should align short-term objective dates with report card timelines. Annual goals and objectives cannot exceed the Annual IEP due date.

Mastery Criteria - The level at which it is determined through testing, observation and student work that the student has mastered the objective and subsequently the annual goal.

English Language Learners (EL) – Students who have a native language other than English are identified as EL. Students identified as EL must have IEP goals that are linguistically appropriate. This means that the IEP team must consider the language needs of the student when drafting IEP goals. EL data should be included under Present Levels and the student's current level of language acquisition should be discussed. Staff who provide instruction to English learners with disabilities are appropriately credentialed to do so as per the California Commission on Teacher Credentialing.

Progress Reports – Updates on the progress a student makes toward each annual goal is completed at regular intervals as required by law, (no less frequently than their typically developing peers). IEP Goal forms are used to report the progress at the listed objective/benchmark intervals. Updates will occur in SEIS and must be affirmed and attested. Copies should be stored in the IEP file upon update, and distribution of Progress Report updates should be provided to families in coordination with student report cards.

Team Meeting Notes Procedure And Guidance

Team Meeting Notes are to be taken during the IEP meeting by a member of the IEP Team designated to complete this task. Well written notes are legible, provide clarity and fill in any information not clearly stated throughout the IEP document already. This can provide evidence that the school and district provided prior written notice and considered information related to the proposal or refusal of any part of the IEP offer. The notes should summarize key elements and agreements of all discussions during the IEP meeting.

Procedure for Note-Taking

1. “IEP Team Meeting Notes” should be taken on the Notes Form in SEIS.

2. Use the IEP meeting agenda to assist in ensuring that key elements/concerns, agreements/disagreements and any follow up or next steps needed are thoroughly documented.
3. Any handwritten IEP notes will be typed into SEIS upon the completion of the IEP.

Guidance for Note-Taking

Note-taking is a skill that requires practice and balance. Below is a list of items that should be documented in IEP Team Meeting Notes that may not be included in other parts of the IEP.

1. Participants – *Print* the names of all participants and their role/title. If time is a concern, an extra sheet can be passed around for team members to sign-in as an attendance record.
2. Purpose – Document the purpose of the IEP meeting.
3. Parent Rights/CAC Brochure/Medi-Cal Forms – Document the distribution of Parent Rights/Procedural Safeguards to the family/guardian and the review of its contents. Should the parent or guardian decline the explanation, note this. Document the distribution of the CAC Brochure, Medi-Cal forms and a brief explanation of each.
4. Parent Input/Concerns – Clearly indicate any concerns from the parent and ensure that the concerns are addressed within the IEP notes.
5. Agreements & Disagreements – Clearly state parts of the IEP that are agreed to, or not agreed to, by the IEP team and parent/guardian.
6. Attendance/Lack of Attendance – Excusals of members, attempts for parent attendance, documentation of communication, etc. should also be noted.
7. Assessment Reports/Eligibility – Key elements from assessment reports, including eligibility determination.
8. Goals/Present Levels/Progress on Goals – Additional information not captured in progress reports, present levels, or baselines of goals.
9. Participation/Lack of Participation – Capture input and participation from team members (particularly the parent) and any lack of participation by the parent with attempts to seek input.

10. Offer of Services/Placement – A single, clear offer of services and placement, including any specific details regarding services and placement offered.
11. Requests/Referrals – Any requests for assessment or referrals for assessment that occurred through the IEP team meeting.
12. Next Steps/Follow Up – Clarify follow-up meetings, next steps, and action items determined in the IEP meeting.

Amendment to Annual IEP Meeting

An “Amendment IEP” meeting is any IEP meeting held in between Annual IEP meetings. This includes when an IEP team needs to review or make changes to a portion of the IEP. This meeting does not replace the more comprehensive Annual IEP meeting when all team members must be present.

When to Hold an Amendment IEP

There are several instances when an amendment meeting should be held where the entire IEP team may not be necessary or the IEP team is only reviewing a portion of the IEP. The list below is not exhaustive, but includes the most frequent reasons an amendment would be needed.

1. Request for additional services/assessment not currently on IEP.
2. Exiting a program/related service, based on assessment.
3. Review recent discipline, behavior, or update behavior plan.
4. Discuss parent or school team member concerns related to progress of the student, current program, and/or services etc.

Amending the IEP Without Holding a Meeting (Corrections Only)

An Amendment can be created without holding a meeting for minor corrections that do not require IEP team discussion. If considering this option, the Case Manager or Service Provider requesting the change must:

1. Obtain consent from the parent/guardian to make the change without holding a meeting. If verbal consent is given, the case manager should document the consent in writing on the IEP Amendment form.
2. Create an Amendment IEP through the “Current” IEP on SEIS and make corrections. Update and include any relevant pages based on the changes discussed.
3. Obtain an Administrator/Admin. Designee signature, as well as signatures from any relevant IEP team members.
4. Send a copy of the IEP to the parent/guardian for signature.
5. Within five school days of sending the paperwork home, affirm the amendment and place the original signed document in the IEP file at the

school site. Provide copies for each member of the IEP team. Ensure the completed document is scanned into SEIS.

IEP Team Member Excusal From An IEP Meeting In Whole or In Part

The reauthorization of IDEA grants parents/guardians permission to excuse IEP team members from attendance at an Annual, a Review, or Amendment IEP. In some cases, it is not necessary for the entire IEP team to convene. For example, if there is an issue with a specific service or goal/benchmark, the entire team does not need to meet for this purpose.

The following procedure is to be followed to allow the use of the IEP Excusal form (in SEIS):

1. The Case Manager confers with the IEP team member wishing to be excused to determine if the reason for the excusal **meets the legal requirement for excusal**.
2. The Case Manager contacts the Parent/Guardian either verbally or in writing and explains the request for the excusal. If completed verbally, the contact is documented.
3. If the Parent/Guardian disagrees, the Case Manager informs the requesting individual and the IEP is rescheduled so all members of the IEP team can be present.
4. If the Parent/Guardian agrees, the Parent must provide their agreement in writing utilizing the Excusal Form **prior to the IEP meeting**.
5. The Case Manager contacts the individual to be excused and obtains a copy of their written report, Goals and Benchmarks if appropriate, and any service recommendations.
6. The Case Manager and/or individual wishing to be excused must review the written report, Goals and Benchmarks, service recommendations, etc., with the Parent/Guardian prior to the actual IEP meeting.
7. The Case Manager will indicate on the Notice of Meeting the IEP team member who has been excused.
8. The Case Manager will distribute copies of the Excusal form, including the written report and Goals and Benchmarks, to the other members of the IEP team.
8. The Case Manager will indicate the team member's excusal on the signature page by writing "see excusal form" on the team member's signature line.

Paraprofessionals

Special Education programs utilize a wide variety of staff in order to ensure services are provided to students with disabilities. A critical group within the staff is the paraprofessionals. This group works alongside our teachers in order to provide support for the students in our special education programs.

The following section contains an overview of the process for schools/IEP teams considering additional staff support in the classroom.

Special Circumstance Instructional Assistance (SCIA)

If the IEP team is considering Special Circumstance Instructional Assistance (SCIA) as a support for an identified student, the team must determine:

1. The natural supports and/or existing staff supports are not adequate for the student to participate and progress in the general educational program.
2. The additional support is necessary to assist classroom staff in facilitating the student in:
 - a. Advancing appropriately toward the annual goals, and/or;
 - b. Involvement and progress in the general curriculum and/or;
 - c. Participation in nonacademic activities (if appropriate), and/or;
 - d. Participation with other disabled and non-disabled students.
3. How quickly it is anticipated the support can be faded, and;
4. The method for systematic evaluation toward independence and more natural supports for the student.

Process

When the members of the IEP team are considering the need for SCIA support, the Case Manager must contact their Program Manager for consultation. Additionally, the appropriate provider should be contacted to complete the referral process and packet if applicable. Services are not to be written into the IEP without the appropriate assessment, supporting documentation, and require a Program Manager to be in attendance at the meeting.

The referral packet, which will need to be completed by the appropriate members of the IEP team, includes: a referral cover sheet, a rubric to determine need for additional support, a 3x3 analysis of the school day, and requires additional supporting documentation dependent upon the reason for the request. Using these tools, the team will identify the specific reason, activities, and times for which additional assistance or support is required. Once this is completed, the Case Manager will submit the packet to

their Program Manager along with an updated Behavior Intervention Plan (BIP), Inclusion Specialist Report, Low Incidence Specialist Report, or Specialized Health Plan, with the appropriate supporting documentation required based on need.

The Program Manager will review the information provided and guide the team on next steps (e.g. additional interventions, data collection, assessment, setting up an IEP meeting).

At the point in which an IEP meeting is scheduled to occur to discuss SCIA services, (including adding, fading, or removing), a Program Manager must be in attendance. This includes the annual reviews and ongoing monitoring of any student with a SCIA.

*Please see the Modesto City School SELPA policies and procedures for requesting special circumstances individual assistance.

CHAPTER 2

CASE MANAGEMENT

In Modesto City Schools SELPA, the special education staff member who has primary responsibility for his/her students' programs and services provides case management. Case Managers may be Special Education Teachers (Resource Specialist, Special Day, Itinerant), Speech Therapists, etc.

The Case Manager's job is to coordinate and oversee the compliance and implementation of the IEP. The following information, therefore, is foundational to the IEP Process. The following has been adapted from an article by the Mt. Diablo Unified School District:

Special Education Case Management

1. Prior to the start of school, or within the first week:
 - a. Read the IEPs of each student. Plan the academic program and behavior management that will be used for each student. Ensure all DIS services are attached to a provider in SEIS. (ie: Speech, BIS, etc.) When a discrepancy is noted, request the addition of the provider to the student's SEIS record. This should be completed through the Student Change Form.

Note: Related Services for each student, if provided in a collaborative model, should plan the supports the student will need in general education.
 - b. To the greatest extent possible, coordinate any Related Services with classroom teachers so core instruction is not impacted.
 - c. Update the "IEP at a Glance" form (on SEIS) for each mainstreamed student and provide a copy to each general education teacher involved with the student.
 - d. Meet with every teacher of students on your caseload to review the "IEP at a Glance" and discuss learning styles, strengths, weaknesses, and IEP Goals and Benchmarks. Set up a routine for communication. Meet with teachers and Related Service providers, if appropriate, each quarter, trimester, or semester when completing Progress Reports on the IEP.
 - e. Prepare a list of all documents involved with each student. (Health Plan, BIP, etc.)

- f. Provide a list of students who have Related Services to all Related Service staff so students do not miss any service time. A list of all Related Services Providers may be found in the Student Record on SEIS in the “CASEMIS B” section, to find out who serves your students. If Related Service Providers are omitted, request additions in SEIS through the Student Change Form.
- g. Ensure that you have a procedure for communicating with site administration regarding behavioral or disciplinary issues of students on your caseload to ensure timelines surrounding the discipline of students with disabilities are met (e.g. Manifestation Determination).

2. Scheduling assessments and preparing for IEPs

- a. Adjust your calendar to reduce months where too many IEPs occur where possible, so as to spread them out more evenly. You may move IEP dates to an earlier date to facilitate this, **but not to a later date**. If an Annual IEP and Triennial are at different times, hold them both on the earlier date to reduce excessive meetings.
- b. Develop a proposed yearlong school-wide calendar for all annual and triennial IEPs. Work with related service providers, general education teachers involved, and administration to ensure all members can attend. For meetings requiring a program manager, use the PM's availability as a starting point.
- c. Obtain parent/guardian agreement and signature. If a new assessment is to be conducted, assist the psychologist with coordination of related service providers, general education teachers, and any others who may be involved in a multi-disciplinary assessment. When needed, secure translator and ensure meeting documents are sent in the native language.
- d. Schedule all IEPs early to ensure they will be held on time. Review the Related Service schedule at each site. Notify all appropriate staff and parents of upcoming IEPs within the current month. Check with each provider and parent/guardian/caregiver regarding time and date. Once agreement is reached, send out the Notice of Meeting.
- e. Complete an accurate Notice of IEP Meeting. Check all purposes that apply. Make certain that all individuals who are to be included are listed on the notice. Ask the Parent/Guardian if there are members of outside agencies who should be invited, such as a Regional Center Case Manager. If a student is 16 or older, list the

student as an invitee. If the student has attained the “Age of Majority,” which is 18 years of age in California, the Notice of Meeting must be addressed to the student unless the student is conservated. If the student is conservated, the Conservator is the individual to be “Noticed.”

- f. Review the Goals and Benchmarks to ensure the same goals are not repeated year after year. If the student has made no or limited progress, identify a more appropriate goal and benchmark for the area concerned. Review the IEP for Educational Benefit.
- g. Write draft Goals and Benchmarks based on the student’s needs, present levels of performance, progress on Goals and Benchmarks, assessments and district standards.

3. Assessments

- a. Notify appropriate staff of referrals.
- b. Discuss the Assessment Plan with the Related Service Providers, School Psychologist, and others as needed to determine what assessments to administer. Based on the discussion, determine who will be responsible for the Assessment Plan and Assessment Plan timelines.
- c. Conduct a multi-disciplinary assessment using approved instruments.
- d. Consult with other assessors regarding eligibility or other issues when writing assessment reports.
- e. Include the Present Levels of Performance in detail when writing assessment reports.
- f. Include Vision and Hearing screenings for **ALL** eligibility assessments and triennial assessments.
- g. Include parent input in all assessments.
- h. Include observations and teacher input in all assessments.
- i. For EL students, include a description of how cultural aspects affect the student’s learning. Ensure assessments are conducted in the student’s dominant language for students who are EL.

- k. Schedule the IEP when all assessors and Parent/Guardian are available within 60 days from receipt of the signed Assessment Plan.
 - l. Develop an IEP Agenda. Prepare draft goals/benchmarks for areas that will require services.
 - m. Draft the IEP document, adding additional blank service boxes.
 - n. If a parent indicates on the meeting notice that they will be recording the IEP, bringing an advocate or an attorney, contact your Program Manager
- 4. During the IEP meeting
 - a. If you are a new Case Manager, ask your Program Manager /Administrator for assistance and modeling at your first IEP meeting. Use the recommended IEP Agenda form.
 - b. Facilitate the IEP. If your Program Manager/Administrator is attending, clarify who will be facilitating the meeting.
 - c. Take Notes on the IEP Team Meeting Notes page or assign an IEP team member to take notes, following the guidelines in the IEP manual.
 - d. Provide an Agenda – Use the agenda provided in Appendix 10. Modify the Agenda as needed at the meeting with the members of the IEP team. Clarify the time needed and identify if any member of the IEP team needs to leave early. If a team member has requested to be excused from the entire meeting, follow the Excusal Form criteria which involves obtaining parental consent 48 hours or more prior to the IEP.
 - e. If a parent brings an advocate or an attorney, stop the IEP meeting and contact your Program Manager.
 - f. At the IEP meeting, review all assessments and based on the assessments, determine the appropriate services, frequency, time, duration, location of services, and provider of each service.
 - g. Review the IEP for accuracy.
 - h. Follow all steps regarding Parent/Guardian rights including the obtaining of all signatures of participants. (*Never allow someone who did not attend the IEP meeting to sign it later!*) If the

parent/guardian does not agree to the entire IEP, document the part that is agreed upon and obtain the parent/guardian signature clarifying what part of the IEP is agreed upon. Notify your Program Manager of any areas of disagreement, as this begins a timeline for the District to prepare a response. *Only implement services, dates/times, frequencies and durations, goals etc. for those items reviewed and agreed upon. The unfinished or items not agreed to remain unchanged. Please be advised, verbal agreement is not sufficient for IEP implementation.*

5. The End of the IEP Meeting

- a. Ensure Parent/Guardian information is accurate and up-to-date (e.g. address, phone number, work number, etc.).
- b. Provide copies of the IEP, including the Team Meeting Notes, to all members of the Team.
- c. If referrals for other assessments have been made in the context of the IEP meeting, make a copy of the IEP and provide it to the appropriate related service staff, psychologist, Itinerant teacher, etc. Monitor the timeline of the referral.
- d. If the parent/guardian fails to attend after two rescheduled meetings, notify the parent/guardian by telephone we will move forward to hold the IEP meeting. Mail the IEP along with the Parent Letter for Non-Attendance. In some cases a Prior Written Notice must also be attached summarizing the services and program recommended. Contact your Program Manager if this occurs.
- e. If the Parent/Guardian attended by speaker-phone, send the IEP with an extra copy of the signature page home to the Parent/Guardian for signature. If the Parent/Guardian does not return the signed IEP, follow-up with a phone call and even a home visit if necessary. In that event, it is recommended an additional member of the IEP team visit with you.
- f. Update any additional changes to the IEP in the SEIS system. Scan and attach the completed IEP document into SEIS. (This includes any reports, etc.) Once completed, affirm and attest the IEP to electronically finalize the document. This should occur within 3 school days of the IEP meeting.

6. The Individual Transition Plan (ITP) for students age 16 and older

- a. Review the ITP form, ITP Checklist, and draft ITP Goals and Benchmarks prior to the development of the Annual IEP for all students who will turn age 16 before the next Annual IEP due date.
- b. Meet with the student individually and Parent/Guardian, if possible, to discuss the student's post-secondary goals.
- c. Interview the student via student questionnaire regarding the student's post-secondary interests and goals.
- d. Review the student's strengths.
- e. Obtain a copy of the student's current transcript and all assessment reports prior to the IEP/ITP meeting.
- f. Complete the ITP and ensure all required elements are completed.
- g. Draft Annual IEP goals directly related to the student's stated post-secondary goals and cross-reference these on the ITP and the IEP Goal/Benchmark pages.
- h. Ask the student and Parent/Guardian if there are members of outside agencies who should be invited to the Annual IEP meeting, such as a Case Manager from the Regional Center.
- i. On the Notice of Meeting, invite the student, the Parent/Guardian/Caregiver, the pre-approved outside agency representative, and all members of the IEP team.
- j. During the IEP/ITP meeting, identify any transition activities that may be needed to support the student's stated post-secondary goals and include those on the ITP form.
- k. Keep a record, with timelines, for transition activities that are to be scheduled, the dates/times of those activities, any related documentation for those activities, and the results of those activities. Arrange for the appropriate personnel to teach the student, obtain parent/guardian permission, and schedule the dates/times of any subsequent transition activities.

7. Monitoring Student Achievement and Compliance
 - a. Monitor progress and achievement on IEP Goals and Benchmarks utilizing work samples, classroom assessments, observation notes and any other data kept in the student file or portfolio.
 - b. Record progress on the IEP Goals/Benchmark pages on a quarterly or trimester basis. Send one copy of the updated Goal/Benchmark pages to the Parent/Guardian, along with any other report cards, etc. The copy will be maintained in the student's IEP file.
 - c. Monitor the use of the identified accommodations and modifications, particularly as they have been identified for assessment purposes. Note the results.
 - d. Monitor the student's progress and the use of accommodations and modifications for all general education classes the student attends, if any.
 - e. Notify the site administrator and the appropriate Program Manager if the IEP specified Accommodations and/or Modifications are not being provided after you have intervened on several occasions.
 - f. Notify the site administrator and the appropriate Program Manager as soon as possible if any services recommended on the IEP are not being provided.

8. Behavior Management
 - a. If a student presents consistent behavioral concerns, begin a log indicating the date, time, and the behavior.
 - b. Implement classroom management techniques in an effort to improve the student's behavior.
 - c. Contact the parent/guardian of the student and arrange a meeting to discuss the concerns.
 - d. If the behaviors continue and/or escalate, consult with the school psychologist to develop a Behavior Plan, or at minimum behavioral goal(s) to address the student behavior(s) in the IEP. A classroom support plan may also be appropriate.
 - e. Schedule a meeting with the Parent/Guardian, site administrator, and school to draft the Classroom Support Plan or Behavior Plan, how it is to be monitored, etc.

- f. Hold an IEP meeting to review the Behavior Plan and draft goals and benchmarks related to the Behavior Plan. At the IEP meeting, schedule a follow-up (Amendment) IEP meeting to review the Behavior Plan and related goals and benchmarks to determine their effectiveness.
- g. If classroom management techniques and the Behavior Plan do not result in an improvement in the student's behavior, schedule an IEP meeting with the school psychologist. Determine if a revision to the plan is needed. Review the placement. (*In some cases, the student may require a more restrictive placement. Contact your Program Manager if this is the case.*)
- h. Schedule an IEP to review the revised plan.
- i. If any of the behaviors violate district policies, are Educational Code violations, and/or present a danger to the student or others, call an immediate IEP meeting. If the student is suspended for more than 10 days (cumulative), or is being recommended for expulsion, schedule a Manifestation Determination meeting. At the Manifestation Determination meeting, a Program Manager, Site Administrator, and School Psychologist must be present.

9. Ongoing Consultation and Management

- a. Be available for consultation with site administrators, psychologists, general education teachers, and other service providers regarding any questions or concerns.
- b. Contact your Program Manager/Administrator when:
 - The Parent/Guardian has concerns that cannot be resolved by the site IEP team, or is in disagreement with the IEP team offer in whole or in part;
 - There are questions regarding compliance/IEP writing;
 - Anyone has concerns about the appropriateness of the student's placement;
 - Services in the IEP are not being provided or are not being provided in the amounts stated on the IEP;
 - Extra services or adult assistance is requested; and/or

- The student is up for expulsion or requires a Manifestation Determination.
- c. Consult with other staff members as needed in SST meetings, Section 504 meetings, or other school site meetings where sharing your expertise and skills may be beneficial. Remember, SST meetings and 504 meetings are not special education functions.
- d. Maintain registers, etc.
- e. Maintain positive communication with parents/guardians and documentation of communication.
- f. Maintain and update teacher and cumulative files.
- g. Know the needs of the students on your caseload with regard to academics, behavior, and progress. If you do not see a student in some classes where IEP goals were to be implemented by another staff member, ask to be updated regularly by acquiring class work and assessments, reviewing a student class binder/portfolio, etc. Meet with the student and have the student complete informal assessments regularly.
- h. Advocate in a positive, professional manner for the needs of the students on your caseload.
- i. Supervise the activities of the paraprofessional staff. Model expectations and methods of working with students. Do not make paraprofessionals responsible for planning the instruction in your classroom – that is your job. Refer any concerns regarding personnel issues to your site administrator.
- j. Case Managers who have students placed within the general education environment must continue to collaborate with the general education staff on the strengths, needs, and supports required for the students while in the general education environment.
- k. Provide pertinent information to all staff directly related to the student's instructional day. (For many staff this can be completed through the IEP at a Glance form.)

IEP at a Glance Form:

A frequent concern at school sites is that general education teachers are not aware of the students with disabilities placed in their classrooms and what the needs of those students are. This is particularly true at the secondary level.

A form is available for special education teachers and related service providers to assist in communicating with general education teachers. **This form is pre-populated on SEIS utilizing information from the IEP. There is a section for custom notes that can be of additional use for the teachers.**

General education teachers must be informed of their students' testing accommodations and modifications, behavior plans, special seating arrangements, or other classroom accommodations, and have knowledge of the student's learning needs. General education teachers are required to attend IEP meetings and to prepare updates on how their students are functioning.

IEP at a Glance Form Use:

This form should be reviewed and printed at the beginning of each school year from SEIS and provided to all of the student's general education teachers. The form should also be provided whenever a student is placed with a new general education teacher, an adjustment to the IEP is made, or an annual/triennial is held.

10. Confidentiality

- a. Email communications can be used against staff in litigious cases. Please be mindful of this when communicating via email with staff, agencies, and families.
- b. Do not keep confidential records about your students in your classroom. Your classroom files may be those regarding student performance (i.e. portfolios, teacher tests, work samples, homework, schedules, etc.). IEP files should be kept with cumulative files.
- c. Do not discuss your students in the staff room or other places where your comments might be heard and misinterpreted. This can lead to accusations of violating the student's right to confidentiality.
- d. Do share the components of the IEP with your paraprofessionals, as they are assisting in implementing the IEP goals/benchmarks. Use professional judgment regarding sharing the personal information of students.
- e. Review your student list on SEIS weekly to monitor IEP due dates.

CHAPTER 3

THE IMPLEMENTATION OF THE IEP PROGRAM

Procedures for the Implementation of the Individualized Education Program

At the beginning of each school year, the District shall have an Individualized Education Program (IEP) in effect for each Modesto City Schools SELPA student with a disability. The IEP shall be a written statement designed by the IEP team to meet the unique educational needs of a student with a disability.

The following procedures are based on Modesto City School's Board Policy 6159. It is comprehensive and covers all aspects of the IEP process. The procedures, therefore, include all those required by state and federal law for the development of a student's IEP.

Members of the IEP Team

The IEP team for any student with a disability shall include the following members:

1. One or both of the student's parents/guardians and/or a representative selected by them, a foster parent/guardian, or a parent/guardian assigned by the Court as a Court Appointed Surrogate or appointed by the District as a Surrogate parent/guardian. A group home representative may not serve as the parent/guardian.
2. Because the law requires students to be served in the Least Restrictive Environment (LRE), a general education teacher should be present at the IEP meeting to discuss the extent to which the student can access the general education environment.

The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate possible behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with the Education Code.

3. At least one of the student's special education teachers, or where appropriate, special education providers.
4. A representative of the district who is:

- a. Qualified to provide, supervise or authorize the expenditure of funds for the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. Knowledgeable about the general education curriculum;
 - c. Knowledgeable about the availability of District (SELPA) resources.
5. An individual who can interpret the instructional implications of assessment results. This individual may already be a member of the team as described in items #2-4 above or in item #6 below.
6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate.

The party who invites the individual to be a member of the IEP team shall make the determination of whether the individual has pertinent knowledge or special expertise regarding the student.

7. Whenever appropriate, the student with the disability. In the development, review, or revision of his/her IEP, the student shall be allowed to provide confidential input to any representative of his/her IEP team.

In accordance with the law, at least one team member other than the student's regular education teacher shall observe the student's academic performance and behavior in the areas of difficulty in his/her learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings.
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist him/her in reaching his/her stated postsecondary goals, the following individuals shall be invited to attend:
 - a. The student, regardless of his/her age. If the student does not attend the IEP team meeting, the Superintendent or designee shall

take other steps to ensure that the student's preferences and interests are considered.

- b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for the transition services.
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs or the California Early Intervention Services Act, and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services.

Individual Education Plan Excusals

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.

Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member, and the member submits to the parent/guardian *and team* written input into the development of the IEP prior to the meeting.

Contents of the IEP

The IEP shall include, but not be limited to, all of the following:

1. A statement of the present levels of the student's academic achievement and functional performance, including:
 - a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students);
 - b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities;
 - c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.
2. A statement of measurable annual goals, including academic and functional goals, designed to:
 - a. Meet the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum;
 - b. Meet each of the student's other educational needs that result from his/her disability.
3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured. In addition, the IEP will include the description of when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports concurrent with the issuance of report cards.
4. A statement of the special education instruction 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. A statement of the program modifications or supports for school personnel that will be provided to enable the student to:
 - a. Advance appropriately toward attaining the annual goals;
 - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities;

- c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP.
- 5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP.
- 6. A statement of appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and district wide assessments.

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment, the student's IEP also shall include a statement of the reason that he/she cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate for him/her.

- 7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications.
- 8. Beginning not later than the first IEP to be in effect when the student is 16 years of age or younger, if determined appropriate by the IEP team, and updated annually thereafter, the following:
 - a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
 - b. The transition services, including courses of study, needed to assist the student in reaching those goals.
- 9. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, that would transfer to him/her upon reaching the age of majority.

Where appropriate, the IEP shall also include:

- 1. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation;
- 2. Linguistically appropriate goals, objectives, programs, and services for a student whose native language is not English;

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

Development of the IEP and Timelines

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene.

When the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year.

In developing the IEP, the IEP team shall consider all of the following:

1. The strengths of the student;
2. The concerns of the parents/guardians for enhancing the education of their child;
3. The results of the initial or most recent assessment of the student;
4. The academic, developmental, and functional needs of the student;

5. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior;
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP;
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille.

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

The communication needs of the student and, in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access.

8. Whether the student requires assistive technology devices and services.

If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP.

Provision of Special Education and Related Services

The district shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with his/her IEP.

The Superintendent or designee shall ensure that the student's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are

informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP.

Review and Revision of the IEP

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to:

1. Determine whether the annual goals for the student are being achieved;
2. Revise the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate;
 - b. The results of any reassessment conducted;
 - c. Information about the student provided to or by the parent/guardian regarding review of evaluation data;
 - d. The student's anticipated needs;
 - e. Any other relevant matter.
3. Consider the special factors listed in items #5-9 above under "Development of the IEP," when reviewing the IEP of any student with a disability to whom of those factors may apply.

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP.

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP.

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs.

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student.

When an IEP Meeting is Not Necessary

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments.

Audio Recording of IEP Team Meetings

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to:

1. Inspect and review the audio recordings;
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights;
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or to his/her rights.

Parent/Guardian Participation and Other Rights

Modesto City Schools provides the parent/guardian with a copy of their parental rights at the annual IEP meeting and whenever requested by the parent/guardian. Copies are also provided when an IEP meeting is held following an assessment.

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting, or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place.

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that:

1. Indicate the purpose, time and location of the meeting;
2. Indicate who will be in attendance at the meeting;
3. Informs them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student;
 - b. The provision of the Education Code relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs or the California Early Intervention Services Act.

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following:

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student;
2. An indication that the student is invited to the IEP team meeting;
3. Identification of any other agency that will be invited to send a representative.

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided.

The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request before any IEP meeting, and in connection with any hearing or resolution session on matters affecting his/her child, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of

an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days.

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning.

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video-conferences or individual or conference telephone calls.

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian that he/she should attend. In such case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting including:

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

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English.

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of his/her child's IEP at no cost.

Parent/Guardian Consent for Provision of Special Education and Related Services

Before providing special education and related services to any student, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. *The district shall not provide services by utilizing the due process hearing procedures if the parent/guardian refuses to consent to the first initiation of services.* If the parent/guardian does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with

FAPE, a due process hearing shall be initiated in accordance with the law. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agrees otherwise.

In addition, the law specifies that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make FAPE available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

If at any time, subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee *shall provide prior written notice within a reasonable time before ceasing to provide services to the student*. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. In addition, the Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Transfer Students

Modesto City Schools has procedures for how to process students who transfer in from other districts or from outside California. It is important there is no delay in implementing these procedures in order to assure the student is placed appropriately in a regular or special education program.

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including his/her IEP and the supporting documents related to the provision of special education services.

If the student transfers in from a different district during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP. *Within 30 days*, the Superintendent or designee shall, in consultation with the student's parents/guardians, adopt the previous district's IEP or

shall develop, adopt, and implement a new IEP that is consistent with state and federal law.

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP as appropriate.

CHAPTER 4

EARLY CHILDHOOD EDUCATION

Procedures for Working with Infants and Toddlers

The procedures for working with Infants and Toddlers is described in detail in the agreement between Valley Mountain Regional Center and Modesto City Schools SELPA.

This agreement describes how the assignment of service coordinators takes place, as well as describing the procedures used to develop services to infants, toddlers, and their families. A signed (by all participants), dated copy of the agreement is maintained in the Modesto City Schools Special Education Office.

This interagency agreement can also be located in the Appendix to the Modesto City Schools SELPA Local Plan for Special Education. Special Education personnel wishing to learn these procedures may look at the agreement maintained in the Special Education office and, if necessary, obtain a copy.

The following procedures are those agreed upon by Modesto City Schools SELPA and Valley Mountain Regional Center.

Referral Procedures

The Modesto City Schools SELPA, Stanislaus County SELPA, and Valley Mountain Regional Center work cooperatively to meet the needs of all children eligible for services under Early Start Part C of the Individuals with Disabilities Education Act (IDEA).

Valley Mountain Regional Center Eligibility

To be found eligible, infants and toddlers from birth to two years of age, for whom a need for early intervention services as specified in IDEA and applicable regulations, is documented by means of assessment and evaluation as required by law. Infants and toddlers must meet one of the following criteria for eligibility:

1. Infants and toddlers with a developmental delay in one or more of five areas:
 - a. Cognitive development;
 - b. Physical and motor development, including vision and hearing;
 - c. Communication development;
 - d. Social or emotional development; or
 - e. Adaptive development.

Developmentally delayed infants and toddlers are those who are determined to have a significant difference between the expected level of development for their age and their current level of function. Qualified personnel who are recognized by or are part of a multidisciplinary team, including the parents, will make this determination. A significant difference is defined as a 33 percent delay in one or more developmental areas.

2. Infants and toddlers with established risk conditions, and infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences. The conditions shall be diagnosed by qualified personnel recognized by or as part of a multidisciplinary team, including the parents. The condition shall be certified as having a high probability of leading to developmental delay even if the delay is not evident at the time of diagnosis.
3. Infants and toddlers who are at high risk of having substantial developmental disability due to a combination of biomedical risk factors, the presence of which are diagnosed by qualified personnel recognized by, or part of, a multidisciplinary team, including the parents.

Local Education Agency (LEA) Referral Procedures and Eligibility Criteria

Under California Education Code 56424, LEAs are responsible for providing Early Start Part C services to infants and toddlers with Solely Low Incidence (SLI) Disabilities. These are disabilities defined as severely disabling conditions including hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof.

Based on the above criteria, the Valley Mountain Regional Center Interagency Agreement specifies which agency is to perform which functions. For the purpose of the Modesto City Schools SELPA Procedures Manual, the following procedures and responsibilities are to be carried out by the LEA herein referred to as the District:

1. Local agencies, including medical practitioners, will complete the referral of infants/toddlers to Valley Mountain Regional Center. VMRC is responsible for evaluating and determining eligibility.
2. If a toddler is two years and ten months of age or more at the time of initial referral to VMRC, the District will accept the referral for educational assessment with parent consent.
3. The District will identify an individual who will act as infant contact for all children birth to three years of age referred to VMRC.
4. All children currently receiving infant services through the District, and served by the District regardless of the suspected disabling condition, will

continue to receive services, provided the District does not exceed its 1980-81 mandate and its funded capacity per current fiscal year related to Maintenance of Effort (see the Modesto City Schools SELPA Local Annual Service and Budget Plan).

The SELPA shall notify VMRC when it reaches its funded capacity and when openings for services occur. The District and the VMRC shall determine a mutually agreeable method in which these notifications will occur.

5. The District is responsible for providing services and service coordination to infants and toddlers with a Solely Low Incidence (SLI) birth to 36 months of age. The District accepts referrals from VMRC for a child who has an SLI disability and assumes responsibility for assessment and the determination of eligibility for the child.
6. VMRC accepts referrals of children with hearing impairments from the California Department of Education Newborn Hearing Screen Program. Upon receipt of the referral, VMRC will contact the child's family to initiate the evaluation and assessment process.
7. Within 45 days of referral, VMRC will complete the evaluation and assessment process for all children referred and suspected of having a SLI disability. The District will provide staff for assessment support at the Station. If the child is found eligible, VMRC will develop an IFSP with the family. The IFSP will then be provided to the district for implementation and VMRC will close the case.
8. When a child enters the District for Part C services, such early intervention services shall be child and family directed as agreed upon by the family.
9. The District accepts direct referrals for educational evaluation, assessment and recommendations for Part B of IDEA, regardless of disabling condition and with parent/guardian consent for a child who is two years and 10 months of age or more. State and federal laws apply.

Individualized Family Service Plan (IFSP)

Each child eligible for services under Part C must have an Individualized Family Service Plan (IFSP). The evaluation, assessment, and meeting to develop the IFSP must be held within 45 calendar days from the date of referral. All IFSP meetings shall be in the native language of the family, and the IFSP shall be provided in the family's native language unless it is not feasible to do so.

The District is responsible for the following:

1. The development of the IFSP for children with SLI disabilities;
2. The IFSP team, which includes representation from all agencies that provide necessary services to the infant and/or family;
3. The IFSP document, written and implemented in accordance with state and federal regulations;
4. Appointing a service coordinator who meets with the family and conducts a six-month and an annual review of the IFSP.

Transition

All children receiving Early Start services are potentially eligible for the District special education and related services at age three. The VMRC service coordinator must notify the District of all potentially eligible toddlers and the need to establish a transition plan in the IFSP conference not more than nine months, and not fewer than 90 days, prior to the toddler's third birthday. The transition process begins planning for service options to the child as he/she approaches age three but no later than 36 months of age. The child who is served either by VMRC or the District shall have the benefit of transition planning from Part C infant services to educational services under Part B of IDEA and provided by the District. The District will:

1. Confirm receipt of the invitation to attend the transition planning conference and IFSP meeting for a child between the ages of 2.6-2.9 years but not fewer than 90 days prior to the child's third birthday. During Extended School Year (ESY), the District will identify a representative to be available to attend the IFSP Transition Planning Conference.
2. During the IFSP Transition Planning Conference, the District will participate in the discussion of the transition steps as part of the IFSP, including:
 - a. The Assessment process;
 - b. Timelines;
 - c. Eligibility criteria;
 - d. A review of possible preschool program and service options;
 - e. Suggest a notification/referral date at least 90 days prior to the third birthday;

- f. Identify additional information to be included;
- g. Provide the parent/guardian a copy of the Parent's Due Process rights;
- h. If appropriate to the timeline, complete the Referral for Assessment for Special Education and Related Services document, and generate an Assessment Plan.

