Special Education Procedural Handbook

Elite Academic Academy

www.eliteacademic.com

*Please note that this document may be updated periodically.

This Handbook was developed in an effort to clarify Elite Academic Academy policies and procedures and reduce the complexities of the Individuals with Disabilities Education Improvement Act (IDEIA 2007). This Handbook refers to the provision of special education services provided through Part B of IDEIA 2007. It is our hope you find this Handbook to be a useful resource.

Not all students who experience difficulty in school require a special education or related services. As indicated in IDEIA 2007, most students can usually be supported with accommodations in the general education class. A referral for special education assessment is appropriate only after the resources of the general education program have been considered and implemented.

Parent involvement is a crucial aspect of any educational program for students and is an essential component of the Individualized Education Program (IEP) process. Collaboration between the home and school settings (i.e., parent and teachers) fosters students' educational progress, and enhances the benefits derived from special education and related services.

In order to effectively serve students with disabilities, it is essential that the Charter School personnel maintain abreast of the current laws governing the provision of special education services. Every seven years, when IDEIA 2007 is re-authorized, additions and changes to the regulations are made. These regulations are contained in the annually produced Composite of Laws, a copy of which may be ordered through California Department of Education, CDE Press, 1430 N. Street, Suite 3207, Sacramento, CA 95814 or faxed to 916.323.0823. It may also be accessed online at www.cde.gov.edu/sped/.

Table of Contents

INTRODUCTION

CHILD FIND

REFERRAL PROCESS

ASSESSMENT PROCESS

ELIGIBILITY

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

INTERIM PLACEMENT

ENGLISH LANGUAGE LEARNERS

DESIGNATED INSTRUCTION SERVICES (DIS)

PLACEMENT PROCESS

TRANSPORTATION

TRANSFERRING FROM PRIVATE TO PUBLIC SCHOOL

PROCEDURAL SAFEGUARDS

TIMELINES

STUDENT RECORDS

BEHAVIOR

HEALTH AND/OR MEDICAL ISSUES

PROMOTION / RETENTION

EXITING FROM SPECIAL EDUCATION

DISCIPLINARY AND NON-DISCIPLINARY REMOVAL

TRANSITION SERVICES

ALTERNATE PATHWAY FOR ELIGIBLE STUDENTS

EXTENDED SCHOOL YEAR (ESY)

FOSTER, LICENSED CHILDREN'S INSTITUTIONS & SURROGATE

INTERPRETING AND TRANSLATOR SERVICES

Introduction

ELITE ACADEMIC ACADEMY
Department of Special Education

Hello!

Welcome to the Elite Academic Academy Special Education Procedural Handbook. It is with delight that we introduce you to this resource! In simple terms, this document was written to give the reader easy access to answers about how special education is supposed to be done, and how Elite Academic Academy complies with the state and federal laws that are designed to assure that our children and youth with disabilities receive a free and appropriate public education. This handbook serves as the official source of directive for the adults at Elite Academic Academy who are responsible for educating our students.

This handbook is a resource for staff and parents to understand the legal requirements and the way each aspect of special education should be implemented. While professional development is offered, and special education administrators and teachers are available as resources, we want to be clear that employees are responsible for following the procedures outlined in this handbook.

The procedures contained in this handbook apply to children, through 22 years of age, who are identified as being eligible for special education. Additionally, this handbook is posted on our website for all to see, so that the policies are accessible to the staff and the Elite community to ensure accountability to fulfill our obligations to educate children with disabilities.

Child Find

I. Child Find Obligations

A. Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2007) requires school districts/charter schools to search for, identify, and serve students with disabilities. Elite Academic Academy ensures its child find obligations are met each year through a variety of activities:

1. Notification of the availability of special education programs is published in English and Spanish in local newspapers annually.
    a) Annually the El Dorado Charter SELPA publishes information regarding special education referrals and programs for students between the ages of birth and 21 years with physical or mental impairments that may impact a child's ability to learn. The information includes the names of each of the school districts within the SELPA and the phone number of the SELPA Director.
    b) Each January, the San Diego County Office of Education publishes similar information in the Union Tribune, the newspaper of San Diego County. The notification includes the names of each SELPA and respective phone numbers.

II. Screening

A. Children initially entering school are a young and diverse group, culturally, linguistically, socio-economically, and developmentally. As a group, they represent children with a range of access to stimulating learning experiences and structured educational settings and opportunities. It is important to allow newly enrolled Kindergarten students time to adjust, adapt and acclimate to their new educational environment. It is not the expectation of Elite Academic Academy that these children be screened for disabilities at this early stage of their education.

B. Teachers who routinely work with, and are familiar with, the developmental levels of this age group, permit these children time to adjust. After an adequate time period, a teacher will share concerns about those children she/he believes to be struggling or suspect of having a disability that negatively impacts a child's ability to learn. At this time, general education interventions are to be implemented and progress monitored. A referral for Special Education assessment may be considered only after general education interventions have been implemented and progress has not been observed for a period of time agreed upon through the Response to Interventions (RtI) cycle.

Note: The presence of a disorder does not in itself qualify a student for special education or related services. A disorder must negatively impact a student educationally (i.e., academically and/or socially) to be eligible for special education and related services.

Referral Process

I. Referral

A student may be referred for a special education assessment to determine the need, if any, for special education and related services. The referral can be made by the student's parents, guardian / foster parent, teacher, or other staff member. It is best practice to utilize the Response to Intervention (RtI) and the Student Study Team (SST) processes to identify interventions to be implemented prior to generating a referral for a special education assessment. Special education and related services should be considered after all relevant general education resources and interventions have been utilized and effectively implemented.

A. General Education Interventions

1. Not all students who experience difficulties learning in school need special education and related services. Often a student's difficulties and limited educational progress can be addressed through accommodations of the general education instructional program.
2. When a student demonstrates limited academic progress, the general education teacher should:
    a) Conference with parents
    b) Modify instruction
    c) Use alternate instructional strategies
    d) Implement intervention curricula
    e) Consult with grade level colleagues to develop additional interventions (e.g. Data Teams based or RtI Process).
    f) Consult with Specialized Academic Instructor (SAI) and/or School Psychologist for additional strategies

B. Response to Intervention

1. IDEIA 2007 reinforces the expectation that students receive quality first instruction.
2. Those students, who receive quality first instruction but struggle and demonstrate only limited progress, are expected to receive timely intervention utilizing general education resources.
3. Intervention curriculum, implemented by the general education teacher and the parent (because the student attends an Independent Study Charter School / Homeschool Program) is expected to be provided routinely with consistency and fidelity.
4. When a student fails to show progress after effective intervention has been provided for a designated time interval outlined in the student's intervention plan, then a referral for a special education assessment may be considered (Note: Parents may request verbally or in writing that their

son/daughter be evaluated to determine the presence of a learning disability at any time during this process.) If this occurs, then the IEP team will follow the appropriate procedures.

C. Student Study Team

1. The Student Study Team (SST) should include the following participants: parent(s), general education teacher, program administrator or designee, and student (when appropriate). Additional participants may be included as needed. Prior to the SST meeting, it is expected that the parents have been in communication with the student's teacher and have been strongly encouraged to participate in the SST process. The purpose of the SST meeting is to gather information about the general education student including, but not limited to the following:
    a) Identify the student's area of strengths and interests.
    b) Discuss the results of implemented modifications and curricular interventions while participating in the intervention process.
    c) Consider a student's language proficiency in English and primary language to determine any potential impact on learning.
    d) Identify continuing academic, social, behavioral or health issues that may be interfering with the student's learning and achievement in the classroom.
    e) Prioritize concerns about the student.
    f) Develop a plan to assist the student.
    g) Determine a way to evaluate the effectiveness of the plan.

D. If, after continued supplemental accommodations and interventions:

1. The student demonstrates slow but steady progress, a referral for special education assessment is **NOT** appropriate.
2. The student continues to demonstrate little/no progress; a referral for a special education assessment may be appropriate. In this situation, the SST or parent may request that the student be evaluated by the special education team in order to determine eligibility for special education and related services

E. The Individuals with Disabilities Education Improvement Act (IDEIA 2007) identifies situations in which a child is precluded from special education referral because the sole basis for the student doing poorly in school is due to one of the following:

1. Lack of appropriate instruction
2. Inconsistent school attendance
3. Limited English proficiency

F. Culturally and Linguistically Diverse Students

1. When referring culturally and linguistically diverse students for a special education assessment, it is important to determine if the learning and behavior problems demonstrated by the student indicate a disability or difference (e.g., cultural, experiential, social or linguistic)
2. It is especially important, before assessing such students for eligibility, to determine if the accommodations in the general education curriculum or instruction may assist them in overcoming their learning and/or behavior issues.
3. In the case of a culturally or linguistically diverse student who demonstrates learning and/or behavior problems, the student's teacher is required to gather information about the student's:
    a) Background and exposure to structured educational programming
    b) Language skills in primary language and acquisition of English
    c) Culture
    d) Response to school environment

G. Special Education Assessment Referral Procedures

1. A referral for special education, which initiates the assessment and identification process, must be documented, including health history and a record of the student's exposure to, and progress using research-based teaching materials, and strategies.
2. For an **initial** referral for full evaluation, the special education administrator or designee serves as the Case Manager, who is responsible for coordinating the process from referral to assessment through IEP development.
3. Upon receipt of a referral, the Case Manager:
    a) Must maintain a log, documenting all actions related to the entire IEP process
    b) Immediately document date of referral and source
    c) Notify the program Administrator and other school site staff members that a referral has been received for a specific student
    d) Within 15 calendar days of receipt of referral, develop and send to the parents the following forms:
        (1) Notice of Procedural Safeguards
        (2) Referral (Initials only)
        (3) Prior Written Notice
        (4) Assessment Plan
    e) All communications with the parents must be provided in the primary language of the parents unless it is not feasible to do so. In such instances, an interpreter/translator may be used to explain the process and forms to the parents. Contact the Special Education Department for further clarification as needed.

H. **Special Education Assessment Timeline Overview**

1. An Assessment Plan must be provided to parent within 15 calendar days of receiving the parents' request for an assessment. If the parent is in need to put the request in writing it is the obligation of school staff to assist. When the request has been submitted, time stamp the request and provide a copy to the Assessment team for their records.
2. Generally, parents have 15 days to respond to the Assessment Plan
    a) If parents do not return the Assessment Plan within 15 days, the Case Manager or designee should call the parents to further discuss the request and/or clarify the purpose of the assessment.
    b) If the parents indicate on the Assessment Plan that they are not interested in having their student evaluated, the unsigned Assessment Plan is placed in the student's file, documented through a Prior Written Notice or have parents write they are declining the offer to assess and sign, notify the general education teacher and close the case.
    c) If the parents disclose in a phone conversation that they are not interested in their student being evaluated, that conversation is summarized in a letter to the parents by the special education administrator. Place a copy of the letter in the student's cumulative file and notify the general education teacher.
3. Within 60 days of receipt of the signed Assessment Plan, an assessment must be completed, assessment report written, and an Individualized Education Program (IEP) meeting held.
    a) If the student is unavailable for assessment (e.g., prolonged illness, parent does not make student available), the special education designee will promptly notify the Special Education Administrator. The Special Education Administrator will address a letter to the parent documenting the lack of student's availability and clarifying the timeline restrictions indicated by IDEIA 2007.

Assessment Process

I. Assessments

A. In order to be eligible for special education and related services, a student must be assessed and meet eligibility criteria for one of the 14 disabling conditions identified in IDEIA 2007. When a referral is made, the Special Education Administrator develops an Assessment Plan, which the parent must receive in written form within 15 calendar days of receipt of the referral. The Assessment Plan is a description of the assessment procedures to be utilized by the multidisciplinary team members to determine:
   1. The presence of a disability as defined by IDEIA 2007.
   2. Eligibility for special education and related services.
   3. If special education services are required to address the educational needs of the student.

B. An assessment must be conducted when:
   1. A student demonstrates little/no progress after the general education accommodations and modifications have been implemented and exhausted. These interventions should be documented through the Student Study Team (SST) and/or Response to Intervention (RtI) process.
   2. An initial request for special education is received and there is an area of suspected disability.
   3. Every three years (aka: triennial or re-evaluation) to determine if the student continues to meet eligibility criteria.
   4. Considering a significant change of educational services or dismissal from special education and/or related services.

   ***Careful consideration should be taken in the investigation of a student's educational history through a cumulative record review and parent interview.*

II. Developing the Assessment Plan

A. The purpose of the Assessment Plan is to enable the parents to make an informed decision before providing their consent for the assessment. The Assessment Plan identifies the areas to be assessed. Assessments must be conducted in the language that is most likely to provide accurate information about the student academically, developmentally, socially, functionally, etc.

B. English Language learners must be assessed with the ELPAC or equivalent prior to being referred for a special education assessment. This will facilitate

distinguishing between a disability and challenges due to a second language acquisition. It may be necessary to assess a student in his/her primary language, which may require the assistance of a skilled interpreter or bilingual assessor.

C. The SPED Administrator or designee may confer with other members of the assessment team to complete the Assessment Plan which must include the areas to be assessed (referencing specific assessment tools is neither required nor recommended).

D. Assessments may be conducted only in those areas noted on the Assessment Plan. An assessment cannot be conducted without prior parent consent. Obtaining verbal consent is not sufficient; it must be in writing. Assessments do not include administering assessments that are administered to all children and a screening of a pupil by a teacher or specialist only to determine appropriate instructional strategies for curriculum implementation.

III. Assessing in All Areas of Suspected Disability

The Individualized Education Program (IEP) team must assess in all areas of suspected disability, which may include academics, social, emotional, behavioral, and health functioning.

A. Hearing and vision screenings must be conducted for all students undergoing initial or triennial assessments. If a student has had an assessment within the last year, that screening information may be used unless there is a concern that the student's hearing and/or vision has changed since the last screening. A Nurse Assessment is required if the student has significant medical or health related issues.

B. If there is a request for an assessment to be conducted in an area not typically conducted by Charter School or Special Education Local Plan Area (SELPA) staff (e.g., vision therapy), consult with the Special Education Administrator.

IV. Assessment Plan

A. The Special Education Administrator/Designee prepares the Assessment Plan and related documents and ensures that these documents are sent to the parents:
    1. Procedural Safeguards
    2. Referral
    3. Prior Written Notice
    4. Assessment Plan
    5. Health and Developmental History

B. If the parents do not return the assessment plan within 15 calendar days, the Special Education Administrator/Designee is required to make three attempts to

contact the parents using at least two different modes of communication (e.g., phone, registered mail, email). All attempts must be documented. If there is still no response, a letter is sent to the parents by the Special Education Administrator closing the file.

C. If the parents decline to sign or indicate that they do not want their child evaluated, the Special Education Administrator/Designee should ask the parents to put that decision in writing. A Prior Written Notice should also be provided to the parents indicating their refusal. If the parents decline to put in writing their refusal for the assessment, the Special Education Administrator will send a letter to the parents, summarizing the events and offering additional communication and guidance to the parents.

D. Communication with the parents must be provided in the primary language of the parents. If necessary, translation services may be accessed through the Special Education Department.

V. Additional Assessments

If a student is in the process of being assessed, and either an assessor recommends additional testing or a parent request is received to assess an area in addition to those listed on the initial Assessment Plan (e.g., Speech, OT, APE, AT, etc.), a new Assessment Plan must be completed. The second Assessment Plan creates a second timeline only for the additional area to be assessed. Assessments indicated on the first Assessment Plan must be completed, and the IEP meeting held, within the timeline of the receipt of the first signed Assessment Plan. You may combine the results of the second Assessment Plan at the IEP meeting for the first Assessment Plan, as long as it is within the timeline for the first Assessment Plan.

VI. Receipt of Parent Consent for Assessment

A. Upon receipt of the signed Assessment Plan, the Special Education office staff should:
    1. Stamp the date received.
    2. Enter date into SEIS.
    3. Note the 60-day timeline when the IEP meeting is due
    4. Promptly notify other members of the assessment team that consent has been received and due date.
    5. Schedule the date of the IEP meeting before the 60-day timeline.

B. If an additional assessment is requested or determined to be needed by the assessors, the Special Education Administrator/Designee develops and sends an additional Assessment Plan to the parents. This additional Assessment Plan initiates a new timeline **only** for the additional assessed areas. If possible, to complete this additional testing by the due date of the first Assessment Plan, the sharing of results may be combined into one meeting.

VII. Assessment Procedures

A. Assessment procedures will depend on the student's suspected disability, and may include:
   1. Observation of the student in several settings. Given that we are an independent study charter school, the observation may be conducted during the teacher contact period.
   2. Non-standardized (e.g., portfolio, curriculum-based) and standardized measures (e.g., normed tests).
   3. Review of school records.
   4. Interviews of teachers, parents and, if appropriate, the student.
   5. Review of results of interventions already implemented.

