

ACLC Special Education Identification, Assessment, Program and Services Plan.

El Dorado County Charter SELPA Procedural Guide for Special Education

CHAPTER I IDENTIFICATION, ASSESSMENT, INSTRUCTIONAL PLANNING AND REVIEW PROCEDURES

REFERRAL, ASSESSMENT AND PLACEMENT GENERAL TIMELINES

1. **REFERRAL**- A referral may be initiated by a parent, teacher, student or other knowledgeable person. Procedures for handling referrals are to be determined in each Charter LEA.

2. **ASSESSMENT PLAN** - Within 15 calendar days of receiving the referral, an assessment plan is to be developed and a copy given to the parents. A copy of the **Notice of Parent Rights** shall be included with the assessment plan.

For students currently enrolled in a special education program, an Individual Assessment Plan (IAP) will be developed any time a student is to be re-assessed.

3. **PARENT CONSENT** - No assessment shall be conducted unless the written consent of the parent is obtained. Parents have at least 15 days from receipt of the assessment plan to make a decision. Assessment may begin immediately upon receipt of consent.

4. **IEP TEAM**- Within 60 calendar days of receipt of the signed IAP, a team meeting is to be held and an individual education program developed for an eligible student. Parents are to be invited to all meetings regarding the educational program for their child.

5. **PROGRAM PLACEMENT**- Written parent permission must be obtained prior to placement. The recommended program placement and services should begin as soon as possible from the date of parent's written approval of the IEP.

6. **ANNUAL REVIEW** - Each special education pupil's educational program must be reviewed at least annually.

7. **RE-EVALUATION**- At least every 3 years, a special education student will be re-evaluated. Prior to the three year review, the IEP team shall review existing data on the child and determine what additional data is needed.

8. **INTERIM ADMINISTRATIVE PLACEMENTS** - When a special education student transfers from one SELPA to another, the following timelines apply:

PROGRAM PLACEMENT- Immediate implementation, to the extent possible, of the student's existing Individualized Education Program. An Interim Placement form is completed immediately upon enrollment and parent signature is obtained.

ASSESSMENT- Information, records and reports from the prior district may be utilized to make program recommendations. Upon receipt of the signed Individual Assessment Plan, the team will conduct any additional assessment needed to determine educational needs and make program recommendations.

IEP TEAM MEETING- Within 30 days, the IEP team will meet to review the placement, review any new completed assessments, and develop new goals and objectives if needed.

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PRE-REFERRAL PROCESS 1. Parents will be contacted whenever there is a concern about their child's progress.

2. Although a referral for special education assessment may be initiated by a parent, teacher, student or other knowledgeable person, current law requires that *all options in the general program be tried before referral to special education*. These options may include, but are not limited to, the following:

Provide accommodations within the general education program

Provide research-based instructional strategies and interventions, including universal screening, "tiered" interventions, progress monitoring and problem solving teams within the general education program (Response to Intervention model).

Consultation with appropriate staff

Referral to alternative programs within the Charter LEA

Referral to professional and/or agencies outside of the Charter LEA

3. All options are to be explored by the general education staff prior to referral. The procedure to be followed when a student is first seen as having difficulty will be the responsibility of the general staff. 4. When all of the general education options have been implemented but have not met with success, the student may be referred for special education consideration.

REFERRAL PROCESS 1. The specific procedures for handling referrals are to be determined in each Charter LEA; however, written documentation must be included in the referral that appropriate alternatives, accommodations and interventions have been implemented. (Written documentation should include but not be limited to the Referral Form located in the appendix of this chapter, or in the document library of SEIS.)

2. Referrals may be submitted by the following persons:

Student Study Team/Student Intervention Team comprised of teachers, specialists, etc.

Parents

Other service providers or knowledgeable persons

3. All referrals should be submitted to the pupil's Charter LEA of attendance. If the student is not of school age, the child shall be referred to the district of residence.
4. All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the Charter LEA or Charter Special Educational Local Plan Area (SELPA) shall assist the individual in making a written request for assessment for special education.
5. Upon receipt of a referral, the administrator/designee must initiate one of the following actions:

If referral information is incomplete, contact the referral source and request additional information in order to process the referral in a timely manner.