3. When the IFSP Transition Conference is held with the District and the toddler is between the ages of 2.6 through 2.8 years of age, the IFSP team will determine the date the official notification and referral to the District will be made. The notification/referral cannot be fewer than 90 days prior to the toddler's third birthday. Upon receipt of the notification/referral, the District will respond in accordance to state and federal regulations.

4. If the IFSP Transition Conference is held between the ages of 2.8 and 2.9 years of age, the District may present the Assessment Plan or Prior Written Notice along with the Parent Rights and Procedural Safeguards to the parent/guardian during the meeting.

5. The District will schedule an IEP meeting, which will include the parent/guardian and all other appropriate District personnel. The IEP will be developed and implemented upon written parent/guardian approval sent by the child's third birthday. The family will be responsible for inviting their VMRC Service Coordinator.

Service Coordination

Service Coordination is an early intervention service and must be provided under public supervision. The role of the Service Coordinator is to facilitate implementation of the IFSP and to coordinate services with other agencies and persons. The Service Coordinator must be knowledgeable about eligible infant and toddler programs, Part C law and regulations, and the nature and scope of services under Part C of IDEA.

The District and VMRC shall both do the following:

1. Appoint a Service Coordinator that meets the Part C standards;
2. The Service Coordinator serves as the primary point of contact for eligible children and their families;
3. The Service Coordinator is responsible for coordinating with other agencies and persons providing services to the family.

Service Coordination activities include the following:

1. Coordinating evaluations and assessments;
2. Facilitating and participating in the development, review, and evaluation of IFSPs;
3. Assisting families in identifying service providers and informing families about additional non-required services;
4. Coordinating and monitoring the delivery of services outlined on the IFSP;
5. Informing families of Early Start their Parental Rights and Procedural Safeguards;
6. Facilitating the development of a transition plan from Part C of IDEA to Part B of IDEA preschool service, as appropriate, and/or other community resources.

The Provision of Services

All services must be provided and monitored by the appropriate qualified personnel. Services to families are to provide the “supports and services necessary to enhance the capacity of the family to meet the developmental needs of the child”. It is understood that the level, type, frequency, and provider of services may change upon the transfer of a case between agencies.

The District shall:

1. Provide services to all children with SLI;
2. Shall continue to serve non-categorical infants at their previously mandated 1980-81 mandated funded capacity numbers;

Parents of infants and toddlers are entitled to a copy of their parental rights as specified under the Procedural Safeguards. District personnel are to follow District guidelines regarding the provision of the safeguards to children in the Early Start Program.

Surrogate Parents

When needed, VMRC and the District will cooperate in the assignment and training of surrogate parents. Surrogate parents may be called upon to ensure that the rights of eligible children are protected if: a). no parents can be identified; b). the whereabouts of the parent cannot be determined; or c). the child is a dependent of the juvenile court and the parental rights of the parent have been limited by the court or relinquished.

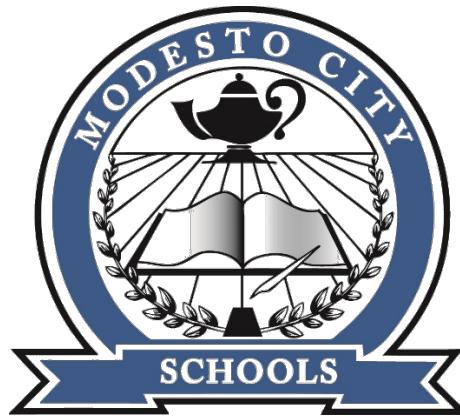
Surrogate parents may represent the child in all matters related to:

1. The evaluation and assessment of the child;
2. The development and implementation of the child's IFSP and reviews;
3. The ongoing provision of early intervention services;
4. Any other rights established under Part C.

Dispute Resolution

It is the intent of both VMRC and the District to resolve all disputes at the lowest administrative level possible. Dispute resolution for issues between VMRC and the District should be resolved at the earliest opportunity. District staff should immediately consult with their Program Managers should any dispute arise.

Modesto City Schools Special Education Local Plan Area (SELPA)



Working with Infants and Toddlers

Christina Romero, Sr. Director, SELPA/Elementary Special Education
Kristen Panou, Sr. Director, SELPA/Secondary Special Education

Revised July 2019

Case Manager District Responsibilities: (IFSPS)

All infants and toddlers who receive services through the District will have a case manager assigned to them. The District case manager is responsible for the following:

Annual Review Meeting

1. Prior to the IFSP meeting, the case manager will generate an assessment plan, prior written notice (PWN) and notice of meeting forms to be given to family.
2. Send a copy of the signed assessment plan to all service providers who will be completing an assessment.
3. Send notice of meeting to service coordinator at VMRC and all agency service providers prior to IFSP meeting.
4. Complete a vendor report (using report template provided by VMRC) and submit to service coordinator at VMRC two weeks prior to IFSP meeting. The vendor report should include: developmental levels, present levels and scores from MULLEN and ELAP assessments.
5. Bring a minimum of two printed copies of the vendor report with you to the IFSP meeting.
6. Complete required paperwork in SEIS and bring a “draft copy” to the IFSP meeting. Also bring a copy of procedural safeguards, Community Advisory Committee (CAC) and Medi-cal forms to the IFSP meeting.

Periodic Review Meeting (6 month)

1. Send notice of meeting to service coordinator at VMRC and all agency service providers prior to meeting.
2. Complete full vendor report (using vendor report template) and submit to service coordinator two weeks prior to meeting.
3. Bring a minimum of two printed copies of vendor report with you to the meeting.
4. Complete and bring SEIS amendment page, notes page, procedural safeguards, Community Advisory Committee (CAC) and Medi-cal forms to IFSP meeting.

Service Provider Responsibilities: (IFSPs)

Annual Review Meeting

1. Complete an updated assessment.
2. Send copy of assessment report to the VMRC service coordinator, as well as to the District case manager two weeks prior to IFSP meeting.
3. Input updated information into SEIS record on the present levels of performance page prior to the IFSP meeting.
4. Bring a minimum of two printed copies of the assessment report to the IFSP meeting.

Periodic review meeting

1. Complete an updated Periodic Review Template and submit to service coordinator at VMRC and the District case manager two weeks prior to IFSP meeting.
2. Bring a minimum of two printed copies of the Periodic Review Template to the IFSP meeting.

Solely Low Incidence Infants and Toddlers

Case Manager Responsibilities: (Solely Low IFSPs)

Annual Review Meeting

1. Prior to the IFSP meeting, the case manager will generate an assessment plan, prior written notice (PWN) and Notice of Meeting forms to be given to family.
2. Send copy of signed assessment plan to all service providers completing an assessment.
3. Send notice of meeting to all service providers prior to IFSP meeting.
4. Complete the Present Levels of Development Template and bring to IFSP meeting.
5. Complete the required IFSP paperwork and bring to meeting.
6. Complete required paperwork in SEIS and bring a “draft copy” to the IFSP meeting. Also bring copies of procedural safeguards, community advisory committee (CAC) and Medi-cal forms to IFSP meeting.

Periodic Review Meeting

1. Send notice of meeting to the family and service providers prior to IFSP meeting.
2. Complete a periodic review template prior to meeting and bring a minimum of two copies to IFSP meeting.
3. Complete and bring SEIS amendment page, notes page, procedural safeguards, community advisory committee (CAC) and Medi-cal forms to the IFSP meeting.

Service Provider Responsibilities (Solely Low IFSPs)

Annual Review Meeting

1. Complete an updated assessment.
2. Send copy of assessment report to the District case manager two weeks prior to IFSP meeting.
3. Input updated information into SEIS file on the present levels of performance page prior to IFSP meeting.
4. Bring a minimum of two printed copies of assessment report to IFSP meeting.

Periodic Review Meeting

1. Complete designated area on the periodic review template and submit to the District case manager two weeks prior to IFSP meeting.
2. Bring a minimum of two printed copies of the periodic review template with you to the IFSP meeting.

Transitions – Solely Low Incidence from part C to Part B

A solely low incidence toddler receiving services through the District shall be assessed through the District Preschool Assessment Team (PAT) before his or her third birthday. The District case manager will send a solely low incidence referral for special education (exit from Early Start) to the Part C, program manager, no more than 90 days before the child's third birthday. The referral for special education packet should include:

- The MCS referral for special education front cover page and a copy of all the paperwork in the IFSP file.

The preschool assessment team will complete the initial IEP assessment process. From the preschool assessment team, the resource specialist will become the case manager for the initial IEP meeting. The Part C District service providers will be a part of the initial assessment process for the toddler transitioning to Part B services.

Case Manager Responsibilities (Part C)

1. When the toddler is between 27-33 months of age an Early Start Transition Plan Document needs to be completed at the annual or periodic review meeting.
2. Send a Solely Low Referral for Special Education (exit from Early Start) form and a complete copy of IEP/IFSP file to Program Manager 90 days prior to child's third birthday.
3. Complete Academic Achievement Exit Report Template prior to IEP meeting and send copy to PAT resource teacher two weeks prior to initial IEP meeting.
4. Bring a minimum of two printed copies of Exit Report to initial IEP meeting.

P.A.T. Responsibilities

1. Resource specialist will case manage the initial IEP meeting.
2. Team members will complete assessment, prepare written assessment report and attend IEP meeting.
3. Resource specialist will include Part C providers in assessment and IEP process.

CHAPTER 5

IDENTIFICATION, REFERRAL AND ASSESSMENT

Referrals for Special Education

It shall be the policy of the LEA that all children with disabilities residing in the State, including children with disabilities who are homeless and are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

In Modesto City Schools, referrals should only be made after other interventions have been attempted via the Student Success Team.

There are, of course, exceptions. Students who are already in special education may be identified through the IEP process as requiring additional assessments. Students also may move into the Modesto City Schools attendance area with existing IEPs, but upon work with the child the staff may feel there is insufficient assessment information and the student therefore needs to be reassessed. Other exceptions might be a person with special needs moving here from a foreign country, or a student who has suffered a sudden trauma resulting in a change in their status.

The referral for assessment document, on SEIS, captures information required to begin the referral process. It acts as a document for those modifications that have already been attempted in general education. It provides a clear statement of the areas of concern.

When a referral, whether written or oral, has been made for an assessment for special education and related services, the Special Education timeline has begun. When the request has been made the following must immediately occur:

1. If oral request, assistance to document the request in written format.
2. The parent/guardian is provided with an Assessment Plan within 15 days of the referral for any proposed evaluation.
3. The Assessment Plan must be provided in the primary language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
4. The Assessment Plan must be written in language easily understood by the general public, (See MCS Assessment Plan).

5. The Assessment Plan must include the list of the proposed evaluations, and the reason and purpose for each evaluation, (See MCS Assessment Plan).
6. It is recommended the Case Manager review the Assessment Plan with the parent/guardian and answer any concerns or questions regarding it.
7. Assessment procedures, as required by law, ensure that IQ tests are not administered to African-American students (Larry P.)
8. Prior Written Notice must be provided to the parent as required by law (See MCS Prior Written Notice Form).

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the District shall offer assistance to the individual in making a request in writing and shall assist the individual if the individual requests such assistance.

All school staff referrals shall be written and include:

1. A brief reason for the referral.
2. Documentation of the resources of the regular education program that have been considered modified, and when appropriate, the results of intervention. This documentation shall not delay timelines for completing the assessment plan or assessment. (C.C.R., Title 5, Sec. 3021)

School staff is encouraged to initiate the assessment process for students suspected to have disabilities, including but not limited to, students with various chronic or acute health conditions, such as diabetes, that adversely affects a student's educational performance.

Procedure for Referrals for Special Education And Related Services

Oral referrals for special education and related services are on the same timeline as all written referrals. Therefore, it is important to document the oral referral and begin the written referral process immediately. Because the California Education Code states that a student shall be referred for special education and related services only after the resources of the regular education program have been considered and, where appropriate, utilized (Section 56303), both oral and written referrals should follow the school site Student Success Team (SST) process. However, when an oral referral is made outside of the SST process, the Special Education timeline immediately begins.

When school personnel receive an oral request for assessment, it is imperative that he/she immediately provide the referral information to the designated special education staff member on a campus.

If the oral referral was not made in person to a staff member, the following steps must be followed:

1. Obtain all the pertinent information, parent/guardian name, reported person making oral referral, student name, grade, and school in the case of itinerant personnel.
2. Contact the person reported to have made the oral referral in person or by telephone within 24 hours of receiving the notification an oral request was made.
3. If the individual affirms they made an oral request for special education and related services for a student, the following steps must be followed:

The steps below should be completed to document any referral for assessment:

- a. **With** the referring individual, complete the Referral for Special Education form within 24 hours of the receipt of the referral request.
- b. Indicate the date and time the initial request was received. Indicate the person initiating the referral. Clearly work through the referral, documenting areas of concern. This will assist in developing the assessment plan to ensure that all suspected areas of disability are assessed.
- c. The Special Education timeline begins when the referral was first initiated, so it is important to document an oral referral in a written format as soon as possible. When necessary, obtain the appropriate translator and forms in the appropriate language.

d. Immediately, (and within the 15-day timeline), you:

- May refer the student to the school's Student Success Team (SST) to develop supports, accommodations, etc. However, you only have 15 days to conduct this meeting AND respond to the parent request for assessment.
- May generate an assessment plan immediately with the consultation of the appropriate on-site special education personnel (i.e. School Psychologist, Speech and Language Therapist, etc.), the student's teacher, parent, and referral initiator.
- If for any reason the school site believes there is a valid reason to deny the assessment request, the Program Manager must be notified to ensure Prior Written Notice is sent to the parent/guardian stating the reason for the denial.

The Student Success Team (SST)

Prior to Referral for Special Education

The Student Success Team (SST), or the referring instructional personnel, shall document the accommodations/modifications of the regular program that have been attempted and the results of those supports. If referring for assessment, there should be documentation that illustrates the way in which the current supports have not been effective. Students shall be referred for special education and related services only after the resources of the regular education program have been considered and, where appropriate, utilized. The Student Success Team (SST) is a regular education function. It is a process of reviewing individual student issues pertaining to educational performance and planning instructional interventions to be implemented in the regular classroom.

Specialists such as school psychologists, speech/language pathologists, and education specialists may be involved in the SST process. However, the Student Success Team is not a special education function and as such is not subject to the associated restrictions and timelines of special education. A special education referral may be appropriate after interventions have been implemented.

The Student Study Team is designed to offer immediate assistance and suggestions for teachers, parents, and support staff for an individual student who is not making progress or exhibiting various types of problems in the classroom and/or school. Through effective utilization of this team, many identification errors can be avoided. The

SST serves as a group of professionals and parents who will discuss pupil strengths, areas of need, and possible interventions.

Members of the team may include the following:

1. The referring person
2. Principal or administrator
3. Parent
4. At least one general education teacher
5. Special education teacher
6. School psychologist
7. School nurse
8. Counselor
9. Speech/language pathologist
10. Interpreters (as needed)
11. Student (as appropriate)
12. Others

Note: See the Modesto City Schools “Student Success Team (SST) Procedural Handbook.

Referrals for Special Education

Referrals for special education assessment may be processed through the SST. The SST will review the student's strengths, concerns, prior interventions and modifications that have been considered and/or utilized. The results of the interventions will be documented. A plan will be developed listing additional interventions and the individuals responsible for implementing them, with a follow-up date to review the pupil's progress.

A special education referral may be appropriate after interventions have been implemented.

The personnel who assess the student shall prepare a written report or reports, as appropriate, that discuss the results of each assessment. The report shall include, but not be limited to, the following:

1. Whether the pupil may need special education and related services;
2. The basis for making the determination;

3. The relevant behavior noted during the observation of the pupil in an appropriate setting;
4. The relationship of that behavior to the pupil's academic and social functioning;
5. The educationally relevant health and development and medical findings, if any, for children with a suspected or diagnosed health condition. The District is to solicit health information from the child's primary physician or other health care provider(s) as part of the assessment plan, including whether the child's condition affects strengths, vitality or alertness, and the health care services required. Assessment reports need to incorporate current treatment plans from the child's health care providers for health care sources during school hours;
6. A determination concerning the effects of environmental, cultural, or economic disadvantage where appropriate, and;
7. The need for specialized services, materials, and equipment for the pupils with low incidence disabilities. (EC 56136)

Referrals of English Language Learners (ELs)

After implementing appropriate interventions, if the EL student does not show progress, the classroom teacher may refer the student to the SST. The role of the SST is to explore the possible causes and nature of a student's academic and/or behavioral problems and to recommend ways to resolve them. The SST will also closely examine differences in language, culture, or experience that could affect learning. The SST must consider the student's family background, culture and language, acculturation level, response to the school and classroom environment, and the English language development and primary language services which have been provided.

The SST will recommend program interventions or modifications to accommodate the EL student's needs in the general education classroom. The SST will monitor the interventions for a designated period of time.

Factors to consider at the SST:

- Amount of formal education.
- If no previous formal education, sufficient academic instruction time to demonstrate progress.
- The student's language proficiency.
- Education and life experiences prior to his/her residence in the United States.

- Adequate length of time in the United States and the United States school system to allow the student to adjust to the new surroundings and culture.
- Academic history of placement and consistent attendance in an appropriate English language development (ELD) program provided by qualified staff.
- Progress in reading and math instruction in the primary language according to his/her normal age range and previous school history.
- Progress in academic areas that are less dependent on linguistic skills such as math computation.
- Progress in reading, math, and **ELD** in relation to his/her siblings and other **EL** peers;
- Strength of student's primary language skills and prior background knowledge.
- Interaction and communication with peers in informal settings, communication at home, and with school personnel (either in the primary language or English using verbal or nonverbal skills).
- Strengths, interests, and learning motivation, including family, cultural, or environmental factors that may affect learning.

When an English Learner is referred to the school site's Student Success Team (SST):

1. The first step is to gather information regarding the specific difficulty the EL is experiencing.
2. The second step is to look at why the EL may be experiencing this difficulty.

When gathering information about the specific difficulty an English Learner is experiencing, there may be a tendency to describe general performance behaviors, such as:

- “The student is not making progress.”
- “The student is below grade level.”
- “The student is having problems reading.”

Statements such as these do not describe the **specific difficulty** that has been observed, which then makes it difficult to design appropriate interventions.

Additionally, not knowing the **specific difficulty** an EL is experiencing makes it a challenge to determine if the perceived weakness is due to **extrinsic** factors (e.g. inappropriate instruction, normal process of second language acquisition, lack of formal education, etc.), or a possible **intrinsic** factor (such as a learning disability, language disorder, etc.). When describing the specific difficulty the English Learner is experiencing, the difficulty needs to be **measurable** and **observable**. Describe before diagnosing. Ask “what” before “why.”

In addition, data needs to be collected about the identified difficulty:

- across different contexts (such as different subject areas);
- in different environments (such as home and school);

- and in both the primary language and English.

Persons knowledgeable of that disability shall conduct the assessment of a student, including a student with a suspected low incidence disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment. (EC 56136)

Completion of The Assessment Plan

When the Case Manager (usually the student's teacher), School Psychologist or Related Services provider assess using standardized, normed, and referenced tests, **they must first complete an Assessment Plan.** Assessors will:

1. Check all assessments to be given;
2. Write in any areas of assessment not listed on the Assessment Plan;
3. Indicate the title of the individual conducting each assessment;
4. All assessors must be available to the parent/guardian for questions, concerns, explanations, for each assessment listed;
5. Assessment reports must include observations of the student;
6. Assessment reports must include input from the parent/guardian;
7. Assessment reports must include the effects on the student regarding access to core curriculum, linguistic, cultural, and socio-economic factors.

**Teacher-made tests, curriculum-based tests, student assignments, portfolios and teacher observations do not require an Assessment Plan. This information may be included in the Individualized Education Program (IEP) under the "Present Levels of Performance."*

Under no circumstances will the assessor conduct any assessments without parent/guardian approval and signature.

The assessor has **60 calendar days** to complete all assessments and hold the IEP team meeting to review the Assessment Reports.

Parental/Guardian Consent for Assessment

No assessment can be conducted without parent/guardian approval and signature on the Assessment Plan. If the parent/guardian has not responded, a follow-up letter must be sent. The protocol for sending the follow-up letter is as follows:

1. Send a follow-up letter attached to another copy of the original Assessment Plan.
2. Keep a copy of the original Assessment Plan and place a copy in the student file.
3. Repeat the process at least three times and maintain copies of each attempt in the student file.
4. Contact the parent/guardian by telephone and document the call(s). Indicate the purpose, date, time of the call.
5. When sending the Assessment Plan include a copy of the Procedural Rights and Safeguards.

Prior Written Notice

Prior Written Notice is a written statement from the District that informs parents or guardians about recommendations relating to the initiation or change in the identification, evaluation, or educational placement of their student or the provision of a free appropriate public education (FAPE) to the student. (Ed Code § 56500.4)

When to Provide PWN

A school district must provide parents or guardians with prior written notice a reasonable time before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of their student or the provision of a free appropriate public education (FAPE) to the student. (Ed Code § 56500.4(a))

The Importance of PWN

This notice creates a clear record of what, when, and why an action is being proposed or denied and can avoid future factual disputes between the parents and the LEA. If written notice is **not provided** and a dispute leads to due process proceedings, it may be determined that the LEA denied the student a free and appropriate public education (FAPE) and must, therefore, provide such things as reimbursement to the parents for private services and attorney's fees.

The District should provide PWN when:

- District proposes any type of assessment (Initial/Triennial/Additional).
- District proposes a change of placement and/or services (The IEP serves as the PWN in this case).
- Parents revoke consent.
- Parents request change in placement and/or services.
- Parents request an assessment.
- Prior to a student graduating with a regular high school diploma. (constitutes a change in placement).

****Case Managers should contact their Program Manager if any of these situations occur and/or there is disagreement regarding the IEP or parts of the IEP. The Program Manager will determine necessary next steps and clarify who will write the Prior Written Notice.**

Prior Written Notice: Requests for Assessment

The Prior Written Notice Template can be used by a case manager, psychologist, speech therapist, or other related service provider who is responding to a parent request for assessment. The IEP team and service provider should take into consideration the Child Find obligations when determining whether to assess or deny assessment on a case-by-case basis.

If there are questions or concerns about this form or an assessment request, the service provider should contact his/her Program Manager.

Prior Written Notice: Revocation of Parental Consent

At any point in a student's education, the parent/guardian (or Adult Student) can revoke consent to receive special education for the student. This request must be in writing, and if the parent/guardian needs support in doing that, a school staff member should support them in putting the request in writing.

If a parent/guardian/surrogate or adult student gives you a letter revoking consent for special education services in whole or in part, please contact your Program Manager immediately. You will need to forward the letter to the Program Manager. The Program Manager will communicate any additional next steps and will respond to the family.

Three-Year Evaluation

The Individuals with Disability Education Improvement Act (IDEIA) requires a re-evaluation, or Triennial Evaluation, every three years to determine the student's continued eligibility for special education and related services. However, the IEP team may feel that such a re-evaluation is unnecessary. In that instance, the IEP team would review and follow the guidelines for the "Three Year Re-Evaluation" worksheet. (Appendix)

The following is the procedure when this worksheet is to be used.

1. The case manager keeps track of when the three-year evaluation is due.
2. The case manager consults with the appropriate School Psychologist regarding the triennial evaluation prior to assessment plan development, approximately 75 days before due date.
3. Hearing and vision screenings must still be conducted.
4. The School Psychologist reviews the student's file and consults with the student's parent/guardian and other IEP Team members. The School Psychologist then completes the Test/No Test Guidelines
5. If the School Psychologist in concert with the other members of the IEP Team and parent/guardian agree no additional testing is necessary to confirm continued eligibility for Special Education and Related Services, the 3 Year Re-Evaluation Information and Consent Form will be completed by the IEP team. This form may only be used after completion of the Test/No Test Guidelines and criteria for waiver are met.

6. If the 3-Year Student Re-Evaluation and Consent Form is completed, this does not waive any requirement to complete academic, functional, or health (including vision/hearing) assessments.
7. When the other areas of assessment are completed, the Case Manager will convene the IEP team to review the assessments, the results of the vision/hearing screenings, and update the IEP Goals and Benchmarks as a triennial.
8. The Case Manager will update the IEP in SEIS, as well as scan in the IEP document in its entirety.

The Assessment and Assessment Report

The personnel who assess the student shall prepare a written report or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:

1. The findings of a multi-disciplinary assessment where no single test or single observer is the sole determining factor.
2. The determination that the student's academic needs cannot be met through modifications of the regular education program.
3. The disability, even with corrections and modifications, adversely affects the individual's educational performance.
4. All areas of suspected disability have been assessed.
5. Further documentation that race, cultural differences, economic disadvantage, language background, limited school experience and poor attendance are not primary contributing factors to the results of the assessment.
6. Whether the pupil may need special education and related services.
7. The basis for making the determination.
8. The relevant behavior noted during the observation of the pupil in an appropriate setting.
9. The relationship of that behavior to the pupil's academic and social functioning.
10. The educationally relevant health and development and medical findings, if any, for children with a suspected or diagnosed health condition. The

District is to solicit health information from the child's primary physician or other health care provider(s) as part of the assessment plan, including whether the child's condition affects strengths, vitality or alertness, and the health care services required. Assessment reports need to incorporate current treatment plans from the child's health care providers for health care sources during school hours.

11. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
12. The need for specialized services, materials, and equipment for the pupils with low incidence disabilities. (EC 56136)

When assessing students for possible special education and related services. It is important to note that *MCS offers a full continuum of program options* that include, but are not limited to, the following:

- Regular education program with specially designed modifications.
- Regular education program with the support of DIS services.
- Regular education with specialized academic instruction for the majority of the day from SDC/and or special education specialist and/or DIS services support.
- Special classes and centers.
- Nonpublic schools.
- State special schools.
- Residential placement.
- Home/Hospital.

CHAPTER 6

ELIGIBILITY CRITERIA FOR SPECIAL EDUCATION

Eligibility Criteria

A student qualifies as an individual with exceptional needs when the student meets the eligibility criteria as a student with a disability under one or more of the thirteen handicapping conditions, and who requires specially designed instruction in order to benefit from a public education. The IEP team shall take into account all the relevant information that is available on the student. No single test score or product of scores may be used as the sole criterion for the decision of the IEP team as to the student's eligibility for special education and related services.

Eligibility Criteria are separated into thirteen federal classifications. Students need only to meet eligibility under one of these federal classifications.

Primary Factors That Must Be Considered

Three primary factors must be considered in making this determination:

1. Does the student meet the eligibility criteria as an individual with a disability?
2. Does the severity of the disability have an adverse effect on the student's educational performance?
3. Does the student require special education and services to benefit from a free appropriate public education (FAPE)?

Special Eligibility Determinations

In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction;
2. Lack of instruction in math;
3. Limited English proficiency.

Change in Eligibility Evaluations

The District must evaluate a student with a disability before determining that the student is no longer a student with a disability or if there is a change in the diagnosis of the student that affects his/her eligibility.

The evaluation shall not be required before the termination of a student's eligibility due to graduation from high school with a regular diploma or due to exceeding the age eligibility for a free appropriate public education. However, a Prior Written Notice is required in both these circumstances.

Low Incidence Disabilities

Students meeting eligibility criteria under the federal classification of Severely Disabled are those who require intensive instruction and training in programs serving students with the following disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe intellectual disability. Some of the students in this category are also referred to having "low incidence" disabilities.

Low Incidence Students

The State of California has a special fund created for students diagnosed with "Low Incidence" (LI) disabilities. These are disabilities that occur in less than one percent of the population as a whole. Frequently, these students require very specialized equipment in order for them to benefit from their specialized education program and Related Services. The following information includes information derived from the California Department of Education (CDE). This section also includes MCS procedures for requesting the use of Low Incidence funds for eligible students.

Definition

30 EC 56026.5 – Definition of "Low Incidence Disability"

56025.5 "Low Incidence Disability" (LI) means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are *hearing impairments, vision impairments, and severe orthopedic impairments*, or any combination thereof.

School Psychologist in Assessment of Students with Low Incidence Disability

For initial assessments of students suspected of having a Low Incidence Disability, school psychologists should administer a complete psycho-educational assessment battery to establish baselines of cognitive, adaptive, and social-emotional functioning and guide IEP teams in establishing appropriate supports. Beyond the initial assessment, the school psychologist's involvement should be based on suspected

areas of disability and whether or not those areas require cognitive, adaptive, or social-emotional assessment.

Eligibility for Low Incidence Funding

Low Incidence funds may be used for all students with Low Incidence disabilities (ages 0-21) as defined in law, even if the students may have been counted in another category in the pupil count. For example, a student who is identified as Deaf and Intellectually Disabled would be eligible to receive services by Low Incidence funds even if the pupil was reported as primarily Intellectually Disabled, with Deafness being secondary in the IEP. Some students classified as Orthopedically Handicapped may not be eligible to receive low incidence funding because they are not "Severely Orthopedically Handicapped" per definition in EC 56026.5. Students with severe orthopedic impairments require highly specialized services, materials, and equipment per EC 56000.5(b). Generally, a student with severe orthopedic impairment would have a medical diagnosis including significant gross motor and/or range of motion deficiencies.

The recommendation for the use of Low Incidence equipment is an Individual Education Plan (IEP) team determination made only after an assessment has been completed and *during an IEP team meeting*. *It is not a unilateral decision* made by a parent, classroom teacher or other related service provider such as a Speech and Language Pathologist, Occupational Therapist, Physical Therapist or Assistive Technology Specialist.

Autism (AUT)

Definitions

Federal - 34 CFR §300.8(c)(1)

- (i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.
- (ii) Autism does not apply if a child's educational performance is adversely affected primarily because the child has emotional disturbances, as defined in paragraph (c)(4) of this section.
- (iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied.

State - 5 CCR §3030(b)(1)

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

- A. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in subdivision (b)(4) of this section.
- B. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in subdivision (b)(1) of this section are satisfied.

Assessment Standards

- a. Assessment of students who meet or are suspected to meet IDEA/Education Code Autism eligibility criteria will be conducted by a multidisciplinary team as specified in the Assessment Plan, including a credentialed special education teacher authorized to serve students eligible for Special Education in the area of Autism.

Assessors should give strong consideration to inclusion of all of the following in assessments for students suspected of meeting Autism eligibility criteria:

1. A comprehensive developmental history conducted by a credentialed school nurse (to determine age of onset).

2. A current psychological assessment conducted by a credentialed school psychologist.
3. A current language assessment conducted by a Speech-Language Pathologist.
 - a. A full language evaluation must be completed for all initial assessments where Autism is considered as an eligibility category as well as for students who currently have speech-language related services.
 - b. Comprehensive language testing may not be warranted if a student is not currently receiving speech-language related services and there are no new speech and language concerns. However, for all evaluations, consultation and input from an SLP must be provided. The assessment team should give strong consideration to speech assessment for any student who meets or may meet Autism eligibility criteria, as assessments must generally evaluate all areas of actual and suspected disability.
4. Previous school history, educational progress, and medical reports when applicable.
5. A review of any outside diagnosis or services and how that may impact educational progress/access.

The following are areas to consider for assessment/documentation in order to establish eligibility for Autism and to identify educational needs. This is meant for guidance only.

<input type="checkbox"/>	A written report from a <u>school psychologist</u> that documents cognitive, social and behavioral levels as well as stereotyped movements and resistance to environmental change or change in daily routines and adaptive behavior, and a review of any outside diagnoses or services. Observations in multiple settings are needed in the areas of social skills, sensory needs, communication and behavior.
<input type="checkbox"/>	A written report from a <u>speech-language pathologist</u> that documents verbal and non-verbal communication skills (including receptive/expressive language and pragmatic or social interaction skills, as well as any other suspected area of need). Note: Eligibility criteria under "Speech-Language Impairment" are not required if SLI is not a primary/secondary disability. In this scenario, the purpose of speech-language assessment is to document any potential educational needs based on current communication skills.

<input type="checkbox"/>	A written report from the school nurse indicating current health functioning as well as a review of information from outside health providers (if available) and indicating results of a hearing and vision screening.
<input type="checkbox"/>	A report from a special education credentialed teacher that documents whether current academic and behavioral levels of performance have an adverse effect on the child's educational performance.
<input type="checkbox"/>	A report from a general education credentialed teacher that documents current academic and behavioral levels of performance within a general education setting.
	Note: Autism does not apply if a child's educational performance is adversely affected <i>primarily</i> because the child has an emotional disturbance. (34 C.F.R. 300.8(c)(1); 5 C.C.R. §3030(b)(1)(A).)

Based on review of written assessment and IEP Team (including parent) discussion should:

- Identify whether the student meets the eligibility criteria as an individual with a disability under the eligibility category of Autism;
- Determine whether the severity of the disability has an adverse impact on the student's educational performance.
- Determine whether the student requires special education and services to achieve a free appropriate public education;

Determine whether the combined assessments, observation, and input of IEP Team members provide enough information for the IEP Team to identify needs, eligibility, develop appropriate goals, and recommend supplementary supports, accommodations/modifications, and services. If more information is necessary to adequately understand the student's needs, the IEP Team shall consider assessment or other measures to gather information to assist in understanding the student's needs.

Deaf/Blindness (DB)

Definition:

C.C.R., Title 5, Sec. 3030 Combination of which causes severe communication, developmental, and educational problems. C.F.R. 300.7 (c)(2)

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.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information includes all of the following:

1. Written reports that describe the effect of the disability on communication, social, emotional, physical, academic, cognitive and other areas of development completed by the appropriate staff.
2. Current audiological measures of auditory functioning which documents a hearing loss, with and without amplification, as determined by a qualified audiologist.
3. Performance, which reveals significant dysfunction directly related to the physical impairment.
4. A written report of an eye examination by either a physician or an optometrist which states that the student's central visual acuity is 20/200 or less assessment of receptive and expressive communication skills and current education in the better eye after best correction with conventional spectacle lenses, or visual acuity is better than 20/200 if there is a field defect in which the widest diameter of the visual field is no greater than 20 degrees.

Deafness (D)

Definition:

C.C.R., Title 5, Sec. 3030. A pupil 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.F.R. 300.7(c)(3)

Deafness means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects his/her educational performance. This condition adversely affects expressive or receptive communication or both, developmental growth, and/or educational performance.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information to be considered includes:

1. Current audiological measures of auditory functioning with and without amplification as determined by a qualified audiologist.
2. Current assessment of receptive and expressive communication skills and current educational performance reveals significant impairment.

Hearing Impairment (HI):

Definition:

C.C.R., Title 5, Sec. 3030. A pupil 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.F.R. 300.7 (c)(5)

Hearing impairment is defined as 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.

Hard of hearing: This hearing impairment, whether permanent or fluctuating, adversely affects an individual's expressive and/or receptive communication, developmental growth, and/or educational performance and makes difficult, but does not preclude, the processing of linguistic information through hearing, with or without amplification.

Implementation Procedures

A multi-disciplinary team shall assess the student. Relevant information to be considered includes:

1. Current audiological measures of auditory functioning with and without amplification as determined by a qualified audiologist.
2. Current assessment of receptive and expressive communication skills and current educational performance reveals significant impairment.

Intellectual Disability (ID)

Definition:

C.F.R.300.7(c)(6). Intellectual disability means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

Implementation Procedures

A multi-disciplinary team shall assess the student. Relevant information to be considered shall include all of the following:

1. The determination of a significant discrepancy (minimum of two standard deviations) between chronological age and ability level as determined by a credentialed school psychologist. C.C.R., Title 5, Sec. 3030
2. The student has significantly below-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affect a pupil's educational performance.
3. An adaptive behavior measure administered by a school psychologist
4. A report by a school psychologist of an observation of the student in the home and/or school situations to confirm that the student's adaptive behavior is significantly below the expectancy level for chronological age. The report shall describe the observed behavior, the environment in which the behavior occurred, culturally appropriate peer and adult interactions, and any other factors relevant to adaptive behavior.
5. A developmental history and current medical history, including vision and hearing testing.
6. The cumulative results from the multi-disciplinary team of the examinations and observations investigating such factors as health and developmental history, language development, school achievement,

adaptive behavior, and psychological processing substantiate individual test scores indicating mild, moderate or profound delays in overall levels of functioning. These results must verify the need for an educational program which emphasizes, but is not limited to, the development of some or all of the following:

- Self-help skills
- Environmental awareness
- Survival skills
- Self sufficiency
- Communication/language
- Economic usefulness (work skills, vocational education)
- Independent or semi-independent living skills

The IEP Team shall document that other factors such as racial, cultural, and language background are not major contributing factors to the results of the assessments.

Multiple Disabilities (MH)

Definition:

34 C.F.R.300.7 (c). Multiple disabilities means concomitant impairments (such as intellectual disability, blindness, mental disability, orthopedic impairment, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

Implementation Procedures

A student shall be defined as having multiple disabilities when the IEP team determines that the student has two or more concomitant disabilities and the combination of disabilities requires unique modifications and support. A written report by a school psychologist shall include an assessment on adaptive behaviors.