B. A variety of measures must be used in the assessment, and must be:
   1. Administered so as not to be racially, culturally or sexually discriminatory.
   2. Administered in the language or mode of communication the student is most comfortable using. If not feasible, the reason must be stated in the Assessment Report along with the language to be used for the assessment.
   3. Validated for the specific purposes for which they are intended.
   4. Administered by trained personnel, knowledgeable about the disabilities the student may have, in conformance with the instructions provided by the publishers of the assessment materials.
   5. When students with impaired sensory, manual or speaking skills are assessed, the materials must be selected and administered to ensure their results accurately reflect the areas the tests purport to measure, and not merely the students' impaired skills.
   6. When assessing students with a suspected low-incidence disability (i.e., severe visual, hearing or orthopedic impairments), special attention must be given to the unique educational needs of the student. Contact the SPED Administrator or Designee for support of DIS Providers that are specifically trained in these areas of need to be a part of the referral process.
   7. At times, students may refuse to participate in the assessment process. In these cases, it is imperative that the evaluator makes multiple attempts on different days and times to assess the student. If, after numerous attempts, the student refuses to participate, despite multiple tries, reinforcers, and accommodations to the testing process, the evaluator must document all of these efforts in their report. The evaluator must also document the skills the student does have based on record review, teacher interview, and parent interview. The evaluator must also include data from GE measures as well as other formative and summative assessments that student did complete.

C. The 1979 Larry P vs. Riles court order prohibited the administration of standardized intelligence tests to African-American students to determine eligibility for special education. Based on the "Larry P" decision, the California

State Department of Education (CDE) determined no test measure of standardized intelligence or intelligence quotient (IQ) should be used for the purpose of assessing African-American students' eligibility for special education or tests correlated to IQ tests, even if a specific test does not appear on any CDE list. Assessment of African-American students should not include a standardized IQ test. Furthermore, any IQ scores or references to IQ scores must be marked out in the assessment report(s). For example, if you receive a report from an African-American student who moves in from out of state, which includes references to IQ scores, those references will need to be placed in a closed envelope marked as confidential and poached in the student's confidential file.

VIII. Assessing Culturally and Linguistically Diverse Students

For further information regarding assessing English Learners, refer to the *Meeting the Needs of English Learners with Disabilities Manual* developed by the State SELPA Association.

A. Before a decision is made to assess, background information must be gathered on the student to exclude the possibility that the problem is not acquiring English language skills. To determine if the problem is one of second language acquisition or a possible disability, the following information must be considered:
    1. Reason for referral.
    2. Language proficiency level.
    3. Current instructional program.
    4. Academic history and length of time in school.
    5. Health and developmental history.

B. The Student Study Team (SST) making the referral should also consider:
    1. Has the student received intensive interventions using appropriate materials and strategies designed for ELLs and have they been implemented with fidelity over time? If so, has the student demonstrated little or no progress?
    2. Does the team have data regarding the rate of learning over time to support that the difficulties (academic, social-emotional, or speech and language) are most likely due to a disability versus a language difference?
    3. Has the team consulted with the parent(s) regarding learning patterns and language use in the home?
    4. Are the error patterns seen in L1 similar to the patterns seen in L2 (if the student has sufficient primary language skills)?
    5. Are the learning difficulties and/or language acquisition patterns manifested over time similar in different settings and in different contexts?

IX. Assessment Reports

A. When the assessment(s) has been completed, the assessors must prepare a written Multidisciplinary Assessment Report to be shared at the IEP meeting. Copies of the report(s) are provided to the parents and team participants at the

IEP meeting. In order to allow the evaluators to interpret their test results with other evaluators, it is strongly recommended that all evaluators share their results with other evaluators five (5) days prior to meeting. The Assessment Report must include:

1. Whether the student requires specialized education and related services to access, and progress in, the general education core curriculum.
2. The relevant behavior noted during the observation of the student. Observations should include the student in the classroom setting as well as the testing setting.
3. The educationally relevant health and development, medical findings, if any.
4. Whether there is a discrepancy between achievement and ability that cannot be corrected without special education and related services for students with learning disabilities.
5. A determination concerning the effects of environmental, cultural or economic disadvantage.
6. The need for specialized services, materials, and equipment for students with low incidence disabilities.
7. Linguistically appropriate goals aligned to ELPAC or other current English assessment tools, language levels if the student is designated as an ELL.

B. Validity/Reliability: Each assessor must include a statement in the Assessment Report indicating the test results are valid and reliable.

1. If the assessor believes the test results are not valid, s/he must conduct additional testing in an attempt to obtain valid results.
2. If additional testing does not yield valid results, the assessor must include the following in the report:
    a) A statement explaining why and a description of how the assessment varied from standard conditions.
    b) Methods, procedures, and tests used to assess the student must be written in the report.
    c) Instructional implications of assessments.

X. Change of Placement

When the IEP team anticipates that a student needs a change of placement to a more or less restrictive environment, the special education providers must gather data to assist in making that determination. Such data may include: GE assessments, observations, formal testing, etc. The parents must be provided with an Assessment Plan and Prior Written Notice before conducting any assessment procedures for a change of placement.

A. Special Education Administrator/Designee must obtain parents' written consent to the Assessment Plan.

XI. Independent Educational Evaluation (IEE)

A. Parents who disagree with the results of an educational assessment of their child have the right to obtain an independent educational assessment (IEE) from qualified personnel (i.e., individuals in private practice holding the same credentials and/or licenses of district staff). Since the purpose of the IEE is to give parents the right to a second opinion, Elite Academic Academy Charter School must first conduct an assessment. If parents request an IEE in place of the Charter School's assessment, the parents should be informed that the Charter School has the right to evaluate first.

B. After consulting with, and obtaining information from, the Special Education Administrator, steps to be followed will be determined based on the current local SELPA's guidelines for IEEs.

C. Occasionally parents do not disagree with the Charter School 's assessment, but request an assessment not typically conducted by school psychologists (e.g., neuropsychological assessment). School psychologists conduct psycho-educational assessments for the purpose of assisting the IEP team in determining eligibility for special education as defined in IDEIA 2007. A school psychologist does not conduct diagnostic assessments of students to make diagnoses based on the Diagnostic and Statistical Manual of Mental Disorders (DSM IV).

    1. If parents request a neuropsychological assessment of their child, the Special Education Designee should promptly confer with the Special Education Administrator (within 48 hours). Such an assessment may be considered if the student has experienced a recent head injury, has multiple disabilities**,** or may have some neurological impairment.

XII. Triennial Assessments

A. The purpose of a triennial assessment is to determine:
    1. If the student continues to meet eligibility for a disability as defined in IDEIA 2007.
    2. If the student continues to need special education and related needs.
    3. The student's present levels of educational performance and the identification of educational needs.

B. Options for Triennial Assessments
    1. The standard triennial assessment (re-evaluation) routinely reassesses students every three years. The updated assessment data is used to determine continued eligibility and identity educational needs.

With some students, a complete reassessment may not be needed. In this case parents and the Special Education Administrator/Designee should agree in a meeting that a complete reassessment is not necessary

C. Vision and Hearing Screening Requirement
Regardless of which reassessment option is selected, prior to the triennial IEP meeting, an updated vision and hearing screening must be conducted. Vision and hearing screenings are considered current if conducted within the past 12 months.

D. Determine If A Complete Reassessment Is Necessary
The Special Education Administrator/Designee and other members of the assessment team, including DIS providers, decide if a reassessment is necessary to determine the student's eligibility for special education and/or identify educational needs. It is recommended both annual and triennial IEP meetings be completed early to ensure compliance with timelines. It is best practice to initiate all reviews more than three months prior to the due date to permit sufficient time to obtain parent consent, conduct assessments (if necessary), and schedule and hold the IEP meeting.

E. Standard Reassessment Is Necessary
If the IEP team decides a standard reassessment is needed to determine continued eligibility for special education and/or identification of educational needs (or if the parents request a reassessment):

1. Assessment team members review existing records and assessment date to decide if additional assessment data is needed to determine:
    a) If the student continues to meet eligibility criteria under IDEIA 2007.
    b) If the student continues to need special education and related services.
    c) The student's present levels of performance and educational needs.
    d) Review of existing data should include assessments and information provided by the parents, current classroom based assessments; discipline, attendance, and health records; current classroom progress report/grade checks; progress reports from support providers; and behavioral point sheets/charts.

F. IEP Team

1. At the triennial meeting, the IEP team reviews existing school records and assessment data (including results of the vision and hearing screening), and considers updated assessment data and other information provided by the parent. The IEP team conducts the triennial review incorporating updated assessment information, development of new goals, and considerations of placement options. Finally, the IEP team makes an offer of FAPE and obtains parent signature.

2. After the IEP is signed, a copy is given to the parents and the original is placed in the student's file. If the IEP is not signed, contact your Special Education Administrator for input and direction.

G. Special Education Designee

1. The Special Education Administrator/Designee contacts parents to discuss the recommendation of the assessment team that a complete re-assessment of the student's cognitive status is not felt to be necessary. This generally happens after 2 full triennial reviews where cognitive functioning has not changed significantly. This must be a team decision. If parents agree, the team proceeds with an Alternative Assessment.

2. The Special Education Administrator/Designee gathers input from all evaluators and completes the Assessment Plan, indicating areas to be reassessed and including a review of existing assessment data. It is recommended the Assessment Plan be sent to the parents in advance of the triennial review due date to allow time to receive parents' written consent to the plan and, if necessary, conduct a complete assessment if parents decide a complete assessment is needed prior to the triennial due date.

3. The following documentation is sent to the parents*:*
    a) Assessment Plan
    b) Prior Written Notice
    c) Procedural Safeguards
    d) Health and Developmental History

4. The Special Education Administrator/ Designee obtains parents' written consent to the Assessment Plan. If parents' written consent (or denial) of the Assessment Plan has not been obtained within 15 days, the SPED Administrator/Designee must make three attempts to contact the parents, using at least two different modes of communication (e.g., phone, registered mail, home visit). Documentation of these efforts must include:
    a) Record of date and time of telephone calls made and the results of those calls.
    b) Copies of correspondence sent to the parent and responses received.

5. If parent consent is obtained:
    a) The Special Education Administrator/Designee notifies members of the assessment team of receipt of signed consent for the Assessment Plan *and* schedules the IEP team meeting prior to the triennial review due date. The parent is then sent a written notification of the IEP meeting.

6. The Special Education Administrator/Designee prepares an Assessment Report with input from the members of the IEP team (including results of vision and hearing screening):

    a) It may be necessary to determine one of two models for qualification, either the Cross Battery Model or the Discrepancy Model. The IEP team will determine which model of evaluation will be used based on a review of student history and past interventions related to functioning within the school environment. If a severe discrepancy exists between cognitive ability and academic achievement, prior cognitive test results must be considered. If continued eligibility is questionable (due to an inability to establish a severe discrepancy), the IEP team should consider if the student:

        (1) Had made consistent progress on goals.
        (2) Had gained academic skills needed to be successful without special education.

7. In some situations, limited cognitive testing may be considered:

    a) At least one complete assessment with scores that present a clear profile and are considered valid.
    b) If a limited cognitive assessment is conducted and scores are inconsistent with previous cognitive assessments, additional cognitive assessments must be administered.

8. If parent consent for the reassessment cannot be obtained:

    a) Special Education Administrator/Designee seeks the assistance of the Special Education Administrator.
    b) If parents indicate they refuse to give consent, summarize the conversation with the parents in a letter to the parent and place a copy in the student's Confidential or Cumulative Folder.

H. IEP Team

1. At the triennial meeting, the IEP team reviews existing school records and assessment data (including results of the vision and hearing screening), considers updated assessment data, and any other information provided by the parent. The IEP team conducts the triennial review incorporating updated assessment information, develops new goals, considers placement options, makes an offer of FAPE, and obtains parent signature.
    a) If the parents elect to take the IEP home for review and consideration prior to signing, mark each page of the IEP with "DRAFT" unless the IEP is considered the final copy. The Special Education Administrator/Designee and team should inform them

their decision is anticipated within 10 business days and to call the Designee with any questions.

2. Encourages parents to sign the IEP and /or make a decision to sign/not sign within 10 days.

XIII. Prior Written Notice

If the program staff determines there is not an area of suspected disability, the decision may be made not to assess. [Note: This is highly unusual as it is best practice to evaluate a student when there is a question or concern about his/her progress.] In this situation, it is recommended that the general education teacher, program director and SAI (or Psychologist or Speech-Language Pathologist) meet with the parents in an attempt to obtain more information about the parents' concern and provide information about interventions previously utilized or those that will be implemented (e.g., such as a Student Study Team (SST) meeting). There may be alternative general education resources to address the parents' concerns about a student's limited progress. If site staff determine an assessment is not warranted, the Special Education Administrator/Designee should:

A. Promptly consult the Special Education Administrator
B. Within 15 days of the referral to Special Education, provide prior written notice to the parents of the decision not to assess the student.

Eligibility

I. Determining Eligibility

A student is determined to be a student with special needs if the results of multiple assessments demonstrate the degree of the student's impairment **requires** special education. The individualized education program team, including the staff that conducted the assessment(s), must make the decision as to whether or not the assessment results demonstrate the degree of the student's impairment requires special education. A student is found eligible for special education when she/he meets the criteria for at least one of the fourteen (14) areas of disability specified in IDEIA 2007:

Autism (AUT)	Multiple Disability (MD)	Specific Learning Disability (SLD)
Deafness (Deaf)	Orthopedic Impairment (OI)	Speech or Language Impairment (SLI)
Deaf-Blindness	Other Health Impairment (OHI)	Traumatic Brain Injury (TBI)
Hard of Hearing	Emotional Disability (ED)	Visual Impairment (VI)
Intellectual Disability (ID)	Established Medical Disability	Dyslexia (under Specific Learning Disability)

A. **Autism -** A student is determined to meet eligibility for Autism when she/he exhibits any combination of the following autistic-like behaviors including, but not limited to:

   a) An inability to use oral language for appropriate communication.
   b) A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
   c) An obsession to maintain sameness.
   d) Extreme preoccupation with objects or inappropriate use of objects or both.
   e) Extreme resistance to controls.
   f) Displays peculiar motoric mannerisms and motility patterns.
   g) Self-stimulating, ritualistic behavior.

B. **Deaf** - Deafness means a hearing impairment that is so severe the child is impaired in processing linguistic information auditorily, with or without amplification, which adversely affects a child's educational performance.

C. **Deaf-Blindness** - A student has both hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.

D. **Hard of Hearing** - A student has a hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.

E. **Language/Speech Disorder** - Speech/Language Pathologists should complete a thorough assessment and should utilize the Communication Severity Scales (CCS) in determining need for speech and language services as well as intensity of services.

A Student has a language disorder when she/he meets one or more of the following criteria:

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

2. Abnormal Voice: A student has an abnormal voice, which is characterized by persistent, defective voice quality, pitch or loudness.

3. Fluency Disorder: A student has a fluency disorder when the flow of verbal expression, including rate and rhythm, adversely affects communication between the student and listener.

4. Language Disorder: A student has an expressive or receptive language disorder when s/he meets one of the following criteria:
    a) The student scores at least 1.5 standard deviations below the mean, or below the seventh percentile, for his/her chronological age or developmental level on **two** or more standardized tests in one or more of the following areas of language:
        (1) Morphology
        (2) Syntax

(3) Semantics
(4) Pragmatics

b) The student scores at least 1.5 standard deviations below the mean, or below the seventh percentile, for his/her chronological age or developmental level on **one** or more standardized tests in one of the four areas listed above and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or Elicited language sample of a minimum of fifty utterances.

(1) The language sample must be recorded or transcribed and analyzed, and the results included in the Assessment Report. If the student is unable to produce this sample, the SLP must document why a fifty-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample.

c) When standardized tests are considered to be invalid for the specific students, the expected language must be determined by alternative means and specified in the Assessment Plan.

F. **Intellectual Disability** - A student has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect his/her educational performance.

G. **Multiple Disability** - Concomitant impairments (such as Intellectual Disability-Blindness or Intellectual Disability-Orthopedic Impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.

H. **Orthopedic Impairment** - An orthopedic impairment includes an impairment caused by a congenital anomaly, impairments caused by disease, and other causes. A student has a severe orthopedic impairment when the impairment adversely affects his/her educational performance.

I. **Other Health Impaired** - A student has limited strength, vitality or alertness, due to chronic or acute health problems, including, but not limited to: a heart condition, cancer, leukemia, rheumatic fever, chronic kidney disease, cystic fibrosis, severe asthma, epilepsy, lead poisoning, diabetes, tuberculosis and other communicable infectious diseases, and hematological disorders, such as sickle cell anemia and hemophilia, which adversely affects a student's educational importance. Such physical disabilities shall not be temporary in nature.

J. **Emotional Disability** - A student exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects his/her educational performance:

1. An inability to learn which cannot be explained by intellectual, sensory or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

K. **Specific Learning Disability**

1. A student may be determined to have a specific learning disability by using either the:
    a) Discrepancy model or Cross Battery Qualification Model.
2. Using the **discrepancy model**, a student has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell or do mathematical calculations, and has a severe discrepancy between intellectual ability and achievement in one or more of the academic areas.
    a) Basic psychological processes include:
        (1) Attention
        (2) Visual processing
        (3) Auditory processing
        (4) Sensory motor skills
        (5) Cognitive abilities including association, conceptualization and expression
    b) Intellectual ability includes both acquired learning and learning potential and must be determined by a systematic assessment of intellectual functioning.

c) The level of achievement includes the student's level of competence in materials and subject matter explicitly taught in school and is to be measured by standardized achievement tests.

d) The decision as to whether or not a severe discrepancy exists is to be made by the IEP team, including assessment staff, taking into account all relevant material, which is available on the student. No single score or product of scores, test or procedure will be used as the sole criterion for the decisions of the IEP team as to the student's Eligibility for special education. To determine the existence of a severe discrepancy, the IEP team must use the following procedures:

(1) When standardized tests are considered to be valid, a severe discrepancy is determined by first converting into common standard scores (using a mean of 100 and standard deviation of 1.5), the achievement test score, and the ability test score to be compared.

