



Sonoma County Charter SELPA

Procedural Manual

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PURPOSE AND SCOPE

The purpose of the Special Education Procedural Manual is to describe the policies and procedures governing the education of students with disabilities in the Sonoma County Charter SELPA. The manual provides charter school personnel clear and systematic procedures regarding student rights and administrators and teaching staff responsibilities in accordance with the variety of Federal laws and regulations that are implemented through State law and mandate.

The three Federal laws that govern the education of students with disabilities are: 1) Individuals with Disabilities Education Act (IDEA); 2) Section 504 of the Rehabilitation Act of 1973 (Section 504); and 3) Americans with Disabilities Act (ADA). Under these laws, all students with disabilities ages 3 through 21 have a right to receive a free appropriate public education (FAPE) along with procedural safeguards governing their identification, assessment, and placement in the least restrictive environment (LRE). Essential to these procedural safeguards is the involvement of parents.

Each charter school is responsible for ensuring that the above mission is accomplished in a timely, thoughtful and thorough manner.

The following pages include the special education guidelines, procedures and forms used in the implementation of special education services in the Sonoma County Charter SELPA. This handbook is a flexible document that will be updated to stay current.

Special Education Laws and Mandates

Individuals with Disabilities Education Act (IDEA)

The IDEA authorizes funding to states and school districts. To receive and maintain such funds, these agencies must comply with specific rules regarding the education of students with disabilities. The IDEA applies only to students having specific disabilities that are identified through the required assessment process.

Free Appropriate Public Education (FAPE)

Each student found to have an IDEA disability is entitled to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). To determine whether a student has one of the specified IDEA disabilities and requires special education services:

- The student is assessed in all areas of the suspected disabilities by a multidisciplinary group of professionals;
- A meeting which includes parents/guardians is held to review the assessment results.

If it is determined that the student needs special education services, the meeting participants develop an Individualized Education Plan (IEP), which provides for specially designed instruction that cannot be provided with modification of the regular instructional program and related services. In addition, the IEP identifies services and placement for the student that is in the least restrictive environment (LRE).

Educational and related services must be provided at no cost to the parent, except for those fees that apply to all students, including those without disabilities. The LEA Charter School may use State, Local or Federal resources to meet this requirement. An insurer or similar third party is not relieved from an otherwise valid obligation to provide or pay for services provided to a student with a disability. Sonoma County Charter SELPA members will not delay the implementation of a student's IEP, including any case in which the payment source for providing or paying for special education and related services to the student is being determined.

Least Restrictive Environment (LRE)

Under the following core principles of LRE, students with disabilities are:

1. To the maximum extent appropriate, including those in public or private institutions or other care facilities, educated with their non-disabled peers;
2. To be removed from the general education environment only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily (includes placements in special classes or separate schools);
3. Educated in the school that (s)he would attend if nondisabled, unless the IEP requires some other arrangement;
4. Placed in schools and receive services in locations as close as possible to his/her home.

A student found to have a disability under IDEA is entitled to FAPE *even though the student has not failed or been retained in a course or grade, and is advancing from grade to grade.* Consideration of how the disability adversely impacts social, emotional and behavior skills, independent of passing grades, must be part of the identification process.

Prohibition on Mandatory Medication

General: District staff cannot require a student to obtain a prescription for a controlled substance as a condition of attending school, receiving an assessment, or receiving services described in this manual.

Permissible Action

- Teachers and other school personnel may consult or share classroom-based observations with parents regarding a student’s academic and functional performance, behavior in the class or school, or the need for an assessment for special education and related services.

Parent, Legal Guardian, Surrogate Parent, and Conservatorship

Throughout this manual, the term parent is used to refer to parents, guardians, surrogate parents and foster parents as described below. Although the singular and plural version of parent is used interchangeably, both parents share educational rights unless otherwise specified through a divorce or separation documents. Staff may presume that a parent has the authority to act for a child unless a school official is advised that the parent does not have such authority. Parent, as used in this manual, is as follows:

- Natural or adoptive parent;
- Guardians are generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
- Individuals acting in the place of a biological or adoptive parent (including a grandparent stepparent, or other relative) with whom a child lives;
- An individual who is legally responsible for the child’s welfare; or
- Surrogate parent appointed in accordance with the procedures below.

Parental Educational Rights Exceptions

- The case manager has been provided with written evidence that there is a current protective order altering the parent’s access, or a court order terminating the parent’s rights to make educational decisions for his/her child. This documentation shall be placed in the student’s CUM file.
- If a judicial decree or order identifies a specific person to act as the “parent” of a student or to make educational decisions on his/her behalf, that individual is considered to be the “parent” such as the following:

Surrogate Parents:

Required when the student’s parent cannot be identified;

1. After reasonable efforts, the case manager cannot locate the student’s parent;
2. The court has specifically limited the right of the parent to make educational decisions for the child; or
3. The student is a ward of the court.

Surrogate parents may represent students in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the individualized education program (IEP), and in other matters relating to the provision of a free appropriate public education to the individual. This representation includes the provision of written consent to assessments and initial placement, non-emergency medical services, mental health treatment services, occupational or physical therapy, etc. The surrogate parent may sign any consent relating to IEP purposes.

Surrogate parents are held harmless by the State of California when acting in their official capacity except for acts or omissions that are found to have been wanton, reckless, or malicious.

Foster Parents Acting as Surrogates:

1. Foster parents acting as surrogates include a person, relative or non-relative caretaker, or an extended family member who has been licensed or approved by the county welfare department, county probation department, or the State Department of Social Services, or who has been designated by the court as a specified placement.
2. Foster parents may act as a surrogate and represent the student in the areas discussed above in the following circumstances:

Educational Decision-Making: The foster parent has not been excluded by court order from making educational decisions on behalf of a student and the juvenile court has limited the right of the parent or guardian to make educational decisions on behalf of the student.

Permanent Living Arrangement: The student is in a planned permanent living arrangement with the foster parent.

Willingness: The foster parents are willing to participate in making educational decisions on the student's behalf; and they have no interest that would conflict with the interests of the student.

A foster parent exercising rights under this section may consult with the parent or guardian of the student to ensure continuity of health, mental health, or other services.

Transfer of Parental Rights to Student at Age 18 Years

At 18 years of age, parental rights transfer to the student unless the student has been conserved under state law. Beginning not later than one year before the student turns 18, the parents must be informed about this transfer of rights. The IEP includes a statement that the parent has been informed of his/her rights under IDEA, if any, that will transfer to the student.

Conservatorship

In some situations, a student over the age of 18, who is legally an adult, may have a conservator who will continue to act on the student's behalf in regard to special education and related services. The term "conservator" refers to a person given legal authority and responsibility by the superior court to make educational decisions for an adult person, married minor, or married minor whose marriage has been dissolved and who is not competent to make such decisions or to give informed consent. For more information on conservators, please refer to:

<http://www.courtinfo.ca.gov/selfhelp/seniors/handbook>

Age Range Requirements

All children with disabilities between the ages of birth through 21 are entitled to receive FAPE. Services must be available for children upon their third birthday, assuming that the responsible LEA have prior notice, an opportunity to provide an assessment (if necessary) and develop an IEP within required timeframes. **NOTE:** *SCC SELPA charter schools do not serve students under 5 years of age. Services for children under age 5 are the responsibility of the child's district of residence.*

“Aging Out” of Special Education Timelines

- **Turns 22 years of age in January through June.** Students receiving special education services may continue his/her participation for the remainder of the fiscal year, including any extended school year services.
- **Turns 22 Years of Age in July through September.** Such students are not allowed to continue special education services in the new fiscal year. However, if the student is in a year-round school program and the IEP extends into a term in the new fiscal year, then (s)he may complete that term.
- **Turns 22 Years of Age in October through December.** Special education services are terminated on December 31 of the current fiscal year, unless the individual would otherwise complete his/her IEP at the end of the current fiscal year.