Orthopedic Impairment (OI):

Definition:

C.C.R., Title 5, Sec 3030 (e) A student has a severe orthopedic impairment which adversely affects the student's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, by disease, and impairments from other causes. C.F.R. 300.7(c)(8)

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

Implementation Procedures

A multi-disciplinary team shall assess the student. Relevant information to be considered includes:

1. Observation/assessment by a person with knowledge of orthopedic disabilities who is trained to select, administer, and interpret assessments that accurately measure the abilities of the student.
2. A review of medical records which document a diagnosis of physical impairment which may adversely affect educational performance, such as any of the following:
 - Cerebral Palsy
 - Poliomyelitis
 - Infections, including but not limited to, bone and joint tuberculosis and osteomyelitis
 - Congenital anomalies including, but not limited to, amputation, clubfoot, dislocations, or spinal bifida
 - Birth injury, including but not limited to, Erb's palsy and fractures
 - Trauma, including but not limited to, amputations, burns or fractures
 - Tumors, including but not limited to, bone tumors or bone cysts
 - Developmental diseases, including but not limited to, coxa plana or spinal osteochondritis
 - Other conditions, including but not limited to, fragile bones, muscular atrophy, muscular dystrophy, Perthes disease or juvenile rheumatoid arthritis

Other Health Impairment (OHI):

Definition

A student demonstrates limited strength, vitality, or alertness due to chronic or acute health problems, which adversely affects his/her educational performance. In accordance with Section 56026 (e) of the Education Code, such physical disabilities shall not be temporary in nature as defined by Section 3001 (v). C.F.R. 300.8 (c)(9).

Other Health Impairment (OHI) is defined as having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment. The causes may be due to:

1. Chronic or acute health problems such as asthma, attention deficit disorder, or attention deficit hyperactivity disorder,

2. Diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and
3. Tourette Syndrome.

OHI adversely affects the student's educational performance and ability to benefit from a Free Appropriate Public Education (FAPE).

Implementation Procedures

A multi-disciplinary team of trained and knowledgeable personnel shall assess the student. Assessment team members must use technically sound and appropriate instruments that include health and developmental information for all students with diagnosed health conditions. (This includes OHI students as well as those with other handicapping conditions) Relevant information includes the following:

1. The school nurse shall provide the IEP team with specific medical information related to physical limitations and their projected duration. C.C.R., Title 5, Sec 3030
2. Qualified assessors shall include in reports the results of observations within the regular program.
3. For students with OHI/diabetes, a written statement from the child's physician as well as a written statement from the child's parent/guardian are required before either a school nurse or other designated personnel may assist a child with the administration of medication. Therefore decisions about what health care services a student will receive, including treatment while at school such as the timing and dosage of insulin to be administered, usually are based on the treating physician's written orders.

Emotional Disturbance (ED):

Definition

C.C.R., Title 5, Sec. 3030. Because of an emotional disturbance, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree which adversely affect his/her educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations. A general pervasive mood of unhappiness or depression.

4. A tendency to develop physical symptoms or fears associated with personal or school problems. C.F.R. 300.7(c)(4)

Emotional disturbance is defined as follows:

1. The term 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 education performance:
2. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
3. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
4. Inappropriate types of behavior or feelings under normal circumstances.
5. A general pervasive mood of unhappiness or depression.
6. A tendency to develop physical symptoms or fears associated with personal or school problems.
7. The term includes schizophrenia.

The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information includes the following:

1. A report written by a credentialed school psychologist documenting the presence of a serious emotional disturbance. The report shall include a summary of previous and current assessments of educational and emotional status, educational history, home and school observations, health and developmental history, and attempted interventions.
2. Eligibility as emotional disturbance for purposes of educational placement and/or services shall not be determined solely on the basis of any non-educational evaluation (including evaluations by psychiatrists or clinical psychologists).

The IEP Team must document the following in order to find that a student has a serious emotional disturbance:

1. The disturbance is of such severity that the student's educational needs cannot be met in the regular classroom.

2. The presenting educational difficulties are not the result of social maladjustment (E.C. Section 56026 (e)).
3. The presenting educational difficulties are not the result of a behavior disorder.
4. The behavior has been observed for a period of time longer than six months.
5. The inability to learn cannot be explained by intellectual or sensory factors or by limited school experience or poor attendance.

Additional considerations:

1. Eligibility is based on a multi-disciplinary assessment of the student's needs.
2. The least restrictive environment shall be considered when determining placement.

Specific Learning Disability (SLD):

Definition:

E.C. 56337 A pupil shall be assessed as having a specific learning disability which makes him or her eligible for special education and related services when it is determined that one of the following exist:

1. A severe discrepancy exists between the intellectual ability and achievements in one or more of the following academic areas:
 - a. Oral Expression
 - b. Listening comprehension
 - c. Written expression
 - d. Basic reading skills
 - e. Reading comprehension
 - f. Mathematics calculation
 - g. Mathematics reasoning
2. The discrepancy is due to a disorder in one or more of the basic psychological processes and is not the result of environmental, cultural, or economic disadvantages.
3. The discrepancy cannot be corrected through other regular or categorical services offered within the regular instructional program. E.C. 56337.5 (a)

A student who is assessed as being dyslexic and meets eligibility criteria specified in Section 56337 and subdivision (j) of Section 3030 of Title 5 of the California Code of Regulations for the federal Individuals with Disabilities Education Act (20 U. S. C., Sec. 1400 and following) category of specific learning disabilities is entitled to special education and related services. C.C.R. Title 5, Sec. 3030

A student has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, and has a severe discrepancy between intellectual ability and achievement in one or more of the academic areas specified in Section 56337(a) of the Education Code. For the purpose of Section 3030(j):

1. Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities including association, conceptualization and expression.
2. Intellectual ability includes both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.
3. The level of achievement includes the pupil's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.
4. The decision as to whether or not a severe discrepancy exists shall be made by the individualized education program team, including assessment personnel in accordance with Section 56431(d), which takes into account all relevant material that is available on the student. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the individualized education program team as to his/her eligibility for special education and related services. In determining the existence of a severe discrepancy, the individualized education program team shall use the following procedures:

When standardized tests are considered to be valid for a specific student, a severe discrepancy must be demonstrated. This discrepancy must be corroborated by other assessment data that may include other tests, scales, instruments, observations, and work samples as appropriate.

(Note: IQ tests may not be used for African American Students. See Appendix.)

- a. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
- b. If the standardized tests do not reveal a severe discrepancy, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as

a result of a disorder in one or more basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team, which shall include, but not be limited to:

- Data obtained from standardized assessment instruments;
- Information provided by the parent;
- Information provided by the pupil's present teacher;
- Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
- Consideration of the pupil's age, particularly for young children.
- Any additional relevant information; and
- The discrepancy shall not be primarily the result of limited school experience or poor school attendance.
- The discrepancy shall not be due to limited English proficiency.
- The discrepancy shall not be due to lack of appropriate instruction in reading and math.

C.F.R. 300.7 (10). Specific learning disability is defined as follows:

(i) General. The term 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 an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) Disorders not included. The term specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (For the initial IEP and each triennial, for students determined to have SLD, it must be specifically stated that the disability is not the result of any of the above.)

Implementation Procedures

Required Factors in Determining Eligibility

The IEP Team, at both the initial IEP and at each triennial, must verify that the following two requirements have been met in order to state that a student is eligible for special education as a child with a specific learning disability:

1. There is a severe discrepancy between ability and achievement.
2. There is documented evidence of a processing disorder in one or more of the following areas:
 - a. Attention
 - b. Visual processing
 - c. Auditory processing
 - d. Sensory motor skills
 - e. Cognitive abilities including association, conceptualization, and expression

NOTE: In order for the student to be eligible for special education program and services the team must find that the student's needs cannot be met in the regular program (including categorical services) without special education support.

**Determination of a Severe Discrepancy*

A multi-disciplinary team shall assess a student in one or more of the following areas of academic instruction:

- a. Oral expression
- b. Listening comprehension
- c. Written expression
- d. Basic reading skills
- e. Reading comprehension
- f. Mathematics calculation
- g. Mathematics reasoning

A report written by a credentialed school psychologist shall document that the pupil demonstrates a severe discrepancy between his ability and achievement.

The determination of a severe discrepancy necessitates the use of a standardized achievement test and a test of intellectual ability.

Considerations/Exclusionary Factors:

The psychological processing disorder should be manifested on more than one instrument and be corroborated by an analysis of other test results and observations. The relationship of the processing disorder to the pupil's academic deficits should be clearly established and become the basis for instructional planning and development of specific objectives for the student's IEP.

The IEP Team shall ensure that neither the documented psychological processing disorder nor the discrepancy is due to factors of environment, cultural differences or economic disadvantage. Also, neither the documented psychological processing disorder nor the discrepancy may be the result of visual, hearing or motor disabilities, mental disability, limited school experience or poor attendance, limited English proficiency or lack of appropriate instruction in reading and math.

NOTE: On initial IEPs and at each triennial for students determined to be SLD, observations of relevant behavior must be made by at least one team member other than the student's teacher (in the general education classroom or other appropriate environment) and these observations must be documented in writing. The IEP team must also certify, in writing, the relationship of the behavior to the students' academic functioning.

For initial IEPs and each triennial for students determined to have a specific learning disability, the IEP team must certify, in writing, any educationally relevant medical findings.

For initial IEPs and each triennial, for students determined to have a specific learning disability, each team member must certify, in writing, whether the report reflects his or her conclusion. If the report does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

Speech or Language Impairment: (SLI)

Definition:

E.C.56333. A pupil shall be determined as having a language or speech disorder which makes him or her eligible for special education and related services when he or she demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance and cannot be corrected without special education and related services. In order to be eligible for special education and related services, a speech and language and/or hearing specialist must determine the student has difficulty in understanding or using spoken language. The specialist will determine that such difficulty results from any of the following disorders:

1. Articulation disorders, such that the pupil's production of speech significantly interferes with communication and attracts adverse attention.

2. Abnormal voice, characterized by persistent, defective voice quality, pitch, or loudness. An appropriate medical examination shall be conducted, where appropriate.
3. Fluency difficulties that result in an abnormal flow of verbal expression to such a degree that these difficulties adversely affect communication between the pupil and listener.
4. Inappropriate or inadequate acquisition, comprehension, or expression of spoken language such that the student's language performance level is found to be significantly below the language performance level of his or her peers.
5. Hearing loss that results in a language or speech disorder and significantly affects educational performance.

C.F.R. 300.7 (11) Speech or language impairment is defined as a communication disorder, such as stuttering, impaired articulation, language impairment, or a voice impairment, that adversely affects a child's educational performance.

C.C.R., Title 5, Sec. 3030

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

Articulation Disorder

A student having hearing within the normal speech range shall be assessed as having an articulation disorder when the student demonstrates a developmental delay in the production of one or more phonemes.

1. A preschool child between the ages of three and five years must have one or more sound articulation errors delayed by a minimum of six months according to a developmental scale of articulation competency.
2. Upon entering kindergarten and up to age eight, a student must have one or more sound articulation errors delayed by a minimum of one year according to a developmental scale of articulation competency. An exception to this year delay would be lateralization of sibilant sounds. Students who produce lateralized s, z, sh, ch, or j, should receive therapy as soon as the sound in error goes beyond the developmental scale.
3. Students age eight and above must have one or more mis-articulations and demonstrate one or more of the following:
 - Lack of stimulability in syllables/words.
 - Consistency of error in two or more speaking situations.
 - Reduced intelligibility in conversational speech.

C.C.R., Title 5, Sec. 3030 (c) Articulation Disorder:

- (a) The pupil displays reduced intelligibility or an inability to use the speech mechanism that significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.
- (b) A pupil does not meet the criteria for articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

Abnormal Voice

A student shall be assessed by a multi-disciplinary team as having abnormal voice when the disorder adversely affects educational performance. When indicated, vocal assessment shall include a medical laryngeal examination.

The IEP team documents that the abnormal voice is noticeable to both familiar and unfamiliar listeners, interferes with communicating, is noticeable over a long period of time, and is inappropriate for the student's age and/or gender.

Fluency Disorder

A student shall be assessed by a multi-disciplinary team as having a fluency disorder when the student exhibits inappropriate rate or rhythm of speech or excessive repetition, revision, interjection, pauses, and other breaks in the flow of speech that do not enhance meaning.

A degree of normal non-fluent behavior characterizes the speech of very young children. In this case, periodic monitoring and parent education may be more appropriate than direct intervention.

Language Disorder

C.C.R., Title 5, Sec. 3030 (c)

Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:

1. The student scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the C.C.R., Title 5, Sec. 3030 (c)

- a. Abnormal Voice. A pupil has an abnormal voice, which is characterized by persistent, defective voice quality, pitch, or loudness. C.C.R., Title 5, Sec. 3030 (c)
- b. Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.

Expected language performance level shall be determined by alternative means as specified on the assessment plan, or

- 2. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subsection (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty utterances.

The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the student is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific student, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information shall include the following:

- 1. Assessment in one or more of the following areas of language development:
 - a. Morphology
 - b. Syntax
 - c. Semantics
 - d. Pragmatics

Scores on standardized tests shall meet the requirements set forth in Title 5 quoted above.

- 2. Scores from analysis of a language sample must also meet the requirement set forth in Title 5 quoted above.
When standardized tests are considered to be invalid for a specific pupil, the language disorder shall be assessed by alternative means as specified on the assessment plan.

Language Disorder does not include:

1. Students who have atypical patterns resulting from lack of familiarity with English, cultural differences, race, or environmental deprivation.
2. Students whose language is commensurate with his/her general cognitive functioning.

Traumatic Brain Injury (TBI)

Traumatic Brain Injury (TBI) can result in either a severe or a non-severe category of disabling conditions.

Traumatic brain injury is defined as 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 student's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as:

- Cognition
- Language
- Memory
- Attention
- Reasoning
- Abstract thinking;
- Judgment
- Problem-solving
- Sensory, perceptual and motor abilities
- Psychosocial behavior;
- Physical functions
- Information processing
- Speech

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

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information includes the following:

1. A review of medical records, which document a diagnosis of traumatic, brain injury.

2. A written report by a school psychologist which shall include a summary of previous and current educational performance, cognitive functioning, home and school observations and attempted interventions.
3. Assessment by persons knowledgeable in the following areas:
 - a. Post trauma academic functioning
 - b. Language and speech production
 - c. Perceptual and motor abilities
 - d. Judgment and psychosocial behavior
 - e. Health and physical functions
 - f. Adaptive behaviors
4. The IEP Team shall determine that the traumatic brain injury adversely affects educational performance. C.F.R. 300.7 (C)

The least restrictive environment shall be considered when determining placement.

Visual Impairment Including Blindness (VI):

Definition:

C.F.R. 300.7 (13). Visual impairment including blindness means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information to be considered includes a written report of an eye examination by either a physician or optometrist and a functional vision assessment by a person credentialed to serve the visually impaired. One of the following descriptions should apply:

1. Partially Sighted: The student's visual acuity in the better eye, after the best correction, is between 20/70 and 20/200.
2. Legally Blind: Central visual acuity of 20/200 or less in the better eye after best correction with conventional spectacle lenses, or visual acuity better than 20/200 if there is a field defect in which the widest diameter of the visual field is no greater than 20 degrees. In the United States, this definition has been established primarily for economic and legal purposes.
3. Blind: The student's visual impairment is so severe that for education purposes, vision cannot be used as a major channel of learning and the visual impairment, even with correction, adversely affects the individual's educational performance.

CHAPTER 7

TRANSITION

The Secondary Transition Program

MCS serves students with disabilities ages 0 – 22 years of age. The majority of the students 18 – 22 years of age are served through the District's Transition Program. Upon completing their high school course of study, these students earn a certificate of completion. For students age 18 and older who are in a high school diploma program, the options are to continue on at a comprehensive high school site, attend the alternative education site, attend a credit recovery program, or the Modesto City Schools Adult Education Program.

The Transition Program serves students in a variety of settings. For this reason, it is important for case managers of students in the Transition Program to accurately and specifically document the types of services and the locations in which the students are receiving those services.

The Purpose and Scope of Transition

Transition services (designed with a results-oriented process focused on improving academic/functional achievement of the student) must be addressed in the IEP of the student not later than in the year in which the student turns 16 years of age. The goal of transition services is planned movement from secondary education to adult life that provides opportunities which maximize economic and social independence in the least restrictive environment for individuals with exceptional needs. Planning for transition from school to post-secondary environments should begin in the school system well before the student leaves the system. (30 EC 56460)

The purpose of transition is planning for a student's future and how academic courses, including functional curriculum and vocational activities, help move a student towards their future goals. The goal of transition is to provide the student with the skills, knowledge, and support necessary to make their post-school goals a reality.

Transition Services Must be in Effect and On the IEP by Age 16 and Each IEP Thereafter

Transition services are a coordinated set of activities for students with special needs that are addressed on the IEP document and:

1. Are designed within a results-oriented process that is focused on improving the academic and functional achievement of the individual with exceptional needs to facilitate the movement of the pupil from school to post-school activities, including postsecondary education, vocational education, integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation.
2. Includes measurable post-secondary goals that are based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil, and when appropriate, age-appropriate transitional assessments related to training, education, employment, and independent living skills.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
4. Transition services for students with special needs may be special education, if provided as specially designed instruction, or a designated instruction and service, if required to assist a pupil to benefit from special education. Is based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil.
5. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Timeline for Developing the Individual Transition Plan (ITP)

Beginning not later than the first IEP to be in effect when the student is 16 (or earlier if deemed appropriate by the IEP team), and updated annually thereafter.

The IEP must include courses of study that focus on improving the academic and functional achievement of the student to facilitate the student's movement from school to post-school. They include:

1. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
2. The transition services (including course of study) needed to assist the student in reaching those goals; and
3. Beginning not later than one year before the student reaches the age of majority (age 18), a statement that the student has been informed of the student's rights that will transfer to the student when reaching age 18.

Areas to Be Addressed

Instruction - The IEP/ITP is an individualized instructional and support plan for students with disabilities. The transition planning, activities, and services detailed in the IEP/ITP align instruction with student's post-secondary goals.

Related Services - The IEP/ITP must describe any related services the student may need, such as transportation to a work experience or career counseling to help the student prepare for his or her future goals.

Community Experiences - Instructional activities may take place in the community, such as community-based instruction to help students generalize skills learned in the classroom to the outside world.

Employment - All students should have employment-related language in their IEP/ITP. For some students this may be a goal to go to college; for others it may mean job training or supported employment. Other students may go right to work after leaving school. The District is responsible for helping students identify their goals and develop plans that prepare students to achieve.

Daily Living Skills and Functional Evaluation - Some students may need specific instruction and activities in order for them to take care of themselves and live as independently as possible. Some students may need a functional evaluation to determine which skills they will need to develop so that they are able to enter employment or live independently.

Other Agency Involvement - To the extent appropriate, and with the consent of the parent/guardian/adult student, a representative of any other agency that is likely to be responsible for providing or paying for transition services will be invited.

If a participating agency (other than the District) fails to provide the transition services described in the IEP/ITP, the IEP/ITP team will reconvene to identify alternative strategies to meet the transition objectives for the student.

If an invited agency representative cannot attend the IEP/ITP meeting to develop transition services, the District will obtain agency participation in planning for these services by some other means.

IEP/ITP Team Participants for Secondary Transition - IEP/ITP team participants, including other agency representatives listed above, are to receive a notice of the IEP/ITP meeting which states the purpose of the meeting. The student also receives a notice. However, if the student is a minor, the individual holding educational rights may determine whether the student will attend.

IEP/ITP Roles

Student Role - The student participates, communicates preferences, interests, and strengths, and takes part in the IEP/ITP development. If the student is unable to participate, his/her representative or Conservator, if one has been appointed, may perform this function. If the student is not in attendance, how the student's interests and preferences were determined must be stated. The IEP/ITP invitation to the IEP/ITP must invite the student as the primary addressee. The notice of meeting must indicate the purpose of the meeting is the consideration of the student's postsecondary goals and the transition services needed to achieve those goals.

If the student is a minor, the parent/guardian (unless their educational rights have been limited or terminated) have the authority to decide whether the student should attend the IEP/ITP Team meeting. It is the District's obligation to take other steps to ensure that the student's preferences and interests are considered if the student is unable to attend or participate in the meeting.

Parent/Guardian/Role -The parent/guardian supports the student, reinforces the value of an individual program, provides information about the student's strengths and areas where assistance is needed.

Special Education Specialist Role - The Case Manager/Special Education Specialist provides information, suggests teaching strategies, including accommodations and or modifications, suggests a course of study related to student's post-school goals and identifies the related services required in order for the student to benefit from his/her FAPE. The Case Manager/Specialist also provides input into transition service needs, links student and parents/guardians with appropriate post-school services, and coordinates all people, agencies, services, or programs involved in the transition planning process

General Education Teacher Role - There may be more than one General Education Teacher or other individual involved in teaching the student, especially if the student participates in community based instruction. These individuals assist, where and when appropriate, in planning a course of study including the identification of modifications, adaptations, support and positive behavioral strategies, or interventions where needed. Not less than one regular education teacher of the student should attend the IEP/ITP.

MCS Support Staff Role - Support staff may include a Special Education Administrator, Program Manager, or Administrative Designee. This staff must have the ability to allocate resources and must be:

1. Qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities
2. Knowledgeable about the general curriculum and the availability of resources of the District.
3. Have the authority to commit the District to implement the IEP/ITP.
4. Able to designate another staff member of the IEP/ITP team if the above criteria are met.

Other Specialists' Role – There may be additional personnel involved with the student. These are individuals who:

1. Can interpret the instructional implications of evaluation results;
2. May be one of the team members already listed.

Other Appropriate Agency Personnel – There may be additional personnel such as Vocational Training providers, instructional aides or representatives of other agencies involved with the student such as a representative of the Regional Center, who can provide information about services, eligibility criteria, and the differences between the entitlement of school programs and the eligibility of adult services. These individuals can assist in identifying community or adult services that are available and appropriate for the student.

Post-secondary Goals

The IEP/ITP must document the development of measurable postsecondary goals based on age-appropriate transition assessments. The IEP/ITP for students 16 years old or younger, if appropriate, must contain appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. The IEP/ITP must include the transition services needed, including courses of study, necessary to assist the student in reaching the aforementioned goals. (See Samples in the Appendix).

Summary of Academic Achievement and Functional Performance

The Summary of Academic Achievement and Functional Performance is not part of the IEP/ITP process. The summary is prepared by MCS Case Managers and provided to the student when he/she leaves school, either by graduating with a general diploma or a certificate of completion, or when reaching the age of 22 in a Modesto City Schools program. The summary will offer the student a document that summarizes his/her academic and functional performance with recommendations about what

accommodations and supports the student may need to enter post-school activities, such as training, higher education, employment, and independent living. For a student whose eligibility terminates, the District shall provide the student with recommendations on how to assist the student in meeting his/her postsecondary goals.

Transfer of Rights at Age of Majority

IDEIA contains the requirement of notifying the student and his/her parent/guardian that educational rights convert to the student upon reaching the age of majority, which is 18 years of age in California. Beginning not later than one year before the student reaches the age of majority under State law, a statement that the student has been informed of his/her rights, unless Conserved in the State of California, that will transfer to the student on reaching the age of majority.

Post-Secondary Follow Up

California requires districts to seek information from students who have graduated from high school or exited because of aging out at age 22. Districts are to collect data on post-school outcomes.

Students between Nineteen and Twenty-Two Years

Between the ages of nineteen and twenty-one, inclusive, students who are enrolled in or eligible for special education and related services and prior to his/her nineteenth birthday who have not yet completed his or her prescribed course of study or met proficiency standards are subject to the following requirements:

1. Any person who becomes 22 years of age during the months of January to June inclusive, while participating in a program under this part may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs.
2. Any person otherwise eligible to participate in a program under this part shall not be allowed to begin a new fiscal year in a program if he or she becomes 22 years of age in September of that new fiscal year.
3. Any person who becomes 22 years of age during the months of October, November, or December while participating in a program under this act shall be terminated from the program on December 31 of the current fiscal year. This applies even if the person would otherwise complete his/her individualized education program at the end of the current fiscal year or has not had an ITP incorporated into his/her IEP and implemented from the age of 20 years. (E.C., Sec. 56026: (c) (4)) Refer to *Transition to Adult Living, An Information and Resource Guide*, California Department of Education, 2007 on the following website:
http://www.calstat.org/publications/pdfs/transition_guide_07.pdf

Legal Requirements and Best Practices Q & A

(Taken from *Transition to Adult Living* from CDE)

The IDEA of 1990 required planning for post-school transition at IEP/ITP meetings for all students with disabilities. The law required that students be invited to attend the IEP/ITP meeting and that transition services and planning be addressed in the following areas:

1. Instruction
2. Employment and other post-school adult living objectives
3. Community experiences
4. If appropriate, daily living skills
5. Functional vocational evaluation

The IDEA of 1997 further expanded transition planning in the IEP to include related services necessary to achieve the activities stated in the transition plan and required procedures for the transfer of legal rights from the parent to the student upon reaching the age of majority under state law.

Question: Are education agencies responsible for preparing students for their futures?

Answer: Yes. IDEA 2004 continues to reinforce the intention that education agencies will assist students to successfully transition from school to adult living. Its purpose clearly states the legislative intent that education agencies prepare students for life after leaving school:

Purpose - The purpose is to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

What It Means: The primary purpose of the IDEA is not only to ensure that students with disabilities have a right to FAPE, but it also means that education agencies will prepare them for activities after leaving school. These activities may include attending college, training for employment, getting a job, living independently, and participating in the life of the community.

Question: What is the definition of “transition services”?

Answer: The definition of transition services in the IDEA 2004 explains how improving a student's academic and functional achievement will improve the transition from school

to adult living. The term “transition services” means a coordinated set of activities for a student with a disability that is designed to be:

- Within a results-oriented process
- Focused on improving the academic and functional achievement of the student with a disability
- Facilitates the student’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

What It Means: The IDEA expects that local education agencies, community and state agencies, and parents/guardians/conservators/caregivers will work together to design educational programs that prepare students with disabilities for life after leaving school. The IDEA lists specific results: improved academic and functional achievement that will offer students choices in adult life. These choices include continued education, employment, and the ability to assume adult roles.

Question: What is the coordinated set of activities designed to help students move from school to adult living?

Answer: The activities to which the IDEA refers are those that have a concerted purpose of helping the student to move successfully from school to adult living. Improving a student’s academic and functional performance while in school increases the student’s chances for a better future. Best practices involve helping the student understand the connection between school and careers. It involves the coordination of all stakeholders including the student, the parent/guardian, the school, and other service providers. It also includes having the student’s own goals for the future as the focus of all activities. The definition further clarifies that transition services are based on the student’s interests and include the areas of instruction, community experiences, developing employment or other goals (such as further education), and any other related services the student may need to achieve his or her long-term goals.

Transition Services - The term “transition services” means a coordinated set of activities for a student with a disability that:

1. Are designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability in order to facilitate the student’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

2. Are based on the individual student's needs, taking into account his/her strengths, preferences, and interests; and
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

What It Means: General and special educators coordinate activities with the student to assist the student in identifying his/her strengths, interests, and preferences for post-school activities such as further education, training, or employment and help the student achieve those goals. In addition, general and special educators coordinate activities to ensure that students with disabilities receive a standards-based or functional education, individually determined according to student need, with appropriate supports, services, accommodations, and modifications to be successful in school and beyond school. Additionally, students receive instruction and engage in activities that prepare them for the world of work and community.

Local education agencies coordinate with community and state agencies involved with higher education, employment training, and services for adults with disabilities to better inform students about the options available after leaving school. Local education agencies work with parents/guardians to develop transition plans designed to help students reach their future goals and, ideally, provide information to them about post-school options and adult services for their students.

Question: What is the required transition services language in the IEP/ITP?

Answer: The definition of transition services in the IDEA 2004 further explains that transition planning is student-centered and focused on the student's goals. Specific areas must be addressed in transition planning in the IEP. Transition services refer to a set of activities that are:

1. Based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and
2. Include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

What It Means: The definition of transition services clarifies that when education agencies and parents/guardians develop transition services language in the IEP/ITP, it must be based on the student's strengths, interests, and ideas about what he/she wants to do when finished with school. Students may not know what they want to do after leaving school or they may not have realistic goals; so the transition services language should include activities that help students make informed decisions to formulate realistic goals that match their unique personalities, interests, and preferences. Once

student interest and preference have been identified, they are included in the student's IEP/ITP.

Areas to Be Addressed: In transition services language in the IEP/ITP, the transition planning, activities, and services are detailed in the IEP/ITP and align instruction with the student's post-school goals. For most students, participation in a standards-based instructional program will provide them the requisite skills to enter college, further training, or employment.

CHAPTER 8

SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

Discipline of Students in Special Education

Schools can and should utilize similar discipline and behavior support structures for students with disabilities as their general education peers. However, there are a number of safeguards and procedures that must be followed when a student is having consistent or chronic behavioral concerns and/or is being repeatedly suspended.

A student with previously identified exceptional needs is defined as “an individual with disabilities pursuant to the Individuals with Disabilities Education Act.” In other words, any student with an active IEP, or a student who, because of his/her disability, is eligible for special education services must be considered as an individual with disabilities, or a student with exceptional needs. Such a student would be entitled to the procedural safeguards described in this section.

Students with exceptional needs may be suspended for up to five (5) days for a single incident of misconduct. If the student is recommended for expulsion, this suspension can be extended pending the expulsion hearing. However, manifestation determination and functional behavioral assessment procedures must be followed. Students must also be provided educational services after the 10th cumulative day of suspension in the school year.

Following the procedures outlined below (manifestation determination and functional behavioral assessments), students with disabilities under the IDEA may be suspended beyond 10 cumulative days for up to 20 days in a school year, unless, for adjustment purposes, a student, through the IEP team, is transferred to, or enrolled in, another school, an opportunity class, or the continuation education school. The days of suspension following such reassignment are limited to 10 additional days for a total of 30 days of suspension in one school year. Students may not be suspended at the end of a school year for a time period that extends into the beginning of the following school year.

Procedures Based on Cumulative Days of Suspension/Change in Placement

No special procedures are required to suspend a student up to 10 cumulative days of suspension. Federal regulations state, however, that the cumulative days of suspension cannot exceed 10 school days and would be a “change in placement” requiring an IEP team meeting if the removal is for more than 10 consecutive days, or the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another or same type of infraction.

The following procedures and references will support case managers, psychologists, and school administrators in following the appropriate procedures regarding suspension, behavior intervention, and manifestation determination meetings.

Manifestation Determination (MD)

The Manifestation Determination (MD) Process

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the District, the parent/guardian, and relevant members of the student's IEP team (as determined by District and parent/guardian) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians to determine whether the misconduct is a manifestation of the student's disability.

In MCS, the school psychologist will review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents and makes a recommendation regarding whether the misconduct is a manifestation of the student's disability. If the psychologist determines that additional assessments must be completed in order to complete this manifestation determination, the parent/guardian must sign an assessment plan. If the parent/guardian refuses consent to an assessment which the school psychologist feels is necessary, refer the issue to the Program Manager.

A MCS IEP Manifestation Determination form must be completed to document the review and the team's determination. The team determines:

1. If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability or
2. If the conduct in question was the direct result of the school or district's failure to implement the IEP.

If the answer to 1 or 2 is yes, then the conduct shall be determined to be a manifestation of the student's disability.

***If it is determined that the misconduct is not a manifestation of the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities as long as they receive FAPE following 10 cumulative days of suspension in the school year. The placement of services is to be determined by the IEP team and documented on the face sheet as well as conference notes of the manifestation IEP.*

If the District, the parent/guardian, and the relevant members of the IEP team determine that the misconduct was a manifestation of the IEP must:

1. Conduct a functional behavioral assessment, unless the District had conducted a functional behavior assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
2. If a behavior intervention plan had been developed, review and modify it as necessary to address the behavior; and
3. Return the student to the placement from which the student was removed, unless the parent and school or District agree to a change in placement as part of the modification of the behavioral intervention plan.

Manifestation Determination (MD) - FAQs

What is a Manifestation Determination meeting?

The purpose of the Manifestation Determination meeting is to determine if a student's behavior that resulted in the suspension/proposed expulsion was related to the student's disability or the district's failure to implement the IEP.

When do you hold a Manifestation Determination meeting?

A MD Meeting must be held when:

1. The student has been suspended for a total of more than 10 school days (cumulative) in a school year, or
2. The student is being considered for expulsion (and is on extended suspension pending the expulsion hearing).

Should the school hold a Manifestation Determination meeting prior to 10 days of suspension?

No. The school is able to suspend up to 10 days without convening a MD Meeting. However, it is highly recommended that if there are behavioral concerns, the school should consider holding an IEP meeting to address behavior, supports, and, if appropriate, developing a behavior intervention plan or a behavior support plan.

What is the timeline for a Manifestation Determination meeting?

A MD meeting must be held within **10 school days** of the school's decision to suspend the student beyond a total of 10 days, including when a student is on extended suspension pending expulsion. (CFR 300.530(e))

Who should attend a Manifestation Determination meeting?

1. Parent/Guardian (but hold it without parent/guardian if unable to find agreeable time within the mandatory timeline)
2. A Site Administrator (typically, the administrator who has knowledge of the incident).
3. Program Manager
4. School Psychologist
5. Relevant IEP team members
6. Interpreter (must be present if parent needs interpretation to participate).

When attempting to pursue expulsion, does the Manifestation Determination have to occur before the suspension is extended pending expulsion (within 5 days)?

No. The MD team can still follow the “within 10 school days” timeline. However, best practice is that the extension of a suspension meeting occurs between the site administrator and the parent/guardian separately from the MD meeting.

Manifestation Determination Meeting Procedures

Follow these procedures when a student has been **suspended beyond 10 days** or the school is considering extending a suspension pending expulsion:

1. Case Manager and/or Site Administrator notifies the School Psychologist and Program Manager.
2. Case Manager, Psychologist, and Site Administrator coordinate setting up a Manifestation Determination with the Program Manager. Meeting to take place **within 10 school days of the decision to suspend**.
3. **Create Notice of Meeting that specifies Manifestation Determination.**
4. Case Manager schedules the meeting, invites the parent/guardian and relevant members of the IEP team to the Manifestation Determination meeting. The Program Manager **MUST** be in attendance. Ensure that

Special Education services are offered to the student as of the 11th day of suspension. (Services should be set up in coordination with the Program Manager or Site Administration.) If the school is considering pursuing expulsion, the Site Administrator must take appropriate steps to extend the suspension pending expulsion.

5. Hold Manifestation Determination meeting.

If the IEP Team determines the behavior to be a manifestation of the student's disability or the IEP Team believes the behavior was a direct result of the failure to implement the IEP as written, then:

1. Further disciplinary action **cannot** take place.
2. The student returns to or remains in the current placement unless the IEP team and parent/guardian **agree** to a different placement and so modify the IEP.
3. A Functional Behavioral Analysis **must** be conducted (unless already conducted).
4. The IEP team **must** create, review or modify the Behavior Intervention Plan.

If the team determines the behavior is **not** a manifestation of the student's disability, and not directly related to the lack of implementation of the student's IEP then:

1. The school can pursue the planned disciplinary action.
2. The IEP team can create, review or modify the behavior intervention plan.
3. The IEP team and parent/guardian can agree to change the student's placement.

(Any change of placement must be discussed and coordinated with the Program Manager.)

Manifestation Determination Meeting - SEIS/IEP Paperwork Procedures

Follow these procedures to complete the Manifestation Determination paperwork:

1. The Case Manager creates an amendment through SEIS in order to document the IEP meeting.
2. The Case Manager creates a Notice of Meeting.

3. Print the following paperwork for the MD Meeting:

- Amendment Page
- M D Pages
- Any other relevant pages based on the situation (Services, Educational Setting, Behavior Intervention Plan...etc.).
- Notes pages

Once the Manifestation Determination meeting has been held, type in the notes and changes made through the amendment, complete a CASEMIS error check, scan the IEP in its entirety into SEIS, and Affirm/Attest the amendment paperwork.

*****Reminder: Affirm/Attest and submit paperwork within 3 school days!***

Parental Rights and Procedural Safeguards For Special Education

Procedural Safeguards/IDEA 2007

When determining any course of discipline with a student with disabilities under the IDEA, administrators must follow the procedural safeguards that exist in federal (Individual with Disabilities Education Improvement Act, 2007) and state law. Violation of these procedural safeguards constitute a violation of the student's civil rights and may serve as grounds for the discipline being disallowed. Students with exceptional needs can be disciplined, but administrators must follow identified procedures when determining disciplinary action.

If the parent disagrees with the IEP team determination, the parent may challenge this in a due process hearing. During the pendency of the due process hearing, the student remains in an alternative setting.

Since its inception, IDEA has required parents/guardians be provided with information related to their student's rights under the law. There are specific situations in which these must be provided to them. Consequently, all Special Education staff must become familiar with this document. Parents/guardians should be provided with a copy of this document during the Initial IEP meeting and at least annually thereafter.