(2) Compute the difference between the standard scores of the achievement test and ability test.

(3) Compare this computed difference to the standard criterion, which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds the standard criterion, adjusted by one standard error or measure, the adjustment not to exceed four common standard score points, indicates a severe discrepancy which such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples.

3. When standardized tests are considered to be invalid for a student, the discrepancy must be measured by alternative means, which are specified in the Assessment Plan.

4. In ***very rare*** instances, results of the standardized tests do not reveal a severe discrepancy, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more basic psychological processes. The report must include a statement of the area, the degree and the basis and method used in determining the discrepancy. The report must contain information considered by the team to include:

a) Data obtained from standardized assessment instruments.

b) Information provided by the parent.

c) Information provided by the student's current teacher.

d) Evidence of the student's performance in the general and/pr special education classroom obtained from observations, work samples and group test scores.

e) Consideration of the student's age, particularly for young children.

f) Any additional relevant information.

5. The discrepancy must not be primarily the result of limited school experience, second language acquisition issues or poor school attendance.

6. Student shows indicators of Dyslexia.

L. **Traumatic Brain Injury** - Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

M. **Visual Impairment** - A student has a visual impairment, which, even with correction, adversely affects his/her educational performance.

Review of Psychoeducational Reports

Prior to sending the final Psychoeducational Reports to parents, the Special Education Administrator/Designee reviews the draft report to ensure that it meets the legal requirements. The review should be conducted as soon as the draft report is completed.

Individualized Education Program (IEP)

When the Individualized Education Program (IEP) team determines a student has a disability that is covered under Individuals with Disabilities Education Improvement Act (IDEIA 2007) and **requires** special education services, the team develops an IEP. The IEP is considered an educational blueprint that will guide instruction in the classroom. It documents and describes the child's strengths and needs, outlines a plan to take advantage of the strengths and respond to the needs, and documents specific goals to be achieved during the next year.

The IEP must be accessible to all service providers who work with the student and are responsible for its implementation. The SPED Administrator/Designee must ensure all service providers are informed of his or her responsibilities related to the implementation of the IEP, including specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

I. Types of IEP meetings

A. An IEP meeting must be held under the following circumstances:
   1. To review the assessment report when a formal assessment has been completed.
   2. At least annually to review progress, goals, related services, supplementary aids and services, and to make revisions to the IEP.
   3. Every three years to determine continued Eligibility and to determine if the student continues to require special education and related services.
   4. Within 30 calendar days when a parent or education staff member requests a meeting to review and/or revise the IEP.
   5. When a student demonstrates lack of anticipated progress.
   6. When a student has surpassed the goals in their IEP.
   7. When placement in a more or less restrictive setting is being considered.
   8. Within 30 days after an interim placement of a transfer student into any special education program.
   9. For any change of placement.
   10. For transition from either Infant to Preschool, Preschool to Kindergarten, or Middle school to High school.
   11. When a Manifestation Determination must be made due to discipline issues.
   12. Any change to the IEP.

B. Initial IEP

   1. An IEP meeting is convened upon completion of the assessments to determine initial eligibility. A school staff member or parents may refer a student for special education eligibility; however the parents must give written permission via a signed assessment plan in order for the assessment to occur.

2. The purpose of the initial IEP is to review all assessment data and reports, develop present levels, and determine eligibility. If the student is eligible for special education and related services, the IEP team will develop an IEP. Once the need(s) are identified and goals are developed, the team must consider the continuum of placement options and determine the Least Restrictive Environment (LRE) in which the services can be delivered. Annual reviews, triennials and other IEP meetings flow from the initial IEP meeting.
    a) NOTE: Parents have the right to decline special education and related services documented in the initial IEP.

C. Annual Review

1. Once a student has been found Eligible for Special Education and related services, a review of the IEP will be held at least one time per year. The annual review procedures should be conducted so the IEP is completed and the upcoming school year's programming is finalized prior to the start of the new school year. There must be a current IEP in effect at the beginning of each school year.
2. Parents must be provided with a copy of Procedural Safeguards at least once per school year.
3. The annual review meeting will lead to one or more of the following:
    a) If the student is making appropriate progress toward goals, the IEP team should write new goals and maintain the student's current placement.
    b) If the student is not making sufficient progress toward annual goals, the IEP team should modify the annual goals and objectives as appropriate and recommend additional supplementary aids and services or modify existing supplementary aids and services.
    c) If the team believes, or it is found the student has new areas of suspected disability that were not previously identified, the IEP team should recommend additional assessment.
    d) If the student is found to be functioning at grade level in all areas, the IEP team should recommend a reassessment to determine if the student continues to qualify for special education and related services.
    e) If the student's needs are not being met in the current placement or the student is not making progress on goals, the IEP team should recommend a possible change of placement. A significant change of placement (RSP to SDC) requires an assessment with a psychologist providing input, the SPED Administrator/Designee should also participate with the change of placement within the IEP team decision process. If the IEP team is recommending a change of placement to a more restrictive setting or different

program, the SPED Administrator Designee should contact the SPED Administrator to discuss the student's educational needs. Remember, supports and services, including behavior supports, must be put in place and documented on the IEP in the student's current placement prior to considering a more restrictive setting. There must be a continuum of services provided demonstrating a more restrictive environment prior to any change of placement. *NOTE: In the case of a more restrictive placement recommendation, it is the responsibility of Elite Academic Academy to find the recommended placement.*

f) If behavioral supports specified on the student's IEP have been ineffective, the IEP team should develop or revise the behavior supports. If the student's behaviors could cause harm to him/herself or others, the IEP team should recommend a Functional Behavior Assessment (FBA), offer an assessment plan for an FBA, and develop a Behavior Intervention Plan (BIP) as appropriate.

D. Three-year Review (Triennial) or Re-Evaluation

1. A reassessment of the student shall be conducted at least once every three years or more frequently if the conditions warrant a reassessment or if requested by parents or other IEP team members. The purpose of the triennial assessment is to determine if the student continues to be Eligible for special education and related services based on their present levels.
2. To the extent possible, annual review and triennial review dates should be aligned. This may mean conducting an early triennial review or an early annual review.
3. During the triennial review meeting, the IEP team should review existing assessment data, current classroom-based assessments and observations, teacher and related service providers' observations, and assessments and information provided by the parent.
4. No reassessment shall be conducted unless written consent is obtained by parents prior to assessment, except when the Charter School has taken reasonable measures to obtain consent and parents have not responded. Regulations require the Charter School have a record of all its attempts to request consent for reassessment in meeting the reasonable measure requirement. At least three attempts must be made to contact parents by at least two of the following: telephone calls, home visits, or mail.
5. A reassessment of the student is required every three years, or more frequently if conditions warrant. A reassessment is also necessary before the IEP team can determine a student is no longer a student with a

disability; determine a change in Eligibility or placement, and before determining services are terminated.

6. Every time the parents sign an assessment plan and an assessment occurs, a report must be written. The report is shared with the IEP team, including the parents, at the IEP team meeting. The IEP team must consider new and existing data to determine if the student continues to qualify as a student with a disability and require special education and related services.
7. Parents may request to review the assessment report prior to the IEP team meeting. It is the legal right of parents or legal guardians, as well as best practice, to request a report, evaluation, IEP, and or other documents related to the evaluation prior to the scheduled meeting. In this case, the assessors may give copies of the reports to the parents prior to the meeting and as soon as the final reports are ready for review by the IEP team members. If copies are provided to the parents prior to the meeting, it is still necessary to review the reports at the IEP team meeting in order to determine continued Eligibility and develop a new IEP, if appropriate.
8. If the IEP team determines no additional data is needed in order to determine if, (a) the student continues to have a disability; (b) the student continues to need special education and related services; and (c) any additions or modifications to the student's special education and services are needed to enable the student to meet the annual goals and to participate in the general education curriculum, then the IEP team recommends using existing data for the next reassessment. If the team determines no additional data is required, the parents should be provided with an assessment plan that indicates "records review" for the triennial review. The information obtained from the existing data (records review) should be compiled into a report and shared with the IEP team at the IEP meeting.

E. 30 Day Review (Interim Placement)

If a student with an IEP enrolls into Elite Academic Academy Charter School the student must be placed in a comparable program and receive services comparable to those listed on his current IEP. The IEP team must meet within 30 days to determine if the placement and current IEP continue to be appropriate. If the team determines the IEP and placement are appropriate, the IEP team should document this on the IEP amendments page. If the team determines the IEP is not appropriate, the team will develop a new offer at the IEP meeting. If the team determines the placement is not appropriate, the steps when considering a change of placement should be followed.

F. IEP Amendment

An IEP meeting can be held prior to an annual review. An IEP Amendment meeting is required to have the same IEP Team Members as any other IEP meeting. Utilizing the option to not hold an IEP meeting for an amendment should only be done in rare circumstances and should not be utilized when making significant changes to the IEP. Some examples of when it would be appropriate to not hold an IEP meeting includes: correcting a typographical error on the IEP, changing accommodations, minor revisions to annual goals, etc. Some examples of when it would not be appropriate to opt out of an IEP meeting includes: adding or removing a service, changing placement, major revisions to annual goals, etc.

G. Manifestation Determination (MD)

A student who receives special education and related services can be suspended for the same reasons as a general education student. A student on an IEP can be suspended for five consecutive days, up to 20 days per school year. Once the student has reached his tenth day of suspension, the SPED Administrator/Designee must schedule an IEP meeting within ten school days to determine if the behavior in question was a manifestation of the student's disability. If the IEP team determines the behavior was not a manifestation of the student's disability, the IEP should remain in place as written and the program administrator may choose to refer the student to the Administrative Review Panel for discipline. If the IEP team determines the behavior in question was a manifestation of the student's disability, supports must be put in place to help the student maintain appropriate behavior.

II. Timelines

A. Sixty calendar days from receipt of written consent to completion of assessment and convening an IEP meeting:
    1. An IEP shall be developed within a total time not to exceed 60 calendar days from the date of receipt of the parents' written consent to assess, not counting days between school sessions, terms, or days of school vacation in *excess* of five school days.
    2. In the case of school vacations in excess of five days, the 60-day timeline shall end on the last day of school before the break and recommence on the date that student school days reconvene.
    3. When a referral for special education is made within 30 days or less of the end of a school year, the assessment shall be completed and an IEP developed within the first 30 days of the subsequent school year.

B. A proposed assessment plan shall be developed and given to the parents within 15 calendar days of referral for assessment, not counting days between school

sessions, terms, or days of school vacation in excess of five school days from the date of receipt of referral.

C. The student is immediately provided an interim placement for a period not to exceed 30 calendar days when the student transfers into Elite Academic Academy Charter School. The SPED staff must schedule an IEP meeting at the conclusion of the interim placement. At the meeting, the IEP team will determine if the IEP and the placement continue to be appropriate. If the team determines the IEP is appropriate, they can decide to continue to work on the goals and objectives outlined in the IEP. If they determine the IEP is not appropriate, they may choose to develop a new IEP. If the team determines the placement is not appropriate, the SPED Designee should contact the SPED Administrator to discuss placement options.

D. The IEP team has 30 calendar days from the receipt of parents' written request to convene an IEP team meeting. When parents request an IEP meeting, the meeting must be convened within 30 calendar days, not including breaks of more than five days, from the receipt of the parents' written request. If the parents make an oral request, encourage the parents to provide their request in writing (if parents are unable, you must attempt to help parents put a request into writing). Keep in mind, that when a parent orally requests an IEP meeting, that request begins the 30-day timeline, just as a written request does. Days between school sessions and school vacations in excess of five school days do not count in the 30-day timeline.

E. There are times a parent may request an "emergency IEP meeting". Although the SPED Designee should work collaboratively with parents to schedule the meeting as soon as practicable, there is not a different timeline for an "emergency IEP meeting". The meeting must be scheduled within 30 calendar days.

F. If a general education or special education teacher believes a student may need a change of placement, instruction, related service, or any combination thereof, an IEP meeting should be held to review progress toward goals in the current placement. If a team member has an opinion about the child's education or placement, that opinion may be written in the notes to reflect that IEP team member's opinion. However, it must be noted that it is an opinion of that one person, not a reflection of the IEP team member's ideals, intent, and not the opinions of the whole IEP team. If the team is considering a change of placement to a more restrictive setting, the SPED Designee should contact the SPED Administrator.

G. Parents shall have the right and opportunity to examine all school records of the child and to receive copies of those records within five business days after a request is made by the parents, either orally or in writing.

H. The IEP team shall meet at least annually to review the student's progress and parents should be provided progress reports minimally three times yearly or the equivalent number of general education peers' progress reports. The IEP,

including whether or not the annual goals for the student are being achieved, the appropriateness of placement, and to make any necessary revisions should be reviewed during these progress reporting periods.

I. A reassessment of the student shall be conducted at least once every three years or more frequently, if conditions warrant, or if the student's parents or teacher requests a reassessment.

III. IEP Team Members

A. The IEP team must make all decisions regarding the special education supports and services being provided to a student with an IEP. The regulations to IDEIA 2007 identify the IEP team as a group of individuals composed of:

a) **Parents.** One or both of the student's parents are considered necessary members of the team. While a school district cannot compel the attendance of parents in the same way it can demand attendance of its own personnel or contractors, it must ensure that parents are invited and encouraged to attend.

b) **General education teacher(s).** A student's IEP team must include not less than one general education teacher, if the student is, or may be, participating in the general classroom environment, including recess and lunch. As to the number of general education teachers needed to be included on the team, the ED, in its discussion accompanying publication of the 2007 final regulations, said the following:

(1) In the situation in which there is more than one general education teacher, the IEP Team need not include more than one general education teacher. The general education teacher who serves as a member of a child's IEP Team should be a teacher who is, or may be, responsible for implementing a portion of the IEP so that the teacher can participate in discussions about how best to instruct the child. If the child has more than one general education teacher responsible for carrying out a portion of the IEP, the LEA may designate which teacher or teachers will serve as the IEP member(s), taking into account the best interest of the child.

c) **Special education teacher(s).** The IDEIA 2007 requires inclusion on the team of not less than one special education teacher, or where appropriate, not less than one special education provider. The choice of the particular individual(s) is up to the district, but it should select, to the extent possible, the person who is (or will be) responsible for implementing the child's IEP.

d) **Charter School representative.** A representative of the school who is qualified to provide or supervise the provision of special education and is knowledgeable about both the general curriculum and school district resources must participate. The representative must be authorized to make decisions on behalf of the school district, commit its resources and, according to ED's discussion issued with the 2006 final regulations, be able to ensure whatever services are set out in the IEP actually will be provided. Failure to include an individual with the authority to commit the school district generally will be considered to be a substantive denial of FAPE.

e) **Assessment interpreter.** The IDEIA 2007 mandates the IEP team must include an individual who can interpret the instructional implications of assessment results. The law does not preclude other team members (except the parents and the student) from serving in this capacity. Thus, the team's special education teacher may do double duty, as may the Charter School representative, general education teacher, or any other individual who has been invited to participate by either the district or the parents to share his or her knowledge or special expertise about the student.

f) **Other individuals.** Other individuals in addition to those listed above who have knowledge or special expertise regarding the student, including related services personnel as appropriate, may be included as members of the IEP team "at the discretion of the parent or the agency.

g) **Student.** Wherever appropriate, the student must be a member of the team. On occasion when a student's attendance is appropriate is when the IEP team convenes a meeting to discuss postsecondary goals and the transition services needed to assist the child in achieving those goals. If the student does not attend the transition services meeting, the district must take other steps to ensure his/her preferences and interests are considered.

B. If a student has agency services such as California Children's Services (CCS), County Mental Health (CMH), and/or Regional Center, a representative from that agency must be invited to participate in all IEP meetings. It is primarily the parent's responsibility to contact the representative from the outside agency and give him/her notice of the IEP meeting.

C. A member of the IEP team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification or a discussion of the member's area of curriculum or related services under the following circumstances:

1. The parents and the Charter School consent to the excusal 24 hours in advance with signed consent, and

2. The member submits, **in writing** to the parents and the IEP team, input into the development of the IEP prior to the meeting.

IV. Notice of IEP Team Meeting

A. The parents and other individuals involved in the IEP meeting should be given whenever possible at least 10 days' notice to participate in an IEP meeting. The SPED office staff should call the parents and communicate with other IEP team members to find a mutually agreeable date and time to hold the IEP meeting. A written notice in the form of Notice of IEP Meeting should be sent home to the parents. The SPED office staff should ensure the beginning and ending time of the meeting be written on the Notice of IEP Meeting. The IEP team should adhere to the time frame documented on the Parent Notice of IEP meeting. If the team does not complete all items on the agenda, a follow-up meeting shall be scheduled.

B. IEP meetings should be scheduled with enough time to allow for unexpected cancellations and rescheduling of the meeting within the legal timeline.