Graduation Exception to Age Range Requirements

FAPE is not required for students with disabilities who have graduated from high school with a regular high school diploma. Graduation with a high school diploma constitutes a change in placement, requiring written Prior Notice of Proposed/Graduation (see page A19). Regular high school diploma does not include an alternative degree that is not fully aligned with California's academic standards, such as a certificate or a general educational development credential (GED).

ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION

ADMINISTRATOR

The Administrator ensures that assessment services are appropriately conducted throughout the school system and monitors the universal screening, progress monitoring, and data-collection processes to ensure that assessments are conducted appropriately

- Inform parents of the need to file a written request for assessment when a verbal request is made and provide assistance in completing this written notice if necessary.

Has general oversight authority for special education services, including the supervision of monitoring activities that ensure: federal, state, and local guidelines are implemented; timelines are met; and practices that promote delivery of appropriate services as reflected in each student's IEP are followed

- Ensures all annual and triennial IEP review meetings for the school year are calendared before the annual due date (364 days or before) or the triennial date (2 years and 364 days or before).
- Ensure there is appropriate representation of all staff at each IEP meeting. Required members of an IEP team are: The parent, the special education teacher/specialist, the general education teacher, and an administrator/designee. The psychologist and any related service provider who serves the student or whom has information for the IEP team should also be included. **If the required members are unable to attend, the IEP meeting should be postponed and rescheduled.** Other participants may be excused, with prior IEP Team Member(s) Excusal and needed information (reports, progress) shared with the parent prior to the meeting and in the meeting by a designated team member. See "IEP Team Members" (pg. 34) of this manual, for more information.
- Monitor the IEP paper work. Ensure that every item on each page of the IEP is completed (no blanks). Ensure the IEP is accurate and is a suitable response to the information needed. May use IEP Checklist for Compliancy (see page A24) for this purpose.

Has general oversight for the provision of appropriate training for all individuals responsible for carrying out the requirements included in this manual, as well as other relevant federal and state requirements pertinent to the identification and education of students with disabilities

- Assist in the identification and provision of professional development and other available resources for the provision of special education and related services.
- Provide consultation and facilitation for any potential placements outside LEA Charter School.
- Provide consultation regarding appropriate personnel staffing.
- Supervise all special education and support staff assigned to the LEA Charter School, including coordination of services between general and special educators and support staff
- Ensure appropriate scheduling of staff and students.
- Ensure joint planning and collaboration time for general and special education teams.
- Provide information and assistance for families and students involved with due process hearings.

- Request technical assistance and support from the Sonoma County Charter SELPA as needed.
- Are qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities.
Note: Specially Designed Instruction (SDI) for students with disabilities is a requirement under the IDEA, the federal law governing special education programs. SDI refers to the teaching strategies and methods used by teachers to instruct students with disabilities and other types of learning disorders.
- Are knowledgeable about the general education curriculum.
- Are knowledgeable about and have the authority to commit school resources.
- Monitor service delivery commitments, the implementation of IEPs and the progress of students with disabilities in the general education curriculum.
- Periodically review the schedule of related services staff assigned to the school and their caseloads; and ensure that students are receiving the amount of services specified in their IEP.

Principals retain all oversight responsibility at their school, even when a designee carries out day-to-day duties. On a case-by-case basis and as appropriate, individuals having the authority to commit special education services, which are not currently at a school site, may be assigned to be the LEA Charter Schools designated LEA representative at an IEP meeting where such services may be considered.

ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION

CASE MANAGER RESPONSIBILITIES

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

See SELPA Case Planning for all IEP development timelines (see page A3).

Referral Process:

- Assists with the completion of the written referral if requested or necessary.
- Secures parental consent to obtain confidential information from private and public sources, if necessary.
- Enters student name in Referral Log (see page A1) and notifies the principal and other school site staff members, as appropriate, that a referral has been made for a particular student.
- Creates a confidential special education file for the student and places it in a secure location that is accessible to all appropriate school staff. All forms, consents, reports, etc. associated with the student are maintained in this file, including the Case Planning Guide (see page A3) and Student Access Log (see page A4).
- Enters referral information into the SEIS IEP system and sends or delivers the following documents to parents: Referral for Special Education and Notice of Procedural Safeguards.

Assessment:

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

Upon Receipt of Signed Assessment Plan:

- Enters receipt date of signed Assessment Plan in Student Access Log (see page A2) and notifies all assessors included on the Assessment Plan that they may begin assessment.
- Assures, with the specific assessors, that assessments are conducted in the student's primary language if the students are English Learners.
- Provides results of assessments to the school psychologist at least 10 days in advance of the IEP meeting, so that these results can be incorporated into the written psychological report prior to the IEP team meeting.
- Provides copies of assessments with the assessors contact information to parents 5 days prior to the scheduled IEP meeting. EXCEPTION: Discretion shall be used by the assessor to determine if initial diagnosis of a disabling condition warrants a private meeting to discuss the assessment results prior to the IEP meeting.

Implementing and Monitoring the IEP:

- Schedules IEP team meeting with parents and LEA Charter School participants. **For Annuals and Triennials:** It is strongly recommended that the scheduled IEP date be at least 3 weeks prior to the last annual or triennial meeting date minus one day, as appropriate. This allows for meeting postponement or re-scheduling and supports compliance with State IEP meeting timelines.
- Sends Notification of IEP Team Meeting to parent and other IEP participants. **NOTE:** Annual reviews must be held 364 days before the date of the previous annual IEP and triennial reviews held two years and 364 days or earlier from the last triennial date.
- Secures IEP meeting room, assuring that the room is private and free from distractions, has adequate seating, electrical outlets, and if needed, a conference phone and Internet service (see pages 36-37 for a complete list).
- Contacts all school IEP team members the day of the IEP meeting ensuring they will be in attendance to the IEP, on-time and with the appropriate number of copies of assessments or other documents they will be sharing with the team.

During the IEP Meeting:

- Chairs IEP team meetings and facilitates the development of IEPs, ensuring that parents have the opportunity to participate in the development of the IEP. **NOTE:** If Case Manager chairs the IEP, another IEP Team Member shall be assigned to write notes.
- Ensures there are no blanks on the IEP forms.
- Ensures IEP and other documents are distributed to the family.
- Schedules a follow-up IEP meeting if the IEP is not completed at the meeting and documents the next IEP meeting date on the Notes page.

After the IEP Meeting:

- Ensures instructional team members are informed of the new IEP and its contents as it relates to their role with the student and the location of the IEP document in its entirety.
- Affirms and attests the IEP within 7 days of the IEP meeting and maintains accurate and timely student data information throughout the duration of the IEP year.
- Accesses SEIS IEP program daily for updates and notifications.
- Provides direct instruction to special education students, as designated in the IEP.

- Notifies special education administrator and/or site administrator of accurate monthly caseload numbers.
- Submits a monthly list of student adds/drops to the SEIS administrator.
- Provides the necessary information to the site/LEA charter school testing coordinator for all State/school-wide assessments.
- Coordinates and conducts, in collaboration with the school psychologist and other pertinent assessment personnel, manifestation determination reviews and IEP meetings.
- Coordinates the process for students to register for the Extended School Year program according to timelines, as appropriate.
- Evaluates student progress, maintains necessary records indicating student performance and recommends revisions of the IEP when appropriate. This includes grades, progress reports, and benchmark documentation of goals and objectives cited in students' IEPs.

Written Notice and Consents:

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

Records:

- Ensures that complete student records are maintained in a single, secure location in the school (ensuring the principal has access).
- Notifies appropriate staff that a request for records has been received.
- Coordinates collection and copying of all records for parents in a timely manner.

Technical Assistance:

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

Other:

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

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

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

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

ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION

RELATED SERVICE PROVIDER/DESIGNATED INSTRUCTION SERVICES

The related service provider is not typically the case manager for students assigned to his/her caseload whom receive specialized academic instruction provided by a special education teacher/specialist. Speech and Language Specialists (when not the sole provider of special education services), Occupational Therapists, Educational Related Mental Health Service Providers, and Behavior Specialists are some, but not all, related service providers. The related service provider is responsible for the following:

- Conducts screenings, when indicated.
NOTE: Screening definition: Ed. Code 56321(f) "...the screening of a pupil by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an assessment for eligibility for special education and related services". Screening may be provided to guide instruction and curriculum implementation, but may not be conducted to determine if further special education assessment is necessary. Screenings do not require an Assessment Plan, however it is strongly recommended that the parent be notified prior to any screening on their child.
- Informs parent of the need to file a written request for assessment when a verbal request is made. Provides assistance in completing this written notice if necessary.
- Completes an Assessment Plan in collaboration with other special education staff whenever an assessment for the development or revision of the IEP is to be conducted and does not begin assessment until the Assessment Plan is signed and returned by the parent/guardian.
- Conducts appropriate assessments in the areas of suspected disability.
- Provides a written report of all assessment(s) conducted.
- Provides assessment information at IEP meetings, and makes program and/or service recommendations when appropriate.
- Completes appropriate sections of the SEIS IEP prior to the IEP meeting such as Draft Present Levels of Academic Achievement and Functional Performance and draft Goals/Objectives/Benchmarks.
- Arrives at the IEP Team meeting on time, prepared to share copies of the assessment report, if appropriate, and other documents that will be shared with the IEP team, and, if an annual or triennial, with data on goal progress, attendance record, and other pertinent data.
- Provides direct services as indicated in the IEP.
- Serves as consultant to administrators, other special education support staff, regular classroom teachers, and parents and provides resources as needed.
- Provides in-service training for site school staff and community in order to promote a better understanding of students with disabilities as needed.
- Evaluates student progress and maintains necessary records indicating student performance and attendance, and recommends revisions of the IEP when appropriate. This includes IEP Goal progress reports and benchmarks/objectives (for students participating in the CAPA only) documentation of goals and objectives cited in students' IEPs as appropriate.
- Assists parents in understanding their rights and the special education process and procedures.

- Attends LEA and SELPA level meetings as requested.
- Provides the necessary information to the special education administrator and/or site testing coordinator for all State/LEA charter school assessments.
- Notifies special education administrator and/or site administrator of accurate monthly caseload numbers.
- Submits a monthly list of student adds/drops to the SEIS administrator.
- Accesses SEIS IEP program daily for updates and notifications.

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

In the case that there is more than one triennial date for the same student due to an addition of services after the initial placement, whichever date is the earliest will become the triennial IEP meeting date for the student. For example: The student's annual Speech IEP date is December 3, 2012. On February 1, 2013, an IEP meeting is convened to discuss the results of assessments conducted by the psychologist and academic special education teacher/specialist based on additional concerns of the school and parent. The student is found eligible for specialized academic instruction services. The next annual date for the student will be December 2, 2013 and the triennial date shall be scheduled to occur on the date of the Speech Triennial date (see page 27-28 for further information).

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

CHILD FIND: SYSTEMATIC SEARCH

Each local educational agency (LEA) shall actively and systematically seek out all individuals with exceptional needs, ages 5 through 18, including:

1. Children in private, including religious schools,
2. Highly mobile individuals with exceptional needs such as children who are migrant or homeless,
3. Children who are advancing from grade to grade even though they are suspected of being an individual with exceptional needs and in need of special education and related services, and
4. Children not enrolled in public school programs, who reside in a LEA charter school or are under the jurisdiction of a SELPA or a county office.

Policy

All LEA charter schools have adopted policies for notifying parents of their rights and for initiating a referral for assessment to identify individuals with exceptional needs. Identification procedures shall include utilization of referrals from teachers, parents, agencies, appropriate professional persons, and from other members of the public.

Process

1. School site procedures and identification procedures are coordinated to provide referral of pupils with needs that cannot be met with modification of the regular instructional program.
2. A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.
3. All referrals for special education shall be documented. When a verbal referral is made, staff of the LEA charter school shall offer assistance to the individual making the request, and shall assist the individual if he/she requests such assistance. The Notice of Receipt of Referral form shall be used to document the referral.

On-Going Systems For Identifying Enrolled Students

1. *Investigate Reports*
School personnel must investigate all reports of students not attending school, enroll them, and as appropriate, determine if the student has any areas of suspected disabilities.
2. *Kindergarten Attendance*
Although it is not mandatory for parents to send their children to Kindergarten, school staff must admit all eligible students that parents seek to enroll. Under no circumstances may a principal, or other personnel, deny kindergarten enrollment for a student.
3. *Screening*
Screening involves locating children and youth enrolled in in the LEA Charter School who may have a disability and need special education services to maintain satisfactory educational performance, even though they are advancing grade to grade. Through written notice, the LEA informs the parent of the results of the screening and whether follow-up is required. LEAs may implement the following types of screening:
 - a. *Hearing and Vision Screening*: Occurs at regular intervals during the student's school career and annually for all children who receive special education and related services;

- b . *Universal Screening:* The Response to Intervention (RTI) process utilizes universal screening of all students to identify those who may be at risk for academic failure. These screenings occur at least three times during the school year, typically fall, winter, and spring.
- c . *Academic Review:* Ongoing review of each student’s performance by teachers and other professional personnel through the Student Study Team (SST) to identify those who exhibit problems that interfere with their educational progress and/or their adjustment to the educational setting.

Student Study Teams

Each school site is required to have an SST or its equivalent, which is a multidisciplinary general education team to consider, plan, and assess general education interventions and supports for students experiencing learning, language/speech and/or behavioral difficulties.

Membership: The SST’s standing members include at least the principal/designee, a classroom teacher, and the referring teacher. When discussing an individual student’s difficulties, the student’s parent or guardian is an invited participant. As requested, special educators may also participate in SST meetings.

Duties: The SST assists the classroom teacher and parent in:

- 1 . Identifying academic, social or health strengths and issues that interfere with the student’s learning and achievement;
- 2 . Prioritizing concerns about the student;
- 3 . Developing an *action plan* to assist the student;
- 4 . The team reviews and analyzes all screening data, including RtI results, to determine the most beneficial option for the student.

Information to Parents: The team must regularly provide parents a report or summary on the status of the student’s response to the RTI process.

Insufficient Progress: When a student has made insufficient progress based on progress monitoring and subsequent modification of interventions and supports that have been implemented with fidelity for 8 – 12 weeks, the SST should consider a referral for an assessment under Section 504 or IDEA. Fidelity refers to implementation practices that are based on program requirements, including the length of time necessary to obtain sufficient data to determine effectiveness.

The SST process is not typically appropriate for students described below:

Some Disability Areas: Students suspected of having apparent disabilities, such as hearing impairment, visual impairment, deaf-blindness, severe and recent traumatic brain injury, mental disability (moderate or severe), multiple disabilities, and some students with severe autism, severe orthopedic impairments and/or significant health issues.

Mental Illness: For students suspected of exhibiting a significant mental illness, the school psychologist should be contacted immediately for a recommendation of next steps.

REFERRAL TO SPECIAL EDUCATION

Referral Process:

The referral of a pupil for a special education assessment may be initiated or submitted by, or as a result of:

1. School screening programs, such as vision, hearing, and speech and language screenings
2. Student Study Teams (SST)
3. Direct referrals from agencies or individuals having knowledge of an individual with exceptional needs
4. Direct referral from parents.

Parents shall be given a copy of their Rights and Procedural Safeguards upon initial referral for assessment.

NOTICE OF RECEIPT OF REFERRAL

When a complete and appropriate referral is received by a member of the assessment team for the assessment of a student for special education purposes, the assigned Case Manager will notify parents/ guardians that a referral was made.

1. If the parent participated in a Student Study Team meeting when the decision was made to refer the student for an assessment, the notification requirement will have been met.
2. The formal written notification of the parent is necessary when referrals have been initiated without parental involvement.
3. Notification of Referral shall be in writing.
 - a. The Case Manager of the assessment team shall immediately send or deliver a completed Notice of Receipt of Referral form to the parent (see page 10, "Case Manager Role and Responsibilities").
 - b. The individual receiving the referral must immediately provide it to his/her school principal, or education specialist (who becomes the case manager) for processing, which includes entering appropriate data in the electronic IEP system.
 - c. The case manager maintains a Contact Log (see page A1) documenting all actions related to the entire IEP process and notifies the school principal and other school site staff members, as appropriate, that a referral has been made for a particular student.
 - d. Utilizing the information below, the case manager facilitates a review of the referral and underlying information to determine if an assessment is appropriate for the student.
4. Personal contact in the parent's primary language to provide an explanation of the referral/assessment process and the forms is strongly recommended.

Criteria for Appropriate Assessment Referral:

The SST provides documentation showing that it addressed a student's academic, language/speech, and/or behavioral issues, incorporating:

1. *Interventions*: Scientifically research-based intervention(s) implemented with fidelity as evidenced by data sheets, computer-generated records, or other permanent products;
2. *Progress Monitoring*: Monitoring of the student’s progress relative to appropriate peer comparisons, at reasonable intervals, with appropriate modification of interventions and supports as appropriate;
3. *Progress Analysis*: Evidence that the student’s rate of progress relative to peers was not adequate (team should also consider cultural and linguistic factors); and
4. *Reason for Not Implementing RTI/PBIS*: In the event that a decision was made not to provide interventions and supports through RTI/PBIS, information is made available to explain the basis for that decision.

Inappropriate Basis for Referral:

To ensure that a student does not receive an assessment inappropriately, there is data-based documentation that the student’s lack of educational progress is *not primarily due to the following*:

1. *Reading*: Lack of appropriate, explicit and systematic instruction in reading which includes the essential components of reading instruction: phonics, phonemic awareness, fluency, comprehension, and vocabulary (e.g., if more than 50 percent of the class falls below benchmark on universal screening, lack of appropriate instruction might be suspected);
2. *Math*: Lack of appropriate instruction in math (e.g., if more than 50 percent of the class falls below benchmark on universal screening, lack of appropriate instruction might be suspected);
3. *Unfamiliarity with the English Language*: If the student’s primary language is not English, the teacher or SST members consult with the site English Language Support (ELS) teacher. The teacher and/or SST employ a variety of intervention and support strategies within the general education classroom to accommodate the student’s language and cultural background and help resolve the targeted learning and behavior problems (see page 43-45: English Learners Receiving Special Education Services for more information).
4. *Environmental or Economic Disadvantage*: (e.g., if a majority of low income students in the class fall below benchmark on universal screening, environmental or economic barriers as a primary factor might be suspected).
5. *Temporary Physical Disabilities*.
6. *Social Maladjustment*: Generally, students with emotional disabilities are viewed to have behavior of an “involuntary nature.” Students with social maladjustment are viewed as having behavior that is intentional in nature and are generally conceptualized as having a conduct problem. A Federal District Court viewed social maladjustment as “a persistent pattern of violating societal norms...a perpetual struggle with authority, easily frustrated, impulsive and manipulative.”¹ These students are viewed as being capable of behaving appropriately, but they intentionally choose to break rules and violate norms of acceptable behavior.

Determining Whether the Student Needs an Assessment:

Note: According to the US Department of Education (USDE), public school is not required to evaluate students to meet the entrance or eligibility requirements of another institution or agency. While the requirements for secondary transition are intended to help parents and schools assist children with disabilities transition beyond high school, USDE stated that IDEA requirements do not apply to

assessments relevant or necessary to another agency (e.g., a vocational rehabilitation program, or a college or other postsecondary setting).

Process:

1. Review the Referral: The Student Study Team, including the assigned education specialist, must review and analyze all data described above to determine the most beneficial option for the student.
 - a. Assessment is NOT Warranted:
If the parent has provided a written request for special education assessment, the parent must be given a written explanation of the reason for the decision using the *Prior Written Notice* and *Notice of Procedural Safeguards* within 15 calendar days of receipt of the referral (see page 42 and A19 for more information on the PWN process).
2. If the parent elects to *not* participate in the Student Study Team, the staff member assists the parent in putting the request for assessment in writing, if they have not previously done so, and the request is submitted to an appropriate member of the assessment team. If the staff member does not have adequate knowledge of school identification procedures, he/she may refer the parent to other personnel, such as a site administrator, school psychologist, or Student Study Team chairperson.

Note: The assessment of a student may be conducted without a Student Study or similar intervention team meeting if the parent so requests or if the school does not utilize a formal process. However, the school must have in place some mechanism for documenting that the resources of the regular education program have been considered and, where appropriate, utilized.

Best Practices For School Site Referrals:

The following is a sequence of activities that reflects best practices in addressing a referral for a special education assessment initiated by school personnel:

1. The classroom teacher has a concern about a student's academic progress. S/he begins to access resources available at the school and/or consults with persons knowledgeable about the individual student or available resources.
2. The student's parent/guardian is contacted for support, information, and sharing of ideas (document in writing).
3. Maintain documentation of attempts made to modify the student's educational program in order to address the original concerns. If the concerns remain after such attempts have been made, a referral is initiated to the Student Study Team (SST).
4. A Student Study Team meeting is scheduled, involving the parent, the pupil, and any other necessary school and community resources. Documentation of regular education interventions is maintained.
5. Should the interventions be determined inadequate in meeting the student's needs, the Student Study Team, with participation by the parent, submits a referral for a special education assessment. An Assessment Plan is developed at that time, if appropriate, or no later than 15 days of the referral date. The parent gives informed consent and the assessment process is initiated.

Best Practices For Direct Parent Referrals:

The following is a sequence of activities that reflects best practices in addressing a direct referral from a parent:

1. A school site member is approached by a parent/guardian who requests that his/her child be assessed for special education.
 - a. If the staff member has adequate knowledge of the school's procedures and the parent's concerns, the staff member establishes the basis for the request and informs the parent of the option to participate in a Student Study Team.
 - b. If the staff member does not have adequate knowledge of the school's procedures and the parent concerns, they must contact a staff member who can assist the parent.
 - c. If the parent provided the request for assessment in writing, an SST must be convened within the 15 day timeline. The SST may not be used to extend the 15 day LEA response timeline. Exception: Initial referral timeline *may* be extended if the parent is in agreement. Provide written documentation, with the parent's signature, of the agreed upon extension and the anticipated date of the IEP.
 - d. If the LEA charter school believes that an assessment for special education is not appropriate, it may refuse to conduct the assessment. In such cases, the LEA charter school must complete the Prior Written Notice (PWN) (see page A19).

Best Practices for Non-English Speaking Parents and the Referral Process

Parents whose primary language is not English will be informed of the need to file a written request when a verbal request is made. They will be informed both verbally and in writing in their primary language, unless to do so is clearly not feasible. The LEA charter school will make every effort to provide a translator who speaks the parents' native language to ensure the parents' full participation in the referral process.

¹ *Doe v. Sequoia Union High School district* (N.D. Cal. 198)

ASSESSMENT

INTRODUCTION

Prior to any action taken with respect to the initial placement of a student with disabilities, an individual assessment of the student's educational needs must be conducted by qualified staff in accordance with requirements specified by the Education Code. No assessment will be conducted without a signed completed Assessment Plan unless the LEA charter school has prevailed in a due process hearing regarding the assessment or the student is required to have an assessment as part of an expulsion process.

TIMELINES

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

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

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

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

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

DEVELOPMENT OF THE ASSESSMENT PLAN

As part of an initial assessment or a reassessment, the LEA charter school shall review existing assessments and information, and on the basis of that review, and with input from the parents, identify what additional data, if any, are needed to determine eligibility, present levels of

performance, the pupil's need for special education and related services, and any modifications needed to enable the pupil to meet the goals and to participate in the general curriculum.

The Assessment Plan Document Must:

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

As part of the assessment plan, the parent shall be informed that upon completion of the administration of tests and other assessment materials, an IEP team meeting shall be scheduled to determine whether the pupil is an individual with exceptional needs and to discuss the assessment, the educational recommendations, and the reasons for these recommendations.

ASSESSMENT REQUIREMENTS

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

1. Assessment materials and procedures must be selected and administered so as not to be racially, culturally, or sexually discriminatory.
2. Tests and other assessment materials must meet all the following requirements:
 - a. Are provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or developmentally, and functionally, unless it is not feasible to so provide or administer.
 - b. Have been validated for the specific purpose for which they are used.
 - c. Are administered by trained personnel in conformance with the instructions provided by the producer of the tests and other assessment materials, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.
 - d. Are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
3. Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
4. Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.

5. No single procedure is used as the sole criterion for determining whether a pupil is an individual with exceptional needs and for determining an appropriate educational program for the pupil.
6. The pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Education Code Section 56136.
7. The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Education Code Section 56136.
8. Assessment must be conducted by those competent to perform the assessment, as determined by the school LEA charter school, county office, or SELPA.
 - a. Any psychological assessment must be conducted by a credentialed school psychologist, capable of assessing cultural and ethnic factors pertaining to the child being assessed.
 - b. Any health assessment must be conducted by a credentialed school nurse or physician, capable of assessing cultural and ethnic factors pertaining to the child being assessed.
9. Assessment must include observations of the child according to the following criteria:
 - a. For a child with suspected learning disabilities, at least one person other than the child's regular teacher shall observe his/her performance in the regular classroom setting.
 - b. If the child is younger than 4 years, 9 months or is out of school, an assessment team member shall observe him/her in an environment appropriate for a child of
10. Vision and hearing screenings must be conducted for all initial assessments and three-year reevaluations, unless parental permission was denied.
11. The assessment must include consideration of information and private assessments provided by the parent.
12. Assessments must include information related to enabling the child to be involved in and progress in the general curriculum.
13. LEA charter schools must ensure that IQ tests are not administered to African-American students. Alternative assessments to IQ tests will be used to obtain information about these students' cognitive development. See the SELPA website for approved alternative assessments.
14. In conducting an assessment, LEA charter schools must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the pupil, including information provided by the parent that may assist in determining whether the pupil is a pupil with a disability and the content of the pupil's IEP, including information related to enabling the pupil to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

Review Rtl/Interventions & Progress Monitoring Data:

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

ASSESSMENT REPORTS

The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all 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.
6. For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
8. The need for specialized services, materials, and equipment or pupils with low incidence disabilities, consistent with guidelines established pursuant to Education Code Section 56136.
9. Information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities.
10. Documentation of the language of assessment for children whose primary language is not English and the results of tests administered in the child's primary language by qualified personnel.
11. A statement regarding the validity of the assessment if the assessment was administered through an interpreter.
12. A copy of the assessment report shall be given to the parent. Best practices suggest that the parent receive the report in sufficient time prior to the IEP meeting to read and assimilate the information.

SELPA forms Psycho-Educational Assessment Report Form (see page A5) and the Assessment Report Form (see page A7) are to be used for initial and triennial reports.

ASSESSMENT OF STUDENTS WITH SPECIFIC LEARNING DISABILITIES

For a pupil suspected of having a specific learning disability, the documentation of the determination of eligibility must contain a statement that the learning disability is not primarily the result of a visual, hearing, motor disability, mental retardation, emotional disturbance, cultural, environmental or economic disadvantage and that the disability is due to a disorder in one or more of the basic psychological processes. Complete SELPA form Specific Learning Disability; Team Determination of Eligibility.

When standardized tests are considered to be invalid for a specific pupil, the discrepancy between ability and achievement shall be measured by alternative means as specified on the assessment plan. Each member conducting the assessment must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the member must submit a separate statement presenting the member's conclusions. Complete SELPA form Specific Learning Disability Discrepancy Documentation Report in addition to the Specific Learning Disability; Team Determination of Eligibility form mentioned above.

Each member conducting the assessment must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the member must submit a separate statement presenting the member's conclusions.

Additional Considerations for a Student Who is:

1. Suspected of having a Specific Learning Disability

- a. At least one member of the individualized IEP team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.
- b. At least one team member other than the pupil's regular teacher shall observe the pupil's academic performance in the regular classroom setting. In the case of a child who is less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

2. Receiving Post-Secondary Services

- a. The LEA will invite the student to attend the IEP meeting if the purpose of the meeting will be the consideration of the needed transition services for the individual. **Note:** If the student does not attend the IEP meeting, the LEA shall take steps to ensure that the individual's preferences and interests are considered.
- b. The LEA shall invite a representative that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the local educational agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

3. Receiving a functional behavioral analysis assessment

- a. The behavioral intervention case manager shall attend the IEP meeting to review the results and, if necessary, to develop a behavioral intervention plan.

Annual IEP Reviews:

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

The annual IEP review shall consist of those persons specified in the section, IEP TEAM MEMBERS (see page 34). Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review.

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

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

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

Triennial Reviews:

State and federal laws and regulations require that students with disabilities receive a re-evaluation at least once every three years or more frequently if conditions warrant or if the student's parent or teacher requests an assessment. A re-evaluation shall not occur more frequently than once a year, unless the parent and the LEA charter school agree otherwise, and shall occur at least once every three years, unless the parent and the LEA charter school agree, in writing that a reevaluation is unnecessary. The date of the IEP meeting following the three-year re-evaluation must occur on or before the calendar date that is 2 years and 364 days from the initial IEP meeting (or previous triennial). If the re-assessment so indicates, a new IEP shall be developed (see page A13: Triennial Re-Assessments).

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

1. Review existing assessment data, including assessments and information provided by the parents of the student.
2. Review current classroom-based local, or State assessments and classroom-based observations.
3. Review teacher and related services provider(s) observations.
4. Ensure that a vision and hearing screening is completed, unless the parent denies permission.

On the basis of the information obtained from the above sources, the team members shall identify what additional data, if any, is needed to determine (see page A15):

1. Whether the student continues to have a disability.
2. The present levels of performance and the educational needs of the student.
3. Whether the student continues to need special education and related services.

4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the annual goals included in the student's IEP and to participate, as appropriate, in the general curriculum.

According to California law, no re-evaluation shall be conducted unless the written consent of the parent is obtained prior to the re-evaluation. However, parental consent is not required for a review of existing data. Document request for a review of existing data and parent agreement using SELPA Triennial Review form (see page A13).

Parental consent is not required for a reevaluation if the LEA charter school can demonstrate that it has taken reasonable steps to obtain consent and the parent has failed to respond. Document all steps taken.

Implementation Procedures:

In anticipation of the triennial review date the special education case manager will consult with relevant regular education teachers and triennial assessment team members to examine what types of data are needed for the determination of disability and other key components of the IEP review. In cases where comprehensive assessment data may not be required, this consultation should be facilitated by the case manager completing the SELPA's Triennial Assessment Worksheet and submitting it to assessment team members for input. If all members of the assessment team agree that a comprehensive assessment is not required, a parent letter is sent, along with the IEP Meeting Notification Form, which explains the abbreviated assessment process and the parent's right to request a comprehensive assessment (see page A14).

When an abbreviated assessment is anticipated, it is recommended that the IEP meeting be held 60 days prior to the triennial date. At the IEP meeting, the team reviews the Triennial Worksheet. If the parent requests a full evaluation at this time, this is documented on the IEP form Notes. A second IEP meeting is scheduled in these cases, within 60 days, in order to consider the comprehensive assessment results.

All members of the IEP team are required to submit reports regarding assessment findings, even if an abbreviated assessment has been conducted. Reports should summarize the information gleaned from the abbreviated procedures. In cases where no or limited assessment has been conducted, the three-year reassessment report should make reference to the assessment information contained in previous psychoeducational evaluations.

The following are examples of students who should receive a comprehensive assessment at the time of their triennial review:

- Students who were initially assessed three years prior.
- Students who are not making expected progress in their special education programs.
- Students who have undergone a serious illness or serious life-changing event.
- Students for whom a change of special education placement may be anticipated, including students anticipated to exit their special education program.
- Students whose special education eligibility/disabling condition is no longer apparent.

- Students whose previous assessments have contained unusual variability in results.
- Students under the age of nine years.

Protection in Assessment Procedures

Conducting the Assessment:

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

Selecting Tools:

Use assessments and other assessment materials that are:

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

Comprehensive Assessment:

1. Ensure that the assessment is sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified.

2. The student is assessed in all areas related to the suspected disability including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Transfer Students:

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

Individuals Conducting the Assessments:

1. Assessments must be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the student. If it is clearly not feasible to do so, an interpreter must be used and the assessment report must document this condition and note that the validity of the assessment may have been affected.

Determining Mode of Communication & Cultural Identification:

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

INDEPENDENT EDUCATIONAL ASSESSMENT (IEE)

A parent or guardian has the right to obtain, at public expense, an independent educational assessment of the pupil from qualified specialists, as defined by regulations of the State Board of Education, if the parent or guardian disagrees with an assessment obtained by the public education agency. If a public education agency observed the pupil in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a pupil, an equivalent opportunity shall apply to an independent educational assessment of the pupil in the pupil's current educational placement and setting, and observation of an educational placement and setting, if any, proposed by the public education agency, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.

The public education agency may initiate a due process hearing to show that its assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent or guardian still has the right for an independent educational assessment, but not at public expense.

If the parent or guardian obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the public education agency with respect to the provision of free, appropriate public education to the child, and may be presented as evidence at a due process. If a public education agency observed the pupil in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a pupil, an equivalent opportunity shall apply to an independent educational assessment of the pupil in the pupil's current educational placement and setting, and observation of an educational placement and setting, if any, proposed by the public education agency, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.

If a parent or guardian proposes a publicly financed placement of the pupil in a nonpublic school, the public education agency shall have an opportunity to observe the proposed placement and the pupil in the proposed placement, if the pupil has already been unilaterally placed in the nonpublic school by the parent or guardian. Any observation conducted pursuant to this subdivision shall only be of the pupil who is the subject of the observation and may not include the observation or assessment of any other pupil in the proposed placement. The observation or assessment by a public education agency of a pupil other than the pupil who is the subject of the observation pursuant to this subdivision may be conducted, if at all, only with the consent of the parent or guardian. The results of any observation or assessment of any other pupil in violation of this subdivision shall be inadmissible in any due process or judicial proceeding regarding the free appropriate public education of that other pupil.

For further information regarding independent educational evaluations, refer to SELPA policy #11 (Independent Education Evaluations (IEE) Criteria).

The right of parents to obtain, at public expense, an independent educational assessment if they disagree with the assessment conducted by the LEA charter school, is included in the Procedural Safeguards notice, which is distributed pursuant to Education Code Section 56301(d)(2).

IEP TIMELINES

See page A3, Case Planning Guide, for a charted format of IEP timelines

Initial Referral:

Parents must be notified of referral, rights, alternatives and given an Assessment Plan or Prior Written Notice of Refusal within 15 calendar days of Initial referral.

Parent has at least 15 days to respond to the Assessment Plan. Once signed and returned, the Case Carrier sends copies of the signed Assessment Plan to all assessors as soon as possible.

IEP Following an Assessment:

An IEP required as a result of a student's assessment must be developed within a total time not to exceed 60 days from the date the parent's written consent for assessment is received. This timeframe does not include days between the student's regular school sessions, terms, or days of school vacation in excess of five schooldays.

The Case Carrier is responsible for sending the IEP Meeting Notice to the parents and all other IEP team members at least 10 days prior to the scheduled IEP meeting.

Best Practice: Send Assessment Report and draft goals to the parent for review and input 10 days prior to the scheduled IEP meeting.

Subsequent Regular School Year:

The IEP must be developed within 30 days after the commencement of the subsequent regular school year when the referral was made 30 days or less prior to the end of the regular school year.

School Vacations:

In the case of school vacations (as referenced above), the 60 day time recommences on the date that schooldays reconvene.

IEPs (Without Assessments) that Follow Parental Request:

A meeting to develop an IEP that does not include an assessment must be conducted within 30 days from the date of receipt of the parent's written request. This timeframe does not include days between the regular school sessions, terms, or days of school vacation in excess of five schooldays.

Annual IEP:

An IEP must be prepared at least once each calendar year (364 days or earlier) from the last IEP.

Best Practice: Send IEP Meeting Notice three-four weeks prior to the last possible annual meeting date, so that the meeting may be re-scheduled, if needed, without adverse affect on the 364 day timeline. Send draft goals to the parent for review and input 10 days prior to the scheduled IEP meeting

Effect of End-of-Year Graduation:

There are no exceptions to convening the annual IEP. For example, if an IEP is due in May and the student is scheduled to graduate in June, the meeting must be held (see page 9 for a discussion of when services are required if a student with disabilities turns 22 years of age during the school year).

Beginning of School Year:

At the beginning of each school year, each school must have in effect for each student with a disability within its jurisdiction a current and appropriate IEP.

Revision of IEP:

The IEP should be revised at any time, as appropriate, to reflect potential modification(s); including:

1. Any lack of expected progress toward the annual goals;
2. Any lack of adequate progress in the general curriculum;
3. A student's teacher feels the student's IEP or services are not appropriate for the student;
4. A student's parents believe their child is not progressing satisfactorily or that there is a problem with the student's IEP;
5. The LEA proposes any service changes, such as to modify, add, or delete a goal or objective, to add or delete a related service, or to discuss the need for extended school year services;
6. New information obtained as a result of a reassessment or obtained from parents, teachers, or other sources.
7. The behavior of the student warrants a review by the IEP team to decide on strategies, including positive behavioral intervention strategies and supports to address the behavior, or making a determination of whether a student's behavior is a manifestation of his/her behavior;
8. Either a parent or the LEA believes that a required component of the student's IEP should be changed; the case manager must convene an IEP meeting if the change may be necessary to ensure the provision of FAPE; or
9. A hearing officer orders a review of the student's IEP/placement document.

Use SELPA form Amendment to document these changes.

Note: *A copy of the revised IEP should be distributed to parents, other IEP team members, and all other pertinent general and special education staff.*

INDIVIDUALIZED EDUCATION PROGRAM COMPONENTS
IEP TEAM MEMBERS

The individualized education program team must include all of the following:

1. *Parent:*

One or both of the pupil's parents, a representative selected by a parent, or both, in accordance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

2. *Regular Education Teacher:*

Not less than one regular education teacher of the pupil, if the pupil is, or may be, participating in the regular education environment. If more than one regular education teacher is providing instructional services to the individual with exceptional needs, one regular education teacher may be designated by the local educational agency to represent the others.

The regular education teacher of an individual with exceptional needs shall, to the extent appropriate, participate in the development, review, and revision of the pupil's individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the pupil, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the pupil, consistent with subclause (IV) of clause (i) of subparagraph (A) of paragraph (1) of subsection (d) of Section 1414 of Title 20 of the United States Code.

3. *Special Education Teacher/Specialist:*

Not less than one special education teacher of the pupil, or if appropriate, not less than one special education provider of the pupil.

4. *Local Agency (School District) Representative:*

A representative of the local educational agency who meets all of the following:

- a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.
- b. Is knowledgeable about the general curriculum.
- c. Is knowledgeable about the availability of resources of the local educational agency.

5. *Other Required Individuals:*

- a. An individual who can interpret the instructional implications of the assessment results.
- b. If post-secondary transition needs will be discussed at the meeting, the school district must invite a representatives of any other private agencies likely to be involved, financially or operationally, with meeting the student's needs.

- c. At the discretion of the parent, guardian, or the local educational agency, other individuals who have knowledge or special expertise regarding the pupil may be invited to attend the IEP meeting, including related services personnel, as appropriate. The determination of whether the individual has knowledge or special expertise regarding the pupil shall be made by the party who invites the individual to be a member of the individualized education program team.

6. *Whenever appropriate, the student.*

Note: A member of the IEP team may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to, or discussion of, the member's area of the curriculum or related services, *if* both of the following occur:

- a. The parent and the local educational agency consent to the excusal after conferring with the member.
- b. The member submits in writing to the parent and the individualized education program team, input into the development of the individualized education program prior to the meeting.
- c. A parent's agreement shall be in writing. Complete SELPA form IEP Team Member(s) Excusal.

INDIVIDUALIZED EDUCATION PROGRAM SCHEDULING AND CONDUCTING IEP MEETING

BEST PRACTICES FOR SCHEDULING AND CONDUCTING AN IEP TEAM MEETING

Scheduling the IEP Team Meeting:

1. Schedule annual IEP meetings well in advance, allowing time for re-scheduling if needed.
2. Reserve a room that will accommodate all of the needs of the participants: enough room at the table with chairs for all, electrical outlets for tape recorders, a telephone available for telephone conferencing, etc.
3. Allow a reasonable amount of time for the IEP meeting.
4. Invite all necessary IEP team members:
 - Parent(s)
 - Student, if appropriate
 - Administrator or designee
 - Special education teacher
 - General education teacher
 - Anyone else who has assessed the student for the upcoming IEP or has important information to share
5. Send a Request for Parent Information for the IEP Meeting and Parent/Guardian Notification of IEP Meeting to parent. Send IEP team members a copy of the Request for Parent Information for the IEP Meeting.
6. Ask general education teachers to complete the General Education Teacher Input for the IEP.
7. If neither parent can attend the IEP meeting, use other means to ensure parent participation, including individual or conference phone calls.
8. If unable to convince the parent to attend the IEP meeting, record the all attempts made by the school to arrange for a mutually agreed on time and place.
9. Ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
10. Inform the parent of his/her right to electronically record the IEP meeting.

Prior to the IEP meeting (10 days or less):

1. Send assessment reports and draft IEP goals and objectives/benchmarks to the parent ahead of time. In some cases it may be beneficial to schedule a time to discuss the report and/or goals and objectives over the phone if the parent has questions.
2. Be prepared to bring assessment reports, student work samples, the special education file, health and attendance information, draft goals and objectives, etc., to share with the team.
3. Confirm that all necessary team members will be attending the IEP meeting.
4. Send a copy of the proposed agenda to the parent.

The day of the IEP meeting:

1. Have basic snacks and water available for the meeting.
2. Check that the meeting room is set up and everything that is needed is in the room.
3. Confirm that all IEP members will be attending.

At the IEP meeting:

1. Start on time.
2. The Administrator or designee initiates introductions.
3. It is highly recommended that every IEP meeting have a school staff member assigned as an IEP Facilitator. The facilitator briefly explains his/her role at the meeting. He/she guides the process of the meeting, ensuring that the agenda, ground rules (see below) and timelines (see below) are followed.
4. Assign a note taker who records both the family's and the school personnel's comments that would not be apparent from reading the IEP form (see page A11).
5. Review proposed ground rules for the meeting and reach consensus prior to continuing the meeting. Suggested rules include:
 - Allow each other to speak without interruption
 - Summarizing (not reading) reports in 15 minutes or less
 - Treating each other with respect (describe what that looks like)
 - Stay focused on the student and what is happening now, not the past, unless relevant to the discussion
 - Ask if anyone would like other rules
 - Determine if pagers or phones should be left on or off
6. Establish time parameters.
7. Review the agenda.
8. Begin the IEP meeting, completing the IEP forms as the meeting progresses.
9. Provide the parent with a copy of the IEP.

After the IEP team meeting:

1. Send progress reports home on the goals and objective as written on the IEP (SELPA form Educational Setting).
2. If progress or behavior is not going well, communicate that to the family along with suggestions that may help. Enlist their help and support.
3. Document all contacts in a contact log.

IEP Amendments:

In making changes to the pupil's individualized education program after the annual IEP meeting for a school year, the parent and the LEA charter school may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the pupil's existing IEP. The parent shall be provided with a revised copy of the IEP with the amendments incorporated.

Use the IEP Amendment Form, for making the changes, as described above.

EXTENDED SCHOOL YEAR (ESY)

ESY services are provided when a student with disabilities has unique needs and requires special education and related services that extend beyond the regular academic year. These students have disabilities that are likely to continue indefinitely or for a prolonged period. Interruption of their educational programming may cause regression and when coupled with limited recoupment capacity render it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of the disabling condition.

ESY services are only provided for those areas on the current IEP where the student has met the above conditions. The lack of clear evidence of such factors may not be used to deny ESY if the IEP team determines the need for such a program and includes ESY in the IEP.

The provision of ESY is not limited to particular categories of disability; or unilaterally limited to a type, amount, or duration of services (see page A17 for ESY Checklists).

Definitions:

1. Regression: The loss, as a result of a scheduled break in instruction, of one or more mastered skills included in the short-term objectives of the student.
2. Recoupment: Following a scheduled break in instruction, recoupment is the process of regaining a previously mastered skill through review and re- teaching.
3. Recoupment Time: Length of time required to regain previously mastered skills.

What ESY IS And Is Not

What ESY IS:

- Based only on the individual student's specific critical skills that are critical to his/her overall education progress as determined by the IEP team;
- Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year;
- Designed to maintain a reasonable readiness to begin the next year;
- Focused on specific critical skills 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.

What ESY is Not:

- It is not a mandated 12-month service for all students with disabilities;
- It is not required to function as a respite care service;
- 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 in the program is discretionary with the parents, who may choose to refuse the ESY service. There may be personal and family concerns that take precedence over ESY.
- It is not required solely when a child fails to achieve IEP goals and objectives during the school year;
- It should not be considered in order to help students with disabilities advance in relation to their peers;
- It is not for those students who exhibit random regression or regression solely related to the transitional life situation or medical problems which result in degeneration.
- It is not subject to the same LRE (Least Restrictive Environment) environment considerations as during the regular school year as the same LRE options are not available (example, mainstreaming in regular education classroom when district does not offer Summer School, CCR3043(h)). Additionally, LRE for some students may be home with family members;
- It is not a summer recreation program for students with disabilities;
- It is not to provide a child with education beyond that which is prescribed in his/her IEP goals and objectives.

MANIFESTATION DETERMINATION PROCESS

Manifestation Determination (MD) Definition:

A manifestation determination meeting must be conducted by the IEP team when a student with a disability is being considered for a change of placement as a result of:

- Suspensions amounting to more than 10 days
- Removals resulting in 45 day placement by an IEP team (weapons or illegal drugs) or by an impartial hearing officer (dangerous students)

The IEP team (along with other necessary qualified personnel) must investigate whether there is a relationship between the student's action(s) and his/her disability. This manifestation determination meeting must be conducted no later than 10 days after the "behavioral incident" occurred. The SELPA form Manifestation Determination is used to document the results of the team's determination (see page A22).

MD Requirements:

The IEP team must *consider* the following:

- Evaluation/diagnostic results
- Observations
- IEP Placement/Data
- Other information in student's IEP file

AND

The IEP team must *determine* the answers to the following two questions:

1. Were the services, goals, strategies, and placements identified in the IEP appropriate, with all necessary behavioral supports and related services being implemented at the time of the behavioral incident?
2. Was the behavior caused by or did it have a direct and substantial relationship to the student's disability?

There is No relationship between the student's action(s) and his/her disability ("No Manifestation").

1. The IEP team *considered* all of the items listed above; and
2. The IEP team *determined* that the answer to questions 1 and 2 is "yes."

Action:

1. The student is subject to the same discipline as used for non-disabled students.
2. FAPE must continue to be provided (special education services).
3. If parents disagree with the schools determination, an expedited due process hearing must be arranged and the student remains in the interim alternative educational setting (IAES) during hearing unless:
 - a. 45 days in an IAES expire
 - b. The parents and school agree on another setting

There IS a relationship between the student's action(s) and his/her disability ("Manifestation"):

1. The IEP team *considered* all of the items listed above; and
2. The IEP team *determined* that the answer to questions 1 and/or 2 are "no."

Action:

1. The school may **not** suspend the student past 10 days or expel the student.
2. Placement cannot be changed except through the usual IEP process.

Important Additional Considerations:

1. Students who violate conduct codes may claim IDEA protections if, prior to the incident:
 - The parents expressed concerns in writing to the LEA
 - The student's behavior or performance indicated a need for services
 - Teacher(s) requested an evaluation or assistance regarding the behavior pattern
 - Teacher(s) or other personnel expressed concern about behavior to other professionals
2. If an evaluation is requested during the time when the student is undergoing disciplinary action, the student remains in the current placement until the results of an expedited evaluation are available.

NOTE: A Functional Behavior Assessment (FBA) is required any time:

- Suspensions are over 10 cumulative days
- Removals resulting in 45-day placement by an IEP team (weapons or illegal drugs) or by an impartial hearing officer (dangerous students)

Manifestation Determination Best Practices

1. Do not wait until the 10th day of suspension to conduct a MD. Ensure that there are behavior goals written in the IEP for the student.
2. If the days of suspension for an individual with exceptional needs rise, add a behavior plan if there is none, or re-evaluate the current plan. Ensure that there are behavior goals written in the IEP for the student.
3. If the MD found that the student's actions were a result of the disability, add a behavior plan immediately, as behavior is interfering with learning.

Prior Written Notice (PWN)

The SELPA form Prior Written Notice (see page A19) provides all the necessary elements described below and should be used as the Prior Written Notice document. For more information and examples of completed PWNs, please view the Prior Written Notice PowerPoint (ppt) available on the SELPA website.

Definition of Prior Written Notice

Written notice must be given to parents of a child with a disability a reasonable time before the district:

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

PWN Must Include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;
3. A description of any other options that the district considered and the reasons why those options were rejected;
4. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;
5. A description of any other factors that are relevant to the district's proposal or refusal;
6. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
7. Sources for parents to contact to obtain assistance in understanding the provisions of this part.

In Addition: The notice must be:

- Written in language understandable to the general public.
- Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure:
 - That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - That the parent understands the content of the notice; and
 - That there is written evidence that these requirements have been met.
- Given to the parent or a pupil who has attained the age of majority prior to graduation from high school with a regular diploma.

ENGLISH LANGUAGE LEARNERS

In referring culturally and linguistically diverse students for special education services, care must be taken to determine whether learning, language/speech, and/or behavior problems demonstrated by the students indicate a disability or, instead, manifest cultural, experiential and/or socio-linguistic differences.

All English Learners (EL) in special education programs must:

- Receive an English Language Development (ELD) curriculum approved by the LEA Charter.
- All academic IEP goals for English Learners must be linguistically/culturally appropriate.
- ELD standards are aligned with the California language arts content standards and should be used when writing goals for English Learners.

Please refer to the following documents, posted on the Charter SELPA website, for in-depth information regarding special education assessment, IEP development, and re-classification criteria:

[Meeting the Needs of English Language Learners with Disabilities, Rev. 2012](#)

[California English Language Development Test \(CELDT\) 2012-13 Information Guide](#)

In General: Child Find/Pre-Referral Activities:

It is especially important for the SST to determine whether accommodations and supports in the general education curriculum or in the manner in which instruction is provided may assist them in overcoming their learning, language/speech, and/or behavioral problems. The student's teacher and SST should gather the following information about the student to help make this determination:

1. Background
2. Culture and language
3. Acculturation level
4. Socio-linguistic development
5. Data showing the student's response to the school and classroom environment when accommodations and supports are provided.

Cultural & Linguistic Interventions:

Interventions to help resolve difficulties that arise from differences in cultural and linguistic background or from difficulties with the schooling process might include:

- a. Cross-cultural counseling;
- b. Peer support groups

Socio-Linguistic Interventions:

Interventions to help resolve difficulties that arise from differences in socio-linguistic development might include:

- a. Instruction in English language development
- b. Bilingual assistance
- c. Native language development
- d. Assistance in developing basic interpersonal communication skills.

In General English Learners Receiving Special Education Services:

IEP Team Membership:

1. At least one of the LEA charter school IEP team members must have a credential or certification to teach English language learners. That person must indicate, next to their signature on the IEP, which credential or certification they possess (e.g., B-CLAD, CLAD, etc.)
2. If the parent has limited English skills, an interpreter must be present at the IEP meeting. The interpreter must sign the IEP; however, the interpreter is **not** a participating member of the team. The interpreter's role is only to interpret.

Present Levels of Performance:

In addition to previously discussed information:

1. Identify the language proficiency assessment instrument(s) used and interpret the results (CELDT)
2. Use the assessment results to indicate the student's instructional program (Biliteracy, Sheltered, Mainstream English Immersion, ELD, etc.) and language of instruction; and
3. Identify who will provide the ELD instruction Guideline: If the student is removed from English instruction for special education services, that teacher/specialist is the ELD teacher.

Goals/Objectives:

The following rubric should be considered for each goal and objective to ensure that it meets the definition of being culturally and linguistically appropriate:

1. States specifically in what language the particular goal and objective will be accomplished;
2. Is appropriate to the student's level of linguistic development and proficiency in that language;
3. Consistent with the known developmental structure of that language; and
4. Provides cultural relevance in the curricular framework.

Refer to the document Meeting the Needs of English Language Learners with Disabilities, Rev. 2012 for in-depth instruction in writing linguistically appropriate goals.

Instructional Program Options:

The following is a list of the instructional programs that are offered for students who are EL:

Biliteracy

1. For Spanish speaking students at the beginning, early intermediate to intermediate level.
2. Students are grouped for instruction in full classroom configuration. The focus is in developing proficiency in both English and Spanish. The instructional emphasis is on ELD and initial access to core curriculum. There is an increase of English as the language of instruction over time.
3. Classes must be taught by a teacher with a B-CLAD credential or equivalent certification.

Structured English Immersion with Spanish Instructional Support

1. For Spanish speaking students at the beginning, early intermediate to intermediate level.
2. Students are grouped for instruction in full classroom configuration. The focus is on developing proficiency in English through ELD and specially designed academic instruction in English (SDAIE), using Spanish as an instructional support.
3. Classes must be taught by a teacher with a B-CLAD credential or equivalent certification.

Structured English Immersion - Sheltered

1. For students at the beginning, early intermediate to intermediate level.
2. Classes may be comprised of speakers of many languages. Students are grouped for instruction in full classroom configuration. Students may also be grouped in clusters (about 1/3 English Learners) by English language proficiency. The focus is on developing proficiency in English through ELD and SDAIE strategies.
3. Classes must be taught by a teacher with a CLAD credential or equivalent certification.

Mainstream English Cluster

1. For students in the early advanced to advanced proficiency level.
2. Classes are designed for students who have a good working knowledge of English. The students are clustered, approximately 1/3 English Learners within a grade level classroom. Instructional emphasis is on high level ELD and grade level core curriculum using SDAIE strategies.
3. Classes must be taught by a teacher with a CLAD credential or equivalent certification.