At each instance, Case Managers are to specifically ask the parent/guardian if they would like to have these rights explained to them. MCS, through the work of the CDE, has a copy of these in Spanish. Other language translations can also be found on the CDE website. For other non-English speaking or limited-English speaking parents/guardians, a translator must be present at the IEP meeting and ready to interpret the information contained in the forms.

***The complete document is available in the Document Library in SEIS. In the Document Library, the document is entitled "Parents' Rights," and is available in English and Spanish.*

Case by Case Determination

School administration may consult with the Program Manager to consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

Procedural Protections regarding a “Change in Placement”

When suspensions constitute a “change in placement,” the student and his or her parent/guardian are entitled to procedural protections. These protections include:

1. Appropriate notice to parents/guardians.
2. An opportunity to examine the student’s records.
3. A due process hearing with the participation of parents/guardians that may include representation by counsel and a review of procedure. Thus, if after a Manifestation Determination and FBA the parents disagree with the determination regarding the relationship of the behavior to the disability or with the placement proposal, they may request a due process hearing.

In addition, if the District believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, the district may request a hearing.

Placement during Appeals

When an appeal has been requested of the Hearing Office by the District or the parents:

1. The student will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period previously designated, which may be 45 school days or the suspension period as applicable to general education students, unless the parent and district agree otherwise; and
2. The hearing office shall arrange for an expedited hearing that shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

Previously Unidentified Students

A student not previously identified as a student with disabilities under the IDEA who violates a behavior rule may claim protection as provided to individuals identified with exceptional needs if there was knowledge that the student had a disability before the behavior violation occurred.

Knowledge arises when:

1. The parent/guardian has expressed concern in writing to supervisory or administrative personnel or a teacher of the student that the student is in need of special education and related services.
2. The parent/guardian or the student has requested an evaluation of the student.
3. The teacher or other school personnel has expressed specific concerns about the student's behavior and/or performance. The concern must be expressed in accordance with the District's established special education referral process to supervisory personnel of the school or District.

If a parent /guardian indicate they believe their student should have been previously identified, contact the appropriate Program Manager for assistance. If the parent/guardian requests an evaluation for a student who has not been assessed recently and found ineligible, the evaluation shall be conducted. If the student is found to be a student with a disability, the student will receive special education and related services as determined by the IEP team.

A public agency is not deemed to have knowledge when:

1. The agency conducted a special education evaluation and determined the student was not a student with a disability under the IDEA; or
2. The parent/guardian has not allowed an initial evaluation of the student or has refused initial services after an initial evaluation.

If there was no prior knowledge, disciplinary measures can be applied as to all general education pupils.

Exclusion from School Bus Transportation

A student with exceptional needs may be excluded from the school bus for up to 10 days. The Program Manager and Transportation should be contacted to determine an alternative form of transportation. Alternative forms of transportation may include parent/guardian reimbursement for transporting their student to and from school, with parent/guardian consent, and a bus pass if appropriate. Discipline regarding

transportation will follow the disciplinary procedures as indicated for other behavioral issues, including the Manifestation Determination process when required.

Interim Alternative Education Setting for Weapon/Drug/Serious Bodily Injury Violations

If a student with disabilities under the IDEA, while at school, on school premises, or at a school function:

1. Carries or possesses a weapon;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances, or
3. Inflicts serious bodily injury upon another person.

The District has the authority to place the student in an Interim Alternative Education Setting for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability.

CHAPTER 9

EDUCATIONAL REPRESENTATIVES FOR FOSTER YOUTH AND SURROGATE PARENT PROCEDURES

Surrogate Parents

A federal review in 1985 by the United States Office of Special Education Programs (OSEP) found that California practices relating to surrogate parent representation for special education pupils was not in compliance with federal laws and regulations.

The federal requirements of the Education of the Handicapped Act of 1975 (renamed the Individuals with Disabilities Education Act in 1990) established the rights of pupils, ages birth through 21 years, to a Free Appropriate Public Education. California's noncompliance focused on conflicts of interest. During that time, social workers, probation officers, caseworkers, and other placement workers (including Group Home operators) were signing for educational decisions on the Individualized Education Program/Individual Family Support Plan (IEP/IFSP) on the pupil's behalf in the absence of a parent.

To bring California into compliance with federal rulings, state legislation (A.B. 1528) was enacted in 1990, which set more specific direction for appointment of a "surrogate parent". A surrogate parent is defined as an adult appointed by the local education agency to represent pupils, ages 0-21, in all decisions by an IEP team relating to the pupil receiving a Free Appropriate Public Education (FAPE).

The federal government requires assurance that this new ruling is being instituted on a statewide basis.

What is a Surrogate Parent?

A "surrogate parent" is a person appointed by a Local Education Agency (LEA) or Special Education Local Plan Area (SELPA) to represent a student aged 0-21 to ensure that the rights of the student to a Free Appropriate Public Education (FAPE) are protected.

Who Needs a Surrogate Parent?

A student needs a surrogate parent if:

1. The student does not have a parent/guardian or conservator; or the student's parent, guardian, or conservator cannot be located;
2. The student is a ward or dependent of the court under the laws of the State, and the court has removed the parents' rights to make educational decisions for the individual. The authority of the court to remove the parents' rights is included in A.B. 1528 (Section 6.7). Wards or dependents of the court must continue to be represented by their parent unless the court has specifically removed parental rights to represent the child for educational purposes.
3. A student may need an interim surrogate parent when he/she is initially placed in a SELPA in order to meet the requirements for an immediate educational placement while the status or location of the student's parent is researched.

**If a student has a legal guardian acting on his or her behalf, then a surrogate parent is not needed. Also, if someone, such as a grandparent, is "acting" as the student's parent at the request of the natural parent, the student does not need a surrogate parent.*

A Student Does Not Need a Surrogate Parent if:

1. A court has not removed the parent's educational rights pertaining to the student.
2. The parent maintains educational rights and has appointed their own educational representative for their child.
3. A court has appointed a guardian for the student.
4. The student was voluntarily placed in a residential facility (this includes A.B. 3632 residential placements).
5. The student is 18 years of age or older, and he/she does not have a conservator or guardian, regardless of the individual's functioning level.
6. The student is an emancipated minor.
7. The student is married.

Who Appoints Surrogate Parents?

Upon satisfactory completion of the surrogate parent training session and upon passing the SELPA screening process, the surrogate parent volunteer shall be appointed as a surrogate parent by the SELPA Director or designee and be assigned to one or more students.

Surrogate Parent Requirements

1. A surrogate parent must possess the knowledge and skill that ensure that he/she can adequately represent the student.
2. A surrogate parent cannot be an employee of a public agency involved in the education or care of the student; this includes, but is not limited to, school employees, social workers, probation officers, Regional Center workers, conservators who are employees of public agencies, etc. The person must not be in a position to have his/her representation of the student affected by his/her employment.
3. California law states that retired teachers, social workers, and probation officers who are not current employees of a public agency involved in the education or care of the student may serve as surrogate parents unless they have a conflict of interest.
4. A surrogate parent cannot be an employee of a private agency involved in the education or care of the student.
5. A surrogate parent must not have a conflict of interest in representing the student. California law defines “conflict of interest” as: “An individual who would have a conflict of interest means a person having any interests that might restrict or bias his/her ability to advocate for all of the services required to ensure a free appropriate public education for an individual with exceptional needs”. (Government Code 7579.5(3) (e). The SELPA Director/designee must make the determination of whether or not a conflict of interest exists on a case-by-case basis. “Conflict of interest” includes the following:
 - a. Financial interest;
 - b. Being the employee of any public or private agency involved in the education of the student;
 - c. Having any other interests, including institutional or other bias, that might restrict or interfere with his/her ability to advocate for all of the services required to ensure a Free Appropriate Public Education for the assigned student with disabilities.

CHAPTER 10

LOW INCIDENCE (LI) PROCEDURES

Summary of Legal Requirements

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 SELPA shall ensure that:

1. The appropriate books, materials, and equipment are purchased.
2. The use of items is coordinated as necessary.
3. The books, materials and equipment are reassigned within the SELPA once the student that originally received the items no longer needs them. Special supplies and equipment purchased with State funds are the property of the State and shall be available for use by individuals with exceptional needs throughout the State. The Clearinghouse for Specialized Media and Technology (CSMT) is available to facilitate the distribution of unused materials and equipment.

In addition to the equipment fund, annually the State Budget Act may appropriate funds, which shall be used to provide specialized services to students with low incidence disabilities.

Responsibility

Low Incidence funding is legally the responsibility of the SELPA, including accountability of how the funds are used and reassignment of specialized books, materials, and equipment within the SELPA and also sharing with other SELPAs.

Eligibility

Funds may be used for all students with the Low Incidence disabilities as defined in law, for primary and secondary eligibilities. Some students counted as having an orthopedic impairment may not be eligible because they do not have a “severe orthopedic impairment” as per the definition of Low Incidence disabilities in Education Code 56026.5. Students who have severe orthopedic impairments require highly specialized services, equipment and materials per Education Code Section 5600.5(b).

Education Code Section 56320(g) requires that persons knowledgeable of that disability shall conduct the assessment of student with a suspected Low Incidence disability. A

Low Incidence disability does not guarantee the use of Low Incidence funds. The IEP team reviews assessment data and determines the most appropriate items or services needed to address the student's unique educational needs. These may or may not be "specialized" items which are found in most classrooms and would not be acquired through Low Incidence funds.

Low Incidence (LI) Guidelines

Low Incidence Funding (LI) Parameters

1. Prior to requesting purchase of new equipment the district/program should check other sources such as the Clearinghouse for Specialized Media and Technology for any availability.
2. Low Incidence Funds shall not be used for purchase of non-adapted computers and toys.
3. Equipment purchased with LI funds is the property of the State of California and is managed by MCS.

Requests for Low Incidence Equipment

When an IEP team determines a need for Low Incidence equipment for a student who is eligible, the IEP team should follow the below procedure. All recommendations for LI equipment need to go through the IEP process.

1. The Case Manager confirms the student meets eligibility under a low incidence disability ("hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof").
2. The IEP team convenes to discuss the need for the LI equipment. This includes reviewing current and relevant data related to the equipment or determining a need for further assessment. If further assessment is needed, an Assessment Plan is developed, and evaluation procedures/timelines are followed.
3. Determination the type of equipment and/or services, (as well as who - position of staff) that will be responsible for obtaining the equipment through the LI committee, who will use the equipment, and the frequency by which the equipment is required etc. will be made by the IEP team. This must be reflected in the "Team Meeting Notes."
4. The IEP team details the rationale and includes the Educational Benefit that the student will receive through the use of the specialized equipment on the IEP document.

5. Develop IEP Goals and Benchmarks specifically addressing the use of the specialized equipment and/or services. The equipment required must be embedded within the goal. *Do not write in brand names of equipment, use generic terms such as “adaptive seating,” or “speech generating device,” etc.*
6. After the meeting, the designated responsible team member will gather information regarding the request, including details of the equipment, where the purchase can be made (vendor), and projected cost.

Note: Due to limited funds, equipment will be ordered from the least expensive source that satisfies the need.

7. The designated team member will complete the “Low Incidence Request Form” and attach a complete copy of the IEP, the information gathered above, and send to the Program Manager over Low Incidence.
8. The Program Manager over Low Incidence or the assigned Special Education Office Administrator will review completed request materials with the LI Committee. If all requirements are completed, the order will be processed through the Special Education Office.
9. The Special Education Office will contact the Case Manager/Provider when the equipment is available for pick up.

Low Incidence Follow-Up Procedures

1. For each Annual IEP thereafter, the IEP Goals and Benchmarks must reflect the progress the student has made utilizing the equipment.
2. Low Incidence equipment is specifically for the use of the Low Incidence student. While other students may use the equipment if appropriate, the primary use is for the Low Incidence student.
3. Low Incidence Equipment “follows” the student. If a student changes school sites, the teacher may not retain the equipment for use with other students. The equipment must be transferred, according to District transfer procedures, so the assigned student has the equipment not only at the new school site, but also during Extended School Year as appropriate.
4. Equipment that is no longer needed by the student must be returned for inventory and storage. The Assistive Technology Technician will be notified by the Case Manager/Provider and will generate the equipment transfer as well as maintain the inventory of unused equipment District-wide.

5. Existing Low Incidence equipment that is no longer being used by the student for whom it was ordered may be used for other Low Incidence students. The LI Teacher/Provider will contact the Program Manager to assist in determining the transfer of the equipment and/or storage of the equipment.

When a Low Incidence Student Moves Into the District

When an LI student moves into the District with Low Incidence equipment already purchased for the student in their last placement, it is the responsibility of the SELPA of attendance to secure and document that the equipment is to be transferred. If equipment is sent with the student to a new location within the SELPA, an inventory transfer form should be completed and sent to the SELPA so it can be put into the Low Incidence Inventory database, which will be maintained by the Assistive Technology Technician.

When a Low Incidence Student Moves Out of the District

When a LI student moves out of the District, the California Department of Education statute states: "if the books, materials and equipment are still needed by other students with low incidence disabilities in your SELPA, there is no requirement to send it with the student who moved. Providing these resources is the responsibility of the SELPA where the student now resides. If, however, books, materials and equipment purchased with low incidence funds are unused, SELPAs are encouraged to make arrangements with other SELPAs to share the unused equipment, books and materials. The California Department of Education may be contacted for assistance in locating another SELPA that has need of the unused equipment, books or materials."

When a Low Incidence Student Graduates

When a LI student graduates from high school, an LI student cannot use the specialized equipment purchased for him by his SELPA through Low Incidence funds in college.

Definition of Low Incidence Disabilities

Visual Impairment

To be eligible for special education, a “pupil has a visual impairment which, even with correction, adversely affects a pupil’s educational performance.” 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, the student is provided with instruction, specialized services and materials and equipment in accordance with his or her Individualized Education Program (IEP).

The term *visual impairment* includes, for educational purposes:

1. Students who have functional blindness (rely basically on senses other than vision as their major channels for learning).
2. Students with low vision (use vision as a major channel for learning).
3. A visual impairment that does not include perceptual or visual motor dysfunction resulting solely from a learning disability.

Severe Orthopedic Impairment

The term orthopedic impairment includes those impairments caused by congenital anomalies, diseases, and other conditions. Conditions resulting in severe orthopedic impairments include, but are not limited to: cerebral palsy, muscular dystrophy, spinal bifida, spinal cord injuries, head traumas, juvenile rheumatoid arthritis, and tumors.

1. These conditions may improve, remain stable, or deteriorate, and changes in characteristics may occur at varying rates.
2. A severe orthopedic impairment is persistent and significantly restricts an individual’s normal physical development, movement, and activities of daily living.

As a result, this impairment may affect the pupil’s educational performance. Accompanying sensory, intellectual, behavioral, learning, and medical problems often occur that may affect the pupil’s school performance.

Hearing Impairment

The student with a hearing impairment is one whose hearing loss adversely affects his or her developmental growth or educational performance, or both, to such an extent that special education and related services are required. Hearing impairment is defined as impairment, which is permanent that adversely affect an individual’s:

1. Expressive and/or receptive communication.

2. Developmental growth and/or educational performance and makes it difficult, but does not preclude, the processing for linguistic information through hearing, with or without amplification.

Equipment Guidelines

The appropriate required documents that must be submitted include a current assessment report by a specialist knowledgeable in the specific Low Incidence disability involved with their recommendation for equipment that must meet the unique needs of the LI student and be adaptive and specialized. Additionally, the IEP components listed in the previous section are required.

CHAPTER 11

POSITIVE BEHAVIORAL SUPPORT AND INTERVENTION PLANS

Behavioral Intervention

Behavioral Addendum/Goals and Behavior Management Plans

Students with repeated behaviors that interfere with their learning or the learning of others or behaviors that have resulted in a suspension of one to three days need to have their behaviors addressed by attaching an addendum to the IEP. A goal needs to be written in this addendum to specifically define the desired behavior needed. If necessary, at least one form of a behavior plan also needs to be written to help facilitate meeting the behavioral goal. The behavior plan developed, the addendum, and the IEP goal must identify the behaviors impeding learning and identify positive consequences when the student demonstrates the desired behavior, as well as identification of any skills and/or replacement behaviors that should be developed to facilitate the decrease of behaviors that are impeding learning. Parent/guardian involvement is essential in developing this plan with the IEP Team.

Definitions

Behavioral Problems

Behaviors which are self-injurious, assaultive, or which cause property damage are clear and obvious. However, they must be viewed within the context of the student's total school history and other needs for behavior support. A one-time incident which involves breaking school rules would not necessarily be considered a serious behavior problem as opposed to an incident involving a student who has had repeated behavioral problems.

Assaultive Behaviors

Assaultive behaviors are defined as true, premeditative, strong physical attacks.

Pervasive and Maladaptive Behaviors

Pervasive and maladaptive behaviors as defined by Modesto City Schools are those which last over time (one month with informal interventions, less if the problem involves actual or potential harm to self or others), are pervasive, and impeding the student's learning or that of others. Further, if the individual is at risk of change in placement because of his/her behaviors, then those behaviors may be considered pervasive and maladaptive.

Behavioral Intervention

Behavioral intervention is the systematic use of evidence-based practices and procedures that result in lasting positive changes in the individual's behavior. Behavioral interventions should allow greater access to community settings, social contacts, and public events and ensure placement in the least restrictive environment. The use of behavioral interventions shall not cause pain or trauma, shall respect the "individual" human dignity and personal privacy, and shall ensure his/her physical freedom, social interaction, and individual choice (Code of Regulations, Title 5, Section 3001). A Behavioral Intervention is not required for every behavior, but is required for every behavior that meets the definition of a serious behavior problem.

Trauma

MCS defines trauma as anything more or other than what a reasonable person would allow to be done to him/herself. Specifically prohibited under the regulations are, for example, yelling, insults, public humiliation, denial of food, water, sleep, shelter or access to face, locked seclusion, and application or physical pain. Further MCS interprets these regulations to mean that a student may not be physically grabbed, directed or coerced in any manner, which is designed or intended to force compliance unless the student's behavior constitutes a behavioral emergency. When a behavioral emergency occurs, staff will use methods and procedures from their ProACT training to intervene. Behavioral interventions are to be age and developmentally appropriate for the individual with whom they are used.

Who is Responsible for the Behavior Intervention Plan?

Those persons who interact with the student on a regular basis are responsible for developing and implementing the BIP. The Case Manager/Teacher, the Site Administrator, School Psychologist, School Counselor, General Education Teacher(s), student, Board Certified Behavior Analyst, Inclusion Specialist, and parent/guardian are all critical partners in this process to achieve success. The chart on the following page lists who is responsible for the development of various behavior plans:

Type of Behavior Plan	Person(s) Responsible
Classroom Support Plan	Generated by Case-Manager and IEP Team. May include consultation with School Psychologist.
Tier II Behavior Plan	Generated by School Psychologist with consultation from the IEP team and possibly the Board Certified Behavior Analyst.
Functional Behavior Assessment / Behavior Intervention Plan	Generated by either a Board Certified Behavior Analyst or a School Psychologist. The Board Certified Behavior Analyst completes the FBA/BIP when behavior is deemed to commit serious bodily injury to self or others, and/or destruction of school property.

The Reasons for Developing a BIP

There are both legal and philosophical reasons for developing a Behavior Intervention Plan for a student experiencing behavioral difficulties in the classroom and/or school settings. The law requires that positive behavior interventions, strategies, and supports be considered whenever serious behaviors are present that the IEP team believes are impeding the learning of the student or his/her peers. A behavior plan that only specifies consequences for infractions is not considered a positive behavioral support plan or a supplementary aid and support service, as intended by the laws.

BIPs should focus on understanding “why” problem behavior occurs (the “function” or “communicative intent”), then focus on teaching or eliciting a desired alternative behavior that meets the student’s needs in more acceptable ways. By understanding the behavior and teaching alternatives or changing environmental conditions, the team can develop a plan designed to permanently change the way a student seeks to get a need met. Identifying antecedents (the “triggers” or “predictors” of the behavior) are critical in changing behavior and for intervening before the problem behavior occurs or escalates. The philosophy behind this approach is that positive behavior needs to be taught (e.g., modeled, shaped, cued) in an environment conducive to learning so that lasting change is possible.

Types of Behavioral Support/Interventions

The Behavioral Intervention Plan

A Behavioral Intervention Plan (BIP) is a collaboratively developed plan that identifies behavior that impedes (is a barrier to) a student's learning or the learning of others. The plan identifies the antecedents and the functions of a behavior. The BIP describes the necessary changes needed in the environment, supports and reinforcement to be provided, and defines instructional strategies and materials to be used to ensure the student develops alternative replacement behaviors that support classroom success.

The Development of the BIP

A BIP may be developed by the IEP team members as a response to any student's behavioral difficulty and as an intervention to teach the desired behavior. A plan should be developed if the student's inappropriate behavior is repetitive, anticipated to reoccur, demonstrates a pattern, or may lead to disciplinary action. A Behavior Intervention Plan should be written if the behavioral goals or classroom behavior management plan is not effective **AND** the problematic behaviors are persisting in impeding the student's ability to learn. An IEP meeting needs to be held to write the plan into the IEP and to include the newly developed behavior goal(s) into the IEP document.

Procedures for Developing Behavior Plans

Identify the specific behavior(s) that need to be targeted

It is important that the team identify specific behavior(s) that:

1. Impede learning or the learning of others
2. May lead to disruption, aggression, or disciplinary action, and/or
3. Can cause potential injury to self, others, or property and result in disciplinary action.

Although a student may display a variety of behaviors, it is important that the Positive Behavioral Support and Intervention Plan target just a few behaviors in order to be effective. The team should select those behaviors that have the greatest impact on the student's success in the school/classroom. The targeted behavior(s) should have a specified frequency, intensity, and/or duration based on observation and documentation gathered over a period of time.

Understand the problem behavior is related to the context in which it occurs

Events, people, and sensations might affect a student at any given time. The team working with a student displaying problem behavior needs to assess the general conditions present such as assigned activities, curricular expectations, seating

arrangement, work space, temperature, and the student's physiological and emotional condition (e.g. anger, anxiety, depression, fatigue, hunger, illness, pain, etc.).

It is also important to identify antecedents of behavior (sometimes called "triggers"); settings and events that increase or decrease the likelihood of the problem behavior occurring given those antecedents. "Triggers" are immediate events that evoke the problem behavior (e.g. teacher request, presentation of work, interaction with a peer). Settings and events may influence student behavior and include some events that are out of your control (e.g. student sleep schedules, nutrition, events occurring at home). Documentation and objective data are required to support our assessment of the triggers identified and functions of the behavior.

Understand problem behavior serves a function for the student

Typically people display behavior that has worked for them in the past and/or present to achieve a result that is agreeable to them. It is important to not confuse the form of behavior with the function of the behavior. The form or way the student chooses to display behavior can be influenced by one's culture/subculture, experience, disability, group affiliation, and/or sensory system. Rather than focusing on its form, it is critical to analyze the behavior for its function.

The student's behavior is related to its function. Problem behavior may stem from the need to: (1) get something, (2) escape or avoid something, and/or (3) avoid or get sensory stimulation. Some examples are: to avoid or escape a task, to seek attention, to demand or request a specific person or group of people, to gain a desired or undesired object, to have fun or play time, in response to an action taken by someone else, and to gain status in a group.

Understand the student's disability and related behaviors

It is important that the team members have a clear understanding of the student's diagnosed disability and behaviors that may be related to the disability. This is critical because a student may not be suspended from school for behaviors that are a manifestation of his or her identified disability. Such considerations also help the team develop appropriate interventions prior to having to conduct a formal manifestation determination.

Examples

A few examples of when behavior may be related to disability are provided for clarification. A student with an attention deficit hyperactivity disorder and associated learning problems may not be consciously aware of impulsive or self-stimulatory behaviors such as wiggling in seat, pencil tapping, leg shaking, and so forth that are distracting to others. A student with poor reading skills may seek excessive attention from adults in the classroom rather than attempt to work independently on challenging tasks. A student with identified visual motor integration problems that impede written

language skills may demonstrate avoidance behaviors or those that have worked in the past to get out of the situation when presented with a written task. A student with identified emotional disturbance due to an inability to build or maintain satisfactory relationships with others may be verbally aggressive as a means of protesting what he/she perceives to be unfair of what occurred during a peer-to-peer and/or adult-student interaction.

Just as importantly, it is necessary to determine if the problem behavior(s) are directly related to the student's disability. If so, putting supports in place early is essential.

Behavioral Intervention Plan

The IEP team shall meet to develop a written Behavioral Intervention Plan (BIP), which includes:

- A summary of information gathered from other assessments;
- An objective description of the targeted maladaptive behavior(s) and replacement positive behavior(s);
- The student's goals and objectives specific to the Behavioral Intervention Plan;
- A functionally equivalent replacement behavior (FERB);
- Includes proactive and reactive strategies;
- Includes strategies to teach the student's use of the FERB;
- A detailed description of interventions to be used and the circumstances for their use.

Changes in the Law Related to Behavior Plans

On July 1, 2013, the Governor signed Assembly Bill 86(AB 86), the Education Omnibus Trailer Bill, Chapter 48 Statutes of 2013. This bill effectively eliminated the former "Hughes Bill" with the intent of aligning the Behavior Intervention Plan mandate to align more closely with federal law, reduce unnecessary costs while maintaining important protections for students with disabilities related to behavioral intervention. The following describes the amended Education Code changes now in effect.

SEC.41. Section 56520 of the Education Code is amended to read:

"56520. (a) The legislature finds and declares all of the following:

- (1) That the state has continually sought to provide an appropriate and meaningful educational program in a safe and healthy environment for all children regardless of possible physical, mental, or emotionally disabling conditions.
- (2) That some school age individuals with exceptional needs have significant behavioral challenges that have an adverse impact on their learning or the learning of other pupils, or both.
- (3) That Section 14009c)(5)(F) of Title 20 of the United States Code states that research and experience demonstrate that the education of children

with disabilities can be made more effective by providing incentives for positive behavioral interventions and supports to address the learning and behavioral needs of those children.

(4) That procedures for the elimination of maladaptive behaviors shall not include those deemed unacceptable under Section 49001 or those that cause pain or trauma.

(b) It is the intent of the Legislature:

(1) That children exhibiting serious behavioral challenges receive timely and appropriate assessments and positive supports and interventions in accordance with the Individuals with Disabilities Education Act (20 U.S.C.Sec.1400 et.seq.) and its implementing regulations.

(2) That assessments and positive behavioral interventions and supports be developed and implemented in a manner informed by guidance from the United States Department of Education and technical assistance centers sponsored by the Office of Special Education Programs of the United States Department of Education.

(3) That when behavioral interventions, supports, and other strategies are used, they be used in consideration of the pupil's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and that ensure a pupil's right to placement in the least restrictive educational environment.

(4) That behavioral intervention plans be developed and used, to the extent possible, in a consistent manner when the pupil is also the responsibility of another agency for residential care or related services.

(5) That training programs be developed and implemented in institutions of higher education that train teachers and that in-service training programs be made available as necessary in school districts and county offices of education to ensure that adequately trained staff are available to work effectively with the behavioral intervention needs of individuals with exceptional needs.

SEC.42. Section 56521.1 is added to the Education Code, to read: 565211:

(a) Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

(b) Emergency interventions shall not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify or eliminate a targeted behavior.

(c) No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the school site administrator or law enforcement agency, as applicable to the situation.

(d) Emergency interventions shall not include:

- (1) Locked seclusion unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
- (2) Employment of a device, material or objects that simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained in those procedures.
- (3) An amount of force that exceeds that which is reasonable and necessary under the circumstances.

(e) To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent/guardian and residential care provider, if appropriate, shall be notified within one school day if an emergency intervention is used or serious property damage occurs. A Behavioral Emergency Incident Report shall immediately be completed and maintained in the file of the individual with exceptional needs. The Behavioral Emergency Incident Report shall include all of the following:

- (1) The name and age of the individual with exceptional needs.
- (2) The setting and location of the incident.
- (3) The name of the staff or other persons involved.
- (4) A description of the incident and the emergency intervention used, and whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.
- (5) Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.
- (6) A description of any and all intervention techniques attempted prior to engaging in any emergency intervention.

(f) Based on ProAct guidelines, a brief staffing PRIOR to the required subsequent IEP meeting to debrief the incident will be held.

(g) All Behavioral Incident Emergency Reports shall immediately be forwarded to the site's Program Manager. The Program Manager will review the BEIR and forward to the Assistant Superintendent of SELPA.

(h) If a Behavioral Emergency Incident Report is written regarding an individual with exceptional needs who does not have a behavioral intervention plan; the case manager, within two days, will schedule an Individualized Education Program (IEP) team meeting to review the BEIR, to determine the necessity for a Functional Behavioral Assessment, and to determine the necessity for an interim plan. If determined it is unnecessary to

conduct the functional behavioral assessment, develop an interim plan, or both; the IEP team shall document the reasons for the determination.

(i) If a Behavioral Emergency Incident Report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, the IEP team will review the incident and determine if it constitutes a need to modify the positive behavioral intervention plan.

SEC.43. Section 56521.2 is added to the Education Code, to read 56521.2:

(a) A local educational agency or nonpublic, nonsectarian school or agency serving individuals with exceptional needs pursuant to Sections 56365 and 56366, **shall not** authorize, order, consent to, or pay for the following interventions, or any other interventions similar to or like the following:

- (1) Any intervention that is designed to, or likely to cause physical pain, including but not limited to, electric shock.
- (2) An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
- (3) An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
- (4) An intervention that is designed to subject, used to subject, or likely to subject, the individual to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma.
- (5) Restrictive interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, may not be used.
- (6) Locked seclusion unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
- (7) An intervention that precludes adequate supervision of the individual.
- (8) An intervention that deprives the individual of one or more of his or her senses.

(b) In the case of a child whose behavior impedes the child's learning or that of others, the Individualized Education Program (IEP) team shall 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.

(c) As a condition of receiving funding from the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et.seq.) a local educational agency shall agree to adhere to this chapter and implementing federal regulations set forth in this chapter.

(d) The Superintendent may monitor local educational agency compliance with this chapter and may take appropriate action, including fiscal repercussions, if either of the following is found:

- (1) The local educational agency failed to comply with this chapter and failed to comply substantially with corrective action orders issued by the department resulting from monitoring findings or complaint investigations.
- (2) The local education agency failed to implement the decision of a due process hearing officer based on noncompliance with this part, provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or the federal implementing regulations, wherein noncompliance resulted in the denial of, or impeded the delivery of, a free appropriate public education for an individual with exceptional needs.

SEC. 45. Section 56525 of the Education Code is amended to read: 565259

(a) A person recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst may conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs.

(b) This section does not require a district, special education local plan area, or county office to use a Board Certified Behavior Analyst to conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs.

Emergency Situations and Interventions

Emergency interventions may only be used to control unpredictable, spontaneous behaviors that pose a clear and present danger of serious physical harm to the individual or others which cannot be immediately prevented by a response less restrictive than the temporary application used to contain the behavior. Emergency interventions shall not be used in place of the Behavior Support Strategies or the Behavior Intervention Plans. A staff member's response to a behavioral emergency shall not last longer than is absolutely necessary to protect people and property from serious physical harm. However, if a restraint is used, the restraint should not be removed until the student has de-escalated in order to limit the risk of injury to the student and staff.

Anytime a Behavior Emergency Incident Report is written regarding a student without a behavior intervention plan, the Case Manager shall hold an IEP meeting to review behavioral strategies including the determination if a Manifestation Determination Meeting needs to be held.

When an emergency intervention is used with a student, a Behavior Emergency Intervention Report shall be completed immediately, given to the site administrator, and maintained in the student's file. Parents/Guardians/Care providers must be notified, by telephone, within 24 hours of the incident. The report shall include:

1. Name and age of individual
2. Setting and location of the incident
3. Name of the staff or persons involved
4. A description of the incident
5. Emergency intervention used (include whether the individual is currently engaged in a systematic behavior intervention plan)
6. Details of injuries sustained by individuals or others including staff

In accordance with the above stated regulations, the following behavior interventions **are expressly prohibited:**

1. Any intervention designed or likely to cause physical pain.
2. Use of noxious, toxic or otherwise unpleasant sprays, mists, or substances in proximity to the student's face.
3. Any intervention which denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
4. Any intervention designed to subject, used to subject, or likely to subject an individual to verbal abuse, ridicule, or humiliation, or which can be expected to cause excessive emotional trauma.
5. Any restrictive intervention which employs a device or material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment.
6. Locked seclusion.
7. Any intervention that precludes adequate supervision.
8. An intervention which deprives the individual of one or more of his/her senses.

Behavioral Strategies

Giving Directions

1. Have eye contact before giving directions
2. Write down all verbal directions and/or demonstrate
3. Have students repeat directions
4. Keep directions concise and simple
5. Written directions – highlight or underline
6. Use visuals

Classroom Procedures – Structure

1. Provide schedule
2. Cue students prior to transitions
3. Review classroom rules frequently
4. Always state positively the action the student should be engaging in
5. Provide immediate feedback
6. Give one assignment at a time
7. Provide hands-on instruction
8. Set timer for on-task behavior and transitions
9. Provide choices
10. Maintain a 4:1 ratio of positive to corrective feedback

Impulsivity and Distractibility

1. Limit visual stimuli
2. Establish visual cues to stop inappropriate behaviors
3. Check the difficulty of work
4. Positive reward system

Steps for Prevention

1. Prepare students in advance of any change in schedule
2. Have all supplies and materials prepared and ready for the activity
3. Provide a quiet area
4. Use visual and gestural prompts
5. Redirect to another activity verbally or with physical prompts

6. Provide choices of alternate activity
7. Ignore attention seeking behaviors, but not the student
8. State the “message” of the behavior (“you seem to be having a hard time finishing your work.”)

Preventing Behavior Problems

1. Determine reinforcement preference
2. Determine academic ability levels
3. Determine ability to remain on task
4. Determine social interaction skills
5. Determine group behavior
6. Communicate between school and home to prevent student from playing one adult against another
7. Base seating arrangements on behavior
8. Base group involvement on behavior
9. Maintain teacher mobility in classroom
10. Maintain teacher-student contact: visual, verbal, and physical
11. Use criteria for expectations based on observed behavior and performance
12. Use shaping, fading, and imitation procedures to gradually change behavior
13. Develop a variety of reinforcers
14. Ensure reinforcers are items students find rewarding
15. Use curriculum as reinforcement
16. Use rules, point cards, and schedules of daily events as discriminative stimuli
17. Maintain a full schedule of activities (minimize down time)
18. Do not ignore behavior as an excuse for not intervening
19. Use time away to help the student resolve problem behaviors
20. Intervene early when any form of conflict occurs
21. Use language that is positive and firm, not demanding, insulting, or harassing

Examples of Positive Reinforcement in the Classroom

1. Legitimate praise and acknowledgment that is specific
2. Reward students with privileges (e.g., classroom jobs and responsibilities)
3. It is generally a good idea not to use the “big guns” (major incentives and rewards) unless they are needed in the classroom; start with easy, small rewards and incentives
4. Many students are motivated to work for tangible rewards (stickers, prizes, food)
5. Other suggested reinforces include:
 - a. Choosing a game to play with a friend
 - b. Earning “free time”
 - c. Earning breakfast or lunch with the teacher
 - d. Reading or looking at special interest magazines
 - e. Using the computer alone or with a friend
 - f. Listening to music with tape recorder and earphones
 - g. Working with clay, special pens/paper, whiteboards
 - h. Leading a game, perhaps as captain of team
 - i. Removing lowest test grade
 - j. Skipping an assignment of student’s choice
 - k. Bringing to class/demonstrating something of the student’s choice

Classroom Incentives

Classroom incentives are great motivators. Here are two that work particularly well for many teachers:

1. Students earn tickets or play money to be used towards a weekly, bi-weekly, or monthly auction or raffle students can use their accumulated tickets/money to buy assorted toys, items, or privileges from their teacher.
2. Marbles or chips are placed in a jar by the teacher when students are caught doing something well or behaving appropriately. When the jar is filled, the class earns a special party (e.g. popcorn, pizza, ice cream), activity, or field trip of some kind.

Tips for Helping Distractible Students

1. Seat students up close near the teacher.
2. Make direct eye contact with the student.
3. Address the student at their level, not above them.
4. Clear hands and desk of distractions.

5. Make sure child is seated among attentive, well-focused students.
6. Use physical contact (e.g. hand on shoulder or back).
7. Positive reinforcement and behavior modification techniques/incentives can be employed (e.g., table points for being attentive and on-task, individual charts, contracts and cards for teacher to give points, stickers, initials, and so on). Praise the student when focused: “I like the way Adrian is sitting up and looking at the board.”
8. Use private signals and cues that have been arranged with this student to help focus attention. Examples: When teacher points to his/her eyes, it means “look.” Pointing to the teacher’s ear means “listen.” When the teacher points to and taps his/her chin it means “watch my face and pay attention.”