C. Although IDEIA 2007 allows for IEP team members to be excused from attending an IEP meeting, this process should be used very sparingly as it is expected that a complete team be involved in the IEP process. However, in very rare circumstances, excusals are needed. Prior approval is needed to excuse IEP team members from the SPED Administrator in high profile cases.

    1. The IEP team member seeking excusal should notify the SPED Administrator/Designee that she/he is not available to attend the IEP meeting.

        a) The IEP team member seeking excusal obtains permission from the program administrator to be excused from the meeting.

        b) If the SPED Administrator/Designee does not agree to the excusal, the IEP meeting must be rescheduled to allow for the IEP team member seeking excusal to attend, or the IEP team member seeking excusal must attend the meeting.

    2. The IEP team member seeking excusal shall call the parents to explain she/he will not be in attendance. Although calling the parent is not a legal requirement, but a best practice.

    3. The IEP team member seeking excusal will complete the Excusal Form and, if their area of expertise is being discussed, they will also complete the Input Form for Excusal.

a) The form(s) should be sent to the parents early enough so, if the parents refuse to provide their consent, the SPED office staff can reschedule the IEP meeting within the required timeline

4. The SPED office staff will notify the IEP team member seeking excusal when consent has been received.

5. If the form(s) is/are not returned, the SPED Administrator Designee will try to obtain parents' consent prior to the start of the meeting. If parents refuse to consent to the excusal, the IEP meeting must be rescheduled.

V. Scheduling an IEP Team Meeting

A. Meetings are to be scheduled at mutually agreeable times for all participants. Notice should be sent with sufficient time to ensure participation (10 days in advance is a suggested guideline).

1. The SPED office staff will identify necessary participants including the need for an interpreter and the student.

2. The SPED office staff will consult with IEP Team members including the general education teacher, parents, and agency personnel to determine a mutually agreeable time and date.

3. The SPED office staff will ensure completion of the Notice of IEP Team Meeting indicating a beginning and ending time, all participants, and purpose(s).

4. The SPED office will maintain a copy of the notice and distribute copies to all participants including Procedural Safeguards to parents.

a) If confirmation from the parents that they will attend the meeting, has not been received, send a second written meeting notice.

b) A third notice may be sent by Registered Return Receipt Mail to document effort to involve parents.

c) If parents do not attend the IEP meeting, another IEP meeting is scheduled following the steps outlined above.

5. Attempts to gain parents' participation must be documented. If there is no response, the IEP team may proceed without parent's presence after following the steps in #4, three times. The IEP developed without parents shall not be implemented until the parent's written consent is received.

B. The parents/guardians, shall notify the members of the SPED office staff of their intent to audiotape an IEP meeting at least 24 hours prior to the meeting. The SPED office staff should notify the members of the IEP team if the meeting will be audio taped and inform the parents they intend to audiotape the meeting as well. If 24 hours' notice is not provided, the meeting may not be recorded without the other party's consent.

VI. Conducting the IEP Team Meeting

A. The SPED Administrator/Designee and other service providers should collect data throughout the year in order to report progress on the student's current goals and to develop present levels.

B. In some cases, the parents may request a draft of the IEP be sent home for the parents to review prior to the IEP team meeting. The SPED Administrator/ Designee can send the Progress Report of previous goals, draft of present levels, and a draft of new proposed goals to the parents for their review prior to the IEP meeting. These documents must be clearly labeled as "draft" documents. The SPED Administrator Designee should not draft or send home the Special Factors Page, Educational Settings Page, or Services Page as that may be perceived as predetermination of placement. The IEP team at the IEP meeting decides on the information on these pages.

C. When facilitating the IEP meeting, the SPED Administrator/Designee should:
    1. Allow IEP Team members to introduce themselves.
    2. Review the agenda, including the purpose of the meeting and beginning and ending time.
    3. Review meeting "ground rules."
    4. Provide parents with a copy of the Notice of Procedural Safeguards necessary (if they have not previously received them this school year), and review/summarize as necessary.
    5. Facilitate the development of the IEP.
    6. Ensure throughout the IEP meeting that parents are provided the opportunity to meaningfully participate in the meeting

D. If conflicts arise during an IEP meeting, any IEP team member can refer to the ground rules and the agenda to refocus the discussion. Remind the IEP team members the reason for the meeting is to develop an IEP for the student. It is the intent of the IDEIA that the individualized education program team meetings be non-adversarial and convened solely for the purpose of making educational decisions for the good of the individual with exceptional needs.

E. There are times when parents may disagree with all or parts of the IEP. In the case where there is disagreement, the SPED Administrator/Designee should document in Team Meeting Notes that the parents do not agree with all or parts of the IEP and indicate the areas of agreement in the Team Meeting Notes. If the parents' consent to parts of the new IEP, those parts must be implemented. For the remaining parts that are in dispute, the last agreed upon IEP will stay in effect.

VII. IEP Development

According to IDEIA 2007, children with disabilities are entitled to a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). The California Department of Education (DOE) defines special education as:

> Specially designed instruction, at no cost to the parent to meet the unique needs of individuals with exceptional needs, whose educational needs cannot be met with modifications of the general instruction program, and related services, at no cost to the parent, that may be needed to assist these individuals to benefit from specially designed instruction. (CA Education Code § 56031)

A. In order to determine if a student is Eligible and needs special education services, the student must be assessed in all areas of suspected disability. When the assessment is complete, the IEP team will determine if the student has a disability and requires special education and related services.

B. After services are determined, the IEP team determines “where” services are best provided for the individual student. The IEP team's responsibility is to determine the LRE (Least Restrictive Environment) or the place on the continuum of services, closest to general education, where the student can make appropriate progress and gain educational benefit.

C. Ultimately the IEP team makes one offer of FAPE (Free and Appropriate Public Education). The services shall be delivered in the setting that ensures to the maximum extent appropriate that the student is educated with non-disabled peers. The team must consider what accommodations and/or modifications will help support the student in a general education setting.

D. In general, IDEIA 2007 tells us that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled, and special classes, separate schooling, or other removal of students with disabilities from the general educational environment occurs only when the nature or severity of the disability of a student is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

E. When considering placement in a more restrictive setting, the IEP team should consider the factors the 9th Circuit Court used in deciding the *Rachel H.* case: Is the student receiving an educational benefit in the general education class? Is the student receiving any social benefit? Does the student have a significantly negative impact on the learning of other students? Is the extraordinary cost associated with keeping the student in the general education setting?

F. Placements
    1. General Education – Placement in the general education program shall occur when the student’s needs can be addressed through accommodations of the general education program and curriculum.

2. Designated Instruction and Services (DIS) – DIS services are made available to the student when he/she requires the services necessary to benefit educationally from his or her special education services. DIS services that are typically seen on an IEP are:

    a) Language and speech
    b) Adapted physical education
    c) Health/nursing services
    d) Transportation
    e) Vision services
    f) Counseling and guidance
    g) Interpreting services
    h) Audiological services
    i) Orientation and mobility
    j) Occupational Therapy
    k) Specialized services for low incidence disabilities such as readers with vision or hearing services

3. Specialized Academic Instruction for a minority of the school day- shall occur when the IEP team has determined that a student has special learning needs that may require special education instruction and services. The students are assigned to a general education teacher for a majority of the school day. A Specialized Academic Instructor may provide instruction either individually or in a a small group

4. Specialized Academic Instruction for the majority of the school day – Removing a student from the general education instruction for the majority of the school day to allow them to receive Specialized Academic Instruction shall occur when the IEP team has determined a student's goals and objectives cannot be met in a less restrictive environment.

5. Out of district placements: Non-public Schools (NPS) – At times, a student may require a placement outside of the district. If the IEP team has collected data and other documentation to indicate the student's needs cannot be met in a district program, the SPED Administrator Designee should contact the SPED Administrator.

G. Supplementary aids and services – Aids, services and other supports are provided in the general education setting to enable a student with disabilities to be educated with non-disabled peers to the maximum extent possible.

H. All members of the IEP team must sign the completed IEP at the IEP meeting to document their attendance at the meeting. After signatures are obtained, the SPED office staff should make copies of the IEP and give one to each member of the IEP team who is responsible for implementing a portion of the IEP, if requested.

I. In some instances, the parents may be in disagreement with parts or all of the IEP or may want to take the IEP home for further review before signing that they

agree with the IEP. In that case, the parents should sign that they were in attendance at the meeting and be allowed to take a **copy** of the IEP marked "DRAFT" and a **copy** of the Signature page home for further review. The SPED Administrator designee must follow-up with the parents to obtain their written consent to the IEP.

VIII. Extended School Year (ESY)

All students experience some regression and loss over an extended break. In most instances, the skills are re-mastered (recouped) within a reasonably short period of time. However, some students with disabilities may *require* ESY, as interruption of the student's educational programming may cause regression that cannot be recouped within a reasonable time frame. ESY shall be provided to a student with a disability who the IEP deems requires special education and related services in excess of the regular academic year. Such students shall have disabilities which are likely to continue indefinitely or for a prolonged period of time, and interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disability.

A. Extended School Year (ESY) services are individualized extensions of special education and related services that are provided to a student with a disability beyond the regular school year. The Charter School, at no cost, provides these services to the parents so students may maintain the skills they have learned during the school year. The purpose of ESY is to help the student maintain previously mastered skills, not to gain new skills.

B. Not every student with a disability is entitled to receive ESY services. Students who are determined by their IEP team to need ESY services are entitled to receive them as part of FAPE. Decisions about ESY Eligibility are made individually through the IEP process, usually at the annual review and through team discussion and an ESY questionnaire. The ESY documents should be filled out annually based on the student's needs and are considered part of the IEP. The IEP team must utilize data to determine if the student requires ESY to prevent serious regression during extended breaks. If the student has continued to progress educationally from year to year despite the lack of ESY programming, ESY may not be necessary to ensure FAPE. ESY Eligibility is **not** determined by the student's primary disability or their placement.

IX. Continuance of the IEP Team Meeting

A. The SPED Administrator/Designee should include the beginning and ending time of the IEP meeting on the Parent Notice of IEP meeting and on the agenda. If a complete IEP cannot be developed within those time parameters, the IEP team may need to reschedule an additional meeting to finish the IEP. If a continuance is necessary for an annual review, the date of the first IEP meeting is the date for that annual review

B. In some circumstances, parents may bring new information to the IEP team meeting that was not covered in the assessments or the team members may conclude they do not have enough information to complete an IEP and additional assessments are needed. Under these circumstances, the SPED Administrator Designee should:
    1. Devise and document a plan to review or obtain the information needed, as recommended by the IEP team.
    2. Identify and document the reason(s) that make it difficult or impossible to complete the IEP.
    3. If necessary, develop an assessment plan for additional assessments and obtain written parent consent to carry out the assessments.
    4. Reschedule the IEP team meeting for a date, time, and place that is convenient for all team members.

X. Disseminating the IEP and Assessment Reports

When the IEP is completed, the IEP document and assessment reports are disseminated to the IEP team members, including the parents, school staff who work with the student, and outside agency service providers. The original IEP, assessment reports, and assessment protocols must be placed in the student's file.

XI. Implementing the IEP

It is the SPED Administrator's responsibility to ensure all parts of the IEP are implemented.

XII. IEP Team Meeting Notes

IEP team meeting notes should be used to document agreements that were made at the IEP team meeting or to document items that are not documented somewhere within the IEP document. Utilize the template that is available to you for IEP team meeting notes. Minimally notes may include but are not limited to the following:

A. The IEP meeting needs to be reconvened (list date(s) and time(s) when the meeting will be reconvened.

B. The IEP team has recommended additional assessments.

C. Referrals are being made to outside agencies ERMHS(Educationally Related Mental Health evaluations), Regional Center, etc.).

D. The parents did not sign consent to the IEP and wish to take the IEP home for further review (document the date by which the parents will sign the IEP).

E. A member of the IEP team arrived late to the meeting or had to leave early.

F. Any follow-up from the meeting, and who is responsible for the follow up.

G. The parent's request question that the IEP team cannot answer (be sure to follow-up with an answer after the IEP meeting.

Interim Placement

Within a school year, students with disabilities may move in and out of the Charter School. To facilitate the transition for an individual with exceptional needs, the Charter school shall take reasonable steps to promptly obtain the pupil's records, including the IEP and supporting documents and any other records relating to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled. The Charter School shall provide the pupil with a Free Appropriate Public Education (FAPE), including services comparable to those described in the previously approved IEP, in *consultation* with the parents, until the District holds the 30 day review or conducts an assessment, if determined to be necessary, and develops a new IEP.

English Language Learners

The purpose of this Section is to supplement current District practices regarding Assessment and Reclassification of English Learners.

I. English Language Proficiency Assessments for California (ELPAC) or comparable current assessment tools.

Each year, all students whose primary language is not English, based on the Home Language Survey (HLS), must take the ELPAC. The ELPAC must be given to students identified as English learners upon initial enrollment, and on an annual basis (as per the state's assessment process) until they are reclassified as Fluent English Proficient. The state-testing window for the annual ELPAC assessment is July 1 through October 31st. Testing continues throughout the school year for new students within 30 days of enrollment. Although parents may opt their child out of other state testing, they may **not** opt them out ofELPAC testing.

Most students with disabilities take the ELPAC under standard testing conditions. Some students with disabilities may require testing variations, accommodation, and/or modifications. As with all standardized state testing, all students may use variations during testing if they are regularly utilized in the classroom setting. The IEP team may consider allowing the student to utilize accommodations and/or modifications if necessary. These accommodations and/or modifications must be documented in the student's IEP.

If the IEP team has concerns about the ELPAC being an appropriate measure for the student due to their disability, they may consider assessing the student using an alternate assessment. The IEP team may use the "ELPAC Participation Criteria" form to assist in their decision-making. If the IEP team determines that the student cannot meaningfully take any portion of the CELDT, the IEP team documents on the State Assessment page of the IEP how the language proficiency level will be determined using an alternate assessment.

II. The Reclassification Process

Each year, after the ELPAC score results are obtained, ELL students should be considered for reclassification. The Reclassification Team should consist of the teacher responsible for academic instruction (maybe general education and/or special education), a certificated ELL staff member, and if possible, a parent. If the ELL student is in special education, at least one of the student's service providers must be included in the reclassification meeting. This is **not** an IEP team decision, and this should not be done as a part of an IEP meeting. The four criteria for the Reclassification Team to consider are:

Assessment of language proficiency:. Language proficiency should be assessed using an objective assessment instrument, including, but not limited to the ELPAC. For students whose IEP team has determined that it is appropriate for them to be assessed using an alternative to

the ELPAC, it is recommended that the student should be assessed at least twice prior to being reclassified.

Teacher assessment:. Teacher assessment may include a review of the student's academic performance in class, progress towards IEP linguistically appropriate goals, and results on district assessments. Note that deficits in motivation and academic success unrelated to English language proficiency do not preclude a student from reclassification.

Parental opinion and consultation:. Provide notice to parents or guardians of their rights and encourage them to participate in the reclassification process. Parent participation in Reclassification meetings for Special Education English Learners is expected to be consistent with the requirements for parent participation in Reclassification meetings for general education English Language Learners.

Performance in basic skills:. Comparison of student's performance against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age, that demonstrates whether the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English (English-Language Arts subtest of SBAC and CAA).

Although it is recommended that a student be assessed on the ELPAC at least twice prior to being reclassified, for students in grades one and two, the district should base a decision to reclassify on ELPAC results, teacher assessment, parent consultation, and other locally available assessment results. Kindergarten students who have been identified as English learners probably should not be reclassified. (For more information, see *Understanding and Using 2009–10 Individual Results Information for School District and School Staff* which is available on CDE's website.)

For ELL students with a disability, the same four criteria are used in the reclassification process. The Reclassification Team meets to consider the reclassification criteria for those students who have not met reclassification criteria. Using the "*Worksheet for Reclassification of Special Education English Learners*" form which can be found at the end of this section, the Reclassification Team considers whether disability is impacting performance on English Language testing. If the Reclassification Team agrees to reclassify a student from English Language Learner (ELL) to Reclassified Fluent English Proficient (RFEP) at the student's next IEP meeting, the team must amend the IEP to indicate that the student is no longer an English Language Learner on the Student Information Page and on the Special Factors page by checking "No" in response to the questions that ask if the student is an English Language Learner (ELL).

Students with a Language Classification of RFEP or EO:

- may have their multidisciplinary assessments conducted in English.
- receive instruction in English in all curricular areas.
- no longer participate in CELDT testing.
- no longer is indicated as an ELL on their IEP.

- no longer qualify for linguistically appropriate goals.

Students with a language classification of ELL:

- Multidisciplinary assessments must include assessment in their primary language, and may include assessment in English. Assessment data obtained in English would be beneficial for determining progress in English acquisition yet would not be used to determine program Eligibility. A trained interpreter may be used to assist the credentialed professional in gathering data in the primary language of the student.
- Participate in ELPAC testing

Designated Instruction Services (DIS)

I. Designated Instruction Services (DIS)

A. DIS refers to the instruction and service specified in an IEP as required for a student to benefit educationally from his/her instructional program.

B. California law uses the term “related service” interchangeably with “designated instruction and service”. The service is indicated on the IEP with the specific frequency and duration of service. It is typically provided by the appropriate DIS specialist (e.g., SLP, OT, APE, Transportation Department, etc.).