If referral is complete, then take one of the following actions:

- a. Charter LEA personnel will notify the parent that a referral was made, develop an IAP, and deliver the completed plan to the parents within **15 calendar days** from receipt of the referral.
- b. If the referral is determined to be inappropriate, a meeting will be scheduled with parents and referring party to address their educational concerns and review the purpose and scope of Special Education. In the event the parents do not wish to meet, the Charter LEA must respond in writing with a **prior written notice** explaining why the request for assessment is not being accepted and processed. **NOTE: A parent's referral for special education must receive a prompt response in writing. INTERIM ADMINISTRATIVE PLACEMENTS**

1. Whenever a special education student transfers from one SELPA to another, the following shall occur:

The necessary paperwork is completed and signed. (See Interim Placement Form in the appendix to this chapter.)

The student's existing IEP is implemented to the extent possible.

An appropriate Individual Assessment Plan (IAP) is developed if needed.

Assessment is completed and an IEP is held to review the placement within 30 days.

2. Current information, records and reports from the prior district will be reviewed and utilized to make recommendations. Any additional assessment needed to determine educational needs and make program recommendations will be conducted prior to the IEP. **INDIVIDUAL ASSESSMENT PLAN (IAP)**

1. An IAP will be developed within 15 calendar days of receipt of referral for special education and shall:

Be individualized to reflect the unique concerns and strengths of each student.

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Be provided in the primary language of the parent or another mode of communication used by the parent, unless to do so is clearly not feasible.

Provide an explanation of each type of assessment instrument to be administered, the purpose of the instrument, and the professional personnel responsible for the administration and interpretation of the instrument.

State that no educational placement will result from the assessment without the consent of the parent.

2. A copy of the notice of Parental Rights and Procedural Safeguards for Special Education shall be attached to the IAP. (See appendix to this chapter for a copy of the IAP and the Parental Rights and Procedural Safeguards for Special Education.) 3. No assessment shall be conducted unless the written consent of the parent is obtained prior to the evaluation. Assessment may begin immediately upon receipt of such consent. 4. The parent shall have at least 15 calendar days from the receipt of the proposed IAP to arrive at a decision. 5. If a parent is not identified or the location of the parent is unknown, a surrogate parent must be appointed to represent the individual with exceptional needs. **See Chapter I Appendix for specific policies and procedures regarding surrogate parents. NOTE: Personal contact with the parents is strongly recommended to explain the process and forms.**

ASSESSMENT

1. The assessment will be completed and an IEPT meeting held to review the results of the assessment within **60 calendar days** from the **date of receipt** of the parent's written consent for assessment. The 60 day timeline does not include days between the pupil's regular school sessions, terms, or days of school vacation **in excess of five school days**.
2. Assessments must address all areas related to the suspected disability and be conducted by a multidisciplinary team, including the parent. The following areas shall be considered where appropriate:

health and development * vision, including low vision

hearing * motor abilities

language function * general ability

academic performance * self help

orientation and mobility * career and vocational abilities/interests

social and emotional status * developmental history

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3. For pupils with suspected learning disabilities or behavior disorders, at least one member of the assessment team, other than the child's general teacher, shall observe the child's performance in the general classroom setting and document the observation. 4. The Charter LEA nurse will be the school's liaison with the pupil's primary health provider unless the assessment plan specifies otherwise. 5. All pupils being assessed for initial and three year reviews shall be screened in the areas of hearing and vision, unless parent consent is denied. 6. All pupils continuing to fail a threshold hearing test shall be assessed by appropriately trained personnel for hearing. 7. For pupils who have been medically diagnosed with a chronic illness or acute health problem, relevant information shall be included within the assessment and reviewed by the IEPT. 8. No single procedure is used as the sole criterion for determining an appropriate educational program for an individual with exceptional needs. 9. Under certain conditions, parents have the right to obtain an independent outside assessment at public expense. If a parent disagrees with an assessment obtained or conducted by the Charter LEA, the Charter LEA may:

offer to obtain another assessment from a professional within the Charter SELPA.

obtain an independent educational assessment.

initiate due process to show its assessment was proper.

Note: See Appendix to Chapter I for information on Independent Educational Evaluations. TEST SELECTION AND ADMINISTRATION 1. Testing and assessment materials and procedures used for the purpose of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally or sexually discriminatory.

2. Tests and other assessment materials must meet all of the following requirements:

Are provided and administered in the pupil's native language or other mode of communication, unless the IAP indicates reasons why such provision and administration are not feasible.

Have been validated for the specific purpose for which they are used.

Are administered by trained personnel in conformance with the instructions provided by the producer of such tests and other assessment materials.

Do not violate State Department of Education directives, including but not limited to judgment rendered in the Larry P. case.*

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*In order to comply with the Larry P. directive from the State Department of Education, the ethnicity of each student shall be recorded on the IAP by the parent. If there is any question regarding the ethnicity of the child as it has been recorded on the form, the case manager may discuss the situation with the parent for clarification purposes. In all cases, the parents determine the ethnicity of their child. A test of intelligence, often called an

I.Q. test, is the method used to measure intellectual ability, and such a test normally would be given as part of this assessment. However, a directive of the State Superintendent of Public Instruction by an order of a federal court prohibits the use of I.Q. tests in any special education evaluation of an African American student. In all cases where standardized assessment is not permitted or is judged to be inappropriate, alternative measures will be used in accordance with recommendations set forth by the California Association of School Psychologists and will be documented on the student's IEP. Federal Regulations and California Education Code require a pupil's intellectual ability be established in order to determine if a severe discrepancy exists between intellectual ability and academic achievement when a specific learning disability is suspected. The State of California, however, is in a transition period awaiting regulations that will clarify how RtI (Response to Intervention) will be utilized in the identification of students with a specific learning disability. Therefore, Charter LEA personnel should incorporate both discrepancy and RtI models in order to establish a specific learning disability, and use caution in using this eligibility category without exhausting all general education interventions. **ASSESSMENT REPORTS**

1. The assessment reports **shall** include, but not be limited to the following:

The student's present level of educational performance.

The relevant behavior noted during the observation of the student in an appropriate setting.

The relationship of that behavior to the student's academic and social functioning.

The educationally relevant medical findings, if any.

Whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.

A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.

How the student's disability affects involvement and progress in the general curriculum.

What is the student's historical and current functioning in the general education curriculum regardless of the setting? 8

What deficits in the student's cognitive functioning, communicative functioning, social/emotional functioning and physical functioning might serve as a barrier to their successful involvement in the general education curriculum?

What has been the impact of the student's attendance on his/her achievement?

PARENT PARTICIPATION 1. Parents are specifically included as members of the IEP team, and all efforts should be made to ensure their participation. 2. Parent concerns regarding their son's or daughter's educational progress shall be noted and documented on the IEP. 3. In addition, information and reports submitted by the parents, including the results of independent assessments, must be considered by the IEP team. (See appendix at the end of this chapter for a copy of the Parent Information Request.)

INDIVIDUALIZED EDUCATION PROGRAM TEAM (IEPT) MEETING (Copies of all IEP forms may be accessed on the seis.org website.)

A. PARENT NOTIFICATION

1. After the assessment has been completed, the parent must be notified and informed that an IEP Team meeting, including the parent and his or her representative, will be scheduled.

Parents are to be given sufficient written notice of the meeting so that they can attend. (See appendix at the end of this chapter.)

Scheduling should occur at a mutually agreed upon time and place.

The notice will indicate the purpose, time, and location of the meeting, and who will attend.

The Charter LEA will arrange for an interpreter if necessary.

2. In addition, it is the responsibility of the case manager to notify all appropriate IEPT members in a timely fashion to ensure their participation. 3. It should be noted that parents, Charter LEAs, and the SELPA are authorized to electronically record IEP meetings **with 24 hours notice to the IEP team**. If the recording is at the request of the Charter LEA or the SELPA, and the parent objects or refuses to attend the meeting because it will be recorded, then the meeting shall not be recorded. 9

B. IEP TEAM MEMBERSHIP

1. Required membership of the IEP Team for purposes of developing, revising or reviewing the IEP, determining eligibility, and/or recommending placement for any pupil shall be:

An administrator or a designee (other than the student's teacher) who is knowledgeable of program options appropriate for the student. This person must be able to make decisions and allocate resources.

The student's current general education teacher. (If the student does not have a general education teacher, the teacher with the most recent and complete knowledge of the child shall attend. If no such teacher is available, a general classroom teacher qualified to teach a student of his or her age shall attend.)

At least one special education teacher.

One or both of the student's parents, an individual selected by the parent, or both.

2. When appropriate, the IEP team will also include:

The student.

Other persons who possess expertise or knowledge necessary for the development of the IEP.

The person(s) who conducted an assessment or who is knowledgeable about the assessment procedures used, and is familiar with the results of the assessment.

For students with suspected learning disabilities, at least one member of the IEP team, other than the student's general teacher, shall be a person who has observed the student's educational performance in an appropriate setting.

IDEA 2004 allows for the excusal of IEP team members. Follow all necessary steps and use only when absolutely necessary. (See Excusal Form in SEIS.)

3. Expanded Membership

When a student needs special education services for more than 50% of the school day and/or is changing from a less restrictive to a more restrictive setting, the IEP team shall include a person who is knowledgeable of the full range of program options available within the Charter LEA.

When an IEP team, after reviewing assessment results, determines that a child is emotionally disturbed and residential placement is recommended, the IEP team expands to include a representative of the county mental health department. A referral to County Mental Health is made through a "26.5 Referral". County Mental Health will assess and determine if the student is eligible for CMH services. The IEP will be reviewed by the IEP team, including the mental health representative, at least every six months.

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4. An expanded membership meeting will also be held when transition services are under consideration.

C. AGENDA It is essential that a well organized and structured IEP Team meeting be conducted. The agenda which follows is recommended as a guide for conducting IEP Team meetings. Depending on the purpose of the meeting, the agenda may be amended. Efforts should be made to present information in a manner that is easily understood by all members of the IEP team, including the parents. *(The most recent State Template IEP Manual is available in the document library of SEIS. Specific instructions for completing the IEP forms is available in this document. Check periodically for updates from the State SELPA organization.)*

Part I

Introduction of All Persons Present (Record names of attendees in meeting notes.)

Purpose: Chairperson should briefly review the purpose of the meeting.

Parents' Rights:

a. Verify that parents received a notice of Parental Rights and Procedural Safeguards when approval for assessment was obtained. b. Chairperson may ask if any further clarification is desired, or if parents have any questions regarding their rights and procedural safeguards. c. At an initial IEP and at the three year review, a complete parent folder should be offered. d. Complete Family Information Checklist and obtain parents' signatures.

History of the Case: Chairperson or designee should provide a short, pertinent history of the case, including program modifications attempted, and the student's historical and current functioning in the General Education Curriculum. Parents should have an opportunity to share their concerns and provide relevant information to the team.

Review of Information:

a. The IEP team shall review existing data on the child including:
ü evaluations and information provided by the parents of the child
ü current classroom-based assessments and observations
ü teacher and related services providers observation
b. Individuals who participated in the assessment process, or individuals qualified to interpret results should report on the assessment conducted. c. Assessment reports should be restricted to relevant, functional information, and should avoid subjective observations and interpretations. 11
d. The assessment reports should contain information that will assist the IEP team in determining whether the pupil has a specific disability, and shall establish the basis for making the determination.
e. Discuss all assessments and document levels of performance on the IEP.

Determine Eligibility:

a. If the Team determines that the student is not eligible for special education services, document on the IEP form that "assessment results indicate that special education services are not appropriate at this time" and check the box on the form indicating "not eligible". b. If further assessment is needed to clarify eligibility, the IEP team meeting may be suspended pending further testing or evaluation, but reconvened as soon as possible. c. If the student is not eligible for Special Education services, but educational concerns are present, the IEP team meeting should be concluded. **Adjourn the meeting at this time.** Then general education support options should be explored, including referral to the Student Study Team for consideration of 504 accommodations. d. If the student is determined by the IEP Team to be eligible for Special Education, proceed with **Part II** of the IEP meeting agenda. **Part II**

Develop the Individualized Education Program (IEP), including the Individual Transition Plan (ITP) for students age 16 and over.

a. Identify needs based on the current evaluation and include:

ü Student needs related to involvement and progress in the general education curriculum (academic needs).

ü Other educational needs that result from the disability.

ü Transition needs for students age 16 and over.

ü If the student is identified as Limited English Proficient (LEP), the language needs of the student have been considered and noted on the IEP.

ü If the student is legally blind or visually impaired, instruction is provided in Braille OR the IEP team documents why instruction in Braille is not appropriate.

b. Establish Goals and Short Term Objectives: Include a statement of each measurable annual goal, including academic and functional goals, designed to do the following:

ü Meet the individual's needs that result from the individual's disability in order to enable the pupil to be involved in and make progress in the general curriculum.

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ü Meet each of the pupil's other educational needs that result from the individual's disability.

ü At annual and three year reviews, IEP teams must address the previous year's goals and objectives and note on the document whether goals were met. If previous goals were not met, document action to be taken (i.e. continue, discontinue or modify).

ü Short-term objectives are no longer required for students who are receiving accommodations only in the general education curriculum.

c. Recommend Services Needed:

ü The IEP team shall develop a list of services and/or equipment necessary to achieve the annual goals developed. Frequency, duration and location of services to be provided must be specified on the IEP. Frequency of service may reflect a range of time or sessions to allow for scheduling variability.

d. Consider Program Alternatives:

ü In considering program alternatives, the IEP team shall make recommendations based on the individual needs of the student and not on the category under which the student is determined to be eligible for Special Education (not based on label but on needs).

ü To the maximum extent appropriate, children with disabilities should be educated with children who are not disabled. The IEP team shall consider the full continuum of program options to ensure that all students are provided a free appropriate public education in the Least Restrictive Environment (LRE) and document options considered on the IEP.

ü After reviewing all program options, the IEP team shall recommend appropriate specialized academic instruction and services, calculated to offer the student's the opportunity to achieve educational benefit.

e. Sign Appropriate Forms

ü All IEP Team members, including parents and student (when student is in attendance) sign the IEP. If parents consent to the IEP and placement of their child, they will so note and sign the IEP document.

ü If the parent does not consent to all components of the IEP, then those components of the program to which the parents has consented may be implemented so as not to delay providing instruction and services to the student. The parent should be informed of their Due Process rights. (Refer to Section IV of this document for Due Process Guidelines).

f. Distribute completed forms to appropriate individuals. 13

ANNUAL AND OTHER REVIEWS

1. The IEP and placement of individuals in special education shall be scheduled for review by a Team at least once a year (determined by the month/day of the initial or annual IEP). 2. For emotionally disturbed students in residential placements, the IEP review and reassessment shall be conducted after six months in accordance with state law. 3. In addition, a parent may request that an IEP review be conducted at any time. When the case manager receives such a request (preferably in writing), an IEP must be held within 30 days. 4. It is appropriate to hold an IEP review if the student is not making sufficient progress towards goals and objectives. 5. Parents and members of the IEP Team must be notified by established notification procedures. The IEP team may:

Modify the IEP or program, including the provision of Designated Instructional Services (D.I.S.) and other support services

Recommend continuation of current placement.

THREE YEAR RE-EVALUATIONS (TRIENNIAL REVIEWS) 1. Under IDEA, 2004, **re-evaluating a student at least every three years is still required** (date determined by the month/day of the initial or latest re-evaluation). 2. As part of this re-evaluation, the IEP Team shall review existing evaluation data, including evaluations and information provided by the parents of the student, current classroom-based assessments and observations, and teacher and related service providers' observations.

3. On the basis of that review and input from the student's parents, the IEP team must identify what additional information is needed to establish the present levels of performance and determine the educational needs of the student and to determine if the student:

continues to have a disability.

continues to need special education and related services.

requires any additions or modifications to the educational program in order to meet his/her annual goals and participate in the general curriculum.

4. Assessment is required in the following situations:

On parent request. (Document on Individual Assessment Plan)

When dismissal from special education is being considered.

When dismissal from a specific designated instruction service is to be terminated.

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When the student has less than two consistent I.Q. tests.

OR

Students older than twelve who have not had one **valid** I.Q. test.

If there is reason to believe that there may be significant disagreement over any IEP issues.

5. Procedures for Triennial Review:

The Case Manager will gather input from IEPT members and document on the Triennial Reassessment Worksheet. (See appendix at the end of this chapter.)

The IEPT shall discuss the need for a triennial assessment based on the information documented on the worksheet. This discussion can take place at:

a. The annual IEP prior to the three year evaluation IEP meeting **OR** b. At a separate meeting convened either in person or by phone

OR c. By other informal methods used to gather input from IEPT members.

(NOTE: A formal IEP meeting is not required to make this decision, unless requested by the parent, or agreement can't be reached.)

The assessment decision shall be documented by attaching the Triennial Reassessment Worksheet to the most current IEP.

The Individual Assessment Plan will reflect the decisions documented on the Triennial Reassessment Worksheet. (If no further assessment is needed, an attached parent letter may be used to confirm this decision with parents).

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