Maintaining Attention and Students’ Involvement

1. Keep the lesson clear to maintain attention.
2. Lessons should be delivered with enthusiasm.
3. Reduce lag time by being prepared.
4. Use pictures, diagrams, gestures, manipulatives, and high-interest material.
5. Structure the lesson so that it can be done in pairs or small groups for maximum student involvement and attention. Cooperative learning is the ideal strategy and structure for keeping students engaged and participating. It is a critical teaching skill to learn for today’s classrooms.
6. Use higher-level questioning techniques. Ask questions that are open-ended, require reasoning, and stimulate critical thinking and discussion.
7. Have students write down brief notes during instruction.
8. Use cloze techniques: Provide a study sheet or study guide with key words omitted. Have students fill in the missing words during instruction. Using a teacher-provided study sheet, have students HIGHLIGHT in color the key points. Example of cloze method: “This chapter provides suggestions on how to get students’ _____ and keep them _____.”
9. Call on students with equity.
Teachers may want to try some of the following:
 - a. Use a deck of cards with each student’s name on it. Pick from the deck randomly to call on students, replacing the card back in the deck each time.
 - b. Write the students’ names on popsicle sticks and pull them at random to call on students.

- c. Videotape or tape-record yourself on occasion to check your own tendencies and observe who you respond to the most. This awareness helps us make a conscious effort to respond to students we may have been ignoring in the past.
- d. Have students keep a tally card on their desk. Tell them that you are trying to make sure you are being fair in who you call on in class. Ask them to put a tally mark on the card each time that you call on them in class. This can be done for a day, or over a period of a few days or a week. The results can be very revealing to the teacher, and kids are generally happy to cooperate. Students also view random methods as being fair.
- e. Allow at least five seconds of wait time. Many students need extra time to process the question, gather their thoughts, and be able to express them. Try rephrasing, ask probing questions, and wait longer for a response. Tell students who cannot answer the question that you will come back to them later – then do it.
- f. Make special arrangements. Be sensitive to students who are often viewed by peers as poor students who never know the answer. Be open to making a special arrangement in private with a student to help bolster their self-esteem. You may try telling the student to go ahead and raise his/her hand with a fist closed, and you will not call on him/her at that time. When the student raises an open hand, you will make every effort to call on the student at that time. This technique is very effective in changing peer perception of individuals who seldom raise their hand. Other classmates are not aware of the fist or open hand and only notice that the student appears to know the answer and wishes to contribute in class.

Keep students actively participating in the lesson and focused by:

1. Brainstorm. Have students generate ideas related to the topic orally as the teacher writes down all ideas/contributions on the chalkboard, butcher paper, or overhead transparency.
2. “Turn to your partner (or person across from you, behind you) and discuss the following _____.” Or “With your partner, write all the things you can think of that _____.”
3. Quick-Writes —Give students a brief amount of time to write in a response to your question or prompt. They then have to read what they wrote to a partner, group, or the whole class.

CHAPTER 12

PARENTALLY PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES

Some parents prefer to place their children in private schools. The following information pertains to those students whose parents, on their own, placed their children in general education private schools. This can include schools run by religious organizations.

Please note: This information does not refer to students placed in charter schools, as charter schools are considered public, not private schools. Further, this information does not apply to placement in Nonpublic Special Education Facilities through the IEP process.

MCS has an obligation to assess resident, parentally-placed private school students when they are referred to determine Special Education eligibility. MCS may also assess students who attend private schools within District boundaries, but whose parents reside in another school district. All referrals of private school students will be processed in accordance with federal and state laws.

Eligible Private School Students for Special Education Services

If a private school student is eligible or found eligible for Special Education and Related Services through a previous IEP and/or District assessment, the IEP team will draft a complete IEP with the District offer of Free Appropriate Public Education (FAPE).

If the parent/guardian agrees with the District offer of FAPE, the services will be offered and provided at the student's District school of residence or other District location as determined by the needs of the student. The parent/guardian will complete the registration process at the designated school site.

If the parent/guardian refuses the District offer of FAPE due to the parents' preference to maintain the private school placement, the District Case Manager should document this in the Team Meeting Notes. The parent will check the appropriate boxes on the Parent Consent form in the IEP to indicate they received a copy of their Procedural Safeguards and their child is enrolled in private school.

If school staff is aware of the parents' preference to maintain the private school placement prior to the IEP meeting, consult with the assigned Program Manager before setting up the IEP meeting. At that time, they will consult with the IEP team to determine if the Individual Services Plan (ISP) should be completed at the IEP meeting.

Individual Services Plan (ISP)

Services may be provided at the private school; however, the District shall not use federal funds to finance the existing level of instruction in the private school or to otherwise benefit the private school. The Service Plan (Private School) form, available on SEIS, is only utilized when, after following the IEP process, the parent declines the District offer of FAPE in a public school setting and prefers to keep their child enrolled in the private school. IEP teams should consult with the assigned Program Manager when creating service plans.

Although the District has a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to receive a FAPE. (20 U.S.C. § 1415(a); 34 C.F.R. § 300.137, § 300.138, Education Code § 56173.) Therefore, it is not required to complete an ISP for every student. The ISP should be considered on a case by case basis and determined by SELPA policy.

If an ISP is needed, the Case Manager will confer with the Program Manager and other appropriate staff to determine the services that will be offered. This includes service times, duration, and location. As there is no entitlement to Special Education and Related Services in the private school setting, the Service Plan may only offer limited consultation services. Any services offered are according to the severity of the disability and the needs of the individual child. The IEP team will complete the Service Plan (Private School) form during the IEP process.

An ISP is completed when a student attends a private school within MCS boundaries, and it has been deemed appropriate.

The assigned Program Manager is responsible for monitoring the IEP/ISP timeline and meet annually; and repeat this process if the parent/guardian indicates an interest in returning to the School District and accepting the District's offer of FAPE. If/when the student enrolls in the public school setting, the District will convene an IEP team meeting to develop an IEP.

If the parent/guardian indicates an interest in a public school placement, but is not a resident of MCS, the Program Manager should refer them back to their district of residence. The student's district of residence would be responsible for providing an offer of FAPE.

Private School Procedures

When parentally placed private school students are referred for Special Education eligibility, school staff should refer to the following procedures. A referral may come from the parent/guardian, the private school, or through the MCS Child Find Process. The Child Find Process is reviewed with private schools on an annual basis. Private school students who live within District boundaries will be assessed by MCS staff. The staff of the student's school of residence, whenever possible, will complete the assessments.

Modesto City Schools will ensure that the District locates and identifies all children with disabilities enrolled by their parents in private schools within our District boundaries. Public schools are required to locate, identify, and evaluate students with disabilities.

The District is required to spend the limited proportional share of IDEA funds for specific services for children enrolled by their parents in private, including religious schools, located within our District. The services provided are determined through yearly consultation meetings with private school staff. If a child qualifies for an Individual Service Plan (ISP) the student may receive limited special education services. When the proportional private school federal dollars are spent, the services provided to the student may also end.

Listed below are the procedures followed within Modesto City Schools as it relates to students with disabilities placed in private schools by their parents:

- District of Location (DOL), where the private school is located, is responsible for "Search and Serve" and for completing the "consultation" with local private schools within their boundaries. The District of Residence (DOR), where the family resides, is responsible for referring the family to the DOL.
- Once the family contacts our District, we will request a release of information that includes our District, the DOR, and the private school in which the child is attending for the purpose of sharing educational information. Upon receipt of the release of information, Modesto City Schools will notify the DOR of the family's request for assessment.
- Modesto City Schools will contact the private school and parent to gather pertinent information regarding the student's current needs, areas of suspected disability, and any other needed information. An assessment plan is then completed and the assessment process begins. The assessment team will follow all IDEA related requirements in regard to timelines. If the team does not believe the child is a child with a disability, the Special Education Office will send Prior Written Notice.

- When the assessment process is complete, a copy of the assessments will be sent to the DOR. Modesto City Schools staff will then set up an initial IEP with all required team members including the DOR.
- The DOR will develop an offer of FAPE if the student meets eligibility. If Modesto City Schools is both the DOL and DOR, an offer of FAPE will be made within 30 days of the eligibility determination. The offer will include all required components of an IEP including but not limited to present levels, goals and objectives, transition services, etc. If the parents do not wish to remove their student from the private school and/or are not interested in the District's offer of FAPE, Modesto City Schools will note this on the IEP notes form and obtain parent's signature.
- The DOL is responsible for the creation and yearly monitoring of an Individual Service Plan (ISP). Students on an ISP will be entered into the DOL's CASEMIS system and the case manager will be the Program Manager of that school.
- DOL is responsible for triennial assessments to establish continued eligibility.

If the Parent/Guardian Declines

If the parent/guardian declines the programs and services in the public school setting, a private school Individual Service Plan (ISP) **may be** developed. However, as there is no entitlement to Special Education and Related Services in the private school setting, the Service Plan may only offer limited consultation services. If the private school is located outside of MCS, the District in which the private school resides is responsible for offering an ISP and monitoring the IEP. When there are two different Districts or LEAs involved, the Parent/Guardian must sign a Release of Information form so that the districts can communicate with each other.

If the Parent/Guardian Disagrees with District offer of FAPE

If the parent/guardian disagrees with the District offer of FAPE, the IEP Team should document the disagreement, concerns, or requests of the parent/guardian in the team meeting notes. If the concerns or requests can be reconciled through the IEP process, the IEP team should attempt to do so. When a parent/guardian disagrees with the District offer of FAPE, the assigned Program Manager will consult with the IEP team and the SELPA will proceed, sending Prior Written Notice as needed.

CHAPTER 13

EXTENDED YEAR (ESY) PROGRAM

Pursuant to Section 300.309 of Title 34 of the Code of Federal Regulations, Extended School Year Services (ESY) shall be included in the IEP and provided to the student if the IEP team determines, on an individual basis, the services are necessary for the provision of a Free Appropriate Public Education (FAPE) in order to address regression and recoupment.

The need for ESY programming must be considered and documented annually on the IEP for every student receiving special education services. The IEP meeting addressing ESY should take place a reasonable time prior to the commencement of the extended break. The ESY Eligibility Worksheet will be used by the IEP team to guide the discussion surrounding ESY eligibility and must be completed for each student with an IEP.

Determination of ESY Eligibility and Programming

ESY programming must be provided to eligible students at no additional cost to parents. The IEP team shall determine the need for ESY eligibility and programming considering the following factors:

Nature and severity of the disability – The more severe the disability, the higher the probability the student will need ESY services.

Current IEP Goals and Benchmarks – If progress on meeting these goals has been very slow, the student may need ESY services to continue to make progress in support of a FAPE.

Emerging skills and breakthrough opportunities – If a student is just beginning to communicate or accomplish self-care skills, a temporary break may cause a setback.

To prevent serious regression during an extended break – The IEP team needs to consider whether there is a likelihood of regression based on knowledge of the student.

Rare and unusual circumstances – Circumstances may arise for individual students where ESY may be warranted. For example, a student transitioning to or from a more restrictive setting may need ESY as a part of a transition plan. In such instances the IEP team must identify the specific Goals and Benchmarks that are to be addressed in the ESY, including the specific nature of the program and services including the frequency, duration and location.

Definitions to consider in the determination of ESY eligibility and programming:

Extended Break – Extended Break means a period of time when school is not in session for an extended period of time, such as summer break.

Regression/Recoupmment – All students experience some regression and loss over an extended break. In most instances, these skills are re-mastered (recouped) within a reasonably short period of time. However, some special needs students have disabilities which are likely to continue indefinitely or for a prolonged period. For these students, an interruption in their educational programming may cause regression, which when coupled with limited recoupmment capacity, makes it highly unlikely or even impossible for the student to maintain his/her level of functioning. The IEP team will therefore determine, on an individual basis, if a student experiences more than minimal regression and is unable to recoup skills within a short period of time. For these students, the IEP team may recommend ESY.

Procedures for the determination of ESY eligibility and programming:

1. Gather documentation regarding student's progress, data from prior extended breaks and other relevant information prior to the IEP meeting where ESY eligibility will be discussed (typically at the Annual IEP).
2. During the IEP, review and complete the **Extended School Year (ESY) Eligibility Worksheet** and document relevant information from the IEP team members. This should include a review of EACH individual service that a student receives to determine if the student requires that service through ESY. It is possible a student may require one service over ESY and not another.
3. Document the determination regarding eligibility for ESY ("Yes" or "No") on the IEP on the "Offer of FAPE- Services" page.

*If the IEP team is recommending ESY services, **document the specific offer** of services on the IEP in the Extended School Year services section of the "Offer of FAPE-Services" page. Please note for an ESY eligible student only the services the team deems that the student is eligible for should be provided.

4. Include and number the completed **ESY Eligibility Worksheet** (Available in Document Library on SEIS) with the rest of the IEP paperwork.

NOTE: Ensure that the parents/guardians understand that they will still need to fill out an ESY Registration Packet in order to have their student participate in ESY. Enrollment in ESY is not automatic based on the IEP, registration must still occur.

Extended School Year

Extended School Year (ESY) is:

- Based only on the individual student's critical skills that are factors of his/her overall educational progress as identified by the IEP team;
- Designed to maintain student mastery of critical skills and Benchmarks as identified on the IEP and achieved during the regular school year;
- Designed to maintain a reasonable readiness to begin the next school year;
- Focused on specific critical skills when regression, due to extended time off, may occur;
- Based on multi-criteria and not solely on regression;
- 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 existed at the end of the school year.

Extended School Year (ESY) is NOT:

- It is NOT a mandated extended service for all students with disabilities;
- It is NOT required or intended to maximize educational opportunities for any students with disabilities;
- It is NOT necessary to continue instruction on all the previous year's IEP goals during the ESY period;
- It is NOT compulsory. Participation is discretionary with the parents/guardians who may choose to refuse the ESY service due to personal and/or family concerns that take precedence over ESY.
- It is NOT subject to the same Least Restrictive Environment (LRE) considerations as during the regular school year as the same LRE options are not available (for example mainstreaming in regular education classroom when the district does not offer Summer School in that grade level, CCR3043(h)). Additionally, LRE for some students may be home with family members.

CHAPTER 14

TRANSFERS, INTAKE, AND THE REGISTRATION PROCESS

When students move into MCS from other school districts, including from other states, there is an on-site district registration process. The parent/guardian must register their student at the student's school of residence. Personnel at the site will guide them through the registration and enrollment process.

If a student enters with an Individualized Education Program (IEP), the school should determine if the student requires a special day class (SDC) or nonpublic school (NPS) placement or if the student is primarily in general education and only requires Resource, Speech services, or other Related Services based on his/her existing IEP. This should be completed in consultation with the appropriate Special Education staff immediately upon enrollment.

The following procedure should be followed when enrolling a new student.

1. The site clerical staff will provide the parent/guardian with an enrollment/registration packet.
2. If the student receives special education services, the site staff should review the existing IEP.
3. a. If it is determined that the student was in a SDC class, NPS placement, or provided with services not currently present at the school site, the school site shall:
 - Elementary – Contact the site's Program Manager and provide them with a copy of the IEP and all enrollment information, including current contact information. The student enrollment information should still be entered into the District student information system. Once placed, the record will be requested by the appropriate site.
 - Secondary – For students with placement in classes/programs not currently housed at the site, the site staff will contact the site's Program Manager and provide them with a copy of the IEP and all enrollment information, including current contact information. The student enrollment information should still be entered into the District student information system. Once placed, the record will be requested by the appropriate site.

b. If it is determined that the student receives Resource, Speech, DIS services, or is currently placed in a program housed at the school of residence:

- Elementary – Contact the site Resource teacher, and or appropriate special education staff, to notify them of the new enrollee in order to establish appropriate service and additions to their caseloads.
- Secondary – Consult with the appropriate special educator (Department Chair, Case Manager, or Designee) to determine appropriate assignment to caseload.

**If the site is unclear as to the student's previous placement, please contact your Program Manager for assistance and review.*

5. The site clerical staff will request records from the previous school/district and notify the Case Manager when the records are received.

Transfers - School Site Interim IEP Procedures

The Interim Individualized Education Plan

The following procedures should be used when a student with a disability enrolls directly at a school site (includes students receiving Resource, Speech or other Related Services).

1. As soon as possible after enrollment, the Case Manager will review the IEP and hold an Interim IEP meeting with the parent/guardian and the student if appropriate. At this meeting, the Case Manager will do the following:
 2. Review the existing IEP, program, services, accommodations, etc.
 3. Draft an Interim IEP and indicate frequency of services in accordance with the existing IEP and current school site schedule.
 4. This review should include the discussion and planning of the 30-day review meeting to discuss the student's adjustment and progress.
 5. The site will follow the MCS policies and procedures for enrollment and verification of residency.

Note: *The Special Education Teacher/Case Manager will work with the administrative staff at the school site to determine that the Interim IEP signatory has legal educational rights.*

Note: *School site administrators must have a process to ensure that incoming cumulative files are reviewed to determine what special education materials might be contained therein*

The Thirty Day Individualized Education Plan

Thirty (30) days from the date of the Interim IEP meeting, the Case Manager will hold a 30-day IEP meeting with the parent/guardian and student and other team members as appropriate. At this meeting the following will be reviewed:

- The interim IEP document, including programming and services.
- Additional records and assessment information that may have been received.
- If new assessments for eligibility, or to provide additional information, are required.
- Existing Goals and Benchmarks. Develop new goals if appropriate.

If the Case Manager and IEP team determine the existing IEP, program, and services are appropriate, ***the original Annual IEP due date will be honored.***

If the Case Manager and members of the IEP Team determine a new Annual IEP needs to be developed, the Case Manager will do the following:

1. Establish a date/time that works for the parent/guardian and other members of the team, schedule the meeting, and send the Notice of Meeting to all attendees.
2. If new assessments for eligibility are needed, complete a new Assessment Plan, with appropriate staff and have the parent/guardian sign and return it.
3. Complete any additional assessments needed and write assessment reports.
4. Prepare draft of IEP for use in the IEP meeting that includes all compliant components need for an annual IEP.
5. Hold the new Annual IEP meeting to review the assessment reports, draft Goals and Benchmarks. **(The date of the meeting becomes the new Annual IEP date).**
6. The Case Manager retains a copy of the new IEP, updates all fields in SEIS, ensures the original IEP document is placed in the IEP file, provides pertinent information regarding accommodations/modifications, goals, and services to all IEP Team members and student's teachers, (IEP at a glance), etc. The IEP is affirmed and attested within 3 days.

Modesto City Schools Special Education Local Plan Area (SELPA)



Educationally Related Mental Health Services (ERMHS)

Christina Romero, Sr. Director, SELPA/Elementary Special Education
Kristen Panou, Sr. Director, SELPA/Secondary Special Education

Revised July 2019

Table of Contents

<u>Sections</u>	<u>Page</u>
Table of Contents	146
Policy Guideline Contributors	146
History	148
Educationally Related Mental Health Services Defined	148
ERMHS Pre-Referral Process	148
ERMHS Referral Process	149
Eligibility Criteria	150
Monitoring and Adjustment of Services	152
 <u>Appendices</u>	153
Appendix A – Sample Behavior Goals for Use in IEPs for ERMHS Services	
Appendix B – Service Codes for ERMHS	
Appendix C – ERMHS Referral Sample IEP Amendment Language	

Forms

ERMHS Cover Sheet

Policy and Guideline Contributors:

In addition to the Special Education administrative team, input was provided through consultation with our School Psychologists, Mental Health Coordinator, and Special Educators.

Acknowledgements

Modesto City Schools SELPA would like to thank and acknowledge the work and contribution of the following County Offices and SELPAs:

Butte County SELPA

Stanislaus County Office of Education

Special thanks to the Dr. Ray Easler for his support and contribution to the development of this publication.

History

In 1984, Assembly Bill 3632 statutorily required a partnership between school districts and county mental health agencies to deliver mental health services to students with individualized education programs (IEPs). In 2011, the California Legislature passed Assembly Bill 114, which repealed the state mandate on special education and county mental health agencies and eliminated related references to mental health services in the California statute. As a result, school districts are solely responsible for ensuring that students with disabilities receive special education and related services to meet their needs according to the Individuals with Disabilities Education Act (IDEA) of 2004.

Mental health as a related service is identified as mental health services necessary for a student to benefit from their special education program. Within the educational environment, these can include an assessment of needs for mental health services, crisis intervention within the educational setting, outpatient counseling, day treatment placement, case management, parent consultation, and/or residential placement recommendations. Please note that *medication management* is not included among these services since federal guidelines consider it a medically necessary and not an educationally necessary service. The term, "mental health as a related service", is currently utilized in place of "AB3632" or "26.5 services". Mental health as a related service and Educationally Related Mental Health Services (ERMHS) can be used interchangeably.

Educationally Related Mental Health Services Defined

Educationally Related Mental Health Services (ERMHS) are mental health services that are provided to students receiving special education services. These services are provided when students have significant socio-emotional or socio- behavioral needs that impede their ability to benefit from their special education services. There must be a direct relationship between the emotional/behavioral characteristics and the lack of benefit from special education services. This may be shown as lack of progress on goals/objectives, declining grades, absences, suspensions, etc. Referral is appropriate when these concerns are determined to be associated with a condition that cannot be described solely as a temporary adjustment problem that can be resolved with less than three months of school counseling. Students eligible for mental health services are not just those identified as Emotionally Disturbed but can be those of any disability category. In order for ERMHS services to be considered, the IEP team must demonstrate that the ERMHS counseling services are necessary in order for the student to benefit from their educational program (EC 56303). ERMHS may be provided by district personnel as well through clinical services in the SDC-ED classroom. Students identified with emotional /behavioral issues, which impede their ability to benefit from their Special Education, may be referred to the SELPA for ERMHS support. Once the student is referred and found to qualify for ERMHS services, these services will be documented within the IEP. The services will be monitored regularly for efficacy and due diligence. Adjustments in the level of service provided will be made as appropriate.

ERMHS Pre-Referral Process

The pre-referral process exists to support in making differentiated assessments of students who are already identified and enrolled in Special Education. It may be difficult to differentiate

students who have conduct disorders, oppositional defiance, or pressures resulting in temporary emotional distress from students with serious emotional disturbance that qualify for ERMHS. This qualifier generally excludes those who are clearly behavioral-disorder students. Students can be referred for pre-referral services when their educational needs are not being met because of ongoing social/emotional issues. This program may include counseling, social skills, behavior specialist consult or a combination of the three.

If the IEP team feels that the student has one of the following needs, an Academic Success Program (ASP) referral may be appropriate for the following:

- Short term mental health services
- Additional assessment required in the areas of social/emotional/behavioral
- At this point if the student exhibits behaviors that impede learning, the IEP team should take steps to address the behavioral concerns through either behavioral goals, behavioral assessment and/or formalized behavioral plans.

Case Manager Responsibilities:

- Convene an IEP meeting to discuss ASP Counseling. Document the discussion during the IEP in the notes page.
- The case manager contacts the school psychologist and the school psychologist fills out the ASP referral and faxes to Center for Human Services (CHS).
- Once the ASP clinician receives the referral, they will contact the team to begin setting up an IEP meeting.
- The case manager will coordinate an IEP in which the following people need to be in attendance: program manager, site administrator, parent, school psychologist, ASP Clinician, general education teacher, DIS providers, and student (if appropriate).
- This needs to be an amendment IEP. It can be labeled as “Initial ASP Meeting.” At this initial ASP IEP the following paperwork needs to be completed:
 - Procedural Safeguards, CAC, and Medi-Cal
 - Initial ASP Meeting Amendment
 - Present Levels (Updated social/emotional with information shared at IEP)
 - Services (Program Manager will update services at the meeting)
- After the initiation of pre-referral services two IEP meetings will need to be conducted at three and six months to determine if:
 - Student is doing well and no further referral is needed. Services will stop at the end of the three to six-month period.
 - Additional social/emotional assessment is warranted.
 - Referral for Educational Related Mental Health Services Assessment if the emotional/behavioral issues continue to impede the student’s ability to benefit from special education.

ERMHS Referral Process

The referral process begins when a student is identified with emotional/behavioral issues which impede their ability to benefit from special education (considerations: attendance, declining grades/work completion, suspension data, lack of progress on goals/objectives, standardized test scores, district assessments etc.)

- The concerns are identified as significant as indicated by rate of occurrence and intensity
- The concerns are associated with a condition that cannot be described solely as a temporary adjustment problem that can be resolved with less than three months of school counseling.
- The student has received pre-referral social emotional support as appropriate (i.e. school counseling [provided by school counselor or psychologist]; SAS; ASP) and the IEP team has determined that the services do not meet the student's educational needs or are inappropriate.
- The IEP team has identified the specific lack of educational progress and how this is directly related to the student's mental health needs.

Eligibility Criteria

For any need for an instructional service, the IEP team must consider and utilize pre-referral interventions as well as consider the least restrictive environment when making the referral for ERMHS.

Case Manager Responsibilities:

- Conduct an IEP meeting to discuss summary results of pre-referral interventions.
- Gather and present data and information regarding the student's need for mental health services
- Document the student's emotional and behavioral needs that the IEP team feels requires additional mental health assessments
- Note that all counseling/social emotional support services have been considered and found to not be sufficient
- Identify if the student's behavioral need requires a referral for ERMHS. If the IEP team agrees, and pre-referral activities have not been found to be sufficient, then an ERMHS referral will be made.

Assessment Plan:

- The case manager will have the assessment plan signed by the parent or guardian, and includes the referral to school psychologist and mental health clinician for Psycho-Social-Behavioral Assessment (if the social/emotional assessment was not completed in the last six months).
- The assessment plan must contain the following sections:
 - The “Other” Section of the assessment plan is to be checked
 - Document the following as “Areas to be Reviewed” by both the school psychologist and mental health clinician:
 - Review of records,
 - observation, and
 - interview with student and family
 - Complete the “Alternative Means” Section:
 - Referral to school psychologist and mental health clinician for Psycho-Social-Behavioral assessment

Psychologist/ Case Manager uploads the following documents into SEIS:

- ERMHS cover sheet
- Copy of the signed Assessment Plan
- Copy of IEP

- Behavior Plan (if appropriate)
- Most recent psycho-educational evaluation (Not more than two years old)
- Release of Information signed by parent
- Please ensure that the release of information includes CHS for educational assessment
- Include outside agency assessments and reports if applicable.

The case manager will email the ERMHS coversheet to their program manager once everything is uploaded into SEIS.

The mental health clinician will review and assess for therapeutic needs, in addition, the school psychologist will determine the educational impact of the socio-emotional/behavioral issues to ensure the IEP team understands the social/emotional impact on the student's ability to benefit from special education. The school psychologist and mental health clinician will work together on their respective assessments and report their findings. The Clinician will notify the case manager and the program manager that they are initiating the assessment process. (If there are any complications in accessing the family/ student for assessment the mental health clinician will consult with ERMHS Coordinator and the case manager).

- Once the assessment is completed, the clinician will contact the program manager and the appropriate case manager/ school psychologist to schedule the IEP meeting.
- The clinician will provide the assessment to the case manager and school psychologist for review.
- The case manager will consult with the school psychologist and the mental health clinician regarding the recommended services and appropriate service codes.

IEP to Document ERMHS

- An amendment is created to document ERMHS on an existing IEP
- Invite the mental health clinician, school psychologist (as appropriate) and the program manager to the IEP.
- The mental health clinician will insure that the case manager (indicated on cover page) has contact information (name, phone, E-mail) for the proposed provider of services.
- Insure there is at least one specific measurable behavioral goal; please consult the mental health clinician and school psychologist for appropriate behavior goal language. (See sample goals, Appendix A)
- The service documented on the Offer of FAPE – Service page of the IEP, and all services are provided by SELPA.

It is important to remember that services are determined for each student by the IEP team. The examples given are intended to provide some guidance as to possible levels of service.

- Use the correct codes for services provided. For most referrals:

Individual Counseling 510

Counseling and Guidance 515

Social Work Services 525 (see sample codes page, Appendix B)

- There may be times when additional services are needed because the student is in danger of hospitalization or of needing out of home placement in order to be able to benefit from their special education. It is possible to provide additional or enhanced mental health services

after consultation with the Case Manager/School Psychologist, MH clinician and the ERMHS Coordinator.

- For enhanced services the following codes are often used:
Parent Counseling 520
Behavior Intervention Services 535 (if not already apart of the IEP)
- There may be occasions when a residential placement may need to be discussed, in this occasion, any consideration for residential placement is made by the IEP team in conjunction with the special ed. supervisor, school psychologist, case manager, mental health clinician and the Coordinator of Mental Health.

Monitoring and Adjustment of Services

- Services should be monitored and adjusted as needed.
- The mental health clinician will provide reports of progress report on any behavioral goal that they are supporting.
- ERMHS services are normally written for 12 months. It is recommended that the IEP team meet every six months to monitor the services and evaluate for benefit and need.
- Team members required for these meetings include program manager, case manager, mental health clinician, school psychologist, general education teacher, parent, and student (if appropriate).
- An IEP will be held to discuss the discontinuation of ERMHS services when the student meets their social/emotional goals and no longer requires ERMHS services to benefit from their special education services.

APPENDICES

APPENDIX A

Sample Behavior Goals for ERMHS Services

By (date), STUDENT will demonstrate appropriate protests in class, speaking to staff in a 1:1 setting or raising hand, refraining from negative comments like "Get away from me," or "Don't talk to me." STUDENT will do so with 90% completion 9/ 10 days as measured by staff observation.

By (date), having been taught coping skills and participated in-group and individual counseling, STUDENT will demonstrate the use of coping skills by appropriately handling his peer conflicts, independently, as measured by no more than 1 reported incident per month for 2 of 3 months.

By (date), having been taught coping skills and appropriate replacement behaviors STUDENT will demonstrate the use of them by having no more than one charted incident of disruptive classroom behavior per week for 2 of three consecutive weeks as measured by daily behavioral charting.

By (date), STUDENT will negotiate alternative assignments using appropriate language in classroom, break time and lunchtime 95% as evidence by behavior point card. ED Staff observation and daily point card.

By (date), STUDENT will use appropriate voice level and tone in class, break, and lunchtime earning, 4 out of 5 points on the behavior rubric measured by daily point card.

By (date), STUDENT will increase his ability to identify those situations, which cause him a great deal of anxiety or frustration. He will manage that anxiety with alternate behavior such as reading, another academic activity or appropriately timed recreational activities, within defined area, without prompting from another person, less than 3 to 4 times per week as measured by instructor/care provider evaluation.

By (date), When STUDENT feels frustrated or angry, instead of crying or yelling he will ask for a brief break and will use that time to engage in a self-calming strategy from his menu of choices, 60% of the time, as measured by teacher records.

By (date), STUDENT will increase his ability to recognize when he is engaging in an unacceptable behavior by accurately self-monitoring his identified Problematic behavior with 80% reliability (or better) as indicated by STUDENT and instructor/data.

By (date), when in a group setting, STUDENT will listen attentively to peers without interrupting and respond on topic with no more than one prompt in four out of five observations as measured by teacher.

By (date), When feeling aggravated by her peers or staff, STUDENT will use her words in an appropriate manner to express herself 95% of the time as measured by daily data collection, discipline records, and staff observation.

Sample Behavior Goals for ERMHS Services

By (date), STUDENT will seek support from staff for the purpose of avoiding conflicts instead of letting things buildup and lashing out verbally or physically in order to cope with feeling angry and overwhelmed. STUDENT will utilize these strategies whenever she is upset or feeling on edge 90 % of the time working towards 100% of the time as measured by school and classroom staff.

By (date), Student will demonstrate the ability to identify when she needs to take a break, take the break, re-direct herself by using strategies provided by her therapist, and return to class within 10 minutes 95% of the time as measured by teacher kept records.

By (date), when feeling he is being treated unfairly, STUDENT will use self-calming techniques, accept emotional first aid, and if necessary, work in a quiet space to calm down in 80% of the time as measured by teacher observation and daily point sheets.

By (date), STUDENT will take a 5-minute break or talk to staff when frustrated or angry to escape non-preferred tasks and activities. Noncompliance, arguing and leaving area without permission in regular ed classes, special day class and vocational setting 95% in 6 out of 6 classes.

By (date), STUDENT will be able to. Follow school rules and expectations and use appropriate negotiation skills to resolve conflicts, 90% of the time during a 6th period class day, as measured by teacher chart and discipline record.

By (date), STUDENT will be able to use appropriate communication and social skills when interacting with staff and peers 9 out of 10 trials as documented by a decrease in arguments and an increase in positive relationships with others.

By (date), STUDENT will use a nonverbal communication system (e.g. a "conference card") to indicate her desire to engage with staff and voice a displeasure / problem in order to protest perceived injustices or requests to engage in non-preferred activities. She will do this instead of being demanding and verbally aggressive to staff and peers in order to protest perceived injustices or requests to engage in non-preferred activities. She will do this 75% of the time as measured by teacher record.

APPENDIX B

ERMHS Service Codes

510	Individual Counseling: One-to-one counseling, provided by a qualified individual pursuant to an IEP. Counseling may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. Individual counseling is expected to supplement the regular guidance and counseling program. (34 CFR § 300.24(b)(2), (CCR Title 5 §3051.9).
515	Counseling and guidance: Counseling in a group setting, provided by a qualified individual pursuant to an IEP. Group counseling is typically social skills development, but may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. IEP-required group counseling is expected to supplement the regular guidance and counseling program. (34 CFR §300.24.(b)(2)); CCR Title 5 §3051.9) Guidance services include interpersonal, intrapersonal or family interventions, performed in an individual or group setting by a qualified individual pursuant to an IEP. Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students supervised by staff credentialed to serve special education students. These services are expected to supplement the regular guidance and counseling program. (.34 CFR 300.306; CCR Title 5 §3051.9).
520	Parent Counseling: Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parent(s) of special education students in better understanding and meeting their child's needs; may include parenting skills or other pertinent issues. IBP-required parent counseling is expected to supplement the regular guidance and counseling program. (34 CFR §300.31 (b)(7); CCR Title 5 §3051.11).
525	Social Work Services: Social Work services, provided pursuant to an IEP by a qualified individual, includes, but are not limited to, preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program . Social work services are expected to supplement the regular guidance and counseling program. (34 CFR §300.24(b)(13); CCR Title 5 §3051.13).
530	Psychological Services: These services, provided by a credentialed or licensed psychologist pursuant to an IEP, include interpreting assessment results to parents and staff in implementing the IEP; obtaining and interpreting information about child behavior and conditions related to learning; planning programs of individual and group counseling and guidance services for children and parents. These services may include consulting with other staff in planning school programs to meet the special needs of children as indicated in the IEP. (CFR Part 300 § 300.24). IEP-required psychological services are expected to supplement the regular guidance and counseling program. (34 CFR §300.24; CCR Title 5 §3051.10).

APPENDIX C

Sample ERMHS IEP Amendment Language

This language is not intended to be simply copied, as it is student specific. Please modify these examples to fit the individual student.

Team members present:

Purpose of the meeting: Special education teacher, *parent*, and IEP team requested a referral for Educationally Related Mental Health Services (ERMHS).

In order to determine ERMHS eligibility, the IEP team discussed and have determined the following:

- STUDENT exhibits emotional and behavioral characteristics and symptoms that have been observed by qualified educational staff in the educational and other settings. *(the following is customized to the individual student)* STUDENT is currently eligible for special education under the category of Emotional Disturbance. STUDENT has received intensive counseling services and these have proven ineffective in managing STUDENT's emotional and behavioral needs. STUDENT is not currently benefitting from the educational program as STUDENT has made little progress on (his/her) current goals in ELA, Writing, and social-emotional functioning.
- STUDENT's behavioral and emotional concerns have been significant as indicated by rate and intensity. STUDENT is easily emotionally overwhelmed and avoids even the mildest stressful situations. When eloping, events lasting up to several weeks and STUDENT has been involved in illegal activities that have put STUDENT's health and well-being in danger.
- STUDENT's condition cannot be described as a social maladjustment or a temporary adjustment problem. STUDENT'S behavioral presentation has been evident for several years.
- The team has reviewed assessments of STUDENT's cognitive functioning and results indicate it is possible for STUDENT to benefit from mental health services.
- Team has reviewed the behavior support plan.
- At this time, parent consents to a referral for the school based mental health assessment. A release of information has also been authorized.

APPENDICES

APPENDIX 1: LOW INCIDENCE FORMS	155
APPENDIX 2: SAMPLE IEP MEETING AGENDA	160
APPENDIX 3: LETTER FORMS	166
APPENDIX 4: SECONDARY FORMS	169
APPENDIX 5: INDEPENDENT EDUCATIONAL EVALUATION	173
APPENDIX 6: SCHOOL BASED OCCUPATIONAL THERAPY	180
APPENDIX 7: SPECIAL EDUCATION TIMELINE	186
APPENDIX 8: LARRY P. ASSESSMENT GUIDELINES	188
APPENDIX 9: TRANSITION RESOURCES	191
APPENDIX 10: ADDITIONAL FORMS	224

APPENDIX 1

LOW INCIDENCE FORMS



MODESTO CITY SCHOOLS SELPA

Low Incidence (LI) Cover Sheet

This Low Incidence Packet includes copies, not originals, of the following:

- Complete copy of student IEP that includes:
 - Evidence of LI eligibility
 - Rationale for LI equipment/services
 - IEP goal(s) with equipment embedded
 - Assessment information/present levels that reflect the need for LI support
- Ordering Information:
 - Name and details of equipment
 - Vendor contact information (where it can be purchased)
 - Catalogue
 - Projected cost (include shipping).