C. Duplicated Service: The majority of DIS services are duplicated, meaning the student receives a primary service (e.g., SAI or SDC) and, in addition to that service, also receives a designated instruction and service. If a DIS service is the only service, it is speech/language therapy.

II. Referral

A. If a student with an existing IEP is designated to require a DIS service in order to benefit from his/her special education program, the SPED office staff makes the referral to the DIS provider.

B. If the student is referred for a multi-disciplinary assessment, the SPED office staff may notify the DIS Provider at the time of the referral so s/he can participate in the development of the Assessment Plan and the assessment of the student, if appropriate.

III. Documentation of DIS Service

A. Each DIS provider is required to maintain on-going treatment logs, with sufficient detail of the goals worked on and progress during the session.

1. Logs need to indicate the number of sessions the student received service since the last IEP.

2. At the end of the school year, the DIS Provider indicates the amount of service (e.g., number of hours) received by the student from the date of the last IEP to the date last seen for the school year.

3. Copies of DIS treatment logs with sessions/frequency should be maintained by the DIS provider in his/her personal working file. It is highly recommended that each provider maintain copies of the logs for the past three years.

B. Progress Reports

1. DIS providers are required to provide a Progress Report aligned to the general education reporting periods to parents as indicated on each student's IEP. A copy of the Progress Report should be saved online in the student's IEP.

2. For duplicated students, the DIS provider needs to work with the SPED clerical staff to ensure the parents receive all the progress reports.

IV. Make-Up Services

A. If the Special Education Service Provider (e.g., SLP) is available to provide service but if the student is absent, the "service time" counts and no service needs to be made up.

B. If the Special Education Service Provider is absent and the student is available, the service needs to be made up.

C. Same procedure applies to all special education providers.

V. Extended Absences

A. If the student misses more than two (2) consecutive sessions due to traveling, their special education service appointment days / times may not be held. Consequently, the student's special education service appointment days / times may change.

B. If the student is out of the state (CA), virtual services will not be provided until the student is back in California. Elite's Special Education Service Providers are appropriately licensed and/or credentialed to provide service within the state of California.

Placement Process

I. Least Restrictive Environment (LRE)

A. The intent of IDEIA 2007 is to ensure students with disabilities receive their education:
   1. In age appropriate environments.
   2. With nondisabled peers.
   3. In neighborhood schools or Charter Schools.

B. To the maximum extent appropriate, students with disabilities, including students in public and other care facilities, are educated with students who are not disabled. Special classes, special schooling or other removal of students with disabilities from general education environments occurs only when the nature or severity of the disability of the student is such that education in the general education classroom with the use of supplementary aids and services cannot be achieved satisfactorily.

C. Special education is best understood as a service and not a place. The services are offered in the least restrictive environment (LRE) to promote the maximum interaction with the general school population in a manner appropriate to the needs of the student and his/her peers (In Independent Study Charter School this clause may not be able to be implemented). The IEP team makes all service and placement decisions.

II. Consideration For Charter School Services

A. General Education Instruction with Modifications/Accommodations

   The IEP team must consider placing a student with disabilities in the general education instruction. The team identifies specific supports, which the student would need in order for him/her to successfully participate in general education. Supports may include, but are not limited to, curricular modifications, flexible scheduling, re-teaching, intensive intervention, and/or extra classroom aide support

B. General Education Instruction with Designated Instruction Services

   Related services are available to all special education students who meet eligibility for special education. Qualified personnel provide these services through consultation or direct services in the general or special education setting. Examples of these services may include:

1. Adapted Physical Education (APE): The Adapted Physical Education program addresses individual student needs in the development of gross motor skills, physical fitness, self-image, and recreational interests.

    a) The APE teacher conducts the assessment and writes the report.

    b) SPED office staff monitors the 60-day timeline and schedules the IEP meeting with the APE teacher in attendance. The meeting is to review assessment results, determine the need for service, and to develop/amend IEP, as appropriate (including goals/benchmarks) to address identified areas of need.

Note: Per Ed Code, APE services are only provided to students who meet special education eligibility criteria. A student would qualify under one of the 15 handicapping conditions with APE as a DIS service on the IEP. APE is not a stand alone service.

2. Occupational Therapy (OT): Services are provided to identified special education students who require the service to benefit from their special education program. A registered Occupational Therapist or assistant provides direct therapy and/or consultation to address fine motor and sensory deficits. If a student with an identified disability who is currently receiving special education services is not making adequate progress towards his/her IEP goals related to sensory modulation and/or fine motor delays, the IEP team may consider a referral for an OT consult/assessment. Referrals to OT should **not** be made solely to improve handwriting. A student would qualify under one of the 15 handicapping conditions with OT as a DIS service on the IEP. OT is not a stand alone service.

Note: The Individuals with Disabilities Education Act (IDEIA 2007) currently mandates that, as a related service, OT must support the student's IEP by addressing needed skills in the least restrictive environment, and as integrated with general education peers as feasible.

3. Assistive Technology (AT): The IEP team must consider each student's need for assistive technology in order to access his/her educational program. Assistive technology may range from devices such as pencil grips and slant boards and access to computers. If the IEP team believes a student requires assistive technology equipment that is not available as part of the GE instruction and Charter School a referral to the SPED office should be done.

    a) SPED Administrator/Designee develops an assessment plan.

b) SPED clerical staff obtains written parent consent for the AT evaluation.

c) SPED clerical staff monitors 60-day timeline, schedules IEP meeting, including assessor to review results and amend IEP, as appropriate, including revision of Special Factors and meeting notes.

d) SPED Administrator facilitates the acquisition of necessary equipment/materials.

4. Audiological Services: An audiologist will be hired to address any hearing loss experienced by a student.

5. Deaf/Hard of Hearing Itinerant (DHH): The Deaf/Hard of Hearing Itinerant provides specialized instruction and/or support to students who are deaf or hard of hearing. Consultation services are provided to parents, teachers, and/or other personnel in the management of an individual's hearing loss.

6. Speech Language Pathology (SLP): The Speech Language Pathologist provides direct and/or consultation services to meet individual student needs in the area of communication.

7. Orientation and Mobility Training: Provides individual support services to students with visual impairments to enable them to access the school environment in a safe and efficient manner.

C. Specialized Academic Instruction/Resource Specialist Program (SAI)

Provides service for students assigned to general education instruction for a majority of the school day. A credentialed special education teacher designs instruction or consultation. Special education and/or general education staff may implement individual goals.

D. Specialized Academic Instruction/ Special Day Class (SDC)

These classes provide the least restrictive educational environment for students who, because of the nature of their special needs, require a more restrictive learning environment for the majority of the school day. Programs instruction is designed and implemented by special education staff. Students are mainstreamed as appropriate in general education instruction and activities. Even when it is determined that a student will receive services within an SDC classroom, the IEP team should carefully look at the entire school day to find opportunities for the student to be included with non-disabled peers to the

greatest extent possible. There are very few students who require 100% of their day aggregated from non-disabled peers.

Elite Academic Academy Charter School does not operate any SDC classes. However, if a student is deemed to require a self contained special education classroom in order to make appropriate progress in the core curriculum, the IEP team must convene to make the placement recommendation. It is the responsibility of the Elite Academic Academy Charter School to find and fund this more restrictive instructional model.

E. Nonpublic, Nonsectarian School (NPS)

If no appropriate public education program is available within the Charter School for a student with special needs, the Charter may enter into a contract with a certified nonpublic, nonsectarian school or agency to provide the service, at no cost to the parents.

III. Low Incidence Services

A. Deaf-Hard of Hearing (DHH)

1. A pupil has a hearing impairment, whether permanent or fluctuating, which impairs the process of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.

2. Services for students who meet Eligibility as deaf or hard of hearing may include, but are not limited to, audiology, speech and language, DHH itinerant support, and specialized academic instruction.

B. Visual Impairment (VI)

1. A pupil has a visual impairment that, even with correction, adversely affects a pupil's educational performance. Visually impaired students are classified as functionally blind or having low vision.

a) Functionally blind students have needs related to using their other senses as primary channels for learning. Reading and writing in Braille may be particularly important.

b) Low vision students have needs related to using their residual vision as a primary channel for learning. Use of low vision aids,

audiotapes, and large print may be important accommodations for these students.

c) A student who has visual perceptual or visual motor dysfunction resulting solely from a learning disability does not meet the eligibility criteria for “visual impairment” or “low incidence disability” and is therefore not eligible for vision services or low incidence funding.

2. Services - For students identified as visually impaired, services are based upon assessment results and may include, but are not limited, to VI Itinerant support and Orientation and Mobility.

a) Orientation and Mobility
A visual impairment may adversely affect a student’s opportunities for unrestricted, independent exploration, movement and play; understanding of the physical environment and space; ability to become oriented to and to travel in various school environments; and acquire basic daily living and social skills. The Orientation and Mobility Specialist may teach:

(1) Environmental and spatial concept development, body image, control and purposeful movement.
(2) Orientation techniques.
(3) Self-protection skills.
(4) Adaptive visual and nonvisual mobility techniques.
(5) Use of residual vision for travel or orientation.
(6) Daily living skills related to community travel and independence.

C. Referral Procedures

If a student enrolls in the Charter with a current IEP that indicates (V.I. or DHH) itinerant services, auditory services, and/or orientation and mobility services, the SPED Administrator/ Designee completes an Interim Placement form. A referral to the proper certified special education providers is made by the SPED office staff and a 30 Day Review IEP will be scheduled.

IV. Service Options with Other Public Agencies

There are many other agencies outside of the Charter School that provide services to students with disabilities. The following list includes some of these agencies. Families

should be advised of these agencies when appropriate and how to connect with them. Through the IEP process, district staff may make referrals to these agencies, as appropriate.

A. California Children's Services (CCS)
   CCS provides medically necessary OT and PT services, and durable medical equipment to individuals aged birth through 21 who have a diagnosed neuromuscular or musculoskeletal handicapping condition. This service is NOT listed on the services page of an IEP.

B. Regional Center
   Regional Center provides services to students aged birth through adulthood that meet Eligibility (i.e., Intellectual Disability, cerebral palsy, epilepsy, autism or any condition that would require treatment similar to Intellectual Disability). Services may include family respite, independent living skills training, and in-home behavioral support.

Transportation

I. Special Education Transportation Guidelines

It is up to the IEP team to determine if transportation is required as a related service to enable the student to access the special education instruction and/or other related services.

II. IEP Team Considerations

The IEP team should consider the following factors when determining whether or not a student requires the related service of transportation in order to receive a FREE and Appropriate Public Education (FAPE).

A. If the IEP team determines transportation is not required, the “None” box under “Transportation” on the Educational Settings page should be checked.

B. If the IEP team determines transportation is required in order for the student to access special education instruction and/or related service, the “Special Ed” box under “Transportation” on the “Educational Settings” page should be checked. Typically in an Independent Study Charter School the parent transports the student to the public location where special education services may be offered. In special circumstances , parents may request reimbursement of mileage or a public transportation ticket.

Transferring from Private to Public School

If a student with an ISP enrolls in the Charter School school, an Interim Placement will be made and they shall receive the services as specified on the most recent ISP, unless the parents and district agree otherwise. An IEP meeting is convened within 30 days to review and develop an IEP that reflects the Charter School’s offer of FAPE.

Procedural Safeguards

I. Parents shall be given a copy of their rights and procedural safeguards:

   A. One time per year

   B. Upon initial referral

   C. Upon parental request for assessment

   D. Upon request by parents

   E. Upon first filing for a due process hearing or state complaint

   F. When a decision is made to make a removal that constitutes a change of placement due to a violation of a code of student conduct (when student reaches the 11th day of suspension, and each time thereafter)

II. A brief summary of procedural safeguards for students with disabilities receiving special education services:

   A. Parents of children with disabilities from ages three through twenty-one have specific educational rights under the Individuals with Disabilities Education Act (IDEIA 2007). These rights are called Procedural Safeguards. Individuals serving as surrogate parents and students aged eighteen receiving special education services are also entitled to these rights.

   B. A number of staff in the student's district and Special Education Local Plan Area (SELPA) may answer questions about the student's education and the parents' rights and responsibilities. When the parents have a concern, it is important they contact their student's teachers or administrators to talk about their student and any problems they see. This conversation often solves the problem and helps maintain open communication.

   C. Parents must be given opportunities to participate in any decision-making meeting regarding their student's special education program. Parents have the right to participate in IEP meetings about the special education eligibility, assessment, educational placement of their student and other matters relating to their student's Free Appropriate Public Education (FAPE).

   D. When parents cannot be identified or located, a district may appoint a surrogate parent to represent a student with a disability.

   E. Parents have a right to receive prior written notice, in their native language, when the school district initiates or refuses their request to initiate a change in their student's identification, assessment, or educational placement in special education.

   F. **To Consent:**
   Parents must provide informed, written consent before their student is assessed or provided with any special education services. Parental consent must also be

provided before any change in special education services may occur. The district must ensure that parents understand proceedings of the IEP team meeting including arranging for an interpreter for parents with deafness or those whose native language is other than English

G. **To Refuse or Revoke Consent:**

Parents may refuse to consent to an assessment or the placement of their student in special education. Parents may revoke consent in writing for the continued provision of special education and related services.

H. **To Be Given a Nondiscriminatory Assessment:**
Students must be assessed for special education through the use of methods that are not culturally biased or discriminatory.

I. **To Receive Independent Educational Assessments:**
   1. If parents disagree with the results of the assessment conducted by the school district, they have the right to ask for and obtain an independent educational assessment (IEE) at public expense.
   2. The parents are entitled to only one IEE at public expense each time the public agency conducts an assessment with which the parents disagree.
   3. When parents request an IEE at public expense, the school district must, without unnecessary delay, either ensure an IEE is provided at public expense, or request a due process hearing if the district believes their assessment was appropriate and disagrees an IEE is necessary. The school district also has the right to establish the standards or criteria (including cost and location) for IEEs at public expense.

J. **To Access Educational Records:**
Parents have a right to inspect, review, and obtain copies of their student's educational records.

K. **To stay in the Current Program If There is a Disagreement About Placement:**
If parents disagree with the district regarding their student's special education placement or a proposed change in placement, the law requires the student to "stay put" in the current program until the dispute is resolved.

L. **To Be Given a Hearing Regarding Disagreements About an IEP:**
Parents have the right to present a complaint relating to the provision of a FAPE for their student; to have an attorney, an advocate, and the student, if appropriate, present at the due process hearing; and to make the hearing public. Under certain conditions, the hearing officer may award, reduce, or deny the reimbursement of attorneys' fees and fees paid to nonpublic institutions by parents in the settlement of a case. To request a due process hearing or to receive a complete notice of Procedural Safeguards related to a due process hearing, contact the Office of Administrative Hearings.

M. **To Receive Mediation:**
Parents are encouraged to consider settling disagreements regarding their student's special education program through voluntary mediation, a process through which parties seek mutually agreeable solutions to disputes with the help of an impartial mediator. Parents may seek mediation alone or separate from due process, or they may participate in mediation pending a due process hearing. Mediation cannot be used to delay parents' right to a due process hearing.

N. **To File a Complaint Against Your Charter School:**
If parents believe their student's school district has violated the law, they may file a complaint with the California Department of Education. The Department must investigate complaints alleging violations of noncompliance with IDEIA 2007, state special education laws, or regulations, and issue a written report of findings within 60 days of receiving the complaint.

O. **To Be Informed of School Discipline and Alternative Placement:**

There are specific rules regarding the suspension and expulsion of students with IEPs. Generally, a student with a disability may be suspended or placed in an alternative educational setting to the same extent that these options apply to students without disabilities.
If the student with a disability is in such a placement for more than ten days, an IEP meeting must be held to consider the appropriateness of the student's current placement and the extent to which the disability is the cause of the misconduct. Regardless of the student's placement, the charter must provide FAPE.

Timelines

I. **Referral (15 calendar days)**

A. A proposed Assessment Plan must be developed within 15 calendar days of receipt of a referral for special education or an assessment.

1. A proposed assessment plan must be developed within 15 calendar days of receipt of referral for an assessment, not counting calendar days between the regular school sessions or calendar days of school vacation in excess of five school days from the date of the receipt of the referral (unless the parents agree in writing to an extension).

II. **Parents' Response (15 calendars days)**

A. Parents have at least 15 calendar days from receipt of the proposed Assessment Plan to decide if they want to proceed with the assessment.

1. If the parents choose not to proceed with the assessment, the district may accept that decision or may opt to proceed with due process.

III. **Conduct Assessment and IEP Meeting (60 calendar days)**

A. The IEP team must conduct assessments and hold an IEP meeting within 60 calendar days from the date of receipt of the parents' written consent for assessment, not counting calendar days of school vacation in excess of five school days.

B. 30/30 Rule

1. When parental consent for an assessment is received 30 calendar days or less before the end of the school year, the Case Manager has 30 calendar days from the start of the next school year to hold the meeting.

IV. **Implement the IEP**

A. Once the IEP has been signed, the student must begin receiving the service as soon as possible. If arrangements need to be made (e.g., transportation), they should be completed within a reasonable period of time (i.e., approximately one week).

V. **Annual Review (Within 1 year)**

A. The IEP team must meet at least annually (i.e., **prior** to the anniversary date of the current IEP) to review the student's progress, update present levels of educational performance, develop goals, and re-consider appropriateness of the program/services.

VI. Triennial Review (Re-Evaluation) (Within 3 years)

A. Every three years, a complete re-assessment of the student in all areas of suspected disability is required to determine if s/he continues to meet eligibility criteria for special education, review the student's progress, update present levels of educational performance, and, if eligible, develop goals and re-consider the appropriateness of the current program/services.

    1. If a signed Assessment Plan for a triennial assessment is received 30 calendar days or less prior to the end of the school year, an IEP meeting must be held within 30 calendar days of the next school year.

VII. Interim Placement (30 calendar days)

When a student transfers from another SELPA, she/he is immediately provided an interim placement (in a program as similar as possible to the prior IEP) for up to 30 calendar days. Within 30 calendar days, the IEP team must determine if an assessment is needed and, if so, obtain parent consent to evaluate, conduct the assessment, hold an IEP team meeting, and develop a new IEP. If no assessment is needed, a new IEP is still written. If a student transfers into the district from another school within the SELPA, a team completes an interim placement, if the IEP is appropriate, a team may adopt the IEP as is. If there are changes to be made to the IEP the team may hold an IEP within the first 30 days of enrollment and propose changes.

VIII. Parent Request an IEP Meeting (30 calendar days)

When parents request an IEP meeting, it must be held within 30 calendar days from the date of receipt of the parents' request.

IX. Parent Request for Records (5 business days)

A. Parents may request to review and examine their child's records.

    1. Parents need to call and make an appointment with a district representative

    2. It is important that the district representative remain in the room the entire time the parents are reviewing the records

B. When parents request a copy of their student's records, a copy must be provided to the parents within 5 business days.

    1. It is appropriate to let parents know there will be a charge to copy the file (which may be waived due to financial hardship).

C. When a district requests a copy of a student's record, a copy must be sent to the receiving district within five (5) business days. Special education items to send to the student's new district include:

1. A copy of the most recent IEP
2. A copy of the most recent Assessment Report(s)
3. A copy of the most recent behavior plan (BIP)

Timelines Related to the IEP Process

Following are the specific timelines related to the IEP process (IDEIA 2007). For all timeliness, calendar days between regular school sessions and vacation days of *more* than five school days are ***not*** counted.

Timelines for Developing the INITIAL IEP	
Referral for Special Education Evaluation	A proposed referral to evaluation can be made at any time by parents, outside agencies, or physicians (in written or verbal form). Pending dated receipt, there must be a prior written notice and referral created.
Response to Request	A proposed Assessment Plan must be developed within 15 calendar days of receipt of referral for an assessment.
Parents Decision	Parents have at least 15 calendar days from receipt of the proposed Assessment Plan to decide if they want to proceed with the assessment. (If parents decide not to proceed with the assessment, the Charter may accept that decision or may opt to proceed with due process.)
Meeting Scheduled	The SPED Office Staff communicates with the assessors to identify dates for assessment and the IEP meeting and schedules the meeting with the parent at a mutually agreeable time.
IEP Developed	The IEP team must develop an initial IEP within 60 calendar days from the date of receipt of the parent's written consent for assessment. (The student is evaluated in all areas of suspected disability, present levels of educational performance are identified, and if eligible for special education, goals are developed, and an offer of an appropriate program and/or service [FAPE in LRE] is made.) Free and

	Appropriate Public Education in the Least Restrictive Environment.
Implement the IEP	Once the IEP has been signed, the IEP must be implemented as soon as possible.
Timelines AFTER the Initial IEP	
Annual Review	The IEP team must meet at least annually (i.e., prior to the anniversary date of the current IEP) to review the student's progress, update present levels of educational performance, develop goals, and re-consider appropriateness of the program/services.
Triennial Review	A complete re-assessment of the student in all areas of suspected disability is required every three years to determine if the student continues to meet eligibility criteria for special education, review the student's progress, update present levels of educational performance, and if eligible, develop goals and re-consider the appropriateness of the current program/services. If a signed Assessment Plan for a triennial assessment is received 30 calendar days or less prior to the end of the school year, an IEP meeting must be held within 30 calendar days of the next school year.

Interim Placement	When a student transfers from another SELPA, s/he is immediately provided an interim placement (in a program as similar as the prior IEP as possible) for up to 30 calendar days. The IEP team must determine if an assessment is needed and if so, obtain parent consent to evaluate, conduct the assessment, hold an IEP team meeting and develop a new IEP within 30 days. If no assessment is needed, a new IEP is still written.

Request for IEP	When parents request an IEP meeting, it must be held within 30 calendar days from the date of receipt of the parent's request.
Parents' Request for Records	When parents request a copy of their child's records, a copy must be provided to the parent within 5 business days.
District's Request for Records	When a District requests a copy of a student's records, a copy must be provided to the District within 5 business days.

Student Records

I. Student Records

A. A student's record includes documents that directly pertain to the student and are required to be maintained by the district. These records, either handwritten or typed, include:

1. Student education file (including discipline and health records)
2. Special Education documents (e.g., IEP, assessment reports, test protocols)
3. Documentation of efforts to schedule meetings

B. Student records do **not** include:

1. Notes, anecdotal remarks, etc. made by a staff member regarding a student that are **not** shared with anyone
2. A student's work samples, spelling tests, drawings, etc.

II. Maintaining Student Records

A. The referral process initiates the generation of many IEP-related documents. It is imperative the original of these important documents be retained and filed in the student's special education file at the District Office.

B. Regulations mandate that student files (including special education documents) be kept confidential and locked during non-work hours.

C. Since a request for records may be received during school holidays and vacations, it is imperative the files be accessible. They should be maintained with most current scanned documents in the online program, so Charter School district office staff can access them.

D. A Service Provider, who wants a copy of the IEP, may make a personal copy. Under no circumstances should the original IEP documents be maintained in any place but in the student's file at the Charter School's district office.

III. Parental Request for Records

A. Parents may request to review or receive a copy of their student's record. When parents make a request for records, either orally or in writing, they have the right to receive the records within five business days. If an advocate or attorney requests to review or receive a copy of a student's records, a signed release from the parents is required before complying with the request. Notify the SPED

Administrator if there is a request for records from an advocate or attorney. When a request for records has been received by a staff member at the student's school of attendance, the recipient of the request:

1. Documents the date of the request

2. Informs parents of the cost of copies ($.10 per copy) and invites parents to review the file instead.

3. Informs the SPED Administrator, who directs site staff to:
    a) Organize the student file
    b) Print the Attendance Record
    c) Print the Discipline Record
    d) Print the Health Record
    e) Alert SPED clerical staff that the file is ready to be mailed

4. Informs the Special Education Office, who:
    a) Picks up file from site
    b) Reviews and organizes the contents of the file
    c) Gives to Special Education Office Staff to copy

5. Office Assistant prepares copies:
    a) Calls and asks parents their preference for receiving records (e.g., U.S. mail or pick up).

    b) All records mailed to parents should be sent via certified mail return/receipt.

    c) The district informs the parents a fee of $0.10 per page will be charged to cover the cost of the copies. In cases of extreme financial hardship, parents may request for the fee to be waived.

B. Once records have been copied, it is recommended a notation be placed in the student's file with the date the records were sent. If the parents request records again, they should be asked if copies of the entire student file are being requested, or only those documents placed in the file since the previous request.

IV. Student Leaves the Charter School

A. When a student moves out of the Charter School, files must be forwarded to the new district within five business days.

B. The file, with its original documents, is maintained at the Charter School District Office until requested by the new district.

C. The SPED department maintains the special education files at the Charter School District Office until the student would have graduated from High School. The special education file is then moved to the warehouse and is filed according to the student's year of birth. These records are considered Mandatory Interim files and are destroyed 3 years after the student graduated from high school.

V. Storage of Student Files

A. The Charter School must maintain a copy of the IEP for each student enrolled at the School.

B. All student records, including cumulative files and special education files, must be maintained in a locked cabinet.

C. When a staff member removes a file, she/he must replace it with a "locator" card, indicating who has removed the file.

VI. Maintaining Personal Working Files

A. Individuals providing IEP services often create a "working file" for each student served. Such files are considered "personal working files" as long as the contents have not been shared with another individual. While personal files are considered personal, any items shared among staff or with parents are subject to being subpoenaed in a due process hearing. Be aware of personal commentary or anecdotal notes within the file.

B. Each service provider is required to annotate in the notes section of SEIS or in a separate log of parent contacts when unique situations occur that may result in a dispute between parents and district, such as:

1. Multiple attempts to contact parents to schedule an IEP meeting
2. Parents contact service provider(s) with a concern
3. Behavior episode reaches the level of Behavior Emergency Report (BER)
4. To record any situations that merit phone contact with the parent or guardian.

C. The statute of limitations for parents to file due process is two years after the parents have reason to believe a violation of IDEIA 2007 had occurred. For that reason, it is strongly recommended each service provider retain for three years his/her own personal working files for students served. (Note: it is possible for a

staff member to be subpoenaed after leaving the district. For that reason, staff is encouraged to keep their own working file.)

D. Each DIS service provider (e.g., SLP, APE, OT, etc.) is also required to maintain either within the notes section of SEIS or on a separate log of contacts with students when service is provided. A log must be maintained.

E. If a service provider resigns and/or moves out of the area, she/he is asked to give the incoming service provider and the SPED office staff a copy of his/her parent contact logs.

VII. Challenging the Context of Student Records

A. If parents request a portion of their student's record be removed from the file, refer the parents to the SPED office staff.

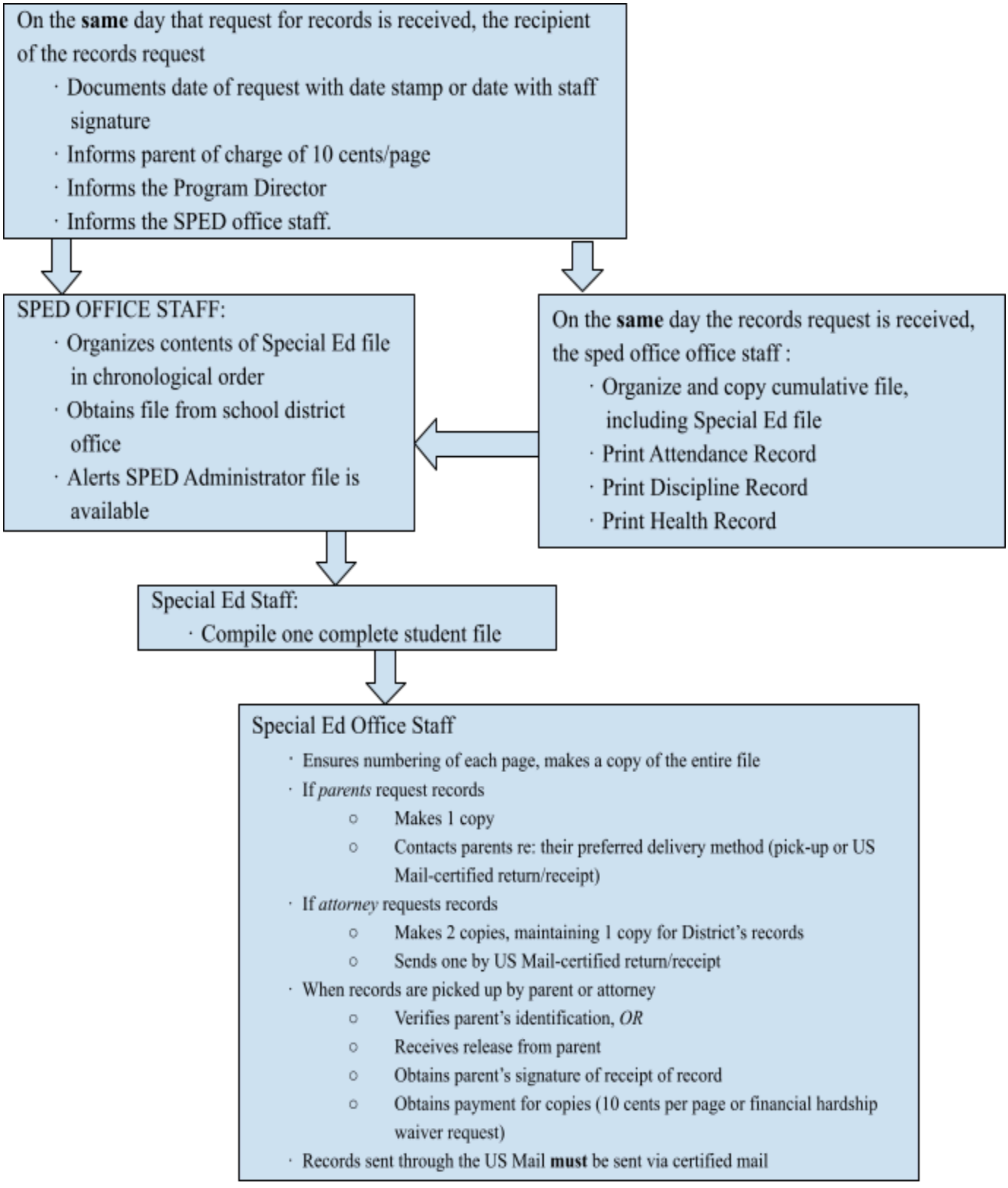
B. The parent will file a written request to correct or delete any information recorded in the student's record which they allege to be:

1. Inaccurate
2. A conclusion or inference outside of the observer's area of competence
3. Not based on personal observation of a named person, with the time and place of the observation noted
4. In violation of the privacy rights of parent or student

C. Within 30 days of receipt of the written request, the SPED Administrator or designee will meet with the parents and the certificated staff member who recorded the information in question, if any. The SPED Administrator or designee will make a determination regarding the request.

Responding to a Request for Records of a Special Education Student

When a request for records is received, the District has five (5) business days to comply with the request (i.e., copy and mail the records). If a request for records is verbal, it is helpful if, whoever receives that verbal request, immediately asks for the request to be put in writing.


On the **same** day that request for records is received, the recipient of the records request
· Documents date of request with date stamp or date with staff signature
· Informs parent of charge of 10 cents/page
· Informs the Program Director
· Informs the SPED office staff.
SPED OFFICE STAFF:
· Organizes contents of Special Ed file in chronological order
· Obtains file from school district office
· Alerts SPED Administrator file is available
On the **same** day the records request is received, the sped office office staff :
· Organize and copy cumulative file, including Special Ed file
· Print Attendance Record
· Print Discipline Record
· Print Health Record
Special Ed Staff:
· Compile one complete student file
Special Ed Office Staff
· Ensures numbering of each page, makes a copy of the entire file
· If *parents* request records
○ Makes 1 copy
○ Contacts parents re: their preferred delivery method (pick-up or US Mail-certified return/receipt)
· If *attorney* requests records
○ Makes 2 copies, maintaining 1 copy for District's records
○ Sends one by US Mail-certified return/receipt
· When records are picked up by parent or attorney
○ Verifies parent's identification, *OR*
○ Receives release from parent
○ Obtains parent's signature of receipt of record
○ Obtains payment for copies (10 cents per page or financial hardship waiver request)
· Records sent through the US Mail **must** be sent via certified mail

Behavior

I. Philosophy

A. We believe:
   1. All students are unique individuals who are capable of growth and change.
   2. All students must be treated with respect.
   3. All students deserve a chance to succeed.

B. Assumptions
   1. Prior to consent for assessment, the school and parents/guardians will have discussed the student's needs.
   2. School expectations will have been clearly communicated to the student and parents.
   3. The teacher will have a written description of need with behavior in a variety of settings (e.g. anecdotal notes and other data) and will have reviewed this information with the parents prior to the request for assessment.

II. Terminology

A. ERMHS (Educationally Related Mental Health Services)
B. FBA (Functional Behavioral Assessment)
C. BIP (Behavior Intervention Plan)
D. Manifestation Determination

III. Three-Tiered Positive Behavior Intervention and Supports

A. Universal Interventions (75% to 85%)
   1. All students, all settings
   2. Precentive, proactive
B. Targeted Group Interventions (10% to 15)
   1. Some students (at-risk)
   2. High efficiency
   3. Rapid response
C. Intensive, Individual Interventions (5% to 10%)
   1. Individual students
   2. ERMHS Assessment-based
   3. High intensity
   4. Of longer duration
   5. Intense, durable procedures

IV. Addressing Behavior Through the IEP Process

IDEIA 2007 requires the IEP team to address "behavior that impedes his or her learning or that of others" (IDEIA 2007 Section 614(d)(2)(B)). The Federal Regulations further point out that "positive behavior interventions, strategies and supports" are to be considered supplementary aids and supports. The inescapable conclusion is this: Whenever a student receiving special education services exhibits difficult behaviors, whether early or late in an escalating behavior pattern, the IEP team must address the situation in the IEP.

A. Educationally Related Mental Health Services (ERMHS) defined in Section 300.34(a) and Section 602(26) of the Act states that related services include other supportive services that are required to assist a student with a disability to benefit from special education. According to the federal Office of Special Education Planning (OSEP), this conveys that the list of services in Section 300.34 is not exhaustive and may include developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education.