Send above materials, with this Cover Sheet on top, in the intra-district mail to:

Administrator, Low Incidence Committee
SELPA Office

Equipment requests will be reviewed at the next LI meeting. *Incomplete request packets will be returned until all needs are met satisfactorily, as determined by LI Administrator.*

If you have further questions please call, Low Incidence Administrator, at 492-5113.

Student Name: _____ DOB: _____ Site: _____

Program/Case Manager: _____ Requesting Provider: _____

Date Submitted: _____ Date Received: _____



MODESTO CITY SCHOOLS SELPA

Request for Repair of Low Incidence Equipment

Date: _____

Student: _____

Student Birth date: _____

School: _____

Teacher: _____

Teacher telephone number: _____

Location of Equipment: _____

Equipment Needing Repair: _____

Low Incidence Tracking number: _____

Description of repair needed:

Catalogue/Vendor Name and Address:

Cost of Repair:

Return this form to:

Administrator, Low Incidence
MCS SELPA Office

*For further questions, contact Low Incidence administrator at 492-5113

TRANSFER OF SPECIAL EDUCATION STUDENT EQUIPMENT/SUPPLIES

The district has adopted an administrative procedure regarding “the transfer of special education student equipment/supplies. As severely handicapped students move from class to class and/or school to school, it is essential that the student’s personalized equipment/supplies are transferred with him/her.

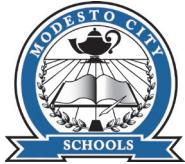
Attached is a copy of the Special Education Student Equipment/Supplies Transfer Form to be used per IEP when any of the following becomes evident:

- A student is transferred from classroom to classroom within a school
- A student is transferred from one school site to another school site within the district
- A student attends a summer (Extended School Year) school site other than their current respective school site
- A student moves out of district and equipment/supplies are to be inventoried, stored or redistributed
- A student returns to the district from a Nonpublic School
- A MCS student exits the school system either public or nonpublic and the equipment needs to be returned to inventory

Use of the Transfer of Special Education Student Equipment/Supplies Form

As need arises for the transfer of Special Education Student Equipment/Supplies, the Case Manager (teacher or speech therapist) shall complete and process the Transfer of Special Education Student Equipment Supplies Form and submit to his/her Program Manager. Upon receipt of the completed form, the Program Manager will contact the Case manager and confirm the equipment/supplies and the transfer date, as well as notify warehouse re: movement or storage. The Program Manager will send the form to the receiving school and Case Manager. The Program Manager will secure appropriate signatures, and communicate with the LI equipment coordinator to ensure inventory of the equipment on the SELPA LI inventory database is updated. A copy will be sent to the Case Manager to be placed in the student’s IEP file.

If you have questions or concerns regarding the procedures outlined herein, please contact your Special Education Program Manager.



MODESTO CITY SCHOOLS SELPA

TRANSFER OF STUDENT EQUIPMENT/SUPPLIES

Directions to Teachers: Please complete requested information regarding student equipment/supplies to be transferred from your classroom or school.

Student _____ School _____

Teacher _____ Class _____ Room _____

1. Transfer the following Equipment/Supplies listed below to: _____ School _____

2. Date Equipment/Supplies are needed: _____

3. Other comments:

This section is to be completed by the Special Education Program Manager after Transfer of Student Equipment Form has been received and the equipment/supplies transfer has been accomplished:

Date Form Received: _____ By: _____ Program Manager

Upon receipt of the Transfer of Equipment form, the Special Education Program Manager will contact the school/teacher to confirm arrangements and details of the equipment/supplies transfer:

List date and time when transfer will occur (Warehouse): _____
Date _____ Time _____

APPENDIX 2

SAMPLE IEP MEETING AGENDA



IEP Meeting Agenda – Annual (SAMPLE)

Student/DOB/Grade: _____

Introductions	Introduce and document team members, and position. Review previously completed excusals.
Purpose	Share and document purpose of meeting. (ie: Annual/Tri/Amendment/Parent Request)
Agenda/Time Constraints	Distribute agenda for input, and review time constraints. Document agenda discussed.
Parent Rights/CAC	Distribute copy, review rights and CAC, document review and distribution.
Parent Input/Concerns	These are concerns related to the student's educational progress at present. Document the statement, and ensure any concerns are addressed and documented throughout the meeting. When parents provide input throughout the meeting, ensure it is documented .
Present Levels	Review and document student's present levels of performance in each area. This should include what the student is currently working on in their general education environment.
Previous Goals	Review and document student's performance on previous year's goals.
Statewide Assessments/Benchmarks etc.	Review and document student's performance on previous assessments and needs for accommodations for upcoming year.
REMINDER:	(Services and placement are NOT discussed before goals.)
EL Considerations	EL needs are addressed and section completed regarding instruction. Level of EL proficiency is discussed and documented . Linguistic needs are considered when developing goals.
Behavior	Ensure that if behavior is an area of concern, goals a support plan etc., are included and discussion is documented . Ensure instruction in supporting the student in the behavior is present.
New Goals are Proposed	Goals are proposed and team approval, adjustment, etc. is documented . Goals MATCH student areas of need (ie: student has attention issues and struggles with reading; goals should reflect both.)
Accommodations/Modifications	Are not general, but are specific to the student's deficits. (ie: Writing is a struggle. Supports such as "use of a graphic organizer, word bank, sentence starter, for writing prompts" would be appropriate.) Discussion about what supports are needed is documented .
Harmful Effects	Document that the team has discussed options of service and considered the harmful effects. (IE: Student is pulled out for speech. Harmful effect is the time missed in the general education room, lack of typical peer access during that time.)

	Offer of FAPE	Services need to be discussed in the frame of what is needed to address the goals set. (This is what drives service frequency and duration.) Clearly stated recommendations are documented . Discussion surrounding the service/placement is documented .
	Signature/ Copy This is not all encompassing, but as a beginner...this will give you a good start.	Ensure the variety of boxes are thoroughly explained. If anyone signs with exceptions, notify your PM and scan a copy immediately . A copy of the IEP needs to leave with the parent. Any behavior plan etc. needs to be numbered into the document as part of the permanent record.

RECORD OF PARENT CONTACTS FOR IEP DEVELOPMENT AND REVIEW MEETINGS

Procedure

The form on the next page, entitled “Record of Parent Contacts for IEP Development and Review Meetings” can be used for this purpose. Case managers can also keep their own log, as long as it includes the purpose of communication, date, time and type of communication (i.e. phone, email, mail...etc.). Case managers should keep this log in their own files and make it available upon request.

If the IEP team decides to hold an IEP meeting without the parent(s) after making reasonable attempts to involve/invite them, a copy of this form should be attached to the IEP for documentation.

****This form is available on the following page and in the Document Library in SEIS. The form is entitled “Record of Parent Contacts”.**



MODESTO CITY SCHOOLS SPECIAL EDUCATION LOCAL PLAN AREA

RECORD OF PARENT CONTACTS FOR IEP DEVELOPMENT AND REVIEW MEETINGS

Student: _____ Date of Birth: _____ Person completing record: _____

School: _____ School Year: _____

<p>1. Date: _____</p> <p>Method: <input type="checkbox"/> Mail <input type="checkbox"/> E mail <input type="checkbox"/> Phone call <input type="checkbox"/> Conference <input type="checkbox"/> Other (Specify) _____</p> <p>Response: _____ _____ _____</p>	<p>2. Date: _____</p> <p>Method: <input type="checkbox"/> Mail <input type="checkbox"/> E mail <input type="checkbox"/> Phone call <input type="checkbox"/> Conference <input type="checkbox"/> Other (Specify) _____</p> <p>Response: _____ _____ _____</p>
<p>3. Date: _____</p> <p>Method: <input type="checkbox"/> Mail <input type="checkbox"/> E mail <input type="checkbox"/> Phone call <input type="checkbox"/> Conference <input type="checkbox"/> Other (Specify) _____</p> <p>Response: _____ _____ _____</p>	<p>4. Date: _____</p> <p>Method: <input type="checkbox"/> Mail <input type="checkbox"/> E mail <input type="checkbox"/> Phone call <input type="checkbox"/> Conference <input type="checkbox"/> Other (Specify) _____</p> <p>Response: _____ _____ _____</p>
<p><i>Meeting may be held w/o parent at this point</i></p>	
<p>5. Date: _____</p> <p>Method: <input type="checkbox"/> Mail <input type="checkbox"/> E mail <input type="checkbox"/> Phone call <input type="checkbox"/> Conference <input type="checkbox"/> Other (Specify) _____</p> <p>Response: _____ _____ _____</p>	<p>6. Date: _____</p> <p>Method: <input type="checkbox"/> Mail <input type="checkbox"/> E mail <input type="checkbox"/> Phone call <input type="checkbox"/> Conference <input type="checkbox"/> Other (Specify) _____</p> <p>Response: _____ _____ _____</p>

APPENDIX 3

FORM LETTERS

IEP TEAM MEETING PARENT NON-ATTENDANCE LETTER

Every effort is to be made to assure the Parent/guardian attend all IEP meetings, especially the Annual Meeting and any meetings when assessment results will be reviewed. Case Managers must make **multiple attempts** to communicate with the Parent/guardian to arrange a **mutually agreeable date and time** for the IEP meeting. *Annual IEP meetings cannot be overdue because of challenges in obtaining parental participation!* This has the effect of making the student IEPs noncompliant. In such instances, it is permissible to hold the meeting without the Parent/guardian present.

The following procedure must be followed when this occurs:

1. The Case Manager sends a follow-up letter and attaches a complete copy of the IEP, including any Assessment Reports, and Goals and Benchmarks.
2. The Case Manager sends the original copy of the complete IEP including the letter sent to the parent to the appropriate Program Manager.

If the Parent/guardian attended the IEP meeting via telephone, speakerphone or teleconference, the letter does not need to be sent. In that instance, the following procedure is followed:

1. Two copies of the complete IEP are sent to the Parent/guardian, one for the Parent/guardian to keep, and one to sign and return.
2. If the Case Manager does not receive the signed IEP back within one week of mailing it, he/she must make a follow-up phone call and document the phone call.
3. If the Case Manager fails to receive the signed IEP back after repeated attempts, two more copies are to be sent along with the letter.
4. If the signed IEP is still not returned, the Case Manager is to contact his/her Program Manager.

**** Non-Attendance Letter is available on the following page and in the Document Library in SEIS. The letter/document is entitled “Follow-Up Letter Regarding Your Child’s IEP Team Meeting”.**



MODESTO CITY SCHOOLS SELPA

1581 Cummins Drive, Suite B, Modesto, CA 95358
Phone: 209-492-5311 Fax: 209-574-1577

Christina Romero
Senior Director, K-6
Special Education

Kristen Panou
Senior Director, 7-12
Special Education

Date: _____

Student's Name: _____

Date of Birth: _____

School: _____

Follow-up Letter Regarding Your Child's IEP Team Meeting

Dear Parent/guardian:

An Individualized Education Program (IEP) Team meeting, to which you were invited, was held on _____ to consider an appropriate educational plan for your child. We are sorry you were unable to attend.

Enclosed is a copy of the IEP, which includes recommendations for placement and needed services that were made after consideration of the available information, as well as two copies of the IEP Signature & Consent Page.

In order for the IEP Team and school to implement the changes, updates and recommendations from the IEP meeting, it is necessary for you to sign the IEP Signature Page (two copies are enclosed: one copy for your files and one copy to be returned to us).

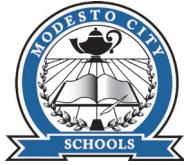
Since considerable time and effort have been devoted to planning an appropriate program for your child, we hope that you will sign in agreement and return the district copy of the IEP Signature Page promptly in the envelope provided. **According to Federal and State regulations, if you do not sign and return the form, the IEP Team cannot implement any of the changes made to the IEP.**

Please contact me at _____ if you have any questions or concerns, or would like to set up a follow up meeting to discuss the IEP further.

Sincerely,

Title _____

Enclosures: IEP (Parent Copy)
IEP Signature Page (2 copies)
Return Envelope



Distrito Escolar De Modesto City Schools SELPA

1581 Cummins Drive, Suite B, Modesto, CA 95358

Phone: 209-492-5311 Fax: 209-574-1577

Christina Romero

Senior Director, K-6

Special Education

Kristen Panou

Senior Director, 7-12

Special Education

Nombre del Alumno: _____ Fecha de nacimiento: _____

Escuela: _____

Carta de seguimiento sobre la reunión de IEP de su hijo/a

Querido Padre/Guardián:

Se realizó una reunión IEP, a la cual usted fue invitado, el día _____ para tomar en consideración un plan educacional apropiado para su hijo/a. Lamentamos que usted no pudo asistir.

Se adjunta a esta carta una copia del IEP, en el cual se incluye la recomendación sobre la colocación y los servicios necesarios tomados en cuenta basados en la información disponible, como también dos copias de la Página de Consentimiento y de Firmas del IEP.

Para que el equipo IEP y la escuela puedan implementar los cambios, las actualizaciones y recomendaciones tomadas en la reunión del IEP, es necesario su firma en la Página de Firmas del IEP (se adjunta dos copias: una para sus archivos y otra copia para que usted nos la devuelva).

Como se ha dedicado bastante tiempo y esfuerzo para planear un programa apropiado para su hijo/a, esperamos que usted firme dando su consentimiento y devuelva al Distrito en el sobre provisto la Página de Firmas del IEP lo más pronto posible. **Según las regulaciones federales y estatales, si usted no firma ni devuelve la forma, el equipo IEP no podrá implementar ninguno de los cambios hechos al IEP.**

Por favor, contácteme llamando al _____ si tuviera preguntas o inquietudes, o si le gustaría programar una reunión de seguimiento para hablar sobre el IEP más detalladamente.

Atentamente,

Cargo

Se adjunta: IEP (Copia de los padres)

Página de firmas del IEP (2 copias)

Un sobre de devolución

APPENDIX 4

SECONDARY FORMS

GRADUATION NOTIFICATION AND PRIOR WRITTEN NOTICE

When students with disabilities enrolled in general education core curriculum meet the requirements of a high school diploma and are getting ready to graduate with a high school diploma, the District is required to provide prior written notice.

Graduating with a high school diploma is considered a change of placement and therefore, families must be notified prior to the change of placement taking place.

A form letter has been created to serve as the prior written notice to families. Case Managers should fill out the form for each of their graduating students.

A copy of the form should be placed in the student's blue file at the school, the parent/guardian should be mailed a copy, and the original should be sent to the Special Education Department to be filed.

These forms are not needed for students enrolled in Alternative Education Curriculum who do not meet diploma requirements.

GRADUATION NOTIFICATION AND PRIOR WRITTEN NOTICE

This is the procedure when a student is identified as meeting State of California and MCS graduation requirements for a High School Diploma, Certificate of Completion, or is aging out of Special Education.

Graduating with a Regular Diploma

- IEP teams are required to discuss graduation requirements and completion of goals at the annual IEP.
- An evaluation is not required prior to graduation if the student is graduating with a regular high school diploma.
- Parents or adult student are to be provided both a ***Post-Secondary Exit*** and ***Change of Placement PWN*** prior to graduation.
 - Graduating with a diploma terminates eligibility for special education and is a change of placement and requires notice of Procedural Safeguards and a PWN.
 - Use MCS Form: Prior Written Notice of Proposed Action-Graduation from High School
 - Use SEIS Form: Post-Secondary Exit Page 1 and Page 2

Exiting with a Certificate of Completion

- If student does not meet requirements for a diploma, District may award a Certificate of Completion if the student:
 - Completed prescribed course of study
- ***NOTE:*** Graduation with a Certificate of Completion does not terminate FAPE eligibility and does not serve to exit a student from special education.
- Provide parent or adult student with a ***Post-Secondary Exit at time of aging-out*** (see Aging-Out section).

Aging Out

- Students with IEPs continue to be eligible for special education and related services until age 22 if they were not exited from special education by way of graduation with a regular diploma.
- Students age out at age 22 based on their month of birth. Below are the two different times of year that students would exit based on their birthday.
 - Students turning age 22 during January through June may continue through end of the fiscal year (June 30th or the last day of ESY if they participate).
 - Students turning age 22 during July, August or September are not allowed to begin the new school year in special education (age out as of June 30th or the last day of ESY if they participate).
 - Students turning age 22 during October, November or December will be exited on December 31st.
- IEP teams are required to discuss student's exit IEP information and completion of goals at the annual IEP prior to the student aging out.

- An evaluation is not required prior to aging out if the student is not due for their Triennial review.
- Parents or Adult student is to be provided a ***Post-Secondary Exit***.
 - Use SEIS Form: Post-Secondary Exit Page 1 and Page 2

	<u>High School Diploma</u>	<u>Certificate of Completion</u>	<u>Aging Out</u>
Who	Current Case Manager	Current Case Manager (if student is exiting and not continuing on until age 22)	Current Case Manager
Form(s)	MCS Form: Prior Written Notice of Proposed Action-Graduation from High School SEIS Form: Post-Secondary Exit Page 1 and Page 2	SEIS Form: Post-Secondary Exit Page 1 and Page 2	SEIS Form: Post-Secondary Exit Page 1 and Page 2
How	Forms must be presented to the parent at the exit IEP or mailed to the parent prior to the student graduating from High School. Copies of the forms must be included in the IEP file.	Form must be presented to the parent at the exit IEP or mailed to the parent prior to the student exiting special education. A copy of the form must be included in the IEP file.	Form must be presented to adult student or parent prior to student aging out of special education. A copy of the form must be included in the IEP file.



1581 Cummins Drive, Suite B
Modesto, CA 95358
209-574-1623

**PRIOR WRITTEN NOTICE OF PROPOSED ACTION
GRADUATION FROM HIGH SCHOOL**

Date: _____

Re: Graduation from High School with a Diploma

Dear Parent, Guardian and/or Student,

Congratulations! This letter serves as written notice that _____ is currently meeting both the State of California and Modesto City Schools (MCS) requirements for graduating with a high school diploma. Because _____ is receiving special education and related services, pursuant to Federal law, the District must notify you of that graduating with a diploma constitutes a change in placement, and as such, MCS must notify you of this proposed change in placement. Upon his or her graduation, your child will no longer be eligible for special education services.

It is the District's determination that other options, such as awarding a Certificate of Completion, is not appropriate for _____ at this time because your student is currently on track to satisfy all of the necessary requirements to graduate with a high school diploma. Upon request, an IEP meeting may be convened to discuss this recommendation.

Please be advised that you are entitled to Procedural Safeguards if you disagree with this determination, you may contact your student's case manager to request a copy. Additionally, attached is _____'s Post-Secondary Exit form for your review. If you have any questions regarding this letter, please feel free to contact Kristen Panou, Supervisor of Special Education at (209) 492-1789.

Sincerely,

Name

Title

Enclosed: Post-Secondary Exit form

cc: IEP File

APPENDIX 5

INDEPENDENT EDUCATIONAL EVALUATION

PROCESS/PROCEDURES

DEFINITION OF AN INDEPENDENT EDUCATIONAL EVALUATION

A parent/guardian has a right to obtain an independent educational evaluation of the student at public expense if the parent/guardian disagrees with an assessment by the District subject to the criteria and procedures identified below and as stated in federal and state law governing independent educational evaluations. (20 U.S.C. 1415; 34 C.F.R. 300.502; Ed. Code, 56329.)

If a parent/guardian requests an independent educational evaluation at public expense, the District must, without necessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense. However, the parent/guardian is not entitled to an independent educational evaluation that meets the criteria and procedures identified below.

If the District files a due process complaint and the hearing decision is that the District's evaluation was appropriate, the parent/guardian may still obtain a private evaluation, but not at the District's cost.

If a District observed the student in conducting its assessment or if its assessment procedures make it permissible to have in-class observation of the student, an equivalent opportunity shall apply to an independent educational evaluation of the student in the student's current educational placement and setting, and observation of an educational placement and setting, if any, proposed by the District, regardless of whether the independent educational evaluation is initiated before or after the filing of a due process hearing. (Ed. Code, 56329).

CRITERIA

Location Limitations for Evaluators

Evaluators must be located within a 20-mile radius of the city of Modesto. Evaluators outside of this area will be approved only on an exceptional basis if the parents can demonstrate the necessity of using personnel outside the specified area. Costs beyond the evaluation (i.e., transportation, lodging, food, etc.) are not covered in the cost of the independent evaluation.

Minimum Qualifications for Evaluators

All assessments must be conducted by persons competent to perform the assessment as determined by the District. (Ed. Code, 56322.). All assessments must be conducted in accordance with all requirements of Federal and State law including, but not limited to, observing the student in the appropriate setting and conducting evaluations in accordance with Education Code section 56320. Evaluators with credentials other than those listed below will not be approved unless the parents can demonstrate the appropriateness of using an evaluator meeting other qualifications.

Minimal Qualification for Evaluators:

Type of Assessment	Minimum Qualifications
Academic Achievement	<ul style="list-style-type: none">• Certified Special Education Teacher (Master's Degree)• Licensed Educational Psychologist or Credentialed Psychologist
Adaptive Behavior	<ul style="list-style-type: none">• Certified Special Education Teacher (Master's Degree)• Licensed Educational Psychologist or Credentialed Psychologist
Assistive Technology	<ul style="list-style-type: none">• Certified or Licensed Speech/Language Pathologist• Certified Special Education Teacher (Master's Degree)
Auditory Acuity	<ul style="list-style-type: none">• Licensed or Certificated Audiologist
Auditory Perception (Central Auditory Processing)	<ul style="list-style-type: none">• Licensed or Certificated Audiologist
Cognitive	<ul style="list-style-type: none">• Licensed Educational Psychologist or Credentialed Psychologist
Functional Vision	<ul style="list-style-type: none">• Certified Teacher of the Visually Impaired (Master's Degree)
Health	<ul style="list-style-type: none">• Licensed Physician• Licensed Nurse
Motor Development	<ul style="list-style-type: none">• Licensed Physical Therapist• Registered Occupational Therapist• Adaptive Physical Education Specialist (Master's Degree)
Speech and Language	<ul style="list-style-type: none">• Certified or Licensed Speech/Language Pathologist
Social/Emotional/Behavior	<ul style="list-style-type: none">• Licensed Educational Psychologist or Credentialed Psychologist• Social worker (LCSW)• Licensed Psychiatrist
Transition/Vocational	<ul style="list-style-type: none">• Certified Teacher (Master's Degree)
Vision-Motor Integration	<ul style="list-style-type: none">• Licensed Educational Psychologist or Credentialed Psychologist

Cost Limitations for Evaluations

An independent multidisciplinary evaluation will be limited to a total cost of \$1,000.00. Single disciplinary evaluations will be limited to the following schedule of costs:

Type of Assessment	Qualifications	Cost
Academic Achievement	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist	\$1,000
Adaptive Behavior	School Psychologist Licensed Educational Psychologist	\$500
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Assistive Technology Specialist Credentialed Special Education Teacher Licensed Occupational Therapist Registered (OTR)	\$800
Auditory Acuity	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist	\$350
Auditory Perception (Central Auditory Processing)	Licensed or Credentialed Speech/Language Pathologist Licensed Audiologist	\$500
Behavioral	School Psychologist Licensed Educational Psychologist	\$800
Behavior Analysis/BIP	Board Certified Behavior Analyst	\$2,000
Cognitive	Licensed Educational Psychologist School Psychologist	\$750
Health (including neurological)	Licensed Physician Credentialed School Nurse	\$350
Motor	Licensed Physical Therapist Licensed Occupational Therapist Registered (OTR) Credentialed Teacher of Pupils with Physical & Health Disabilities Adaptive Physical Education Teacher	\$750
Occupational Therapy	Licensed Occupational Therapist Registered (OTR)	\$1,200
Neurological	Licensed Physician	\$1,500
Speech and Language	Credentialed or Licensed Speech/Language Pathologist	\$1,200
Social/Emotional	School Psychologist Licensed Educational Psychologist	\$800
Functional Vision	Credentialed Teacher of the Visually Impaired	\$350
Vision Perception	Credentialed Special Education Teacher School Psychologist	\$500
Transition	Credentialed Special Education Teacher	\$1,000
Psycho-Educational	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist	\$3,500

Costs above these maximum amounts will not be approved unless the parents can demonstrate that such costs reflect a reasonable and customary rate for such evaluative services, or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary.

When insurance will cover all or part of the costs of the independent evaluation, the District will request that the parents voluntarily have their insurance pay the independent educational evaluation costs covered by their insurance. However, parents will not be asked to have insurance cover independent educational evaluation costs if such action would result in a financial cost to the parents not reimbursed by the District/SELPA, including, but not limited to the following:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim.

Independent evaluators must agree to release their assessment information, results, and report to the District prior to receipt of payment for services. The results of the independent educational evaluation will be considered in the diagnosis, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act.

Sources of Independent Evaluation by Area of Assessment

The District does not specifically endorse any agency or individual to conduct an independent educational evaluation. For a current list of local providers, please contact the Special Education Department.

PROCEDURES

The following procedures will apply to all requests for independent educational evaluations:

1. REQUEST FOR DISTRICT EVALUATION

Parents of students eligible for special education services, or suspected of having a disability requiring special education services, may request that the District complete and evaluation or reevaluation of their child at any time. The parent's request must be in writing and indicate that the parent disagrees with a District assessment and the parent is requesting an independent educational evaluation at public expense. The District will respond to such requests by initiating the special education evaluation process or if an assessment evaluation is not needed, parents will receive written notice of refusal to evaluate and be informed of the procedural safeguards available to parents and students. All requests for an independent educational will be handled in accordance with the District's Independent Educational Evaluations – Policy, Procedures and Criteria.

2. PARENT DISAGREEMENT

Parents may only seek an independent educational evaluation when they are in disagreement with an evaluation completed by the District and in accordance with and District's Independent Educational Evaluation Policy.

3. PARENT NOTIFICATION OF INTENT

Parents are requested, but are not required to notify the special education department prior to obtaining an independent educational evaluation. However, if parents obtain an independent educational evaluation and the District demonstrates through a due process hearing that the evaluation completed by the District was appropriate or that the parents' evaluation did not meet the District's criteria, the parent will not be reimbursed the cost of the evaluation. If the independent educational evaluation obtained by the parents meets the District's criteria, it will be considered in making educational decisions about the student. However, independent educational evaluations will not control the District's decisions and may not even be considered if not completed by a qualified professional, as determined by the District.

4. PARENT REQUEST FOR PAYMENT OF COMPLETED INDEPENDENT EDUCATIONAL EVALUATION

When parents are requesting payment for an independent educational evaluation that has already been completed, the SELPA Director or Director of Special Education must be notified. Parents will be provided a copy of the District's policy and procedures and criteria

including criteria for independent educational evaluations. A determination will be made as to whether the District will initiate due process to establish the appropriateness of its evaluation or proceed with consideration of the District's obligation for payment of the independent evaluation. The District's evaluation and independent educational evaluation will be reviewed with the parents to identify those areas of disagreement. The parents must request payment for the independent educational evaluation within one calendar year of the date the results of the District's evaluation were shared with the parents.

5. DISTRICT/CRITERIA OBLIGATION

If the District proceeds with consideration of the independent educational evaluations for payment, the District's criteria for the location of the evaluator(s), the minimum qualifications of the evaluator(s), the costs of the evaluation, and use of approved assessment instructions must be met.

6. NOTIFICATION TO THE ASSISTANT SUPERINTENDENT, SELPA

If parents request an independent educational evaluation at public expense, the Assistant Superintendent, SELPA or designee must be notified. The District's evaluation will be reviewed with the parents to identify any areas of disagreement. Parents will be provided a copy of the District's Independent Educational Evaluation's Criteria and Internal Procedures for independent educational evaluations. Following discussion with the parents, the District may elect to complete an additional or supplemental evaluation.

7. LIMITATION OF ONE INDEPENDENT EDUCATIONAL EVALUATION PER YEAR

Parents may only request one publicly funded independent evaluation for each evaluation completed by the District. The parents must request the independent educational evaluation within one calendar year of the date the results of the District's evaluation were shared with the parents.

8. COMPLETION OF THE DISTRICT/ASSESSMENT PLAN

If the District agrees to purchase an independent educational evaluation at public expense, an assessment plan will be developed which specifies those areas to be evaluated, and who will complete each assessment. The assessment(s) completed will comply with the locations of the evaluator(s), the minimum qualifications of evaluator(s), the costs of the evaluation, and use of approved assessment instruments as set out in the criteria for independent educational evaluations. As part of an independent educational evaluation, the examiner will follow guidelines for District evaluations which include, but are not limited to, observing the student in an appropriate setting. The independent examiner will attend the IEP team meeting by phone or in person at which time the evaluation will be discussed. The District will pay the independent examiner to attend the IEP team meeting as part of the evaluation responsibilities, which also include classroom visitation(s) and interviews with parents and staff. Notice of intent to evaluate will be provided and the District will arrange for the completion of the independent educational evaluation. Parents will be required to sign consent to re-evaluate and appropriate releases to exchange information between the independent educational evaluator(s)

and the District as a condition of the District's agreement to pay the provider for an independent educational evaluation.

9. RELEASE OF ASSESSMENT INFORMATION AND RESULTS

As part of the contract for an independent educational evaluation, independent evaluator(s) must agree to release their assessment information, results, and report directly to the District prior to the receipt of payment for services. The results of the independent educational evaluation will be considered in making educational decisions as required by the Individual with Disabilities Education Act.

10. EVALUATIONS BY DIAGNOSTIC CENTERS

If the District requests an evaluation from a Diagnostic Center and the Diagnostic Center completes the evaluation, both the District and the parents will receive a copy of the evaluation.

APPENDIX 6

School Based Occupational Therapy Process/Procedures

Definition of Occupational Therapy

The California Occupational Therapy Practice Act, *Business and Professions Code Section 2570.2 (k)* states:

The practice of occupational therapy means the therapeutic use of purposeful and meaningful goal-directed activities (occupations) which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, prevent or minimize disability, and maintain health.

Under IDEA regulations, Title 34, Code of Federal Regulations, Section 300.34(c)(6) defines "occupational therapy" as "services provided by a qualified occupational therapist" and includes:

- (a) improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
- (b) improving ability to perform tasks for independent functioning if functions are impaired or lost; and
- (c) preventing, through early intervention, initial or further impairment or loss of function.

For the children between the ages of 3 to 22:

56363 (a) The term "related services" means transportation, and such developmental corrective, and other supportive services (including physical and **occupational therapy**...) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

Occupational Therapy in the Educational Setting

School based occupational therapy enhances the student's ability to function within the educational environment. The occupational therapist uses techniques that correct, facilitate, or adapt the student's functional performance within the sensory and motor domains. These include postural stability, sensory registration and processing, motor planning, fine motor, visual-motor, activities of daily living, social play, organization of behavior, environmental adaptations/ modifications, and assistive devices.

School based occupational therapy services are available for students who are eligible, either through an IEP or 504 Plan. Occupational Therapy is not a "stand alone" service. The occupational therapist works **WITH** the IEP team to identify supports that facilitate the student's access to the curriculum, and any barriers that preclude participation in his/ her educational program.

In the educational setting, determination of occupational therapy services starts with an **assessment**. Assessment information is gathered by direct contact with the child, standardized testing, structured informal assigned tasks, classroom observation, teacher report, and review of available records. If needs are identified and the student is in need of services, the student would then receive services based on the assessment findings and the collaboration of the IEP team. Areas of service include **direct therapy** and various types of **consultation**. These intervention activities are not mutually exclusive and may occur at the same time.

Service Delivery Models:

- **Direct Therapy:**

Direct Therapy employs specific therapeutic techniques to remediate or prevent problems that are identified through the assessment process, adversely affect educational performance, are required to meet educational goals, and are based on program objectives developed by the multidisciplinary team. Motor planning, gross motor and fine motor skills, visual perception skills, and self-help skills, are the primary areas of focus, but sometimes other areas are addressed as well. (e.g., processing sensory input, coordination of skills, external adaptations, alternative ways of completing activities, etc.)

- **Consultation:**

Consultation is the collaboration among therapists, educational staff, parents and/or child to plan and implement modifications and interventions to meet the child's needs. It can also include monitoring or periodic rechecking of the child's progress, needs for equipment, and staff supports in order to meet the student's needs across educational environment.

Eligibility Criteria for Occupational Therapy Services

The objective of occupational therapy is to have a child participate and function as independently as possible in the classroom setting. Once a child has been found to be eligible for special education, a listing of all his/her needs, which cannot be met by the general education program, must be made. These become the student's special education needs. Needs in the areas of gross and/ or fine motor, special physical adaptations, etc., which cannot be met by the general or special education teacher, then raise the possibility of occupational therapy involvement.

In order to receive occupational therapy as a related service, a child must first be eligible for special education. This means that the child must be determined to be an "Individual with Exceptional Needs" as defined by the Education Code and local SELPA guidelines. All the requirements for eligibility must be met. Within this framework, both the American Occupational Therapy Association and federal legislation focus on "improvement of functioning" and not serving goals beyond the capacities of the individual.

Simply having needs in the areas of gross or fine motor skills does not mean that a child needs occupational therapy. Special Education teachers can assess and assist children who have special needs in sensory or motor skills. Most special education children with needs in these areas can, and should, be served by their teachers. There are a few children whose needs are so significant and unique that the child's special education teacher cannot serve them. These children may need the services of an occupational therapist.

Referral for Occupational Therapy:

Public schools are not required to provide a service to a disabled child just because the child will benefit from the service or if the child requires the service for other than educational reasons. A key factor the IEP team must remember is that a related service such as occupational therapy is warranted only if it is necessary for the child to benefit from their educational instruction. Therefore, if the IEP team has exhausted the strategies, activities, or resources available (classroom teacher, SDC, RSP, APE teacher, etc.) and believes that occupational therapy is necessary for the child to benefit from his/her instructional program, a referral for such services should be made.

Pre-Referral Problem Solving Process

Occupational therapists can provide input to the educational team at any time during the pre-referral problem solving process. This process includes identifying the problem, analyzing why it is occurring, brainstorming and implementing intervention strategies, and determining the effectiveness of intervention. Occupational therapists can also assist the educational team with progress monitoring, ongoing data collection, and analysis to continually determine the level of intensity and support necessary for individual students.

“Medically Necessary” vs. “Educationally Necessary” Occupational Therapy

Medically necessary occupational therapy differs from educationally necessary occupational therapy in its intent and in its role. Medically necessary therapy is usually undertaken as an adjunct to medical treatment for acute and chronic conditions to ameliorate an underlying disability. The goal of medically necessary therapy is to improve global functioning through the use of a variety of modalities. Educationally necessary therapy is provided in the school setting to help the child access educational services and benefit from his/her educational program.

An IEP team is the only legal body that determines special education services for a child. Any relevant input from a medical practitioner would be considered by an IEP team along with other health information, but there is no educational requirement or authority to fill a physician's prescription for occupational therapy in a school setting.

Determining “Educationally Necessary” Occupational Therapy as an IEP team

According to the CA Ed Code and IDEA 2004, the IEP team is addressing the question, “Is occupational therapy necessary for the child to benefit from his/her special educational instruction?”

While “educationally necessary” is difficult to define precisely, determining the need for educationally necessary occupational therapy may best be approached by the IEP team addressing a series of questions about the developmental issues involved in the student’s progress toward goals. Answers to the questions listed will help the team answer the question:

Is occupational therapy necessary for the student to benefit from his or her special educational program, and if so, what level of service delivery is most appropriate?

- ✓ Does the student have educational goals that involve motor skills or sensory functioning?
- ✓ Can these goals be addressed by adaptations or modifications to the classroom environment or curriculum?
- ✓ Can these goals be addressed by classroom instructional staff using typical educational strategies with reasonable expectation of success?
- ✓ Can these goals be addressed by classroom instructional staff with consultation and guidance or monitoring by an occupational therapist?
- ✓ Can classroom instructional staff conduct a program of activities designed by an occupational therapist specifically for this student, with reasonable expectation of success?
- ✓ Can activities designed to address educational goals be delivered to the student only by a professional occupational therapist?

As special education instruction can frequently overlap with occupational therapy activities in many skill areas, the IEP team needs to thoroughly consider the level of professional expertise needed to address educational goals, to assure that special education resources have been explored before determining that occupational therapy services are required for a student to benefit from their special education program. **Public schools are not required to provide a related service to a student with disabilities simply because the student will benefit from the service. The IEP team must determine that a related service is warranted, only if it is necessary for the student to benefit from the special education instruction. When the team has explored the strategies, activities and resources available within the instructional program, and has determined that the student is not likely to benefit from this program’s opportunities without additional professional services from an occupational therapist, then the related service should become part of the IEP.**

Exit Criteria

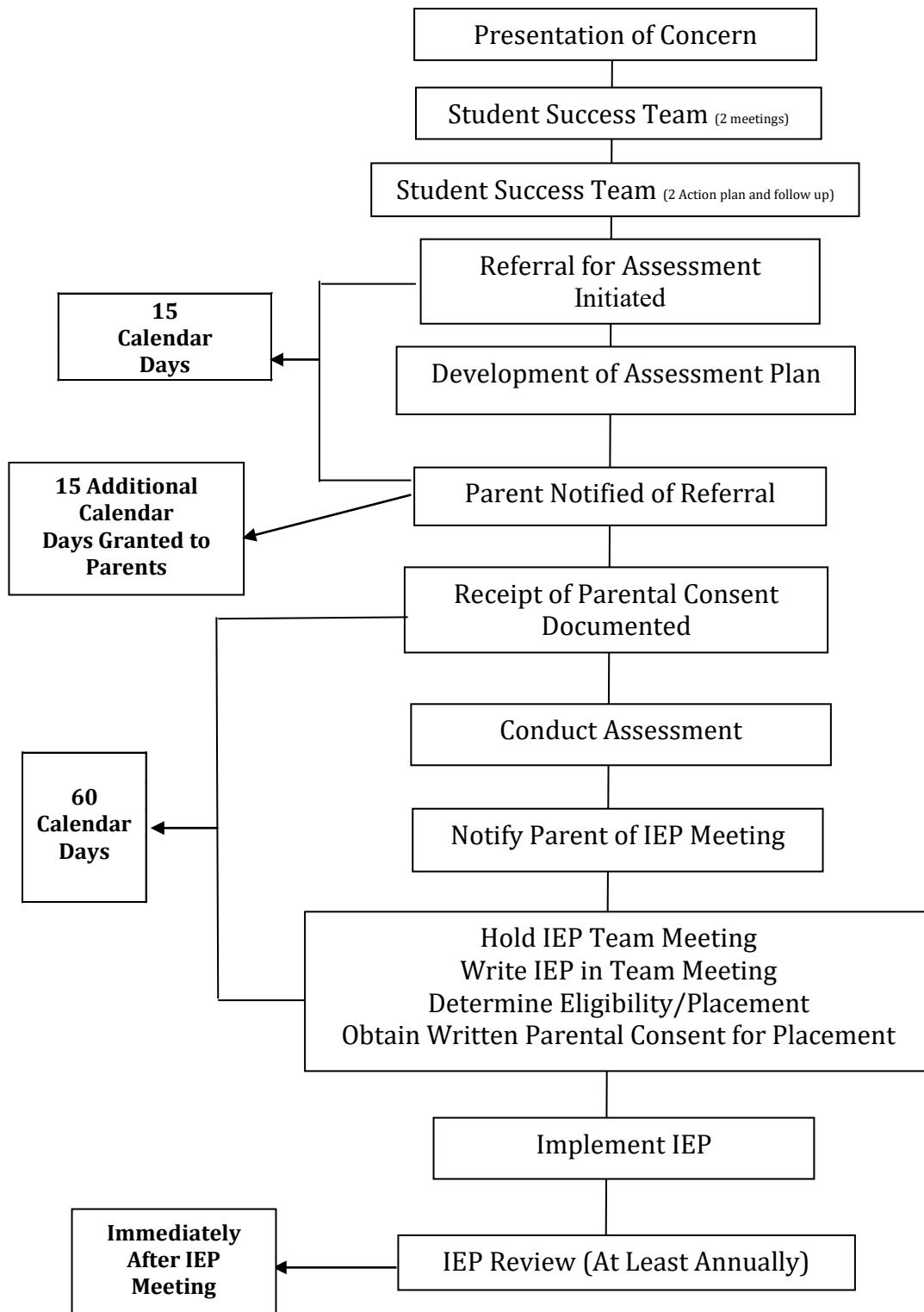
Best practices require that expected outcomes and service completion guidelines be discussed with the IEP team upon initiation and any change of occupational therapy services. The recommendation for continuation of or exit from occupational therapy services is determined by the expertise of the occupational therapist in collaboration with the IEP team. There are several factors the IEP team should consider when making decisions regarding occupational therapy service completion.

1. The student has accomplished IEP goals and/or occupational therapy can no longer have an impact on the student's function in regular or special education.
2. Therapy is no longer affecting change in the student's level of function. The student no longer shows potential for progress or change after a variety of intervention strategies and levels of service and delivery have been used.
3. Deficits are not interfering with student's ability to function adequately within the educational program or school environment.
4. Formal reassessment indicates the student no longer requires the previous level of service and IEP team concurs.
5. The student has learned appropriate strategies to compensate for deficits.
6. Strategies can be effectively implemented by current educational team and do not require the training and expertise of an occupational therapist.
7. Equipment and environmental modifications are in place and are effective.
8. The student graduates from high school or reaches the age of 22 years.

APPENDIX 7

Special Education Timeline

TIMELINES FROM INITIAL SCREENING TO ELIGIBILITY FOR SPECIAL EDUCATION



APPENDIX 8

LARRY P. ASSESSMENT GUIDELINES

Test Selection Considerations for African American Students

In the state of California, the use of Cognitive tests is prohibited for African-American students as a result of the Larry P. vs. Riles litigation, even with informed parental consent. Parents are not required to self- identify their race or ethnicity. In the case of lack of self- identification, the California Department of Education (CDE) suggests that observer identification should be used. If an assessment report is found that includes information on IQ testing of an African American student, please follow the procedure set out in the sub-section entitled Purging Assessment Reports and Records at the end of this section.

The following intelligence tests are prohibited based upon the original 1979 Larry P. court decision:

- Arthur Point Scale of Performance Test
- Cattell Infant Intelligence Scale
- Columbia Mental Maturity Scale
- Draw-a-Person (Good enough)
- Gessell Developmental Schedule
- Goodenough- Harris Drawing Test
- Leiter International Performance Scale
- Merrill- Palmer Pre-School Performance Test
- Peabody Picture Vocabulary Test (P147)
- Raven Progressive Matrices
- Slosson Intelligence Test
- Stanford - Binet
- Van Alstyne Picture Vocabulary
- Wechsler Intelligence Scale for Children (WISC)
- Wechsler Intelligence Scale for Children-Revised (WISC- R)
- Wechsler Pre-School and Primary Scale of Intelligence (WPPSI)

The 1986 Larry P. Settlement recommended additional tests, which purport to be or are understood to be a standardized test of intelligence, would be subject to the Larry P. prohibitions. These may include but are not limited to the following tests:

- Cognitive Abilities Test
- Expressive One-Word Picture Vocabulary Test (EOWPVT)
- K- ABC Mental Processing Subtests
- McCarthy Scales of Children's Abilities
- Structure of Intellect Learning Aptitude Test
- Test of Nonverbal Intelligence (TONI)
- Test of Nonverbal Intelligence- II (TONI- II)
- Test of Cognitive Ability from the Woodcock-Johnson (including the cognitive section of the Bateria Woodcock Psico- Educativa en Espanol)
- Test of Cognitive Ability from the Woodcock- Johnson- Revised (WJ- R)
- Test of Cognitive Ability from the Woodcock- Johnson -III (WJ -III)
- Cognitive Subtest of the Battelle Developmental Inventories

Any tests that have undergone revisions that appear on these lists should be considered prohibited to use with African-American students.

Although not banned by the courts or specifically addressed by the CDE, multidisciplinary assessment personnel are “cautioned against” using tests which might be regarded as IQ tests and/or have been validated primarily through correlation with identified tests of intelligence. These include, but are not limited to, the following (as well as previously noted and prohibited tests listed above):

- Differential Abilities Scale (DAS)
- Detroit Test of Learning Aptitude, all forms
- Language Processing Tests
- Matrix Analogies Test
- Nonverbal Test of Cognitive Skills
- Ross Test of Higher Cognitive Skills
- Test of Adolescent Language
- Test de Vocabulario en Imagines Peabody

The above lists may not be inclusive of all assessment tools, which should be prohibited or used with caution in the assessment of African-American students. In making a determination of whether a test falls under the IQ test ban for African-American students one should consider:

- Is the test standardized and does it purport to measure intelligence (cognition, mental ability or aptitude)?
- Are the test results reported in the form of IQ or mental age?
- Does evidence of the (construct) validity of the test rely on correlations with IQ tests?

An affirmative answer to any of these questions indicates that use of the test may fall within the ban.

APPENDIX 9

TRANSITION RESOURCES

Transition Questionnaire Assessment (Values, Interests, and Abilities)

Introduction

When assisting secondary students with activities designed to assist them with transitioning on after earning either a high school diploma or a certificate of completion at age 22, it is important to correctly identify the student's interests. The following are some suggested student questions to assist with the completion of the Individual Transition Plan (ITP).

Questions to ask may include:

1. Do you like working inside or outside? Remind students about weather conditions and working outside. **(Value for Work Environment)**
2. Do you think you would like a job where you can be creative or where you do the same thing every day? **(Value for Creativity)**
3. Do you like intermittent supervision or would you like someone checking your work closely? **(Value for type of supervision)**
4. Do you like working with the public or more by yourself? **(Value for work environment)**
5. Do you like working with your hands? **(Value for type of work)**
6. Do you mind getting dirty or your hands getting dirty? **(Value for type of work)**
7. Do you see yourself working in: **(Interests)**

a. Fast food/restaurant industry	f. Construction
b. Customer service industry	g. Technology
c. Office setting	h. Military
d. Sales	i. Warehouse
e. Medical setting Production	
8. Do you like being/working as part of a team or do you consider yourself a loner? **(Value for type of working environment)**
9. Do you like quiet when you work? **(Work Environment Value)**
10. Do you like to do multiple tasks or do you prefer doing one thing at a time? **(Work Environment)**

11. What kind of a job do you want when you are done with school? **(Interest)**
12. What are some things you really do well? You don't have to choose school subjects. It can be anything that you do well. **(Abilities)**

TRANSITION SERVICES

There are a variety of specific transition services, identified by code, that are to be used as appropriate when developing each student's Individual Transition Plan (ITP). The following page lists those specific services and the California Department of Education codes for each as identified by the state Management Information System.

Code	Transition Service	Service Description
820	College Awareness	Assists students in discovering what type of colleges are available to them. Can include activities such as completing the FASFA, contacting local colleges/universities, meeting with Disabled Student Services Representatives, exploring costs of tuition, searching for possible grants.
830	Vocational assessment, counseling, guidance and career assessment	Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment and may include provision for work experience, job coaching, development and/or placement, and situational assessment. This includes career counseling to assist student in assessing his/her aptitudes, abilities, and interest in order to make realistic career decisions. (Career Cruising is an example of an assessment tool used).
840	Career awareness	Transition services include a provision for self-advocacy career planning, and career guidance.
850	Work experience education	Work experience education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.
855	Job Coaching	Job coaching is a service that provides assistance and guidance to an employee who may be experiencing difficulty with one or more aspects of the daily job tasks and functions. The service is provided by a job coach who is highly successful, skilled and trained. The Job coach can determine how the employee that is experiencing difficulty learns best and formulate a training plan to improve job performance. This service might also include job shadowing experiences.

860	Mentoring	Mentoring is a sustained coaching relationship between a student and teacher through on-going involvement and offers support, guidance, encouragement and assistance as the learner encounters challenges with respect to a particular area such as acquisition of job skills. Mentoring can be either formal as in planned, structured instruction, or informal that occurs naturally through friendship, counseling and collegiality in a casual, unplanned way.
865	Agency linkages (referral and placement)	Service coordination and case management that facilitates the linkage of individualized education programs. This includes activities such as contacting the Department of Rehabilitation, Regional Center, Mental Health Agencies, referral to MediCal etc.
870	Travel Training (includes mobility training)	These services may include teaching students how to take public transportation; they are mostly used for the visually impaired students.
890	Other transition services	These services may include program coordination, case management and meetings, and crafting linkages between schools and post-secondary agencies. Please try to avoid using this category, as it is vague and open to interpretation, and therefore difficult to defend unless specifically stating on the IEP what these transition services are.

TRANSITION GOALS

The drafting of appropriate transition goal statements is challenging. This appendix offers some suggestions by including a list of potential goal statements. Goal statements should include a statement of the target area and an inherent end point; that is, an evaluator or parent/guardian should be able to measure when the goal has been completed. Goals may then be subdivided into more specific measurable objectives or units.

These statements are not intended to be a final or definitive listing of all possible goals for the listed area. They are intended to spark ideas in the minds of parent/guardians, students, and other team members. This listing is not intended to be a scope-and-sequence chart or a curriculum. Committee members should modify, sequence, and/or link the goals to outside resources to reflect the unique needs of each student.

The goals are written to reflect the potential needs of a wide variety of disabilities and needed functional skills. Because of the unique and varied needs of students, some goal statements will be too narrow and others will be too broad. No student will need all of the listed goals. The goal statements are not written in any sequence. Likewise, each area is not exclusive unto itself. It is quite likely that a student may use both a goal statement from "Manages own money" that focuses on developing a budget, and a goal statement that addresses utilizing the budget listed under "Knows how to locate a place to live in the community..."

It is not reasonable to expect all students to be able to complete the goals independently. Some students will always need some type of support in living, employment, and social aspects of their lives. When considering whether to include a goal or evaluating whether it has been accomplished, each goal also should be evaluated for the independence, efficiency, and grace with which it has been completed. In evaluating a student's independence, it is not only whether the student was able to complete the goal without prompts, but also whether the student was able spontaneously to complete the task without being told.

Each goal statement should be assumed to follow a stem that identifies the student. For example, "Mary will be able to...."

SUGGESTED GOAL STATEMENTS

Employment

1. Knows the requirements and demands of his/her preferred occupations.
 - A. Demonstrates ability to seek others employed in the preferred occupation to learn about the real world requirements of that occupation
 - B. Demonstrates ability to seek information for preferred occupation from a variety of written sources (includes occupational manuals, brochures, employment agency publications, etc.).
 - C. Demonstrates ability to complete situational assessments on a number of job sites.
 - D. Demonstrates ability to identify own knowledge, skills, and abilities and relate them to those required or a preferred occupation.
 - E. Demonstrates ability to evaluate relationship between (a) one's interests, strengths, and limitations and (b) the requirements and demands of a preferred occupation.
 - F. Demonstrates ability to develop a plan of how to address discrepancies between (a) existing knowledge, skills, abilities, and/or strengths and (b) those required by a preferred occupation.
 - G. Demonstrates knowledge of what constitutes one's need for "reasonable accommodations" on the job site of a preferred occupation.
 - H. Demonstrates ability to get to and from a job in a timely manner.
 - I. Demonstrates ability to identify the transferable skills necessary to succeed in a preferred occupation (includes meeting deadlines, organizing data, communication).
 - J. Demonstrates ability to plan and implement a specific pattern of skill preparation needed for a preferred occupation
 - K. Demonstrates knowledge of a special preparation needed for entrance into a preferred occupation
 - L. Demonstrates ability to develop a portfolio of information and/or work samples.
 - M. Demonstrate knowledge of a preferred occupation.
2. Makes informed choices among occupation alternatives, based on his/her own interests, preferences
 - A. Demonstrates knowledge of own occupational interests, aptitudes, and occupational preferences.
 - B. Demonstrates ability to identify an array of desirable post-secondary educational/training options.

- C. Demonstrates ability to identify the most desirable post-secondary educational or employment training option from an array.
- D. Demonstrates ability to identify sources of information regarding jobs, training, and/or education.
- E. Demonstrates ability to cite realistic benefits and limitations of various occupational alternatives
- F. Demonstrates ability to participate in activities to determine aptitude and interests as they relate to occupational alternatives.
- G. Demonstrates ability to evaluate how own strengths and limitations impact on occupational alternatives.
- H. Demonstrates ability to identify specific jobs within various job clusters appropriate to interests, preferences, and abilities.
- I. Demonstrates ability to identify various occupational options within the community, region, and/or state.
- J. Demonstrates ability to prepare personal inventory of strategies to assist making informed choices.
- K. Demonstrates ability to seek out and evaluate trends and projections in the job market.
- L. Demonstrates ability to participate with others (professionals, mentors, family) to develop a list of accommodations for various occupational alternatives.
- M. Demonstrates ability to plan and participate in career exploration activities (includes field trips, job shadowing, on-the-job training).

3. Knows how to get a job.

- A. Demonstrates knowledge of the process of securing a job or changing jobs.
- B. Demonstrates skill in completing a job application.
- C. Demonstrates skill in completing elements of a successful job interview.
- D. Demonstrates ability to practice good grooming and hygiene
- E. Demonstrates knowledge of basic requirements or selected job(s) (includes skills, hours, dress requirements, transportation).
- F. Demonstrates ability to advocate for self and any required reasonable job modifications.
- G. Demonstrates ability to conduct a job search.
- H. Demonstrates ability to develop a resume
- I. Demonstrates ability to review job sources systematically for openings (includes classified advertisements, job postings).
- J. Demonstrates ability to develop strategies on how to address existence of disability with a potential employer (includes whether or not to disclose during interview).
- K. Demonstrates ability to articulate what constitutes “promo ability” in general and on a particular job site.

- L. Demonstrates ability to access various job assistance resources (includes school personnel, state agencies, and private agencies) and know the strengths and limitations of each.
- M. Demonstrates ability to develop a personal data sheet to assist in completing application process.

4. Demonstrates general job skills and work attitudes preferred by employers for keeping a job and advancing

- A. Demonstrates ability to use abstract thinking and/or reasoning for work tasks.
- B. Demonstrates ability to retain information related to job tasks.
- C. Demonstrates ability to acquire new information and skills while on the job or in preparation for a job.
- D. Demonstrates ability to read, interpret, and respond to written instruction for a work task
- E. Demonstrates ability to understand relationship between work-related experiences, volunteering, and future employability.
- F. Demonstrates ability to follow oral instructions for a work task
- G. Demonstrates ability to perform simple math functions (addition and subtraction).
- H. Demonstrates ability to take initiative to solve problems that arise while on the job.
- I. Demonstrates knowledge of and ability to practice behaviors inherent in keeping a job.
- J. Demonstrates knowledge of and understand behaviors inherent in losing a job.
- K. Demonstrates ability to comprehend social aspects of employment.
- L. Demonstrates ability to comprehend financial aspects of employment (minimum wage, salary benefits).
- M. Demonstrates knowledge concepts and behavior inherent in career advancement.
- N. Demonstrates ability to evaluate self and work situations.
- O. Demonstrates ability to make decisions independently related to work tasks.
- P. Demonstrates ability to complete tasks unsupervised.
- Q. Demonstrates ability to maintain a work rate over an extended period of time (up to 8 hours).
- R. Demonstrates punctuality when approaching a work-related task (includes job interview, task, evaluation activity).
- S. Demonstrates ability to understand importance of showing up for work every day or with very few absences.
- T. Demonstrates ability to prepare and cleanup work area when beginning and ending a day's work or a project.

- U. Demonstrates ability to discriminate basic object characteristics (includes color, texture, and shape).
- V. Demonstrates ability not to engage in nonfunctional behaviors (for example self-mutilation, inappropriate speech, public masturbation, compulsive rituals).

5. Has the specific knowledge and skills needed to perform a particular skilled, semiskilled, or entry level job.

- A. Demonstrates aptitude for fixing or repairing tools, machinery, and/or other equipment.
- B. Demonstrates ability to handle materials and/or equipment with precision and speed.
- C. Demonstrates skill in using and maintaining tools, equipment, and materials used to complete tasks.
- D. Demonstrates skill in graphic arts (includes drawing, graphics design, layout).
- E. Demonstrates skill in computer operations (includes word processing, databases, graphics, data analyses).
- F. Demonstrates skill in clerical support occupations (includes filing, word processing, data processing).
- G. Demonstrates skill in building trades (includes carpentry, masonry, plumbing).
- H. Demonstrates skill in vocational agriculture and agribusiness.
- I. Demonstrates skill in marketing and distributive occupations.
- J. Demonstrates skill in food preparation and presentation.
- K. Demonstrates skill in electronic occupations.
- L. Demonstrates skills in health-care occupations or professions.
- M. Demonstrates skill in childcare occupations.
- N. Demonstrates skill in creative or performance artistic skills (includes literature, music, art, dance).
- O. Demonstrates skill in beauty (personal services) professions.
- P. Demonstrates skills as it may apply to the student's strengths.

Further Education/Training

6. Knows how to gain entry into an appropriate post-school community employment training program.

- A. Demonstrates ability to identify a series of desirable personal post-secondary education and training options
- B. Demonstrates ability to identify best option for post school community personal training programs.
- C. Demonstrates ability to develop a portfolio with information necessary for entrance to an employment training program.

- D. Demonstrates ability to identify and meet any prerequisite to entrance in a post-secondary education or training program.
- E. Demonstrates ability to access financial support for post-secondary community education or training programs.
- F. Demonstrates ability to practice skills necessary to succeed in post school community education or training programs (includes organizational skills, study skills, time management).
- G. Demonstrates ability to develop a realistic plan for accessing post-secondary education or training options.
- H. Demonstrates ability to analyze data for information.
- I. Demonstrates ability to complete math computational skills for grade-level academic tasks.
- J. Demonstrates ability to complete math reasoning skills for grade-level academic tasks.
- K. Demonstrates ability to complete reading skills for grade-level academic tasks.
- L. Demonstrates knowledge of how any prerequisite tests are administered (includes procedures, requirements, time limitations, adaptations).
- M. Demonstrates knowledge of how to evaluate services of post-secondary training program to provide support for individuals with disabilities.

7. Knows how to gain entry into a General Education Development (GED) program.

- A. Demonstrates ability to identify a series of desirable outcomes from completing a GED program.
- B. Demonstrates ability to identify best option for a GED program.
- C. Demonstrates ability to develop a portfolio with information necessary for entrance into a GED program.
- D. Demonstrates ability to identify and meet any prerequisite to entrance in a GED program.
- E. Demonstrates ability to access financial support for a GED program.
- F. Demonstrates ability to practice skills necessary to succeed in a GED program (includes organizational skills, study skills, time management).
- G. Demonstrates ability to develop a realistic plan for accessing a GED program.
- H. Demonstrates ability to analyze data for information.
- I. Demonstrates ability to complete math computational skills for grade-level academic tasks.
- J. Demonstrates ability to complete math reasoning skills for grade-level academic tasks.

- K. Demonstrates ability to complete reading skills for grade-level academic tasks.
- L. Demonstrates knowledge of how any prerequisite tests are administered (includes procedures, requirements, time limitations, adaptations).

8. Knows how to gain entry into an appropriate vocation/technical school.

- A. Demonstrates ability to identify a series of desirable outcomes from completing a vocational/technical school.
- B. Demonstrates ability to identify best option for a vocational/technical school.
- C. Demonstrates ability to develop a portfolio with information necessary for entrance into a vocational/technical school.
- D. Demonstrates ability to identify and meet any prerequisite for entrance into a vocational/technical school.
- E. Demonstrates ability to access financial support for a vocational/technical school.
- F. Demonstrates ability to practice skills necessary to succeed in a vocational/technical school (includes organizational skills, study skills, time management).
- G. Demonstrates ability to develop a realistic plan for accessing a vocational/technical school.
- H. Demonstrates ability to analyze data for information.
- I. Demonstrates ability to complete math computational skills for grade-level academic tasks.
- J. Demonstrates ability to complete math reasoning skills for grade-level academic tasks.
- K. Demonstrates ability to complete reading skills for grade-level academic tasks.
- L. Demonstrates knowledge of how any prerequisite tests are administered (includes procedures, requirements, time limitations, adaptations).
- M. Demonstrates ability to evaluate capacity of vocational/technical school to provide support for individuals with disabilities.

9. Knows how to gain entry into an appropriate college or university.

- A. Demonstrates ability to identify a series of desirable outcomes from completing an appropriate college or university program.
- B. Demonstrates ability to identify best option for appropriate college or university program.
- C. Demonstrates ability to develop a portfolio with information necessary for entrance into appropriate college or university program.
- D. Demonstrates ability to identify and meet any prerequisites to entrance into an appropriate college or university program

- E. Demonstrates ability to access financial support appropriate for a college or university program.
- F. Demonstrates ability to practice skills necessary to succeed in an appropriate college or university program (includes organizational skills, study skills, time management).
- G. Demonstrates ability to develop a realistic plan for accessing an appropriate college or university program.
- H. Demonstrates ability to analyze data for information.
- I. Demonstrates ability to complete math computational skills for grade-level academic tasks.
- J. Demonstrates ability to complete math reasoning skills for grade-level academic tasks.
- K. Demonstrates ability to complete reading skills for grade-level academic tasks.
- L. Demonstrates knowledge of how any prerequisite tests are administered (includes procedures, requirements, time limitations, adaptations).
- M. Demonstrates ability to apply for required entrance examinations
- N. Demonstrates ability to participate in entrance exam preparation program (includes class, books, video, computer-assisted instruction).
- O. Demonstrates ability to locate college or university and evaluate in terms of location, costs, and programs available.
- P. Demonstrates ability to evaluate capacity of college or university to provide support for individuals with disabilities

10. Can succeed in an appropriate post-secondary program.

- A. Demonstrates ability to practice time management skills.
- B. Demonstrates ability to analyze information and make conclusions.
- C. Demonstrates ability to manage finances.
- D. Demonstrates ability to practice study skills.
- E. Demonstrates ability to balance priorities between classes, work, home duties, and leisure time.
- F. Demonstrates ability to utilize disability support services.
- G. Demonstrates ability to develop a social support system.
- H. Demonstrates ability to assess (with others) what types of supports/modifications are needed.
- I. Demonstrates ability to appropriately meet with instructor (or professor) to discuss and advocate for reasonable accommodations (Includes manner or presentation, timeliness, knowledge of necessary reasonable accommodations).
- J. Demonstrates ability to develop a plan and a time line for completion of post-secondary training program and implement it.

Daily Living Skills

11. Maintains personal grooming hygiene.
 - A. Demonstrates Inclusion of personal grooming and hygiene costs in monthly budget.
 - B. Demonstrates ability to purchase and maintain clothing.
 - C. Demonstrates ability to hire, supervise, and dismiss attendant if needed.
 - D. Demonstrates ability to perform gender-specific personal hygiene functions (includes shaving, menstruation care, breast and testicle examinations).
 - E. Demonstrates ability to dress appropriately for the situation and/or occasion.
 - F. Demonstrates ability to access assistance, if necessary, when purchasing clothing.
 - G. Demonstrates ability to perform personal hygiene functions that are not gender specific (includes bathing, grooming).
 - H. Demonstrates ability to maintain clothing, including washing, ironing, and dry cleaning, when necessary.
 - I. Demonstrates ability to use clothing accessories (ties, jewelry, etc.) that enhance wardrobe and that are appropriate to setting.
 - J. Demonstrates ability to select, purchase, and maintain footwear appropriate to setting.
 - K. Demonstrates ability to either repair clothing and/or footwear or cause repairs to happen.
 - L. Demonstrates ability to organize and store clothing items.
12. Knows how to locate a place to live in the community—may include using agencies that provide supported living options.
 - A. Demonstrates knowledge of house and/or apartment locating services and their costs, if any.
 - B. Demonstrates knowledge of and ability to work with publicly funded house and/or apartment locating services and their eligibility requirements.
 - C. Demonstrates ability to select location to meet transportation needs for work, school, and social life.
 - D. Demonstrates ability to develop a list (or use a prepared one) of pertinent questions to ask a landlord or property manager.
 - E. Demonstrates ability to identify strengths and limitations of various supported and independent living options.
 - F. Demonstrates ability to develop a budget to assist in determining the amount of money available to pay for housing in the community.
 - G. Demonstrates ability to determine the type of housing options appropriate for the next most logical living arrangement.

- H. Demonstrates ability to participate in planning for the next most logical living arrangement.
- I. Demonstrates ability to complete application for the housing authority and/or property manager.
- J. Demonstrates ability to develop a portfolio of information necessary in determining next most logical housing arrangement and/or completing applicant materials.
- K. Demonstrates ability to evaluate next most logical living arrangement for necessary modifications.
- L. Demonstrates ability to understand the concept, rights, and obligations of a lease and/or other housing contract.
- M. Demonstrates ability to evaluate location for cost, safety, and convenience.

13. Knows how to set up an apartment, house, or other setting.

- A. Demonstrates ability to project and evaluate operating costs of setting up an apartment and/or house in relation to budget.
- B. Demonstrates ability to evaluate setting in terms of special needs, transportation, personal safety and maintenance.
- C. Demonstrates ability to evaluate and select living arrangement (independent; with or without roommate, supported; number and type of house partners).
- D. Demonstrates ability to organize and store items related to personal grooming and hygiene.
- E. Demonstrates ability to evaluate and select from various options method(s) of transporting personal belongings to new residence (includes self with friends and/or family, renting equipment, hiring a moving service).
- F. Demonstrates knowledge of and/or ability to establish utility services to new residence.
- G. Demonstrates ability to pack and unpack personal belongings in such a manner as to minimize damage
- H. Demonstrates knowledge of how to terminate living contracts with old residence in a timely manner (includes giving 30-day notice, terminating and/or changing utility services).
- I. Demonstrates ability to determine which utilities are necessary and affordable and which are not necessary or unaffordable in new residence (includes telephone, long distance services, and cable).
- J. Demonstrates ability to arrange furniture and/or personal belongings in attractive and functional manner.
- K. Demonstrates ability to plan and implement home security and safety provisions.

- L. Demonstrates ability to establish utilities and other community residential services.

14. Performs everyday household tasks.

- A. Demonstrates ability to wash, dry, fold, and/or hang up clothes.
- B. Demonstrates ability to follow daily, weekly, monthly, seasonal, and/or annual cleaning and maintenance schedule.
- C. Demonstrates ability to follow basic home security practices.
- D. Demonstrates ability to use basic household appliances safely (includes heater, air conditioner, washer and dryer).
- E. Demonstrates knowledge of function and basic maintenance for household mechanical equipment (includes heater, air conditioner, washer and dryer).
- F. Demonstrates ability to shop for food and grooming, hygiene, and other household maintenance items and stay within budget.
- G. Demonstrates ability to perform floor maintenance (include sweeping, mopping, vacuuming).
- H. Demonstrates ability to wash and store dishes and other cooking and eating equipment.
- I. Demonstrates ability to operate and clean basic appliances (includes toaster, blender, stove, iron).
- J. Demonstrates ability to pick up items around residence and return to proper setting.
- K. Demonstrates ability to perform bed maintenance procedures (includes making bed, changing sheets, washing sheets and blankets, adjusting bed linen seasonally).
- L. Demonstrates ability to supervise attendant who performs daily living services.

15. Manages own money.

- A. Demonstrates ability to pay bills in a timely fashion.
- B. Demonstrates knowledge of how loans are applied for and processed.
- C. Demonstrates knowledge of what type of documentation is included in a credit history.
- D. Demonstrates knowledge of the short-and long-term impact of a good or bad credit history.
- E. Demonstrates knowledge of impact of interest rates on payments and personal finance.
- F. Demonstrates ability to open checking and savings accounts.
- G. Demonstrates ability to evaluate costs and services and then select a bank, credit union, and/or savings and loan corporation for personal financial services.

- H. Demonstrates skill in planning and using simple weekly, monthly, and annual budgets.
- I. Demonstrates knowledge of how credit cards function and how to select payment schedules.
- J. Demonstrates ability to manipulate money (includes selecting coins and/or bills to total a specific amount, make change).
- K. Demonstrates ability to identify coins and bills and their value.
- L. Demonstrates knowledge of how to purchase large items that may require financing.
- M. Participate with others in developing a long- and short-term financial plan.
- N. Demonstrates ability to participate in cost saving techniques (comparative shopping, coupon use, sales, discount thrift, bulk buying).
- O. Demonstrates knowledge of how to evaluate need for and purchase necessary insurance policies.
- P. Demonstrates ability to use an automatic teller machine and/or debit card responsibly.
- R. Demonstrates ability to evaluate payment options on a purchase and the benefits and limitations of each (Includes cash, credit, layaway).
- S. Demonstrates knowledge of differences in various types of interest options and their impact (simple, compound, and revolving interests).

16. Uses local transportation systems when needed.

- A. Demonstrates knowledge of local transportation options.
- B. Demonstrates ability to use public transportation.
- C. Demonstrates knowledge of the process involved in getting a standard driver's license.
- D. Demonstrates knowledge of the process of getting a special or restricted driver's license (due to special needs such as biotics, or modified car or van).
- E. Demonstrates ability to incorporate transportation costs into budget.
- F. Demonstrates knowledge of time needed for transportation (especially public) and incorporate into planning.
- G. Demonstrates ability to behave within social guidelines on public transportation.
- H. Demonstrates ability to travel independently to and from inter/intracity destination.
- I. Demonstrates ability to plan routes to and from various destinations.

- J. Demonstrates ability to participate in independent travel to increasingly more distant destinations (includes classroom, neighborhood, and city).
- K. Demonstrates ability to evaluate options for, budget for, and purchase insurance.
- L. Demonstrates knowledge of the impact of driving record on transportation options and costs.
- M. Demonstrates ability to access special transportation options.

Leisure Activities

- 17. Performs various indoor leisure activities.
 - A. Demonstrates ability to initiate and/or participate in structured solo indoor activities.
 - B. Demonstrates ability to initiate and/or participate in unstructured solo indoor activities.
 - C. Demonstrates ability to initiate and/or participate in structured team and/or group indoor activities.
 - D. Demonstrates ability to initiate and/or participate unstructured team and/or group indoor activities.
 - E. Demonstrates ability to cooperate with others in activities.
 - F. Demonstrates ability to identify five to eight preferred participatory indoor activities.
 - G. Demonstrates ability to identify five to eight preferred spectator indoor activities.
 - H. Demonstrates ability to develop, maintain, and improve specific skills that increase performance on selected activities (practice).
 - I. Demonstrates ability and willingness to try new activities.
 - J. Demonstrates ability to manage time to allow for indoor leisure options.
 - K. Demonstrates ability to participate in physical (individual and group) indoor activities (includes aerobics, weight training, and bowling).
 - L. Demonstrates ability to budget for equipment, fees, and/or other costs associated with desired activities.
 - M. Demonstrates ability to participate at table and/or electronic games.
 - N. Demonstrates ability to participate in art, hobby, and/or craft activities.
 - O. Demonstrates ability to follow through with commitments to self and others to participate in activities.
 - P. Demonstrates ability to practice good sportsmanship.
- 18. Performs various outdoor leisure activities.

- A. Demonstrates ability to initiate and/or participate in structured solo outdoor activities.
- B. Demonstrates ability to initiate and/or participate in unstructured team and/or group outdoor activities.
- C. Demonstrates ability to cooperate with others in activities.
- D. Demonstrates ability to participate in five to eight preferred participatory outdoor activities.
- E. Demonstrates ability to participate in five to eight preferred spectator outdoor activities.
- F. Demonstrates ability to follow through with commitments to self and others to participate in outdoor activities.
- G. Demonstrates ability to budget for equipment, fees, and/or other costs associated with desired activities.
- H. Demonstrates ability to develop, maintain, and improve specific skills that increase performance on selected activities (practice).
- I. Demonstrates ability and willingness to try new activities.
- J. Demonstrates ability to manage time to allow for outdoor leisure options.
- K. Demonstrates ability to practice safety and not take unnecessary risks in performing outdoor activities.
- L. Demonstrates ability to practice good sportsmanship.

19. Uses settings that provide various types of entertainment.

- A. Demonstrates skill in accessing local entertainment options (movies, plays, sports, parks).
- B. Demonstrates skill in making reservations for special events and restaurants with needed.
- C. Demonstrates ability to budget for entertainment activities.
- D. Demonstrates ability to evaluate capacity or capability of facility to meet special needs (includes mobility, auditory, and descriptive services).
- E. Demonstrates ability to access transportation in a timely and cost-effective manner in order to access a wide variety of entertainment options.
- F. Demonstrates ability to initiate and participate with others in a variety of entertainment options.
- G. Demonstrates ability to participate in socially oriented events (includes restaurants, parties, and nightclubs).
- H. Demonstrates participation in neighborhood activities (includes garage sales, block parties, barbeques).
- I. Demonstrates ability to participate in special events (includes county fairs, trade, hobby, home and/or garden shows, parades, festivals).

- J. Demonstrates ability to identify and participate in entertainment options that are free.
- K. Demonstrates ability to develop short- and long-term (more than 30 days) plans for participation in various types of entertainment.
- L. Demonstrates ability to interact appropriately during activities (includes limiting talking, waiting in line, purchases passes).

Community Participation

- 20. Knows his/her basic legal rights.
 - A. Demonstrates knowledge of legal aspects of employment (minimum wage, withholding, and worker's compensation).
 - B. Demonstrates knowledge of personal and/or employment rights under the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.
 - C. Demonstrates knowledge of sexual harassment and options when it occurs.
 - D. Demonstrates knowledge of basic rights of citizens with disabilities.
 - E. Demonstrates knowledge of rights for self-determination after 18 years of age.
 - F. Demonstrates ability, if male, to register for the draft.
 - G. Demonstrates knowledge of the basic provisions of the Fair Labor Standards Act.
 - H. Demonstrates knowledge of what types of information are appropriate and not appropriate to give employers.
 - I. Demonstrates knowledge of how legal rights interact with daily living routines.
 - J. Demonstrates knowledge of what constitutes a legal contract, its rights and obligations.
 - K. Demonstrates knowledge of common legal commitments (marriage, loans, and employment contracts).
 - L. Demonstrates knowledge of what typically constitutes "reasonable accommodations" in school, work, and post-secondary training.
- 21. Participates as an active citizen.
 - A. Demonstrates attributes of a good citizen (includes obeying laws, respecting environment).
 - B. Demonstrates knowledge of voter registration process and requirements.
 - C. Demonstrates knowledge of voting process and voting locations (if applicable).