1. ERMHS Services
    a) **Individual Counseling Services (510):** One-to-one counseling, provided by qualified social workers, psychologist, guidance counselors, or other qualified individual pursuant to an IEP. Counseling may focus on educational, career, or personal aspects or be conducted with parents or staff members on learning problems or guidance programs for students. Individual counseling is expected to supplement the regular guidance and counseling program. (34 CFR§ 300.24(b)(2), (CCR Title 5 §3051.9).

    b) **Counseling and Guidance (515):** Counseling in a group setting, provided by a qualified individual pursuant to an IEP. Group counseling is typically social skills development, but may focus on educational, career, or personal aspects; or be conducted with parents or staff members on learning problems or guidance programs for students. IEP-required group counseling is expected to supplement the regular guidance and counseling program. (34 CFR §300.24.(b)(2)); CCR Title 5 §3051.9). Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students supervised by staff credentialed to serve special education students. These

services are expected to supplement the regular guidance and counseling program. (34 CFR 300.306; CCR Title 5 §3051.9).

c) **Parent Counseling and Training (520):** Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parent(s) of special education students in better understanding and meeting their child's needs; may include parenting skills, information on child development, or other pertinent issues. IEP-required parent counseling is expected to supplement the regular guidance and counseling program. (34 CFR §300.31(b)(7); CCR Title 5 §3051.11).

d) **Social Work Services (525):** Social Work services, provided by a qualified individual pursuant to an IEP includes, but are not limited to, preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program. Social work services are expected to supplement the regular guidance and counseling program. (34 CFR §300.24(b)(13); CCR Title 5 §3051.13).

e) **Psychological Services (530):** These services, provided by a credentialed or licensed psychologist pursuant to an IEP, include interpreting assessment results to parents and staff in implementing the IEP; obtaining and interpreting information about child behavior and conditions related to learning; planning programs of individual and group counseling and guidance services for children and parents, and assisting in developing positive behavioral intervention strategies. These services may include consulting with other staff in planning school programs to meet the special needs of children as indicated in the IEP. (CFR Part 300 §300.24). IEP-required psychological services are expected to supplement the regular guidance and counseling program. (34 CFR §300.24; CCR Title 5 §3051.10).

f) **Behavior Intervention Services (535)** A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior resulting in greater access to a variety of community settings, social contacts, public

events, and placement in the least restrictive environment. (CCR Title 5 §3001(d)).

g) **Day Treatment Services (540)**: Structured education, training, and support services to address the student's mental health needs. The primary placement is listed in the services portion of the IEP with location and provider. The services offered within this placement are operationalized as listed above, and itemized in the student service plan of the IEP. (Health and Safety Code, Div. 2, Chap 3, Article 1, 12-2(a)(3)

h) **Residential Treatment Service (545):** A 24 hour out of home placement that provides intensive therapeutic services to support the educational program. The primary placement is listed in the services portion of the IEP with location and provider. The services offered within this placement are operationalized as listed above, and itemized in the student service plan of the IEP. (Welfare and Institutions Code, Part 2, Chapter 2.5, Art. 1, Section 5671)

i) **Medication Management:** ERMHS does not include medication management, which was once funded in AB 3632. The California Department of Education (CDE) has advised SELPAs and LEAs that "in general, medical services are required under the IDEA if they are necessary for the purpose of diagnosis or evaluation. However, medical services provided by a licensed physician for other purposes, such as treatment, may not be a related service required by the IDEA." Since the prescription and monitoring of psychiatric medication is a "medical service" provided by a licensed physician but not necessary for diagnosis and evaluation, and is in fact a part of treatment, CDE contends it may not be required under IDEA, citing federal regulation and the "medical exclusion" arising out of case law. CDE clarifies, however, that services that can be provided in the school setting by a nurse or qualified layperson are not subject to the medical exclusion and advises LEAs that to the extent administration of medication is done by a School Nurse or qualified lay person, that service activity may fall under the IDEIA 2007. CDE further advises LEAs to consider requests for medication monitoring on a case by case basis to determine if they fall under IDEIA 2007.

B. Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP)

1. The BCBA/School Psychologist shall conduct a FBA when:

a) A student is displaying a serious behavior problem that is self-injurious, assaultive, or causes serious property damage or is pervasive and maladaptive for which instructional/ behavioral approaches specified in the IEP were found to be ineffective.

b) There is a behavioral emergency (the demonstration of a serious behavior problem which has not been exhibited previously but poses a clear and present danger for serious bodily harm to others and cannot be immediately prevented by a less restrictive response than the use of an emergency intervention).

2. An FBA assessor shall gather information from three sources: direct observation, interviews with significant others, and review of available data such as assessment reports prepared by other professionals and other individual records.

3. Functional Behavioral Assessment assessment procedure shall include all of the following:

a) Systematic observation of the occurrence of the targeted behavior for an accurate definition and description of the frequency, duration, and intensity.

b) Systematic observation of the immediate antecedent events associated with each instance of the display of the targeted inappropriate behavior.

c) Systematic observation and analysis of the consequences following the display of the behavior to determine the function the behavior serves for the individual, i.e., to identify the specific environmental or physiological outcomes produced by the behavior. The communicative intent of the behavior is identified in terms of what the individual is either requesting or protesting through the display of the behavior.

d) Ecological analysis of the settings in which the behavior occurs most frequently. Factors to consider should include the physical setting, the social setting, the activities and the nature of instruction, scheduling, the quality of communication between the individual and staff and other students, the degree of independence, the degree of participation, the amount and quality of social interaction, the degree of choice, and the variety of activities.

e) Review of records for health and medical factors which may influence behaviors (e.g. medication levels, sleep cycles, health, diet).

f) Review of the history of the behavior to include the effectiveness of previously used behavioral interventions.

4. Functional Behavioral Assessment Reports. Following the assessment, a written report of the assessment results shall be prepared and a copy shall be provided to the parent. The report shall include all of the following:

    a) A description of the nature and severity of the targeted behavior(s) in objective and measurable terms.
    b) A description of the targeted behavior(s) that includes baseline data and an analysis of the antecedents and consequences that maintain the targeted behavior, and a Functional Behavioral Assessment of the behavior across all appropriate settings in which it occurs.

    c) A description of the rate of alternative behaviors, their antecedents and consequences.

    d) Recommendations for consideration by the IEP team which may include a proposed Behavior Intervention Plan.

5. The BIP is based on the FBA and designed to support students whose serious behaviors interfere with their learning or the learning of others; interfere with the implementation of IEP goals and objectives; are self-injurious, assaultive, or cause serious property damage; are severe, pervasive, and maladaptive; and require frequent and systematic behavioral interventions. The purpose of the BIP is to enable the student to achieve a better quality of life through improved self-determination and self-control. It is also to be used to guide on-going professional development for new team members who join the student's collaborative team.

6. An effective BIP will delineate

    a) Altering the identified antecedent event to prevent the occurrence of the behavior (e.g., providing choice, changing the setting, offering variety and a meaningful curriculum, removing environmental pollutants such as excessive noise or crowding, establishing a predictable routine for the individual).

b) Teaching the individual alternative behaviors that produce the same consequences as the inappropriate behavior (e.g., teaching the individual to make requests or protests using socially acceptable behaviors, teaching the individual to participate with alternative communication modes as a substitute for socially unacceptable attention-getting behaviors, providing the individual with activities that are physically stimulating as alternatives for stereotypic behaviors).

c) Teaching the individual adaptive behaviors (e.g., choice-making, self-management, relaxation techniques, and general skill development) which ameliorate negative conditions that promote the display of inappropriate behaviors.

d) Manipulating the consequences for the display of targeted inappropriate behaviors and alternative, acceptable behaviors so that it is the alternative behaviors that more effectively produce desired outcomes (i.e., positively reinforcing alternative and other acceptable behaviors and ignoring or redirecting unacceptable behaviors).

e) Acceptable Responses. When the targeted behavior(s) occurs, positive response options shall include, but are not limited to one or more of the following: the behavior is ignored, but not the individual; the individual is verbally or verbally and physically redirected to an activity; the individual is provided with feedback (e.g., "You are talking too loudly");
the message of the behavior is acknowledged (e.g., "You are having a hard time with your work"); or a brief, physical prompt is provided to interrupt or prevent aggression, self-abuse, or property destruction.

7. Assessment of the Behavioral Intervention Plan Effectiveness of the behavioral intervention plan shall be determined through the following procedures

    a) Baseline measure of the frequency, duration, and intensity of the targeted behavior, taken during the Functional Behavioral Assessment . Baseline data shall be taken across activities, settings, people, and times of the day. The baseline data shall be used as a standard against which to evaluate intervention effectiveness.

    b) Measures of the frequency, duration, and intensity of the targeted behavior shall be taken after the behavioral intervention plan is

implemented at scheduled intervals determined by the IEP team. These measures shall also be taken across activities, settings, people, and times of the day, and may record the data in terms of time spent acting appropriately rather than time spent engaging in the inappropriate behavior.

c) Documentation of program implementation as specified in the behavioral intervention plan (e.g., written instructional programs and data, descriptions of environmental changes).

d) Measures of program effectiveness will be reviewed by the teacher, the behavioral intervention case manager, parent or care provider, and others as appropriate at scheduled intervals determined by the IEP team. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team.

e) If the IEP team determines that changes are necessary to increase program effectiveness, the teacher and behavioral intervention case manager shall conduct additional Functional Behavioral assessments and, based on the outcomes, shall propose changes to the behavioral intervention plan.

8. Minor modifications to the behavioral intervention plan can be made by the behavioral intervention case manager and the parent or parent representative without an IEP meeting. If the case manager is unavailable, a qualified designee who meets the training requirements of subsection (a)(1) shall participate in such modifications. Each modification or change shall be addressed in the behavioral intervention plan provided that the parent, or parent representative, is notified of the need and is able to review the existing program assessment data prior to implementing the modification or change. Parents shall be informed of their right to question any modification to the plan through the IEP procedures.

9. Contingency Behavioral Intervention Plans. Nothing in this section is intended to preclude the IEP team from initially developing the behavioral intervention plan in sufficient detail to include schedules for altering specified procedures, or the frequency or duration of the procedures, without the necessity for reconvening the IEP team.

V. Manifestation Determination Meetings

A. When to Conduct a Manifestation Determination Meeting:

1. A student in special education can be suspended for the same reasons as a general education only student, up to 5 days per offense. Once a special education student is suspended for ten cumulative days, the IEP team shall convene an IEP meeting to hold a Manifestation Determination within 10 days. If the SPED Administrator/Designee or other staff notices a pattern in behaviors that are leading to suspensions, a Manifestation Determination meeting shall be held, even if the student has not reached ten days of suspension.

2. If a student is not in special education, but there is a signed assessment plan and the student is being assessed for special education services, the assessment will be expedited and a Manifestation Determination meeting shall be held after the tenth day of suspension.

3. If the student is suspended after the initial Manifestation Determination meeting, the IEP team shall schedule a Manifestation Determination meeting for all subsequent suspensions.

B. Holding the Manifestation Determination Meeting

1. The SPED Administrator can access the Summary of IEP Team Manifestation Determination Review form on SEIS Forms.

2. The following items are included and documented when holding a Manifestation Determination meeting:

    a) Student's identifying information.

    b) Date and description of the alleged misconduct.

    c) Description of interim disciplinary action pending outcome of Manifestation Determination.

    d) Description of long-term disciplinary action being pursued by school administration.

    e) Description of student's disability (this can be found on the Student Information Page of the IEP and/or in the Psycho-educational Report).

    f) Existing records & information considered by the IEP Team (place a check mark by the items that were reviewed at the IEP meeting).

3. Once the above items are completed, the SPED Administrator or person facilitating the IEP meeting will ask two questions. If the IEP team agrees the answer is "yes," the "yes" box is checked. If the IEP team determines

the answer to the question is “no,” the “no” box is checked. A short explanation of how the team arrived at the answer can be included on the lines under the questions. The two questions are:

a) Was the conduct in question caused by, or have a direct and substantial relationship to, the student’s disability?
b) Was the conduct in question the direct result of the Charter School’s failure to implement the IEP?

4. If the team agrees the answer to both questions is “no,” it is determined the conduct in question was not a manifestation of the student’s disability. If the answer is “yes” to **either** question, it is determined the conduct was a manifestation of the student’s disability. The appropriate box should be checked on page two of the Summary of IEP Team Manifestation Determination Review form.

5. If the team determines the conduct in question **was not** a manifestation of the student’s disability, the program director may choose to refer the student to the Administrative Review Panel. No further action is required.

6. If the team determines that the conduct in question **was** a manifestation of the student’s disability, the discipline process must be discontinued. In addition, the IEP team shall provide additional support to help the student be successful. For example, the team can review and modify the existing (BIP), conduct an additional Functional Behavioral Assessment (FBA) to develop a new Behavior Intervention Plan (BIP), or discuss other supports to be included on the Amendments Page. The IEP team may develop an Interim Behavior Plan while an FBA is pending.

Health and/or Medical Issues

I. Medically Fragile Students

Medically fragile students have severe health care needs, which may require special accommodation(s) in the instructional setting. Characteristics of medically fragile students may include intensive direct daily management of health needs such as frequent hospitalizations, specialized equipment, detailed protocols, and management by a team of medical personnel, agencies, and school personnel due to the complexity of the needs of the student.

II. Administrative Placement

The following procedures must be completed when a medically fragile student is placed in one of the Charter School's programs:

A. The school shall notify the SPED Administrator as soon as a medically fragile child begins the intake process.

B. The parents, working in cooperation with the Charter School, will be asked to provide the district with the following:

1. A consent for an exchange of information (HIPPA) to allow Charter School staff to communicate with the student's healthcare providers, which is to be signed and reviewed annually.
2. All medical and educational records from physicians, hospitals, previous schools and agencies as California Children's Services (CCS), necessary to implement the child's IEP.
3. A medical directive from the physician for medical protocol procedures that must be renewed annually or more often if requested by the IEP team.

C. The SPED Administrator or Designee shall provide the program director with the completed Individual Health Care Plan, which includes all emergency protocols. This shall be reviewed with the appropriate staff and the Program Director and updated annually.

D. The SPED Administrator will establish training for all involved Charter school personnel to implement the Individual Health Care Plan and emergency protocols. The SPED office staff maintains a written record of training activities provided to the staff.

Promotion / Retention

I. Promotion

Each IEP Team shall determine the promotion criteria for students with disabilities. Students are promoted based on district criteria, progress towards IEP goals, or other criteria set by the IEP team.

II. Retention

Although a student with disabilities can be retained, careful consideration in the development and implementation of the student's IEP should prevent student failure in most cases. The IEP team should consider whether the student's disability adversely impacts the student's potential for learning or rate of learning. If so, the IEP team should consider accommodations or modifications to minimize this impact.

A. Based on the School Board Policy, no student shall be retained more than one time during his or her educational years.

B. If you are considering retaining a student, contact the SPED Administrator.

Exiting From Special Education

I. Reasons to Exit from Special Education

A. Student is ready to be dismissed from Special Ed, when:

1. They no longer meet eligibility criteria. A service may not be terminated without an assessment, which determines that the student no longer meets eligibility criteria. A Prior Written Notice must be provided as part of the evaluation notification.

2. If a student exits from a service under this reason, a Prior Written Notice must be provided to the parent. The second Prior Written Notice should outline clearly the assessments used and current functioning that demonstrates and supports the student's exit from special education services.

B. Student Withdraws from School:

a) If a special education student withdraws from the Charter School, the District of the student's residence continues to be responsible for the delivery of Free Appropriate Public Education (FAPE) as long as the parents reside within the boundaries of the district.

b) A letter should be sent to the District of Residence informing them that the student withdrew from the Charter School, if the parents do not inform the Charter School where they enrolled their student.

c) If the student's withdrawal is related to a disagreement with the student's special education program (IEP), the school should immediately schedule an IEP meeting. If the student is not attending school and the reason for non-attendance is unknown, the SPED office staff should make contact with the family to determine the reason for the non-attendance and hold an IEP team meeting. If non-attendance is related to the disability, the IEP may need to include those issues or needs.

II. Parent Requests to Exit Student (Revocation of Consent)

A. Parents request students be withdrawn from all special education services.

B. If parents notify the SPED staff they no longer want their student to receive special education services and they wish to revoke their consent for services, their request must be acknowledged promptly.

C. A letter is sent to the parents explaining their rights and that the Charter School will comply with their request. This letter shall serve as a Prior Written Notice.

D. Parents request that the student be withdrawn from one of several special education services (and continue to receive other special education services).

1. It may be appropriate to conduct an assessment to determine if the service the parents are requesting be withdrawn continues to be an area of need.

2. If further assessments are needed and completed with parental consent, an IEP team meeting is held to share the results. If the team agrees the student no longer needs that service, the change of service is documented in the IEP.

3. If the assessment results reflect that this area continues to be an area of need for the student or if the IEP team believes the student continues to need the special education service, the IEP should be updated with the recent assessment information. The parents must be informed that: The IEP team believes the student continues to need this special education service, and the Charter School is obliged to pursue mediation or due process. While due process proceedings are pending, the student must continue to receive special education services (i.e., the last agreed upon IEP remains in effect). Following the IEP meeting, the SPED Administrator Designee should notify the SPED Administrator.

DISCIPLINARY AND NON-DISCIPLINARY REMOVAL

I. Special Education Students: Disciplinary Removal

A. Determine whether the student's conduct violated the discipline policy as outlined in the charter petition and Parent/Student Handbook.
    a. If yes, then proceed to the next step.
    b. If no, then stop. The student cannot be removed from Elite Academic Academy for disciplinary reasons.
B. Follow the disciplinary procedures for special education students, beginning with the Manifestation Determination Meetings section of the Special Education Procedures Handbook.
    a. If the team determines the behavior is not a manifestation, then proceed to the next step.
    b. If the team determines the behavior was a manifestation, then stop. The student cannot be removed from Elite Academic Academy for disciplinary reasons unless the conditions for placement in an interim alternative educational setting ("IAES") are met. Continue following the disciplinary procedures outlined in the Special Education Procedures Handbook for returning the student to the classroom, unless the student can be legally placed in an IAES by either the IEP team or Administrative Law Judge.
C. Once the expulsion hearing has been convened and the student is expelled, then notice is sent to the student's district of residence as required under Education Code section 47605(e)(3).
    a. This letter needs to be sent within 30 days of the student's expulsion from Elite Academic Academy.

II. Special Education Students: Non-Disciplinary but Involuntary Removal

A. Determine whether the student is making adequate academic progress. In making this inquiry, Elite Academic Academy should determine if any/all of the following apply. Keep in mind this list is not exhaustive and these decisions should be made on a case-by-case basis.
    a. Is the student failing to attend more than 50% of his/her special education sessions, as listed in the IEP? Additional considerations include: is the parent/guardian unresponsive to special education contacts for communication and does the parent/guardian demonstrate lack of attendance at IEP meetings?
        i. If yes, then proceed to the next step.
        ii. If no, then stop. The student does not meet the criteria for involuntary dismissal.
B. Determine whether the inadequate progress is related to the student's disability by convening an IEP meeting and asking the following:

a. Is the student's failure to make adequate progress caused by, or have a direct and substantial relationship to, the student's disability?
    i. If yes, then proceed to step 3, below.
    ii. If no, then proceed to step 4, below.
b. Is the student's failure to make adequate academic progress the direct result of Elite Academic Academy's failure to implement the IEP?
    i. a) If yes, then proceed to step 3 below.
    ii. If no, then proceed to step 4, below.

C. If yes to question 2, above: Ensure the IEP offers FAPE by making changes as needed, and institute the Tiered Reengagement Strategies, as outlined in the Tiered Reengagement Process.
    a. If, after making any changes to the IEP, and working through Tiers 1 – 3 of the Tiered Reengagement Process, the student's IEP team determines the student can no longer receive FAPE in an independent study environment, then the team must discuss changing the student's placement. This may trigger Elite Academic Academy's obligation to file due process to defend that IEP offer if parents do not consent.
D. If no to question 2, above: Institute the Tiered Reengagement Strategies, as outlined in the Tiered Reengagement Process.
    a. Follow steps of the "General Education Students: Non-Disciplinary Involuntary Removal" section of the Elite Academic Academy's Parent/Student Handbook.

Transition Services

I. Transition planning is part of the IEP process.

A. Federal law and local education policies require schools to partner information about a student's interests, preferences, potential, abilities, and needs as they relate to post-secondary training, education, employment, and where appropriate, independent living skills for any student receiving special education services on or before her/his 15th birthday.

B. Transition services prepare students for employment and independent living. They are a coordinated set of activities that promote movement from school to post-school environments.

C. An Individual Transition Plan (ITP) report will be presented at the IEP meeting and must include:
   1. Postsecondary Goals
   2. Description of Services
   3. Consideration of Graduation

II. Transition services include appropriate, measurable postsecondary goals that are based on age-appropriate transition assessments. Develop appropriate goals to transition identified needs. Transition services must be:

A. Results-Oriented. Designed to be within a results-oriented process, that is focused on improving the academic and functional achievement to facilitate movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

B. Based on Student Needs. Based on the individual student's needs, taking into account strengths, preferences, and interests. These include, but are not limited to:
   1. Instruction
   2. Related services
   3. Community experiences
   4. Development of employment and other post-school adult living objectives
   5. Acquisition of daily living skills

III. Transition Planning Process

A. The following steps will be followed to prepare for the transition section of an IEP for children 15 years of age or older.
    1. Send home a letter of explanation to the parents.
    2. Send home Parent Transition Questionnaire.
    3. Conduct ACTS Interest Interview and Self-Determination Assessment

B. Transition Timeline

    1. Beginning steps of transition: 8th - 9th grade
        a) ACTS Interest Interview & Self-Determination Assessment (A), for students who are in the beginning stages of transition planning, to gather information about student interests, strengths, self-determination levels, and postsecondary goals.

    2. Middle steps of transition: 10th - 11th grade
        a) ACTS Interest Interview & Self-Determination Assessment (B), for students who are in the beginning to middle stages of transition planning (~10th grade), to gather information about student interests, strengths, self-determination levels, and postsecondary goals.
        b) ACTS Interest Interview & Self-Determination Assessment (C), for students who are in the middle to last stages of transition planning (~11th grade), to gather information about student interests, strengths, self-determination levels, and postsecondary goals.

    3. Last steps of transition: 12th grade
        a) ACTS Interest Interview & Self-Determination Assessment (D), for students who are in the last stages of transition planning (~12th grade), to gather information about student interests, strengths, self-determination levels, and postsecondary goals.

IV. Transition Principles: In order to effectively provide transition services, IEP teams must:

A. Collaborate with students/families to consider goals for life after high school and develop a long-range plan to get there.

B. Prepare for a high school experience that will enable the student to gain skills and competencies needed to achieve his/her desired post-school goals.

Alternate Pathway to a High School Diploma for Eligible Students with IEPs

California provides an alternate pathway to a high school diploma for certain students with IEPs.

A student may be eligible for this pathway if:

- The student entered 9th grade during the 2022–23 school year or later.
- The student's IEP team has determined that the student is eligible to take California's alternate state assessments.
- The student completes state standards-aligned coursework that meets California's statewide course requirements.

Students who meet these requirements are exempt from additional local graduation requirements beyond California's statewide requirements and may earn a high school diploma.

Parent Notification: Before the student begins 10th grade, the IEP team will determine whether the student may be eligible for this graduation pathway and notify the parent/guardian. Parents/guardians of impacted students will be notified annually.

Receiving a diploma through this pathway does not automatically end a student's eligibility for Special Education services or their right to a Free Appropriate Public Education (FAPE). The IEP team, including the parent and student, determines when the student has completed their high school educational experience.

Eligible students may also participate in graduation ceremonies and graduation-related activities with their grade-level peers, even if they will continue receiving Special Education services.

California Education Code § 51225.31

Extended School Year (ESY)

I. What is ESY?

Extended School Year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the IEP team determines the need for such a program and includes extended school year in the IEP. The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.

A. Based only on the individual student's specific unique needs that are critical to his /her overall education progress as determined by the IEP team.
B. Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year.
C. Designed to maintain a reasonable readiness to begin the next year.
D. Focused on specific critical skills where regression coupled with limited recoupment due to extended time off, may occur.
E. Based on multi-criteria and not on a single factor.
F. Considered as a strategy for minimizing the regression of skill, in order to shorten the time required to gain the same level of skill proficiency that the child exited with at the end of the school year.
G. An exception, not the rule.

II. What ESY is NOT

A. A mandated 12-month service for all students with disabilities.
B. Required to function as a respite care or daycare service.
C. Required or intended to maximize educational opportunities for any student with disabilities.
D. Necessary to continue instruction on all the previous year's IEP goals during the ESY period.
E. 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.
F. Required solely when a child fails to achieve IEP goals and objectives during the school year.

G. Considered in order to help students with disabilities advance in relation to their peers.
H. For those students who exhibit random regression solely related to transitional life situation or medical problems, which result in degeneration.
I. Subject to the same LRE environment considerations as during the regular school year as the same LRE options are not available. Additionally, LRE for some students may be home with family members.
J. A summer recreation program for students with disabilities.
K. To provide a child with education beyond that which is prescribed in his/her IEP goals and objectives.
L. For making up for poor attendance during the regular school year.

III. Guidelines for IEP Teams

A. Who Recommends ESY?

Both federal and state regulations make it clear that it is the responsibility of the IEP team to determine a child's need for ESY services. The IEP team membership must include a person knowledgeable about the range of services available, the parent, a general education teacher, a special education teacher and administrator/designee. The IEP team membership may also include related services providers, assessment personnel, and/or the student.

B. When Should ESY be Recommended?

Since the need for ESY is primarily based on an unacceptable regression or recoupment as demonstrated by the student, it is important to understand what might be acceptable for most students. Tilley, Cox, and Staybrook (1986) found that most students experience some regression during summer break. Using standardized tests, they found the rate of regression for regular education students was 4%. Students with mild handicaps, hearing impairments, and serious behavior disorders regressed at approximately the same rate as their regular education peers. For students with moderate to severe handicaps, there was an increased rate of regression and a slower rate of recoupment. According to the study, the areas that were most impacted for those students were language, gross motor, fine motor, and self-help skills. Therefore, it is reasonable for students with moderate to severe challenges to be considered for an ESY program that would concentrate on minimizing regression and recovery time.

When considering ESY for any student, the IEP must consider data collected during the previous year(s) to determine the student's need based on regression and recoupment. This decision should be based on a multi-faceted measurement, although there may be rare instances where the IEP team might consider ESY services based on a single criterion. In either case, the IEP team

must decide a child's Eligibility for ESY services based on data collected that reflects his/her regression/recoupment capacity.

C. Collection of Data

Although Data Collection is an ongoing part of any instructional program, in order to determine if a student requires ESY in order to receive a Free and Appropriate Public Education, data should be collected at the end of the regular school year, at the end of the summer program, at the beginning of the subsequent school year, as well as before and after school vacations (or other extended absences).

1. At or before the first progress report of school year
    a) Collect data and re-teach.
    b) Compare to Spring data to determine if the student recouped his/her skills from the previous year (This data should be the basis of the ESY Eligibility discussion at the annual IEP).
    c) Instruction and ongoing data collection.
    d) As soon as a student is found Eligible for ESY, document the reasons why ESY is recommended on the IEP summary page or on an addendum IEP.
    e) Include data supporting the recommendation for ESY.
    f) Continue instruction and document progress on progress reports.

2. Following the first and second grading period
    a) For new students or any student for whom you were unable to gather regression/recoupment data during the first 8 weeks of school, review data before and after any break from school (e.g. Thanksgiving, Winter or Spring break) to determine if the student may have a significant regression/recoupment problem.
    b) Use data collected as the basis for ESY Eligibility discussion at the annual review IEP or addendum meeting.
    c) Data collection will also be used for progress reporting.
    d) Re-teaching time should equal the length of the break (1 week break = 1 week re-teaching; retest).
    e) As soon as students are found Eligible for ESY, the reasons for Eligibility are documented on the IEP.
    f) Continue instruction and document progress on progress report.

IV. Why should ESY be documented in IEP?

The ESY services provided must be consistent with the student's IEP so that the student receives a FAPE. ESY services should concentrate on the areas most impacted by regression and inadequate recoupment. These services may look markedly different in ESY than services provided during the regular school year as determined by the IEP

team. The decision is not driven by the setting in which the student is educated during the comprehensive school year. This may also be true for the frequency and/or the duration of services as based on the individual child's needs. Related services must also be considered as they relate to the child's benefiting from special education. Therefore, it is very important that the offer of FAPE be clearly documented within the IEP. ESY services are to be considered for students between the ages of three to 21 or students who have not graduated from high school with a diploma.

V. How should ESY Eligibility Be Determined?

The child's IEP plan should be the foundation for determining the need for ESY. This can be achieved through ongoing assessment and/or review of progress toward goals/objectives. The IEP team meets to review the student's progress, considering a variety of measurements to provide a baseline that documents the regression and recoupment rate.

The IEP team for an initial IEP will not be able to make this determination until after the student has been receiving the special education services and data has been collected. It is recommended that the IEP team reconvene after 3-6 months to review progress data and compare work from before and after break.

The Charter School's assessments may be applicable to the IEP team determination of need for ESY. The assessment must be based on the IEP goals and/or objectives so that progress can be matched directly to each benchmark outlined and the data can be compared to support assessment of service effectiveness. The team also needs to determine and document if the student will take the local measures with or without accommodations, with or without modifications, or take alternative measures.

The severity of the handicap is a primary consideration in determining Eligibility for ESY. The IEP team should consider the following:

Student's age, severity of the disability, presence of medically diagnosed health impairments, attainment of self-sufficiency, and development of an emerging, critical skill that will be lost due to interruption. Other factors to consider are regression rate and recoupment time in relation to normal rates, behavioral and physical problems, curricular areas that would be adversely impacted, and vocational needs.

Younger students with medically diagnosed health impairments are more likely to be referred for ESY due to degenerative diseases and/or high absenteeism as a result of the health impairment. The ability to maintain self-sufficiency skills of the more mentally and physically challenged students will continue to be a key issue in ESY Eligibility. Once services are determined as necessary based on data collected and regression/recoupment rate, the IEP team must include a description of the services required by the child's IEP in order to receive FAPE during the provision of ESY.

VI. Determination of Need for ESY Services Worksheet:

The IEP Pages in the document assists IEP team members in the ESY decision-making process. The SPED Administrator designee begins the ESY Determination by identifying the student's name, date of birth, grade, school, district, and Regular School Year Special Education Services. IEP Team members (e.g., special education teacher, general education teacher, related services personnel, parent, and program administrator) may provide information to complete the multiple criteria considerations in all areas of need. These should include:

A. Teacher observations
B. Running records
C. Benchmark measures
D. Progress toward goals/objectives
E. Evidence of regression following break
F. Evidence of difficulty recouping information following break
G. Consideration of other options available
H. Other factors

With the above information in hand, the IEP team can proceed to answering the series of questions on the ESY Determination pages to assist the team in making a determination of the need for ESY. The documentation is part of the student's IEP.

Foster, Licensed Children's Institutions & Surrogate

I. Enrollment of Students Residing in Foster Homes or Licensed Children's Institutes (LCI) or Group Homes

A. Enroll the student immediately. Enrollment may not be delayed due to lack of records or documentation, including immunizations (McKinney-Vento Act, AB 490).

B. Admissions shall follow standard enrollment procedures.

C. Admissions shall request documentation from a group home provider or foster parents that the student is actually placed in their facility. This documentation shall be included in the enrollment packet, along with a current IEP, psycho-educational report, court documents if parents' educational rights have been terminated, immunization records and a birth certificate (optional).

D. SPED staff confirms who has educational rights to sign all special education documents.

E. SPED Administrator/Designee completes the interim placement procedures as outlined in Section VI. Be sure to include an LCI License number on the Interim Placement Form.

F. If the student's IEP indicates placement in a non-public school (NPS), contact the SPED office immediately.

II. Surrogate Parents

A. A surrogate parent is a person appointed to act in the place of parents in safeguarding a student's rights in the special education decision-making process under the Individuals with Disabilities Act (IDEIA 2007) when the student's parents are unavailable.

B. A surrogate parent must be appointed for a special education student or a student suspected of needing special education in the following situations:

1. A student's parents cannot be located after reasonable efforts have been made to locate them.
2. A student's parents cannot be identified
3. The court has specifically limited the right of the parents or guardians to make educational decisions for the student.
4. The child is a ward of the court.

C. Determining the need for a surrogate parent:

1. Definition of parent: IDEIA 2007 defines parent to mean “natural parent or person acting in the place of a parent, such as a grandparent, stepparent with whom a child lives, or a legal guardian.” If a student does not have a natural parent, but has a grandparent or a custodial stepparent who is exercising 1. decision-making authority, a surrogate parent is **not** needed. If the student does not have a parent and the relative or stepparent is unwilling or unable to act as the parent, then a surrogate parent **must** be appointed.

2. Status of Foster Parent: A foster parent may be considered a parent, without the need for the appointment of a surrogate parent, if **all** of the following conditions are met:
    a) The natural parents’ authority to make educational decisions on the student’s behalf has been extinguished under state law. The Foster Parent must provide court ordered documents that outline their rights (educational and/or medical) in order to make decisions related to the IEP
    b) The foster parent has an ongoing parental relationship with the student.
    c) The foster parent is willing to participate on behalf of the student.
    d) The foster parent has no conflict of interest with the student.

3. If it is felt a surrogate parent may be needed, the SPED Designee shall contact the SPED Administrator for further assistance.

Interpreting and Translator Services

The Charter School offers interpreters to assist special education staff in interpreting and translating at IEP team meetings (interpreters for all languages including for students and or parents who are deaf and require ASL translation).

Special education documents and letters can be translated upon request. The SPED office staff completes the request form located at the end of this section and sends it with a copy of the document to the SPED Administrator The documents will be translated within a reasonable period of time and returned to the person initiating the request.

The SPED office staff determines if an interpreter is needed at an IEP meeting since many students with IEPs may be English speakers, but their parents may not be. The SPED office staff and teachers work together in a timely manner to determine the need for an interpreter.

It is imperative that scheduling an IEP meeting requiring an interpreter be done in a proactive manner. The interpreter should initially be contacted at least 2 weeks prior to the anticipated meeting.