- D. Demonstrates knowledge of tax concepts and own responsibility for paying taxes.
- E. Demonstrates ability to use personal and/or public property responsibly.
- F. Demonstrates knowledge of civil rights and responsibilities.
- G. Demonstrates ability to obtain a copy of one's birth certificate.
- H. Demonstrates knowledge of how to report a suspected crime to authorities.
- I. Demonstrates knowledge of responsibility for and ability to participate in jury service.
- J. Demonstrates ability to volunteer at an organization, club, social action group, facility, or other community service organization.
- K. Demonstrates ability to practice respect for others' privacy and act to protect one's own.

22. Make legal decisions affecting his/her life.

- A. Demonstrates ability to learn about changes in laws in community, state, and nation.
- B. Demonstrates ability to understand principles of and rights and responsibilities of entering into a contract (includes written and verbal).
- C. Demonstrates ability to understand long- and short-term consequences of choosing whether or not to break a law.
- D. Demonstrates ability to understand difference between civil and criminal legal issues.
- E. Demonstrates ability to understand impact of and differences in felony and misdemeanor offenses.
- F. Demonstrates knowledge of specific laws designed to impact and protect individuals with disabilities.
- G. Demonstrates skills necessary to access legal assistance.
- H. Demonstrates ability to understand that individuals are obligated to follow laws and the various penalties for not doing so (includes ticket, probation, fine, incarceration).
- I. Demonstrates ability to understand and advocate for one's right to privacy.
- J. Demonstrates skill necessary to determine if legal rights, property, or person are violated and how to file charges and/or lawsuit.
- K. Demonstrates knowledge of "Miranda" rights (includes right to an attorney.)
- L. Demonstrates ability to understand the importance of not signing any legal document or agreement without reading and understanding it.
- M. Demonstrates ability to seek information and/or another individual if one needs additional information about a legal issue or

document (includes parent, relative, mentor, lawyer, legal advisor).

23. Locates appropriate community services and resources.
 - A. Demonstrates ability to locate and use the post office.
 - B. Demonstrates skills in locating community mental health services.
 - C. Demonstrates skills in locating community recreational services.
 - D. Demonstrates skills in locating community medical services
 - E. Demonstrates skills in locating community advocacy services.
 - F. Demonstrates skills in locating community legal services.
 - G. Demonstrates skills in locating community emergency assistance.
 - H. Demonstrates skills in locating community religious groups for religious participation or use of available services.
 - I. Demonstrates skills in locating public pay telephones, vending machines, and restrooms.
 - J. Demonstrates skills in locating information in the phone book (includes white, yellow, index, and community resources pages) and/or on the internet.
 - K. Demonstrates ability to evaluate various community services for effectiveness and efficiency in meeting one's needs (includes transportation, costs, service options).
 - L. Demonstrates ability to identify and utilize technology to locate, and access personal services (includes hair maintenance, grocery stores, repair services).
24. Knows how to use a variety of services and resources successfully.
 - A. Demonstrates ability to operate a vending machine.
 - B. Demonstrates ability to use a restaurant.
 - C. Demonstrates ability to select and attend movies, plays, sporting events, or other structured attractions.
 - D. Demonstrates ability to locate and use a laundromat.
 - E. Demonstrates ability to practice appropriate interpersonal skills in order to obtain services and/or access to resources.
 - F. Demonstrates ability to differentiate between entitlement and eligibility service systems and the impact the differences will have on individual.
 - G. Demonstrates ability to put use of resources and/or service above personal feelings in order to achieve intended outcome.
 - H. Demonstrates ability to access attendant care resources.
 - I. Demonstrates ability to solicit, accept, and refuse assistance diplomatically and with dignity.
 - J. Demonstrates ability to develop a network of service providers and/or friends to meet personal needs.

25. Knows how to obtain financial assistance from specific state/federal agencies.

- A. Demonstrates knowledge of basic roles, functions, responsibilities and benefits potentially available from relevant major state and/or federal agencies.
- B. Demonstrates ability to determine need and eligibility for major state and/or federal agencies.
- C. Demonstrates ability to follow through with assistance provider in order to achieve intended outcomes.
- D. Demonstrates ability to register for and access Medicare and entitlement programs of the Social Security Administration.
- E. Demonstrates ability to register for and access food stamps and other social service assistance.
- F. Demonstrates ability to register for and access student loan services.
- G. Demonstrates ability to identify potential discrimination by financial institutions that are under state and/or federal requirements not to do so.
- H. Demonstrates ability to develop a portfolio with information required in order to access financial assistance.
- I. Demonstrates ability to evaluate effectiveness of financial assistance and advocate for modification of services and/or increasing, decreasing, or modifying existing constellation of service providers.

Health

26. Maintains good physical health.

- A. Demonstrates ability to participate in age-appropriate fine and gross motor activities.
- B. Demonstrates knowledge of own physical self.
- C. Demonstrates knowledge of the nature of own disability.
- D. Demonstrates ability to perform physical exercises to maintain typical range of motion.
- E. Demonstrates ability to perform physical tasks with typical levels of strength, stamina, and flexibility.
- F. Demonstrates ability to differentiate between over-the-counter medication and prescription medication.
- G. Demonstrates ability to practice good posture.
- H. Demonstrates ability to monitor weight.
- I. Demonstrates ability to exercise regularly.
- J. Demonstrates knowledge of own physical needs.
- K. Demonstrates knowledge of medical history and how to obtain relevant records.
- L. Demonstrates ability to practice healthful sleeping behaviors and practice preventative health care.

- M. Demonstrates ability to plan menus for various periods of time (day, week, and month).
- N. Demonstrates knowledge of interplay between nutrition, taste, and budget.
- O. Demonstrates ability to practice eating behaviors that are appropriate to the setting and occasion.
- P. Demonstrates knowledge of food groups and minimum daily requirements.
- Q. Demonstrates knowledge of relationship between food intake, exercise, and weight maintenance.
- R. Demonstrates ability to practice precooking (pouring, stirring, chopping, cutting) and cooking skills.
- S. Demonstrates ability to access special equipment (assistive devices) necessary to increase independent eating.
- T. Demonstrates ability to read and complete a recipe.
Demonstrates ability to read instructions and complete a prepared and/or boxed mix.
- U. Demonstrates ability to store food appropriately and safely.

27. Addresses physical problems that arise

- A. Demonstrates ability to locate and use pharmacy to fill prescription.
- B. Demonstrates ability to identify common basic illness prevention techniques.
- C. Demonstrates ability to identify common basic treatment techniques for physical problems that do not require a doctor or prescription.
- D. Demonstrates ability to use basic first aid procedures.
- E. Demonstrates ability to get information on side-effects or prescriptions from a pharmacist.
- F. Demonstrates knowledge of identification, prevention, and treatment for sexually transmitted diseases
- G. Demonstrates knowledge of how to find a new doctor.
- H. Demonstrates ability to use and maintain orthotics, prosthetics, or other disability-specific devices or health needs.
- I. Demonstrates ability to take necessary medications independently, according to instructions.
- J. Demonstrates knowledge of how and when to seek a doctor for preventative medicine or treatment.
- K. Demonstrates ability to enroll and participate in a health insurance plan.

28. Maintains good mental health.

- A. Demonstrates ability to identify sources of stress and its effects on mental or physical health.

- B. Demonstrates ability to practice stress reduction and/or management techniques.
- C. Demonstrates ability to identify one's basic psychological needs (includes acceptance, recognition, nurturing)
- D. Demonstrates ability to maintain consistent moods and behavior patterns.
- E. Demonstrates ability to identify fears, anger, and depression and respond appropriately.
- F. Demonstrates ability to seek and participate in genetic counseling, if warranted.
- G. Demonstrates ability to understand psychological impact that a disability may have on an individual.
- H. Demonstrates ability to cope with changes in interpersonal relationships.
- I. Demonstrates ability to identify and describe events that may trigger adverse change in behavior.
- J. Demonstrates ability to make choices that reflect one's values, and follow through with appropriate actions.
- K. Demonstrates ability to recognize personal responsibility in controlling one's behavior.
- L. Demonstrates ability to realistically assess how susceptible one is to excessive and/or abusive behavior.
- M. Demonstrates ability to take prescribed medication appropriately.

29. Addresses mental health problems that arise.

- A. Demonstrates ability to obtain emotional support for disability-related mental health needs.
- B. Demonstrates ability to identify excessive and or abusive behaviors.
- C. Demonstrates ability to understand how excessive and/or abusive behaviors affect victims (including self).
- D. Demonstrates ability to develop a relationship with someone with whom an individual can confide (includes friend, professional, mentor).
- E. Demonstrates ability to verbalize emotional needs.
- F. Demonstrates ability to identify self-defeating behaviors.
- G. Demonstrates ability to develop and implement a plan (with others) to minimize and/or eliminate self-defeating behaviors.
- H. Demonstrates ability to practice strategies to minimize effects of stress.

30. Knows how reproductive system works.

- A. Demonstrates knowledge of primary sexual characteristics of males and females.

- B. Demonstrates knowledge of conception process.
- C. Demonstrates knowledge of pregnancy process.
- D. Demonstrates knowledge of birth process.
- E. Demonstrates knowledge of characteristics of sexually transmitted diseases.
- F. Demonstrates knowledge of human sexual response characteristics.
- G. Demonstrates knowledge of methods of birth control, including abstinence.
- H. Demonstrates knowledge of role, function, and impact of hormones, especially as they relate to reproduction.
- I. Demonstrates knowledge of and, if necessary, how to minimize and treat menstrual discomfort.
- J. Demonstrates knowledge of role of masturbation in human sexuality.
- K. Demonstrates knowledge of physical and emotional changes associated with adolescence and their relationship with the reproductive system.
- L. Demonstrates knowledge of cause and impact of sexually transmitted diseases.

31. Makes informed choices regarding sexual behavior.

- A. Demonstrates ability to express sexuality in socially, emotionally, and age-appropriate behavior.
- B. Demonstrates knowledge of and/or ability to differentiate public from private behaviors (includes types of touching, hugging, kissing).
- C. Demonstrates ability to understand that sexual attitudes, beliefs, values, and lifestyles are unique to the individual and the impact of that uniqueness.
- D. Demonstrates knowledge of what constitutes criminal sexual activities and the consequences (includes sexual misconduct, abuse, rape, date rape, harassment).
- E. Demonstrates ability to understand the impact that sexual activity may have on one's and one's partner's quality of life (includes pregnancy, sexually transmitted diseases, financial and health implications).
- F. Demonstrates ability to understand options should a pregnancy result and consequences of each option.
- G. Demonstrates knowledge of various types of birth control methods, including abstinence, and strengths and limitations of each.
- H. Demonstrates knowledge of how to prevent, identify, and seek treatment for sexually transmitted diseases.

- I. Demonstrates ability to ask a partner for a date (includes group and individual dates).
- J. Demonstrates ability to differentiate between sexuality and love and the emotional consequences of sexual activities.
- K. Demonstrates ability to identify personal attitudes, values, and cultural mores as they relate to sexual decision making.
- L. Demonstrates ability to identify gender orientation.
- M. Demonstrates ability to identify role of sexual behavior in varying degrees of committed and non-committed relationships.
- N. Demonstrates ability to begin, maintain, and end intimate relationships.
- O. Demonstrates ability to differentiate between typical sexual impulses and atypical sexual impulses and seek assistance in controlling and/or eliminating them.

Self-Determination

- 32. Recognizes and accepts own strengths and limitations.
 - A. Demonstrates ability to identify and own one's guiding values.
 - B. Demonstrates ability to practice reflective thinking in evaluation of personal strengths and limitations.
 - C. Demonstrates ability to identify own accomplishments.
 - D. Demonstrates ability identify own failures, and factors that contributed to the lack of success.
 - E. Demonstrates ability to actively participate in development of individualized Transition Plan and Individualized Educational Program.
 - F. Demonstrates ability to identify others' perceptions of one's self.
 - G. Demonstrates ability to set well-defined and realistic personal goals.
 - H. Demonstrates ability to follow through with achievement of personal goals.
 - I. Demonstrates ability to understand and practice time/task management skills.
 - J. Demonstrates judgment when determining when to increase level of independence while performing task and/or goal.
 - K. Demonstrates ability to draw conclusions from reflective thinking and develop a plan for adjustments if necessary.
 - L. Demonstrates ability to recognize when being taken advantage of by others and take steps to stop it.
- 33. Expresses feelings and ideas to others appropriately.
 - A. Demonstrates ability to differentiate among various levels of self-disclosure in conjunction with setting and degree of friendship.
 - B. Expresses feelings and ideas to others appropriately.

- C. Demonstrates ability to differentiate among various levels of self-disclosure in conjunction with setting and degree of friendship.
- D. Expresses feelings and ideas to others appropriately
- E. Demonstrates ability to differentiate among various levels of self-disclosure in conjunction with setting and degree of friendship.
- F. Demonstrates ability to limit conversational subjects, ideas, and/or feelings to those appropriate to setting.
- G. Demonstrates ability to modulate volume of speech appropriate to the situation.
- H. Demonstrates ability to give feedback that is timely, behavior oriented, and specific.
- I. Demonstrates ability to describe benefits of following social conventions when expressing feelings and/or ideas.
- J. Demonstrates ability to use a variety of expressive formats for expressing feelings and/or ideas (includes letters, verbal and nonverbal communication, artistic expressions).
- K. Demonstrates ability to use language appropriate to the situations and communication partner (includes formal, slang, technical).
- L. Demonstrates ability to use skills of diplomacy when expressing feelings and/or ideas.

- M. Demonstrates ability to identify how setting, communication partner, and desired outcome impact on how and when to appropriately express feelings and/or ideas.
- N. Demonstrates ability to respond to a situation with intensity that is equivalent to the situation.

34. Expresses feelings and ideas to others confidently.

- A. Demonstrates ability to define and/or list a variety of feeling words.
- B. Demonstrates ability to respond with feeling words appropriate to the situation and other participants.
- C. Demonstrates ability to maintain a relationship with a confidant.
- D. Demonstrates ability to speak positively about self.
- E. Demonstrates ability express own strengths and limitations to others.
- F. Demonstrates ability to identify and express a wide variety of feelings clearly and concisely.
- G. Demonstrates ability to identify and express a goal, hope, and/or dream.
- H. Demonstrates ability to identify potential benefits of sharing feelings and/or ideas with another person.
- I. Demonstrates ability to be assertive (versus passive or aggressive) when expressing desires or responding to others.
- J. Demonstrates ability to try an alternative method to express oneself when not understood by another.
- K. Demonstrates ability to identify situations in which it may be difficult to express feelings and/or ideas and develop the ability to do so.
- L. Demonstrates ability to express feelings and/or ideas about the existence of one's disability.
- M. Demonstrates ability to recognize impact of teasing, sarcasm, and offensive jokes on self and others.
- N. Demonstrates ability to express feelings and ideas in a timely manner.

35. Sets personal goals.

- A. Demonstrates ability to identify an array of personal goals.
- B. Demonstrates ability to prioritize and select one or two goals to work on.
- C. Demonstrates ability to behaviorally define goal outcome.
- D. Demonstrates ability to define (behaviorally and mentally) barriers to completing goal (includes internal, situational, and resource limitations).

- E. Demonstrates ability to define (behaviorally and mentally) benefits of completing goal.
- F. Demonstrates ability to describe resources and alternatives necessary to goal completion.
- G. Demonstrates ability to develop and prioritize behavioral steps (or actions) necessary to complete goal.
- H. Demonstrates ability to set “sub goals” or Benchmarks along path to goal.
- I. Demonstrates ability to set “sub goals” or Benchmarks along path to goal.
- J. Demonstrates ability to access resources if path to goal is “derailed.”
- K. Demonstrates ability to develop a time line or target date for completion of intermediate steps or sub-goals (e.g. “achieve behavior X by July 1”).
- L. Demonstrates ability to define frequency of behaviors in intermediate steps or sub-goals (e.g. “perform behavior X 4 times a week”).
- M. Demonstrates ability to acknowledge and celebrate completion of goal.

36. Makes personal decisions.

- A. Identify guiding values.
- B. Own personal values by consciously vocalizing, writing, or otherwise demonstrating values.
- C. Demonstrates ability to take initiative to solve problems.
- D. Demonstrates ability to vocalize reasons and/or rational for a decision.
- E. Demonstrates ability to develop for consideration a variety of options in preparation for making a decision.
- F. Demonstrates ability to evaluate options in terms of effectiveness, cost, functionality, and social conventions.
- G. Demonstrates ability to seek information from a variety of sources and formats (includes written, personal experiences of others).
- H. Demonstrates ability to determine when it is appropriate to make a quick decision versus a reflective decision.
- I. Demonstrates ability to make decisions for personal grooming style(s).
- J. Demonstrates ability to make informed decisions on health-related (including nutrition issues).
- K. Demonstrates ability to practice a variety of strategies and activities to maximize decision making and problem solving.
- L. Demonstrates ability to make informed consumer decisions.

Communication

37. Has needed speaking skills—may include sign language or alternative/augmentative communication.

- A. Demonstrates ability to engage in conversational speech (includes several exchanges on single or related topics).
- B. Demonstrates ability to produce and comprehend age-appropriate oral communication skills for home and community.
- C. Demonstrates ability to initiate conversation with others.
- D. Demonstrates ability to practice eye contact during conversation.
- E. Demonstrates ability to speak clearly and at an appropriate decibel level.
- F. Demonstrates ability to end conversation.
- G. Demonstrates ability to differentiate between passive, aggressive, and assertive speech.
- H. Demonstrates ability to give feedback to others that is timely, action oriented, and specific to the situation.
- I. Demonstrates knowledge of role of nonverbal communication speaking skills.
- J. Demonstrates ability to modulate voice appropriate to situation, mood, purpose, and intended result of communication.
- K. Demonstrates ability to construct a persuasive message that contains basic information and is clear and concise.
- L. Demonstrates ability to proactively solicit information for a specific cause.
- M. Demonstrates ability to identify role of and to use nonverbal communication in speaking.

38. Has needed listening skills—may include sign language, speech reading, or other assistive technology/services.

- A. Demonstrates ability to practice active listening skills.
- B. Demonstrates ability to maintain appropriate eye contact while listening to others.
- C. Demonstrates knowledge of role of nonverbal communication in listening skills.
- D. Demonstrates ability to differentiate among comments that are positive, negative, and neutral, and among informational comments, demands, and requests.
- E. Demonstrates ability to ask relevant and timely questions.
- F. Demonstrates ability to limit interrupting a communication partner.
- G. Demonstrates ability to identify and attend to an important or relevant sound or speaker from an array of environmental sounds.

- H. Demonstrates ability to recognize key words and concluding or summarizing phrases.
- I. Demonstrates ability to develop mental imagery from auditory input.
- J. Demonstrates ability to identify details from auditory input.
- K. Demonstrates ability to use contextual cues to assist in determining word meaning or other relevant information.
- L. Demonstrates ability to identify feelings and intent of speaker based on words, tone of voice, and nonverbal communication.

39. Has needed reading skills for acquiring information from written materials – may include tactile systems or other assistive technology/services.

- A. Demonstrates ability to seek additional training or skill development necessary to effectively and efficiently access written information (includes Braille, speech output devices, and spellers).
- B. Demonstrates ability to read information and identify the main idea.
- C. Demonstrates ability to read information and identify the setting.
- D. Demonstrates ability to read information and identify the plot.
- E. Demonstrates ability to read information and make judgments and draw the conclusions about the characters.
- F. Demonstrates ability to read information and summarize information.
- G. Demonstrates ability to read information and predict outcomes.
- H. Demonstrates ability to read information and distinguish fact and fiction.
- I. Demonstrates ability to use various sources of information and references (includes dictionary, newspaper, phone book, television listings, and encyclopedia).
- J. Demonstrates ability to practice strategies to increase comprehension.
- K. Demonstrates ability to read labels and follow directions.
- L. Demonstrates ability to assimilate new information.
- M. Demonstrates ability to read and comprehend literary and technical information (includes manuals, instruction booklets).
- N. Demonstrates ability to describe a print handicap, its functional implications, and appropriate strategies for limiting the effects of impairment.
- O. Demonstrates ability to choose reading medium that is efficient for specific task (includes Braille, speech output, and print).

40. Has needed writing skills—may include Braille systems and alternative/augmentative communication.

- A. Demonstrates ability to produce print for others to read (includes use of assistive devices).
- B. Demonstrates ability to write in a variety of styles, appropriate to the situation and/or purpose.
- C. Demonstrates ability to use narrative text structures in writing.
- D. Demonstrates ability to use dialogue structures in writing.
- E. Demonstrates ability to use expository text structures in writing.
- F. Demonstrates ability to follow syntax conventions in written communication.
- G. Demonstrates ability to follow morphological conventions in written communications.
- H. Demonstrates ability to evaluate, proofread, and modify written communication.
- I. Demonstrates ability to advocate for and participate in training necessary for writing in an alternative form of literacy (includes using Braille and/or an alternative assistive device).
- J. Demonstrates ability to operate a familiar software program independently (includes word processing, spreadsheet).
- K. Demonstrates ability to advocate and plan for the acquisition of an alternative assistive writing device.
- L. Demonstrates ability to take personal notes.
- M. Demonstrates knowledge of what are the appropriate assistive devices necessary for writing as determined by one's specific disability.

Interpersonal Relationships

41. Gets along well with family members—may include parent's siblings, or other relatives.

- A. Demonstrates loyalty to other family members.
- B. Demonstrates ability to respond appropriately.
- C. Demonstrates ability to communicate meaningfully with other family members.
- D. Demonstrates ability to identify members of extended family.
- E. Demonstrates ability to participate in mature, age-appropriate, nurturing child parent relationships.
- F. Demonstrates ability to remember birthdays, anniversaries, and other family celebrations.
- G. Demonstrates ability to maintain contact with family members via phone, mail, and/or electronic mail.
- H. Demonstrates ability to participate in family duties, chores, and celebrations.
- I. Demonstrates ability to respect family members' space and property.

42. Demonstrates knowledge and skills of parenting.

- A. Demonstrates knowledge of health care issues for an infant.
- B. Demonstrates knowledge of health care issues for a preschool child.
- C. Demonstrates knowledge of health care issues for primary and/or intermediate child.
- D. Demonstrates knowledge of health care issues for an adolescent.
- E. Demonstrates knowledge of how to seek counsel from others when needed for assistance (includes doctor, nurse, and experienced relative).
- F. Demonstrates knowledge of the emotional development of various stages of childhood.
- G. Demonstrates knowledge of the physical development of various stages of childhood.
- H. Demonstrates knowledge of budgeting for child-rearing costs (personal and hygiene needs, day care/babysitting).
- I. Demonstrates knowledge of a full range of responsibilities inherent in parenthood (includes emotional, legal, financial).
- J. Demonstrates knowledge of the importance of practicing a consistent and multileveled discipline plan.
- K. Demonstrates knowledge of the differences inherent in and the impact of raising a child in a single-parent and/or double-parent family.
- L. Demonstrates knowledge of various types of division of labor in families.

43. Demonstrates skills for getting along well with supervisor.

- A. Demonstrates ability to show warmth and caring to others.
- B. Demonstrates ability to adapt to changes in groups or interpersonal relationships.
- C. Demonstrates ability to respond appropriately to good-natured teasing.
- D. Demonstrates ability to handle competition with others with grace and manners.
- E. Demonstrates ability to show sensitivity to others' feelings.
- F. Demonstrates ability to handle conflict in interpersonal relationships.
- G. Demonstrates flexibility and adaptability in interacting with others.
- H. Demonstrates ability to identify critical characteristics of how to facilitate social relationships.
- I. Demonstrates ability to identify the critical barriers to developing and maintaining social relationships at work.
- J. Demonstrates ability to use active listening skills.
- K. Demonstrates ability to identify how others perceive self.

APPENDIX 10

ADDITIONAL FORMS

BEIR

MODESTO CITY SCHOOLS

Special Education Local Plan Area



Special Education
1581 Cummins #B
Modesto, CA 95358
(209) 574-1623

Behavior Emergency Incident Report

A Behavior Emergency Incident Report (BEIR) is to be completed whenever behavior is such that the classroom management system and/or the student's behavioral intervention plan is not effective. A Behavior Emergency Incident Report is for any student with an IEP or Section 504 Plan. A BEIR is to be completed within 24 hours of the incident.

SECTION A – STUDENT / INCIDENT INFORMATION - All parts of Section A must be completed.

Student Name:	School:		
Teacher of Record:	Date of Incident:		
Case Manager:	Activity:		
Law enforcement personnel were involved with this incident:	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Report Prepared By: (Please print clearly)	Name: Position:	Signature:	Date:
Responsible Certificated Staff Member (if different) and Position:		Signature:	Date:
School Site or Special Education Administrator/Designee and Position:		Signature:	Date:
Location of Incident - (Check one)		Incident Type - (Check all that apply)	
<input type="checkbox"/> Primary classroom <input type="checkbox"/> Transition classroom <input type="checkbox"/> Intermediate classroom <input type="checkbox"/> Mainstream classroom <input type="checkbox"/> Activity classroom <input type="checkbox"/> Transition time / Activity <input type="checkbox"/> Cafeteria <input type="checkbox"/> Playground area <input type="checkbox"/> Hallway <input type="checkbox"/> Bus <input type="checkbox"/> Other (explain): _____		<input type="checkbox"/> Assultive behavior <input type="checkbox"/> Student injury <input type="checkbox"/> Run-away / Elopement <input type="checkbox"/> Staff injury <input type="checkbox"/> Police Involvement <input type="checkbox"/> Property damage <input type="checkbox"/> Self-Injurious behavior <input type="checkbox"/> Medical issue <input type="checkbox"/> Sexually related behavior <input type="checkbox"/> Classroom evacuation <input type="checkbox"/> Unusual behavior <input type="checkbox"/> Other (explain): _____	
De-Escalation Interventions Used - (Check all that apply)			
<input type="checkbox"/> Active listening <input type="checkbox"/> Conflict resolution <input type="checkbox"/> Plan development <input type="checkbox"/> Non-verbal interventions <input type="checkbox"/> Touch control <input type="checkbox"/> Proximity control <input type="checkbox"/> Planned ignoring <input type="checkbox"/> Reminder of consequences <input type="checkbox"/> Provide choice / Reframe as a choice <input type="checkbox"/> Separate student from group <input type="checkbox"/> Regrouping <input type="checkbox"/> Other (explain): _____		<input type="checkbox"/> Directive statement <input type="checkbox"/> Prompting <input type="checkbox"/> Stimulus change <input type="checkbox"/> Redirect / Divert <input type="checkbox"/> Take space <input type="checkbox"/> Humor / Distraction to diffuse <input type="checkbox"/> Offer assistance <input type="checkbox"/> Counseling <input type="checkbox"/> Reminders of upcoming activities <input type="checkbox"/> Change of voice <input type="checkbox"/> Model / Rehearse appropriate behavior <input type="checkbox"/> Supervision change (specify): _____	

Brief description of behavioral events prior to incident. What triggered the event?			
Description of incident in behavioral terms:			
Description of behavior after intervention. (How did you know the student was ready to return to class or program?)			
What technique / strategy was utilized to reintegrate student to the class / program?			
Description of any medical treatment needed as a result of this incident for students / and or staff:			
Were accident reports completed for either students or staff? <input type="checkbox"/> Yes <input type="checkbox"/> No			
(If YES, explain for whom, and the injury.)			
Has there been a reportable behavior incident for this student in the last six months? <input type="checkbox"/> Yes <input type="checkbox"/> No			
(If YES, please provide the following information regarding prior incidents.)			
Prior Emergency Behavior Incident History			
Date of Incident	Type of Incident	Action Taken	Commonalities
Describe response to prior incidents. Include modifications to the student's plan and services. How was student re-integrated into the school population?			
<input type="checkbox"/> Increased counseling:			
<input type="checkbox"/> Seat change / Regrouping:			
<input type="checkbox"/> Tier I / II plan modified:			
<input type="checkbox"/> Behavior intervention plan modified:			
<input type="checkbox"/> Curriculum / Instructional change:			
<input type="checkbox"/> Medication:			
<input type="checkbox"/> Assessment:			
<input type="checkbox"/> Placement change:			
<input type="checkbox"/> Other:			
<input type="checkbox"/> Other:			

SECTION C – NOTIFICATION - Notification MUST be completed any time an emergency behavior incident occurs.

Name of individuals notified	Date	Time	How? (By phone, in person, note, left message)	By Whom?
<input type="checkbox"/> Parent *				
<input type="checkbox"/> Program manager *				
<input type="checkbox"/> School site nurse				
<input type="checkbox"/> BIS Provider **				
<input type="checkbox"/> Site Administrator				

Debrief Information:

Debrief date:	Debrief time:
Staff in attendance for debrief:	
Name:	Title:
* MUST be notified within 24 hours of incident	
** If student has BIP, notify as soon as possible	

Original to: IEP File

Copies to: BIS provider
 Program Manager
 Site Administrator
 Special Education Department

3-YEAR EVALUATION WORKSHEET

MODESTO CITY SCHOOLS

Special Education Local Plan Area



Special Education
1581 Cummins #B
Modesto, CA 95358
(209) 574-1623

Individual Education Program Team 3-Year Re-Evaluation Test / No Test Guidelines

Student Name:	DOB:	
School Site:	Case Manager:	
Psychologist:	Eligibility Category:	

Initial Assessment Eligibility Determination Date:

Other Triennials (dates):

The child's disability is a **low incidence or profound and persistent disability**. Yes No
If YES, continue. If NO, a full evaluation must be completed (Ex: VI, MD, OI, DHH, DB).

QUESTIONS

1.	If the student was identified prior to the 4 th grade, are there fewer than three evaluations completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Dates of previous evaluations:	
	If the student was identified 4 th grade or higher, have there been fewer than two assessments completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Dates of previous evaluations:	
2.	Is the student failing to receive educational benefit from their current educational setting with Special Education and related services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Is the student expected to make a change in his/her Special Education program, or be exited from his/her Special Education program in the coming year, or be making a life-level change (excluding transition to the Young Adult program)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Have the student's previous assessments contained a high degree of variability in results?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	Does the student no longer show evidence of the Special Education eligibility/disabling condition?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Does the student show evidence of any other suspected areas of disability?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Has the student undergone a serious illness or life-changing event since the time of the last assessment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	Is there a concern regarding the student's behavior? Does the student have more than 5 days of suspension?	<input type="checkbox"/> Yes <input type="checkbox"/> No

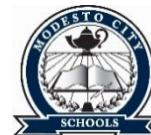
If any responses to the above questions are YES, the student does not qualify for the no-test provision.

All service providers on the student's IEP have been contacted and are in agreement with the decision not to complete the psychological evaluation.

School Psychologist (print):	Signature:	Date:
------------------------------	------------	-------

MODESTO CITY SCHOOLS

Special Education Local Plan Area



Special Education
1581 Cummins #B
Modesto, CA 95358
(209) 574-1623

3-Year Student Re-Evaluation Information & Consent Form

Student Name:		Date:	
School Site:		DOB:	
Case Manager:		Grade:	

Dear Parent:

Federal and State law require that all Special Education students be re-evaluated at least every three years. Your child is due for his/her 3-year evaluation to determine continued eligibility for Special Education and related services.

To make this determination, the Individualized Education Program (IEP) team, with your approval, will rely on current data such as your child's progress toward meeting his/her goals and objectives, current classroom performance, observations, or may rely on additional testing and evaluation.

The individual IEP team members listed below believe that additional assessment data is not needed for the 3-year evaluation in their identified area and that the student:

- Continues to be a child with a disability
- Continues to need Special Education services
- Program modifications and/or additions can be made with current information; and
- Present levels of performance needs can be identified based on current information.

Assessment Area	Present levels of performance	Printed Name	Signature

Please indicate your consent below by checking the appropriate box:

- I agree that current data is sufficient and no additional testing is needed at this time.
Your child's teacher will contact you.

Signature:	Date:
------------	-------

- I request assessment for a full 3-year evaluation to discuss the additional data that I believe is necessary.

Signature:	Date:
------------	-------

Please return this form to (name):	By (date):
------------------------------------	------------

LEA Administrator agrees with the recommendations of the assessment team.

Signature:	Date:
------------	-------

MODESTO CITY SCHOOLS

Plan del Área Local para el Programa de Educación Especial



Educación Especial
1581 Cummins #B
Modesto, CA 95358
(209) 574-1623

Equipo del Programa de Educación Individual Guías de Examinar/No Examinar de la Re-Evaluación de 3-Años

Nombre de Estudiante:		FDN:	
Sitio Escolar:		Manejador de Caso:	
Psicólogo:		Categoría de Elegibilidad:	

Fecha Inicial de la Evaluación de Determinación de Elegibilidad:

Otras Juntas Trianuales (fechas):

La discapacidad del niño(a) es de **baja incidencia** o una **discapacidad profunda y persistente**. Sí No
Si es SI, continué. Si es NO, una evaluación entera se tiene que completar (P. Ej.: VI, MD, OI, DHH, DB).

PREGUNTAS

1. Si el estudiante se identificó antes del 4º grado, ¿hay menos de tres evaluaciones completadas?	<input type="checkbox"/> Sí <input type="checkbox"/> No
Fechas de evaluaciones previas:	
Si el estudiante se identificó en 4º grado o después, ¿han habido menos de dos examinaciones completadas?	<input type="checkbox"/> Sí <input type="checkbox"/> No
Fechas de evaluaciones previas:	
2. ¿El estudiante no está recibiendo beneficio educacional de su ubicación educacional actual con Educación Especial y servicios relacionados?	<input type="checkbox"/> Sí <input type="checkbox"/> No
3. ¿Se espera que el estudiante haga un cambio en su programa de Educación Especial, o dado de baja de su programa de Educación Especial en el próximo año, o hacer un cambio de nivel-de-vida (excluyendo transición al programa de Adulto Joven)?	<input type="checkbox"/> Sí <input type="checkbox"/> No
4. ¿Los exámenes previos han tenido una gran variedad en los resultados?	<input type="checkbox"/> Sí <input type="checkbox"/> No
5. ¿El estudiante ya no demuestra evidencia de la condición de la elegibilidad/discapacidad de Educación Especial?	<input type="checkbox"/> Sí <input type="checkbox"/> No
6. ¿El estudiante demuestra evidencia de alguna otra área en que se sospecha una discapacidad?	<input type="checkbox"/> Sí <input type="checkbox"/> No
7. ¿El estudiante ha tenido una enfermedad seria o un evento de cambio de vida después de la última examinación?	<input type="checkbox"/> Sí <input type="checkbox"/> No
8. ¿Hay alguna preocupación sobre el comportamiento del estudiante? ¿Tiene el estudiante más de 5 días de suspensión?	<input type="checkbox"/> Sí <input type="checkbox"/> No

Si alguna respuesta a las preguntas de arriba es SI, el estudiante no califica para la provisión de no-examinar.

Todos los proveedores de servicios en el IEP del estudiante se han contactado y están de acuerdo con la decisión de no completar la evaluación psicológica.

Psicólogo/a de Escuela (molde):	Firma:	Fecha:
---------------------------------	--------	--------

MODESTO CITY SCHOOLS

Plan del Área Local para el Programa de Educación Especial



Educación Especial
1581 Cummins #B
Modesto, CA 95358
(209) 574-1623

Equipo del Programa de Educación Individual Guías de Examinar/No Examinar de la Re-Evaluación de 3-Años

Nombre de Estudiante:		Fecha:
Sitio Escolar:		FDN:
Manejador de Caso:		Grado:

Querido Padre:

Ley Federal y Estatal requiere que todos los estudiantes de Educación Especial se re-evalúen por lo menos cada tres años. Su hijo(a) está programado para su evaluación de 3-años para determinar elegibilidad continua para Educación Especial y servicios relacionados.

Para hacer esta determinación, el equipo del Programa de Educación Individualizada (IEP), con su aprobación, va a depender de datos actuales como el progreso de su hijo hacia alcanzar sus metas y objetivos, desempeño en clase actual, observaciones, o puede depender de exámenes y evaluaciones adicionales.

Los miembros individuales del equipo de IEP nombrados debajo creen que datos de exámenes adicionales no se necesitan para la evaluación de 3-años en su área identificada y que el/la estudiante:

- Continua a ser un(a) niño(a) con una discapacidad
- Continua a necesitar servicios de Educación Especial
- Modificaciones y/o adiciones al programa se pueden hacer con información actual; y
- Niveles presentes de necesidades para cumplimiento se pueden identificar basadas en información actual.

Área de Examen	Posición	Nombre en Molde	Firma

Por favor indique su consentimiento debajo al marcar la caja apropiada:

Estoy de acuerdo que los datos actuales son suficientes y examinación adicional no es necesaria en este momento. El maestro de su hijo(a) estará en contacto con usted.

Firma:

Fecha:

Solicito examinación para una evaluación entera de 3-años para discutir los datos adicionales que pienso son necesarios.

Firma:

Fecha:

Por favor regrese esta forma a (nombre):

Para (Fecha):

Administrador del LEA está de acuerdo con las recomendaciones del equipo de examinación.

Firma:

Fecha: