

Mendocino Unified School District/CEMUS
April 27, 2018
Tentative Agreement: Change in Range of Pay/Updated Job Descriptions
TA 2017-18- 02:

Updated Job Descriptions

Job Description for Bus Driver will be updated to reflect a Range change from Range 34 to Range 40.


Job Description for Mail Person Range 26 will be eliminated. Mail duties are added to the District Office Accounts Payable Job Description.

See attached Job Descriptions for Bus Drivers and District Office Accounts Payable.

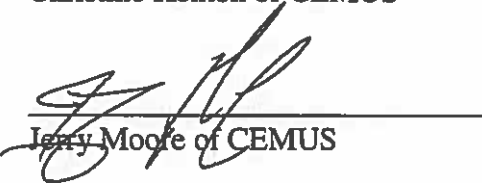
This agreement is contingent upon acceptance by the county of the disclosure form for collective bargaining.

For Classified Employees of Mendocino Unified (CEMUS):

4/30/18
Date



Christine Kenton of CEMUS

5/2/18
Date


Jerry Moore of CEMUS

For Mendocino Unified School District:

5/2/18
Date


Jason Morse, Superintendent



MENDOCINO UNIFIED SCHOOL DISTRICT
Classified Job Description

CLASS TITLE:

Bus Driver

RANGE: 34 40

DUTY DAYS: 181

1 before/0 after

BASIC FUNCTION:

Under supervision of transportation supervisor, operates a school bus over designated routes to transport students.

REPRESENTATIVE DUTIES:

- Drive a bus safely and efficiently over designated routes in accordance with time schedules.
- Transport students and staff on special trips to various locations.
- Make a complete daily safety check of the vehicle according to District regulations
- Conduct regular maintenance checks on the vehicle's oil, water, fuel, tires, lights, etc.
- Keep vehicle clean and orderly.
- Maintain order among students on the bus.
- Compute time and mileage reports for special event trips
- Report any mechanical defect promptly.
- Lock bus barn when leaving bus parked.
- Maintain cooperative relationships with those contacted in the course of work.
- May be assigned other driving tasks, i.e. picking up mail, delivering lunches to outlying schools
- Perform related duties as assigned by supervisor.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF:

Rules and regulations established by the California Highway Patrol

Basic math and computation

ABILITY TO:

Interpret and apply rules, regulations, policies and procedures

Adhere to a time schedule

Understand and carry out oral and written directions

Develop and maintain a positive relationship with students

Respond and communicate rapidly and appropriately regarding emergencies (road hazards, passenger disturbances, injuries)

Maintain calm in an emergency

Bend, stoop, and crawl under bus

Lift up to 50 lbs

EDUCATION AND EXPERIENCE

High School Diploma or equivalent; experience working around children desirable.

Bus Driver

2

LICENSES AND OTHER REQUIREMENTS:

Fingerprint clearance for the Department of Justice

Valid California Operator's License for School Bus Drivers

Ten hours of training annually

Valid First Aid and CPR Certificate or California Highway Patrol equivalent

Regular certification by a physician of physical ability to operate a school bus

WORKING CONDITIONS:

Subject to random drug testing.

Work hours may involve a split shift.

May be subject to inclement weather.

2018/04/27

MENDOCINO UNIFIED SCHOOL DISTRICT
Classified Job Description

CLASS TITLE:
Accounts Payable

RANGE: 35

DUTY DAYS: 12 month

BASIC FUNCTION:

Under supervision of the Business Manager and the Administrative Assistant to the Superintendent, perform a variety of responsible clerical accounting, other bookkeeping and office duties in the District Office; review, prepare and process financial, accounting and purchasing documents, reports and materials.

REPRESENTATIVE DUTIES:

- Maintain a set of financial records related to accounts payable.
- Verify, balance, adjust and assure the accuracy of assigned accounts; receive, verify and audit invoices and receipts for supplies, equipment and services.
- Prepare and generate a variety of financial and statistical reports, lists and summaries; enter, compile and tabulate data for inclusion in departmental reports; prepare, maintain and file lists, records, reports and other documents; prepare monthly reports for Board meetings.
- Collect, receipt, record and deposit monies; sort and post to appropriate account; reconcile cash, receipt and statements; resolve or assist in the resolution of discrepancies and errors.
- Compile, sort, code, tabulate, post and compare financial, statistical and student data; extend and balance accounts and post to various records and reports.
- Prepare, distribute, receive and process applications for free and reduced lunch program; verify eligibility and notify applicants of results; maintain and distribute lists of eligible students as required.
- Maintain inventory for District; mark items with sticker; input information into computer system.
- Maintain special education pupil count in CASEMIS data system; enter Individual Educational Plans into system; print monthly reports for schools; prepare reports for state.
- Receive, sort and distribute mail; in the absence of the regular mail person, collect mail from the post office and distribute appropriately.
- Schedule meetings and events; arrange for site, refreshments, set up and clean up.
- Provide information regarding accounting policies, procedures and practices to employees, vendors and others; interpret, apply and explain District policies and regulations as needed.
- Maintain file of news articles related to District and schools.
- Greet and respond to visitors to the District office; receive and route telephone calls; take and relay messages.
- Operate a variety of office equipment including typewriter, calculator, copier and computer
- Perform duplicating, typing and other clerical duties as assigned.
- Maintain cooperative relationships with those contacted in the course of work.
- Delivers and collects District and U.S. Mail.
- Perform related duties as assigned by supervisor.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF:

Basic accounting practices, procedures and terminology
Financial and statistical record-keeping techniques
Modern office practices, procedures and equipment
Data processing applications to account functions
Correct English usage, grammar, spelling punctuation and vocabulary
Telephone techniques and etiquette
Interpersonal skills using tact, patience and courtesy
Operation of a personal computer

ABILITY TO:

Apply bookkeeping and financial record-keeping principles to the maintenance of assigned accounting records
Maintain financial records, review and verify data and prepare accurate reports
Apply and explain rules, regulations, policies and procedures involved in assigned activities
Compare numbers and detect errors efficiently
Perform statistical typing accurately
Make arithmetic computations with speed and accuracy
Operate standard office machines such as typewriter, calculator, copier, personal computer and microcomputers
Meet schedules and time lines
Work confidentially with discretion
Communicate effectively both orally and in writing
Establish and maintain cooperative and effective working relationships with others
Bend, stoop and lift properly, lift up to 30 lbs
Sit for extended periods of time

EDUCATION AND EXPERIENCE

A High School Diploma or its equivalent supplemented by course work in financial record-keeping and two years experience in maintaining financial and statistical records.

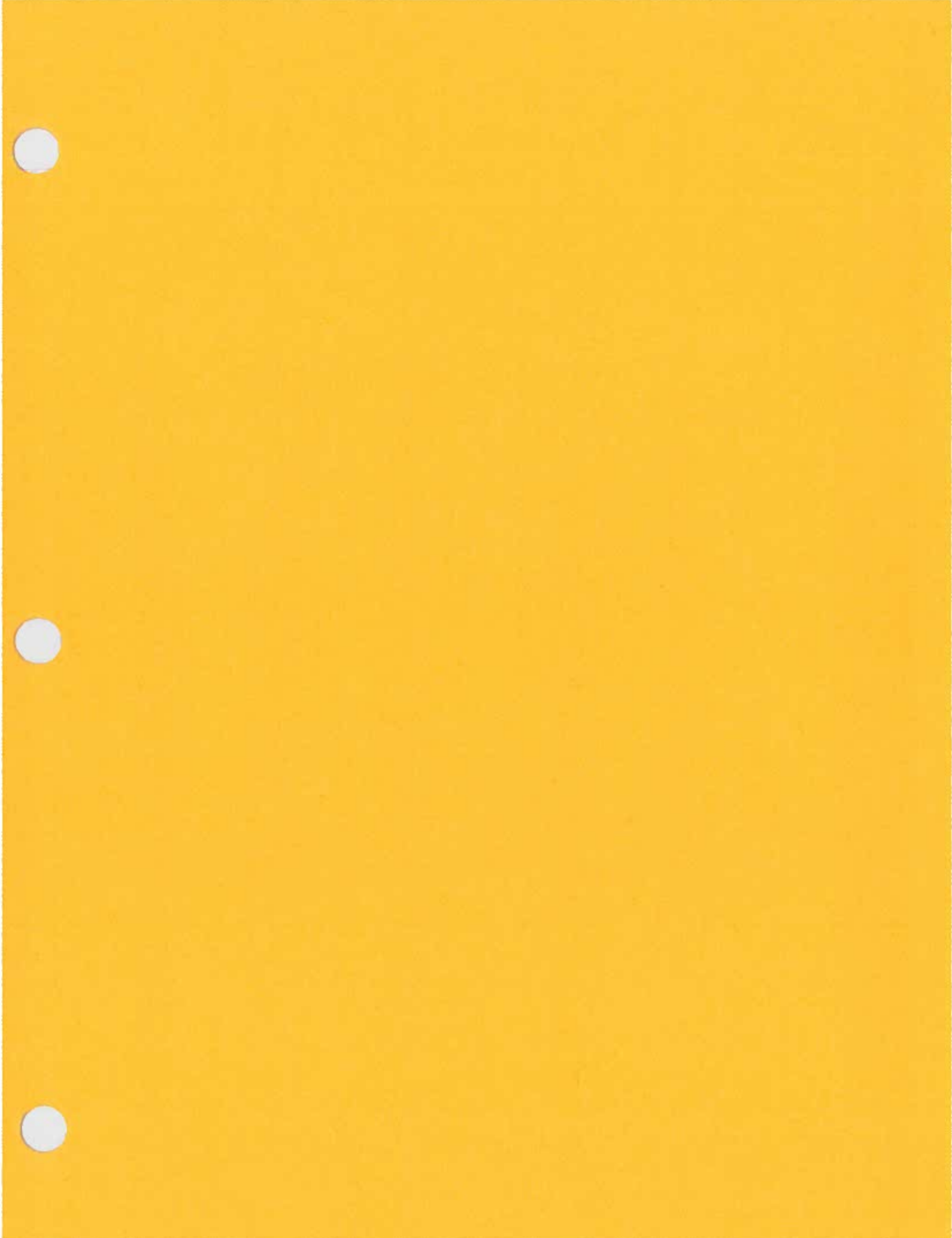
LICENSES AND OTHER REQUIREMENTS:

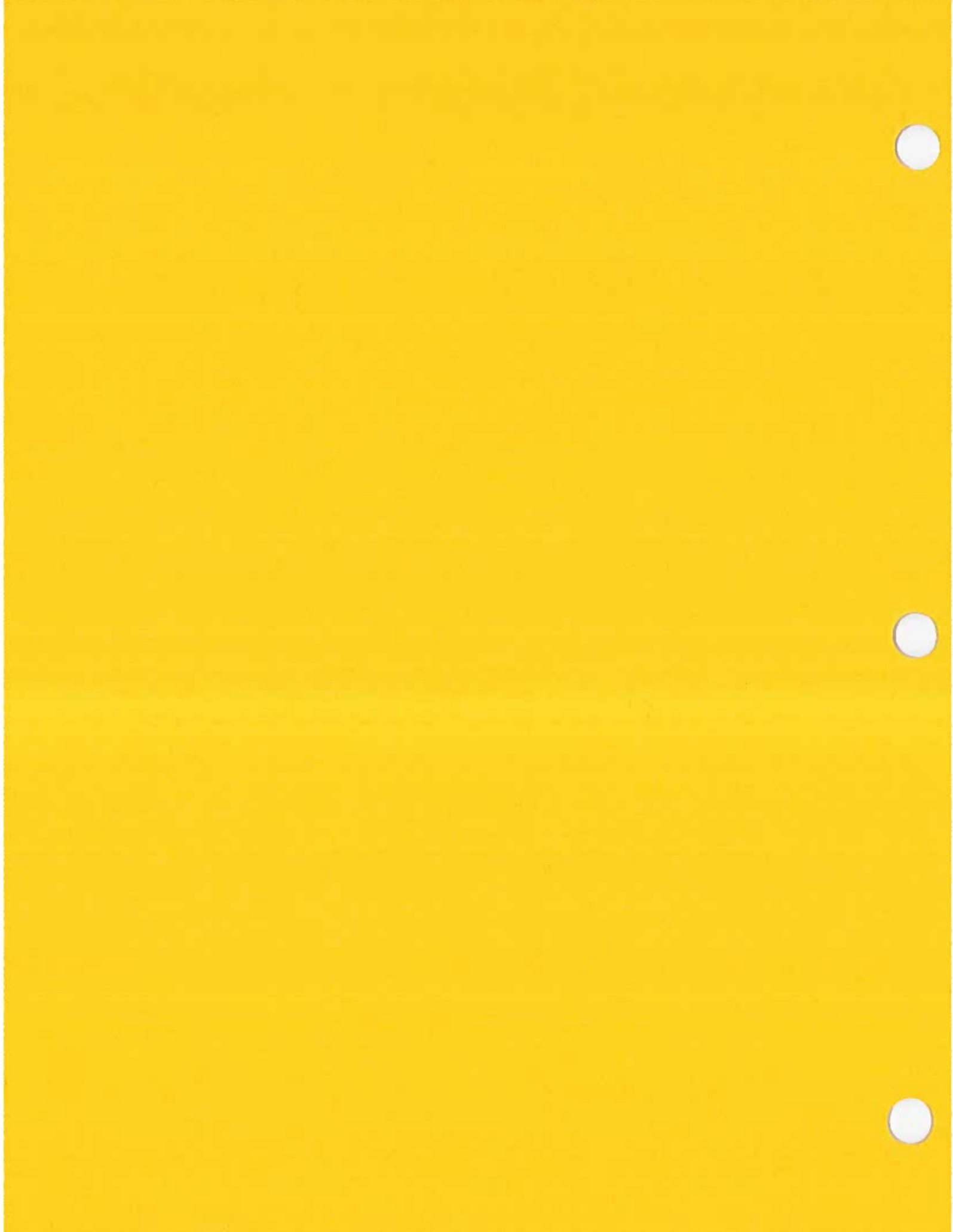
Fingerprint clearance from the Department of Justice
Valid California Driver's License

WORKING CONDITIONS:

Office Environment

2018/04/27





MENDOCINO COUNTY SELPA

PROCEDURES MANUAL



Updated

November 10, 2009

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CHAPTER 1 – IDENTIFICATION, REFERRAL, AND ASSESSMENT

1.1 PURPOSE AND SCOPE

All individuals with suspected disabilities from birth through age 21 will be identified and referred to the appropriate agency to be assessed. Each individual will receive a full and individual evaluation to identify the disability, determine eligibility and identify educational needs.

The assessment information will provide the basis for an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) to ensure the individual receives a free appropriate public education (FAPE).

1.2 IDENTIFICATION

1.2 A CHILD FIND

The Special Education Local Planning Area (SELPA) and individual districts will actively and systematically seek out all individuals with disabilities including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities and who are in need of special education and related services, are identified, located, and evaluated.

Child Find activities may include but not be limited to:

1. A comprehensive screening program, including health, vision, hearing, speech and language;
2. Distribution of written information, including brochures and pamphlets describing the referral procedure;
3. Public awareness campaign, including public service announcements;
4. Annual notices to local newspapers;
5. Consultation with representatives of private schools, including religious schools on how to carry out activities to identify children with suspected disabilities;
6. Coordination with preschools, Head Start and other childcare facilities;
7. Communication with hospitals, pediatricians, obstetricians and other health professionals;
8. Coordination with parent resource centers and support groups;
9. Presentations to local professional groups and organizations established to inform and/or to serve culturally diverse populations;
10. Coordination with activities of the SELPA Community Advisory Committee (CAC); and,
11. Coordination with school site procedures, including referrals from the school site student intervention teams (e.g. Student Study Teams, etc.).
(EC 56300, 56301, 52040; CFR 300.451)

1.2 B STUDENT STUDY TEAM

The Student Study Team (SST) is a regular education function. It is a process of reviewing individual student problems and planning alternative instructional strategies to be implemented in the regular classroom.

Although specialists, such as school psychologists, speech/language specialists, and resource specialists may be involved, the SST is not a special education function and as such is not subject to the associated restrictions and timelines. A special education referral may be appropriate after alternative strategies have been implemented. As a

regular education function, the team also helps with mainstreaming strategies for those students who are already in special education.

A student suspected of having a disability under the provisions of Section 504 of the Rehabilitation Act of 1973, will be assessed by a process defined through local board policies and procedures.

1.3 REFERRAL PROCESS

1.3 A SOURCE OF REFERRALS

Referrals for assessment to determine eligibility for special education and related services may come from teachers, parents, agencies, appropriate professional persons, and from other members of the public.

The referrals will be coordinated with school site procedures for referral of pupils with needs that cannot be met with modifications of the regular instructional program, including referrals from student intervention teams, such as the Student Study Team.

A child shall be referred for special education and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

1.3 B REFERRAL PROCEDURES

1. Referrals for assessments to determine eligibility for special education and related services will be made to the school site principal or designee at the child's school of residence.
2. Referrals may be processed through the school site Student Study Team or other student intervention team to review the referral and document interventions tried prior to referral.
3. All requests for assessments will be submitted in writing. If a parent makes the request verbally the principal or designee will assist the individual in making the request in writing.
4. The school site administrator or designee will review the referral. If the information is incomplete the referral source will be contacted to request additional information.
5. If the information is complete, the school site administrator or designee will initiate the assessment process, including notification of parent. An assessment plan will be developed.
6. No assessment will be conducted without written parent consent.
7. The district office special education administrator will assist, whenever necessary to process referrals.
(EC 56302-56303; 5 CCR 3021, 5 CCR 3029; CFR 300.530)

1.3 C INAPPROPRIATE REFERRALS

If, after reviewing all relevant information, the administrator and assessment planning team, consider the referral inappropriate, the parents must receive a prior written notice which includes the following:

1. A description of the action refused by the district;
2. An explanation why the district refuses to take the action;

3. A description of any other options that the district considered and the reasons why those options were rejected;
4. A description of each procedure the district used as a basis for the refused action.
5. A description of any other factors that is relevant to the district's refusal.

(CFR 3001.503)

1.4 PARENTAL CONSENT / PROCEDURAL SAFEGUARDS

The LEA shall conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. Procedural Safeguards contain information regarding parental consent in the IEP process. Procedural Safeguards are offered to parents at every IEP meeting or upon request.

1.4 A REQUEST FOR INITIAL EVALUATION

Either a parent of a child or LEA may initiate a request for an initial evaluation to determine if the child is a child with a disability.

1. Such initial evaluation shall consist of procedures to determine whether a child is a child with a disability within 60 days of receiving parental consent for the evaluation and to determine the educational needs of the child.
2. Exception- The relevant timeframe shall not apply to a LEA if:
 - a. A child enrolls in a school served by the LEA after the relevant timeframe has begun and prior to a determination by the child's previous LEA as to whether the child is a child with a disability but only if the subsequent LEA is making sufficient progress to ensure prompt completion of the evaluation, and the parent and the subsequent LEA agree to a specific time when the evaluation will be completed; or
 - b. The parent of a child repeatedly fails or refuses to produce the child for the evaluation.

1.4 B PARENTAL CONSENT FOR INITIAL EVALUATION

1. The LEA proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability shall obtain informed consent from the parent of a child before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.
2. Consent for Services – The LEA is responsible for making a free appropriate public education available to a child with a disability and shall seek to obtain informed consent from the parent of a child before providing special education and related services to the child.
3. Absence of Consent for Initial Evaluation - If the parent of a child does not provide consent for an initial evaluation or the parent fails to respond to a request to provide the consent; the LEA may, but need not pursue the initial evaluation through due process. Absence of Consent for Initial Services – If the parent of a child does not provide consent to the initial provision of services, the LEA shall not provide special education and related services to the child by using due process.
4. Effect on LEA Obligation - If the parent of a child refuses to consent to the receipt of special education and related services, or the parent fails to respond to a request to provide such consent:

- a. The LEA shall **not** be considered to be in violation of the requirement to make a free appropriate public education to the child for the failure to provide such child with the special education and related services for which the LEA requests such consent; and
- b. The LEA shall **not** be required to develop an IEP for the special education and related services for which the LEA requests such consent.
- c. If the child is a ward of the State and not residing with the child's parent, the LEA shall make reasonable efforts to obtain such consent from the parent of the child for the initial evaluation to determine whether the child is a child with a disability.

1.4 C PARENTAL RIGHT TO REVOKE CONSENT

The parental right to revoke consent content is taken from School and College Legal Services of California LEGAL UPDATE, December 30, 2008; Subject: New Federal Regulations Allow Parents to Revoke Consent to Special Education Services Without Liability for Districts, Memo No. 33-2008.

New Federal Regulations allow parents to revoke consent to Special Education services without liability for Districts

The U.S. Department of Education published new regulations regarding the Individuals with Disabilities Education Act ("IDEA") on December 1, 2008, which become effective on December 31, 2008. The revised federal regulations address several compliance and reporting issues at the state level and other issues of less immediate concern; however, the revised federal regulations also provide much needed guidance on the issue of parental revocation of consent for special education services. The revised federal regulations govern parental revocations that occur on or after December 31, 2008 and do not apply retroactively to parental revocations that occurred prior to this date.

The revised federal regulations continue the previously existing rule that when parents refuse to consent to a student's initial receipt of special education services, a Local Educational Agency ("LEA") cannot file a request for a due process hearing or otherwise seek to override the parents' refusal to consent to services. Under these circumstances the LEA is not liable for failure to provide the student with a Free Appropriate Public Education ("FAPE"). However, a question had remained as to the duty and liability of the LEA where the parents wished to revoke consent after their child had received special education services. California resolved this issue through Education Code section 56346(f), which requires the LEA to file for a due process hearing in this circumstance where the LEA believed the student required such special education services in order to receive a FAPE.

The revised federal regulations, which supersede Education Code section 56346(f), provide that when parents revoke consent for the provision of special education services to a student who is receiving special education services the LEA will not be liable for failure to provide the student with a FAPE under the IDEA, so long as the following revocation process is followed.

Process for Revocation

1. The parents must revoke the special education services in writing;
2. The LEA must "promptly" and within a "reasonable time" respond to the parents' request with prior written notice before discontinuing the services; and
3. After sending the parents prior written notice, the LEA may discontinue the special education services.

Parental revocation of consent for services cannot be retroactive; therefore, an LEA is not required to amend education records to remove any references to a student's prior receipt of special education assessment and services. An LEA or Special Education Local Plan Area ("SELPA") may choose to develop a standard form for parents to use to revoke consent for special education services, but the use of the form cannot delay the discontinuation of the services. An LEA may request from parents, but cannot require, the reason for their revocation of special education services for their child.

Prior Written Notice

The prior written notice, in conformance with 34 C.F.R. 300.503, should provide the student's parents with the following:

1. A statement that the parents are requesting to revoke consent for special education services for their child, which will result in the discontinuance of special education services and result in the child being treated as a general education student for all purposes (to include disciplinary matters);
2. A statement describing the general education program and services the student will receive;
3. A statement that while the LEA believes the student still requires special education services to receive a FAPE, the parents are revoking consent for the special education services;
4. A statement that the LEA believes the student still requires special education services based on the student's most recent assessments, reports, and other information (which should be listed in some detail);
5. A statement that the student's parents have protection under the procedural safeguards of the IDEA (and we also advise a copy of the procedural safeguards accompany the prior written notice);
6. A statement regarding sources of information for the parents to contact to understand the requirements of the IDEA such as the LEA special education administrator; and
7. A statement regarding any other relevant factors or issues.

The prior written notice should be provided in the native language of the student's parents unless it is clearly not feasible to do so. In the case of a student who is eighteen or older and requests to revoke consent for services, the prior written notice should be provided to both the student and the student's parents although the student holds the revocation rights. We recommend that the prior written notice provide a short time period in which the special education services will continue to be provided, such as five school days, before the services are discontinued in order to allow the student's parents to fully consider their action and change their minds (i.e. request for the services to continue).

Revocation of Services Changes Status of Student to General Education

Once a student's parents revoke the consent for special education services, the student should be treated the same as any other general education student, which includes matters of discipline. The student may be placed in any general education classrooms co-taught by a special education teacher. If the student's parents later change their minds and request special education services for their child, then the LEA must treat the parents' request as an initial request for services. This means the LEA must assess the student (although the assessment can be abbreviated at the LEA's discretion based upon previous assessment information), convene an Individualized Education Program ("IEP") meeting to determine eligibility for special education, and provide an appropriate offer of services if the student qualifies. All timelines regarding initial referrals, assessments and IEP meetings would apply.

An LEA should neither try and "convince" parents to continue to consent to special education services for their child nor try to "encourage" parents to revoke consent for special education services where the LEA believes the student still requires special education services in order to receive a FAPE. The comments to the regulations make clear that the parents are presumed to have the "best interests" of their child in mind when revoking consent for special education services. Nevertheless, and LEA is still authorized to file a complaint with child protective services when abuse or neglect is suspected, which may be triggered by parents revoking consent for special education services for their child.

No Need to Develop a 504 Plan

The United States Department of Education, Office of Civil Rights ("OCR") has advised that when a parent rejects consent for implementation of an IEP developed under the IDEA the parent is essentially rejecting what would be offered under Section 504 of the 1973 Rehabilitation Act. Therefore, an LEA is not required to develop a 504 Plan for a student whose parents have refused to consent or revoked consent for special education services.

Partial Revocation of Parental Consent

In California, Education Code section 56346(f) state that LEAs must file for due process hearing if a student's parents refuse to consent to a component of the student's existing special education program where the LEA believes the student requires the component in order to receive a FAPE. The federal regulations unfortunately do not clearly resolve the issue of partial revocation of parental consent. However, a comment to the federal regulations strongly suggests that parents may not partially revoke consent for special education services – in other words, consent may be an all or nothing proposition:

If, however, the parent and public agency disagree about whether the child would be provided with FAPE if the child did not receive a particular special education or related service, the parent may use the due process procedures ... to obtain a ruling that the service with which the parent disagrees is not appropriate for their child. (Emphasis added).

Comments to the federal regulations do not carry the force of law, but are persuasive authority cited by the Office of Administrative Hearings ("OAH") and the courts in interpreting the law. Therefore, based on the above, we suggest that districts contact legal counsel to obtain assistance in resolving an issue of partial parent consent or partial parent revocation of existing special education services. We will keep you updated as OAH and the courts further clarify this legal issue.

1.5 ASSESSMENT PROCESS

1.5 A INITIAL ASSESSMENTS

A full and individual assessment shall be conducted for each child being considered for special education and related services to determine if the child meets eligibility criteria as a child with a disability and to determine the educational needs of the child.

Once a child has been referred for initial assessment to determine whether the child is an individual with exceptional needs to determine the educational needs of the child, these determinations shall be made, and an individualized education program meeting shall occur, within *60 days* of receiving parental consent for the assessment, not counting days between the pupil's regular school sessions, terms or days of school vacation in excess of five school days.

The *60 day time period* does not apply if either of the following occurs:

- (1) The child enrolls in a school served by the LEA after the relevant time period has commenced but prior to determination by his or her previous LEA of whether the child is an individual with exceptional needs. This exemption applies only if the subsequent LEA is making sufficient progress to ensure a prompt completion of the assessment, and the parent and subsequent LEA agree to a specific date by which the assessment shall be completed.
- (2) The parent of a child repeatedly fails or refuses to produce the child for assessment.

The results of the assessment will be used by the child's IEP team to develop an appropriate Individualized Education Program (IEP).

1.5 B ASSESSMENT PLAN

After a review of the referral, pupil records and/or other immediately available material, the assessment team will meet to develop a proposed assessment plan.

A *proposed assessment plan* shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five school days from the receipt of the referral, unless the parent or guardian agrees, in writing, to an extension.

In any event, the assessment plan shall be developed within 10 days after the commencement of the subsequent regular school year when the referral has been made 20 days or less prior to the end of the regular school year. In the case of pupil's school vacations, the 15 day time shall recommence on the date that the pupil's regular school days reconvene.

The ***proposed assessment plan*** given to the parents or guardians shall meet all the following requirements:

1. Be in language easily understood by the general public
2. Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is not clearly feasible.
3. Explain the types of assessments to be conducted.
4. State that no individualized education program will result from the assessment without the consent of the parent.

The LEA proposing to conduct an initial assessment to determine if the child qualifies as an individual with exceptional needs shall obtain informed consent from the parent of the child before conducting the assessment. If the parent of the child does not provide consent for an initial assessment, or the parent fails to respond to a request to provide consent, the LEA may pursue the initial assessment through due process, but is not legally obligated to do so.

The LEA shall not be required to obtain informed consent from the parent of a child for an initial assessment to determine whether the child is an individual with exceptional needs under any of the following circumstances:

1. Despite reasonable efforts to do so, the LEA cannot discover the whereabouts of the parent of the child.
2. The rights of the parent have been terminated in accordance with state law.
3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for initial assessment has been given by an individual appointed by the judge to represent the child.

Parental consent is not required before ***reviewing existing data*** as part of an assessment or reassessment, or before administering a test or other assessment that is administered to all children unless before administration or reassessment, or before administration of that test or assessment, consent is required of the parents of all children.

The ***screening*** of a pupil by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an assessment for eligibility for special education and related services.

As part of the assessment plan the parents will be provided with a written notice that upon completion of the administration of tests and other assessment material, an Individualized Education Program (IEP) team meeting, including the parent and his or her representatives, will be scheduled. The IEP Team will discuss the assessment, review any additional information, discuss the educational recommendations, and the reasons for these recommendations.

Parents will receive a copy of the assessment report and the documentation of determination of eligibility. Included with the assessment plan will be a copy of Parents' Rights and Procedural Safeguards. The parents will be informed that they have a right to obtain, at public expense, an independent educational assessment of the pupil from qualified specialists, if the parent disagrees with an assessment obtained by the district. The district can choose to file a due process complaint to request a due process hearing to defend the public evaluation.

No assessment will be conducted unless the written consent of the parent is obtained prior to the assessment. The parent shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. Assessment may begin immediately upon receipt of the consent. The assessments will be completed and an IEP meeting scheduled within 60 calendar days from the date of the receipt of the parent's consent for assessment.

Parent consent for assessment shall not be construed as consent for placement or for receipt of special education and related services.

Personal contact with the parents to explain the process and forms is strongly recommended.

If a parent refuses to sign permission for an assessment, the school district may file for mediation/due process hearing. If the district prevails in a due process hearing, the assessment can be conducted without parent consent.

(EC 56321.5 CCR 3022)

1.5 C ASSESSMENT REQUIREMENTS

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

1. Are provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally, and functionally, unless is not feasible to provide or administer.
2. Procedures and materials for evaluation and assessment of students shall be selected and administered so as not to be racially or culturally discriminatory.
3. Are used for purposes for which the assessments or measures are valid and reliable.
4. Are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.
5. Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

6. Tests are selected and administered to best ensure that when a test is administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual or speaking skills unless those skills are the factors that the test purports to measure.
7. No single measure or assessment is used as a sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil.
8. The pupil is assessed in all areas of the suspected disability including, if appropriate, health and development, vision, including low vision, hear, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, social and emotional status.
9. A developmental history shall be obtained when appropriate. For pupils with residual vision, a low vision assessment shall be provided.
10. The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment.
11. As part of an initial evaluation the IEP team will review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and observations by teachers and related services providers.

(EC 56320, 56324)

1.5 D ASSESSMENT REPORT

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

1. Whether the child may need special education and related services.
2. The basis for making the determination.
3. The relevant behavior noted during the observation of the child in an appropriate setting.
4. The relationship of that behavior to the child's academic and social functioning.
5. The educationally relevant health and development, and medical findings, if any.
6. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
7. The need for specialized services, materials, and equipment for pupils with low incidence disabilities.

If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the assessment report.

(EC 56327)

1.6 ELIGIBILITY CRITERIA

Upon completion of the administration of tests and other evaluation materials, the determination of whether the student is an individual with a disability shall be made by the IEP Team, including the parents of the child and assessment personnel. The IEP Team will take into account all the relevant material, which is available on the pupil. No single score or product of scores shall be used as sole criterion for the decision.

Three primary factors must be considered in making this determination:

1. Does the pupil meet the eligibility criteria as an individual with a disability?
2. Does the severity of the disability have an adverse effect on the pupil's educational performance?
3. Does the child require special education and services to achieve a free appropriate public education?

1.6 A FEDERAL CATEGORIES OF DISABILITIES

1. Autism
2. Deaf-Blindness
3. Deafness
4. Emotional Disturbance
5. Hearing Impairment
6. Mental Retardation
7. Multiple disabilities
8. Orthopedic Impairment
9. Other Health Impaired
10. Specific Learning disability
11. Speech and Language
12. Traumatic Brain Injury
13. Visual Impairment

Although "Developmental Delay" is not recognized by the State of California as a category of disability for individuals age 3 through 21, the term is sometimes used to describe a disability in infants, toddlers or preschool children.

Students who have been diagnosed with Dyslexia or Attention Deficit Disorder (ADD) or Attention Deficit/Hyperactivity Disorder (AD/HD) may qualify for special education services if they also meet eligibility under one of the above thirteen categories, such as Specific Learning Disability, Other Health Impaired or Emotional Disturbance.

1.6 B SPECIAL RULE FOR ELIGIBILITY DETERMINATION

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

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

(EC 56333-56339; 5 CCR 3030; CFR 300.7, 300.534)

1.6 C EVALUATIONS BEFORE CHANGE IN ELIGIBILITY

1. A LEA shall evaluate a child with a disability before determining that the child is no longer a child with a disability.

2. Exception: The evaluation shall not be required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education.
3. Summary of Performance: For a child whose eligibility terminates due to graduation from secondary school with a regular diploma, or due exceeding the age eligibility for a free appropriate public education the LEA shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

1.7 REASSESSMENTS

A reassessment of a pupil shall occur not more frequently than once a year, unless the parent and the LEA agree otherwise in writing, and shall occur at least once every three years, unless the parent and the LEA agree in writing, that a reassessment is unnecessary.

Reassessment may also be conducted whenever conditions warrant a reassessment including the following:

1. If a parent or teacher requests a reevaluation;
2. When a preschool child with a disability transitions to Kindergarten or first grade; or
3. Before determining a child is no longer eligible for special education.

1.7 A THREE YEAR REASSESSMENTS

The three-year reassessments will consider the following in determining the need for additional information:

1. A review of existing data including evaluations and information proved by the parents of the pupil.
2. Current classroom-based assessments and observations by teachers and related services providers.
3. Observations by teachers and related service providers.

On the basis of that review, and input from the pupil's parents, the team will identify what additional data, if any, are needed to determine, including

1. Whether the pupil continues to have a disability;
2. The present levels of performance and educational needs of the pupil;
3. Whether the pupil continues to need special education and related services; and,
4. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the IEP of the child and to participate as appropriate in the general curriculum.

If the team determines that additional tests or other evaluation material is needed to provide the necessary data identified above, the district will administer tests and other assessment materials as may be needed.

If the team determines no additional data is needed, the district will notify the parents of that determination and the reason for it and the right of the parents to request an assessment. The district is not required to conduct the assessment unless requested to do so by the pupil's parents.

(EC 56380, 56381; CFR 300.533, 300.536)

1.7 B STATE AND FEDERAL MANDATED BEHAVIORAL ASSESSMENTS

Following are descriptions of two different behavioral assessments that are required for specific students under either State or federal regulations. A functional behavioral assessment (FBA) is required by federal law and is part of the disciplinary process. A functional analysis assessment (FAA) is required by California State law to address serious behavior not yet responsive to previous plans.

1.7 C FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA)

A functional behavior assessment may utilize review of records, interviews, behavior assessment scales, and may include observation of pupil behavior and/or environmental conditions. A functional behavior assessment shall be conducted under the following circumstances.

1. The pupil's behavior has resulted in disciplinary suspension beyond 10 cumulative days in a school year.
2. An interim alternative educational setting or involuntary change in placement is being considered in a disciplinary context.
3. A manifestation determination in response to a violation of a rule or code of conduct is occurring.

Following the functional behavior assessment the IEP team will develop a behavior intervention or behavior support plan. This behavior intervention plan shall be part of the pupil's IEP and shall specify environmental instructional changes and other techniques and strategies including positive behavioral interventions, strategies and supports.

If a behavior intervention plan is not effective, the IEP team shall either request a functional analysis assessment (FAA), as described below or continue modifications to the behavior intervention plan until success is attained.

(CCR 300.520; 300.523)

1.7 D FUNCTIONAL ANALYSIS ASSESSMENT (FAA)

A Functional Analysis Assessment (FAA) is a California State requirement to address severe behavior not yet responsive to previous plans to address behavior that impedes learning. The FAA is a more comprehensive assessment that results in the development of a Positive Behavioral Intervention Plan.

A Functional Analysis Assessment will be conducted when an IEP team determines that the instructional/behavioral approaches specified in the student's IEP have been ineffective. A parent may request that a functional analysis assessment be performed.

The assessment must be conducted by, or be under the supervision of a person who has documented training in behavior analysis with an emphasis on positive behavioral interventions.

Functional Analysis Assessment personnel 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.

Prior to conducting the assessment, parent notice shall be given and parental consent obtained.

A Functional Analysis Assessment procedure shall include all of the following:

1. Systematic observation of the occurrence of the targeted behavior for an accurate definition and description of the frequency, duration, and intensity;
2. Systematic observation of the immediate antecedent event associated with each instance of the display of the targeted inappropriate behavior;
3. Systematic observation and analysis of the consequences following the display of the behavior to determine the function the behavior serves for the individual;
4. An analysis of the settings in which the behavior occurs most frequently;
5. Review of records for health and medical factors which may influence behaviors; and,
6. Review of the history of the behavior to include the effectiveness of previously used behavioral interventions.

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:

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms;
2. 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 analysis of the behavior across all appropriate settings in which it occurs; and
3. Recommendations for consideration by the IEP team which may include a proposed Positive Behavioral Intervention Plan.

1.8 OVERIDENTIFICATION AND DISPROPORTIONALITY

Regionalized services in the SELPA include review and analysis of LEA CASEMIS Data, including the collection and examination of data regarding the over/under representation of racially, ethnically, linguistically and culturally diverse students to determine whether an imbalance exists within the LEA.

Correction of these problems may be carried out through the following means:

1. Provision of training and technical assistance as necessary to clarify compliant practices with appropriate LEA staff;
2. Assistance with correction of non-compliant procedures or practices identified through state and local compliance complaint investigations;
3. Regular meeting with SELPA Policy Council and Steering Committees;

4. Individual consultation with LEA administrative staff.

In cases where the identified problem persists following implementation of such steps as outlined above, the LEA superintendent shall be notified regarding the issue.

APPENDIX A INDEPENDENT EDUCATION EVALUATION PROCEDURES

If a parent disagrees with an evaluation completed by the district and seeks an Independent Educational Evaluation (IEE), the district shall either initiate a due process hearing to determine that its evaluation is appropriate or provide the parent an opportunity to obtain an IEE at public expense. The parent must inform the district in writing or orally communicate the following concerns at the IEP meeting: 1) that they disagree with the district's evaluation and 2) that they request an Independent Educational Evaluation at public expense. The parent may be asked the reason for their objection to the district's evaluation; however, there is no requirement that the parent specify areas of disagreement with the district's evaluation as a prior condition for obtaining the IEE. The district does not have an obligation to reimburse parent for private evaluations obtained prior to the date that the district's evaluation is completed and discussed in an IEP meeting or prior to the parent's written disagreement with the district's evaluation or notice of their request for an IEE in the IEP meeting which must be considered by the IEP team.

Upon request for an IEE at public expense, the district shall provide the parent with the policy, procedures including agency criteria, and a list of contractors who meet the agency criteria for IEE. If necessary, district staff will assist the parent in putting the request in writing. The district shall offer the parent an evaluator from another school district or a private contractor from the district's list of evaluators meeting the agency criteria.

The district shall make the arrangements for the IEE without unnecessary delay to ensure that it is provided in a timely manner and at public expense. If the parent declines to use a contractor from the district's list of evaluators, the parent has the right to retain another individual to conduct the evaluation. The parent may request reimbursement from the district if the evaluator meets the criteria for IEE contained in this policy. The district shall either reimburse the parent if the evaluator meets the criteria or initiate a due process hearing to show that its evaluation is appropriate. If the district initiates a due process hearing and the final decision is that the district's evaluation is appropriate, the parent still has the right to retain another individual to conduct the evaluation but not at public expense.

CONSIDERATION OF INDEPENDENT EDUCATIONAL EVALUATIONS

The IEP team is responsible for determining placements and services; therefore, the IEP team will consider recommendations designed to assist students in making educational progress completed in accordance with this policy. IEE will not control the decisions in the district's recommendations.

An IEE that is initiated by the parent shall be considered in any decision made with respect to the provisions of a free appropriate public education (FAPE) to the student if it meets the district's criteria. It may be presented as evidence at a due process hearing regarding the student. All requirements outlined in the IEE criteria must be followed. The district imposes no other conditions related to obtaining IEE at public expense.

The district may reimburse parent for private evaluations outside of this policy in any one of three circumstances:

a. All of the following conditions have been met:

- The parent disagreed with the district's evaluation in writing or gave notice his/her disagreement in IEP meeting,
- The private evaluation meets the criteria contained in this policy,
- The parent provides a copy of the written report and written consent to exchange information, and

- The examiner attends the relevant IEP meeting by phone or in person to discuss the findings and provides copies of all protocols to the district or,
- b. The district's evaluation has not been provided in compliance with the law; or
- c. The privately obtained evaluation assessed the student in an area of suspected disability, which was not assessed by the district.

Reimbursement will be in accordance with district policy, procedures and criteria in an amount no greater than the actual cost to the parent and subject to proof. Reimbursement does not include observations/consultation with outside consultants. When the district initiates a due process hearing to determine that its evaluation was appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

LEGAL REFERENCE:

FEDERAL REQUIREMENTS: 20 USC 1412 (a) (7), 1414 (a-c), 34 CFR 300.128, 300.520

CALIFORNIA REQUIREMENTS: EC 5632 0-333, 56380 (a), CCR Title 5– 3021-3029

SUBJECT: Procedures for Independent Educational Evaluations

DEFINITIONS:

INDEPENDENT EDUCATIONAL EVALUATION (IEE): An evaluation conducted by a qualified examiner who is not employed by the district.

QUALIFIED EXAMINER: An evaluator, who is competent to perform the evaluations through criteria established by the district, in accordance with Education Code, Section 56322.

PUBLIC EXPENSE: The district either pays for the full cost of the evaluation and/or its components or ensures that the evaluation/components are provided at no cost to the parent.

PARENT INITIATED EVALUATION: An IEE obtained by the parent at private expense.

In the interest of consistency between public and private evaluations, the district encourages parent to choose an evaluator from the SELPA list for an IEE offered by the district within 15 days of receiving options. Once the assessment plan is signed the district shall initiate a contract with the examiner within 15 days of the date that the parent' written consent is received. All independent contractors are required to provide a written report and copies of the test protocols for the IEP team within 50 days of the signed evaluation plan. If the parent chooses an evaluator that is not on the SELPA list, they should make their own arrangements for the evaluation. They may request reimbursement from the district if the evaluator meets the criteria for independent educational evaluators. To avoid a potential conflict of interest, if the IEP team determines that a recommended service by an independent educational evaluator is required, someone other than the evaluator will provide the service.

CRITERIA FOR INDEPENDENT EDUCATIONAL EVALUATORS

Local Limitations for Evaluators

Evaluators must be located within the Mendocino County area (counties: Mendocino, Lake, Humboldt, Sonoma). Evaluators outside of this area will be approved only on an exceptional basis if the parent can demonstrate that there is a unique need for a specialized evaluation for their child and that there are no qualified evaluators within the Mendocino County area, who can appropriately assess their child’s educational needs. Unless an out-of-the-area evaluation is required for the student to receive an IEE, costs beyond the evaluation (i.e., food, lodging, transportation) are not covered.

Minimum Qualifications for Evaluators

All evaluations must be conducted in accordance with all requirements of Federal and State law including, but not limited to, observing the student in the appropriate setting (Education Code Section 56327) and conducting evaluations in accordance with Education Code Section 56320. Evaluators must meet federal and/or State certification, licensing, registration or other comparable requirements, or CDE approved or recognized requirements and adheres to standards of professional practice established in federal and State law or regulations.

<u>Type of Assessment</u>	<u>Qualifications</u>
Academic Achievement	Certificated Special Education Teacher,
Psycho educational	Licensed Educational Psychologist, or School Psychologist (Credentialed)
Adaptive Behavior	Licensed Educational Psychologist, Certificated Special Education Teacher, or School Psychologist (Credentialed)
Assistive Technology	Certificated or Licensed Speech/Language Pathologist or Certified Special Education Teacher
Auditory Acuity	Licensed or Certificated Audiologist
Auditory Perception (CAP)	Licensed or Certificated Audiologist
Cognitive	Licensed Educational Psychologist, or School Psychologist
Health	Certificated School Nurse
Motor	Licensed Physical Therapist, Registered Occupational Therapist, or Adaptive Physical Education Specialist

Speech and Language Pathologist	Certificated or Licensed Speech/Language
Social/Emotional/Behavioral	School Psychologist (Credentialed), Social Worker (LCSW), Licensed Psychiatrist, or Licensed Psychologist
Vision (Functional)	Certificated Teacher of the Visually Impaired
Visual Perception	Resource Specialist (Credentialed), Licensed Educational Psychologist, School Psychologist (Credentialed), Ophthalmologist or Optometrist

When insurance will cover all or part of the costs of the IEE, the district will request that the parent voluntarily have their insurance pay the IEE costs covered by their insurance. However, parent will not be asked to have insurance cover IEE costs if such action would result in a financial cost to the parent not reimbursed by the district, including, but not limited to the following:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim.

Independent evaluators must agree to release their evaluation information (including test protocols upon request) and results to the district prior to receipt of payment for services.

The evaluation report must be made available to the district and parent five days prior to the IEP team meeting. The results of the IEE will be considered in the eligibility, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act.

All Independent Educational Evaluators must utilize testing and assessment materials and procedures which are selected and administered so as not to be racially, culturally, or sexually discriminatory. Tests and other assessment materials must be provided and administered in the pupil's primary language or other mode of communication, unless the evaluation plan indicates reasons why this provision and administration are not clearly feasible. All assessment instruments utilized must have been validated for the specific purpose for which they are used, and be administered by trained personnel in conformance with the instructions provided by the publisher.

CHAPTER 2 – EARLY CHILDHOOD EDUCATION

2.1 PURPOSE AND SCOPE

The SELPA, County Office of Education, Districts, and the Regional Center will actively and systematically seek out all children with disabilities from birth to age five to refer, assess and determine eligibility for special education services.

An Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) will be developed by a multidisciplinary team to identify the child needs and plan appropriate services for the child and the family. Districts and the County Office will work cooperatively with the Regional Center and other appropriate public agencies to provide all necessary services.

2.2 IDENTIFICATION AND REFERRAL

Child find activities may include:

1. Assigning liaisons to local hospitals and hospitals with neonatal intensive care units;
2. Contacting local parent organizations and support groups;
3. Distributing early intervention materials to agencies and individuals providing medical, social and educational services in the community;
4. Community-wide health and developmental screening;
5. Producing and distributing public service announcements;
6. Producing pamphlets, brochures and other written communication; and,
7. Making presentations to local professional groups, philanthropic organizations and other organizations established to inform and/or to serve culturally diverse populations.

Regional Centers and Districts shall coordinate local child find activities with each other and other public agencies.

Primary referral sources include, but are not limited to, hospitals, including prenatal and postnatal care facilities, physicians, parents, child care programs, districts, public health facilities, other social services agencies and other health care providers.

Regional Centers and Districts shall inform primary referral sources of the following:

1. Eligibility criteria for early intervention services;
2. Types of early intervention services available through the Early Start Program;
3. Contact persons and telephone numbers for regional centers and districts; and,
4. Federal requirement that a referral shall be made to the regional center or district within two (2) working days of identification of an infant or toddler, who is in need of early intervention services.

The Regional Center, County Office, or District that receives an oral or written referral for early intervention services shall ensure that:

1. The date of the referral is documented in the infant's or toddler's record;
2. A service coordinator is assigned; and,

3. Written notice is provided and consent is requested.

(17 CCR 52040, 52060)

2.3 EARLY START PROGRAM DESCRIPTION

The Early Start Program (ESP) is a collaboration between the Redwood Coast Regional Center (RCRC) and the Mendocino County Office of Education (MCOE). The ESP, through MCOE programs, shall include services specifically designed to meet the unique needs of infants, from birth to three years of age, and their families. The primary purpose of an early education program is to enhance development of the infant in the context of his or her family. To meet this purpose, the program shall focus upon both the infant *and* his or her family, and may include home visits, group services, family involvement, and/or parent education activities. Services shall be provided in the natural (home, community) environment whenever possible.

Early Start Programs shall include, as program options, home-based services and group services.

Home-based and group services will be provided through a transdisciplinary team consisting of the parent and a group of professionals from various disciplines.

The frequency of home-based services shall be weekly, bi-weekly or monthly, depending on the needs of the infant and the family.

Early education services may also be provided through both home visits and group settings with other infants. The frequency of group services shall not exceed three hours a day for up to, and including, two days a week, and shall be determined on the basis of the needs of the infant and the family.

Parent involvement/education activities are provided in conjunction with home based and group services.

(EC 56424-56426.2)

2.4 ASSESSMENT TO DETERMINE ELIGIBILITY

Each infant or toddler referred for evaluation for early intervention services shall have a timely, comprehensive, multidisciplinary evaluation of his or her needs and level of functioning in order to determine eligibility.

The determination of eligibility for an infant or toddler shall be made by qualified personnel of the MCOE as per *Memo of Understanding* and contract between MCOE and RCRC. The determination shall be made with the participation of the multidisciplinary team including the parent. Evaluation and assessment shall be based on informed clinical opinion and include:

1. A review of pertinent records related to the infant or toddler's health status and medical history provided by qualified health professionals, who have evaluated or assessed the child.
2. Information obtained from parental observation and report.

3. Evaluation by qualified personnel of the child's level of functioning in each of the following areas:
 - a. cognitive development
 - b. physical and motor development, including vision and hearing
 - c. communication development
 - d. social or emotional development
 - e. adaptive development
4. No single procedure shall be used as the sole criterion for determining a child's eligibility.
5. Standardized tests or instruments may be used as part of the evaluation, and if used, they shall be selected to ensure that, when administered to an infant or toddler with impaired sensory, motor or speaking skills, the tests produce results that accurately reflect the infant's or toddler's aptitude, developmental level, or any other factors the test purports to measure and not the infant's or toddler's impaired sensory, motor or speaking skills unless those skills are the factors the test purports to measure. The tests must be validated for the specific purpose for which they are used.
6. Procedures and materials for evaluation and assessment of infants and toddlers shall be selected and administered so as not to be racially or culturally discriminatory.
7. Infants or toddlers with solely low incidence disabilities shall be evaluated and assessed by qualified personnel of the County office whose professional preparation, license or credential authorization are specific to the suspected disability.
8. Regional Centers, LEA's and multidisciplinary teams shall not presume or determine eligibility, including eligibility for medical services provided through the Department of Health Services, for any other state or local government program or service when conducting evaluations or assessments of an infant or toddler or their family.

(17 CCR 52082; GC 95016)

2.5 ASSESSMENT FOR SERVICE PLANNING

Assessment for service planning for eligible infants or toddlers shall identify all of the following:

1. The child's unique strengths and needs in each of the above areas.
2. Early intervention and other services appropriate to meet the needs.
3. If the family consents to a family assessment, the resources, priorities and concerns of the family and the supports and services necessary to enhance the family's capacity to meet the developmental needs of an infant or toddler with a disability.

Assessment for service planning shall be based on age appropriate methods and procedures that may include any of the following:

1. A review of information related to the child's health status and medical history provided by qualified health professionals, who have evaluated or assessed the child.

2. Developmental observations by qualified personnel and the parent.
3. Other procedures used by qualified personnel to determine the presence of a developmental delay, established risk condition, or high risk for a developmental disability.
4. Standardized tests or instruments.

Assessments of family resources, priorities and concerns related to enhancing the development of the infant or toddler shall be voluntary on the part of the family. The family assessment shall:

1. Be conducted by qualified personnel trained to utilize appropriate methods and procedures;
2. Be based on information provided by the family through a personal interview;
3. Incorporate the family's description of its resources, priorities and concerns related to enhancing the development of the child; and
4. Be conducted in the language of the family's choice or other mode of communication unless it is not feasible to do so.

Evaluations and assessments for service planning shall be conducted in natural environments whenever possible.

(17 CCR 52086)

2.6 TIMELINE FOR COMPLETION OF EVALUATION AND ASSESSMENT

The evaluation and assessment for eligibility for each child shall be completed within 45 days of the date that the Regional Center or County Office received the referral.

In the event of exceptional circumstances, which make it impossible to complete the initial evaluation and assessment for eligibility within 45 days of receiving a referral, the service coordinator shall inform the parents and document the reasons for the delay. An interim IFSP will be developed. Services agreed upon in the interim IFSP will be implemented. The interim IFSP will include the name of the service coordinator and timelines for completing assessments.

(17 CCR 52086)

2.7 ELIGIBILITY

The term "eligible infant or toddler with a disability" means infants and toddlers from birth through two years of age, for whom a need for early intervention services is documented by means of assessment and evaluation and who meet one of the following criteria:

1. Infants and toddlers with a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development.
2. Infants and toddlers with established risk conditions, who are infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences.

3. Infants and toddlers who are at high risk of having substantial developmental disability due to a combination of biomedical risk factors, the presence of which is diagnosed by qualified clinicians recognized by, or part of, a multidisciplinary team, including the parents.

If standardized, normed or criterion referenced instruments are used as part of the evaluation, a significant difference between a child's current level of functioning and the expected level of development for his or her age shall be established when the child's age equivalent score falls one third below age expectation.

(17 CCR 52022; GC 95014)

2.8 DEVELOPMENT OF THE IFSP

An initial IFSP shall be developed by the Regional Center and/or County office for each eligible infant or toddler, within 45 days of the receipt, by either the regional center or LEA, of the oral or written referral.

A periodic review of the IFSP shall be conducted every six months or more frequently if service needs change, or if the parent requests such a review.

All IFSP meetings shall be conducted in settings and at times or by

means that are reasonably convenient to the parent and in the language of parent's choice unless it is clearly not feasible to do so.

Meeting arrangements shall be made with, and written notice provided to, the parent and other members of the multidisciplinary team in a timely manner to ensure attendance at the IFSP meeting.

Each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

1. The parent of the infant or toddler;
2. The service coordinator; and,
3. The person(s) who conducted the evaluations or assessments.

If requested by the parent, each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

1. Other family members
2. An advocate or person outside of the family.

Each IFSP meeting shall include persons who will be providing services to the infant or toddler and family as appropriate.

(17 CCR 52102, 52104)

2.8 A CONTENTS OF THE IFSP

The IFSP must be in writing and contain:

1. A statement of the infant's or toddler's present levels of development in the following areas:
 - a. physical development,
 - b. cognitive development,
 - c. communication development,
 - d. social or emotional development, and
 - e. adaptive development.
2. A statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability.
3. A statement of the major outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary.
4. A statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services.
5. A statement of the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment.
6. The projected dates for initiation of services and the anticipated duration of the services.
7. The identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's family needs (or who is otherwise qualified to carry out all applicable responsibilities), who will be responsible for the implementation of the plan and coordination with other agencies and persons.
8. The steps to be taken to support the transition of the toddler, with a disability, to preschool or other appropriate services.

The contents of the IFSP must be fully explained to the parents and informed written consent from the parents must be obtained before early intervention services as described in the plan can be provided. If the parents do not provide consent with respect to a particular early intervention service, then the early intervention service to which consent is obtained shall be provided.

(17 CCR 52106)

2.8 B REVIEW OF THE IFSP

The IFSP shall be evaluated once a year and the family must be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

The IFSP team will review the degree to which progress toward achieving the outcome is made and document all modifications and revisions of the outcomes or services as necessary.

(17 CCR 52102)

2.9 TRANSITION REQUIREMENTS FOR EARLY INTERVENTION

To ensure a smooth transition for toddlers receiving early intervention services to preschool or other appropriate services, the following requirements must be met:

1. The families of such toddlers will be included in the transition plans.
2. At 2 years 6 months of age, the service coordinator will notify the District for the area in which the child resides and the parent that the child will shortly reach the age of eligibility for preschool services.
3. The District of Residence will hold an IEP meeting before the third birthday that ensures smooth and effective transition to a preschool program so that the child is in his/her preschool program on his/her third birthday. The IFSP transition planning meeting will be convened among the service coordinator, the family and the district at least 90 days (and at the discretion of all parties, up to 6 months) before the child is eligible for the preschool services, to discuss the transition steps and timelines, dates for transition activities and any such services that the child may receive.
4. In the case of a child who may not be eligible for such preschool services, with the approval of the family, reasonable efforts will be made to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services.
5. Procedures must occur to review the child's program options for the period from the child's third birthday through the remainder of the school year.

(17 CCR 52112; EC 56426.9)

2.10 PRESCHOOL CHILDREN (AGE THREE TO FIVE) WITH DISABILITIES

2.10 A IDENTIFICATION AND REFERRAL

Preschool children age three to five with disabilities will be identified through

1. Child Find activities listed in previous sections.
2. Direct referrals from parents, preschools, physicians, members of the community, and Kindergarten teachers.
3. Children who are in transition from the Early Start Program.

Children who have been participating in the Early Start Program and are eligible to participate in preschool program will experience a smooth transition to preschool programs in the district or county

office of education. Representatives of the district will participate in all transition planning conferences to ensure a smooth transition.

2.10 B EVALUATION AND ASSESSMENT

Assessment procedures, as described in Chapter 1 are applicable to preschool children from three to five years of age.

The assessments will be conducted by a transdisciplinary team including early childhood specialists, speech and language specialists, and other professional disciplines.

The team will use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist in determining whether the child has a disability.

Special attention will be given to:

1. Assessing children with developmentally appropriate assessments.
2. Assessing children in natural environments.
3. Assessing children to identify participation in appropriate preschool activities.
4. Involving preschool personnel in observing and assessing children.

When standardized tests are considered invalid for children between the ages of three and five years, alternative means, for example, scales, instruments, observations, and interviews shall be used as specified in the assessment plan.

(EC56441.11, 56441.6, 56426.6)

2.10 C ELIGIBILITY

The special education eligibility criteria listed in Chapter 1 shall apply to preschool children, between the ages of three and five years. A preschool child qualifies as a child who needs early childhood special education services if the child meets the following criteria:

1. Is identified as having one of the following disabling conditions, or an established medical disability:
 - a. autism
 - b. deaf-blindness
 - c. deafness
 - d. hearing impairment
 - e. mental retardation
 - f. multiple disabilities
 - g. orthopedic impairment
 - h. serious emotional disturbance
 - i. specific learning disability
 - j. speech or language impairment in one or more of voice, fluency, language and articulation

- k. traumatic brain injury
 - l. visual impairment
 - m. established medical disability
2. Needs specifically designed instruction or services
 3. Has needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an IEP team.

A child is not eligible for special education services if the child does not otherwise meet the eligibility criteria and his or her educational needs are due primarily to:

1. Unfamiliarity with the English language;
2. Temporary physical disabilities;
3. Social maladjustment; or,
4. Environmental, cultural, or economic factors.

Established medical disability is defined as a disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education and services.

(EC 56441.11, 56440, 56333-56339; 5 CCR 3030, 3031)

2.10 D INDIVIDUALIZED EDUCATION PROGRAM

The requirements for developing, implementing, and reviewing IEPs described in Chapter 2 are applicable to preschool children, age three to five.

An early education program for preschool children with disabilities shall include specially designed services to meet the unique needs of preschool children and their families. To meet this purpose, the program focus is on the young child and his or her family and shall include both individual and small group services, which shall be available in a variety of typical age-appropriate environments for young children, including the home, and shall include opportunities for active parent involvement.

A preschool teacher, who has observed the child in an appropriate preschool environment, will be a member of the IEP team.

The IEPs of preschool children will describe how the disability affects the child's participation in appropriate activities.

(EC 56441.2)

2.10 E SERVICES FOR PRESCHOOL CHILDREN WITH DISABILITIES

Services serving preschool children with disabilities and their families shall be provided in coordination with other state and local agencies.

Services will be provided at public expense, under public supervision and without cost to the parents.

Early education services for preschool children may be provided to individuals or small groups and shall include:

1. Observing and monitoring the child's behavior and development in his or her environment.
2. Presenting activities that are developmentally appropriate for the preschool child and are specially designed, based on the child's exceptional needs, to enhance the child's development. Those activities shall be developed to conform to the child's IEP and shall be developed so that they do not conflict with his or her medical needs.
3. Interacting and consulting with the family members, regular preschool teachers, and other service providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's IEP in the appropriate setting, and necessary to reinforce the expansion of his or her skills in order to promote the child's educational development. These interactions and consultations may include family involvement activities.
4. Assisting parents to seek and coordinate other services in their community that may be provided to their child by various agencies.
5. Providing opportunities for young children to participate in play and exploration activities, to develop self-esteem, and to develop pre-academic skills.
6. Providing access to various developmentally appropriate equipment and specialized materials.
7. Providing related services that include parent counseling and training to help parents understand the special needs of their children and their children's development.

Appropriate settings for these services include any of the following:

1. The regular public or private nonsectarian preschool program;
2. The child development center or family day care home;
3. The child's regular environment, that may include the home;
4. A special site where preschool programs for both children with disabilities and children, who are not disabled, are located close to each other and have an opportunity to share resources and program;
5. Special education preschool program, with children, who are not disabled, attending and participating, for all or part of the program; or,
6. A public school setting which provides an age-appropriate environment, materials, and services.

Early education services shall be provided by a transdisciplinary team. Responsibilities of early education staff shall include consultation with regular preschool program providers, consultation with other specialists, assessment services, and direct services.

Services may be provided by any of the following methods:

1. Directly by a Local Educational Agency, (SELPA, District or County Office of Education);
2. Through an interagency agreement between a local educational agency and another public agency;
3. Through a contract with another public agency;
4. Through a contract with a nonpublic, nonsectarian school or nonpublic, nonsectarian agency; or
5. Through a contract with a nonsectarian hospital.

(EC 56441.3, 56441.4, 56441.8)

2.10 F INSTRUCTIONAL ADULT TO CHILD RATIO

Appropriate instructional adult-to-child ratios for the group services shall be dependent on the needs of the child. However, because of the unique needs of children with disabilities between the ages of three and five years, inclusive, who require special education and related services, the number of children per instructional adult shall be less than one to six for preschool children with disabilities in general.

Group services for children, identified as severely disabled, shall not exceed an adult-to-child ratio of one to five.

(EC 56441.5)

2.10 G TRANSITION FROM PRESCHOOL TO KINDERGARTEN OR FIRST GRADE

As the preschool age child approaches the age to enter the elementary school environment, the child's preparation is geared toward readiness for kindergarten and later school success.

Prior to transitioning a child with disabilities from a preschool program to kindergarten, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services.

(EC 56445)

CHAPTER 3 – IDENTIFICATION AND ASSESSMENT OF ENGLISH LANGUAGE LEARNERS

3.1 PURPOSE AND SCOPE

This chapter was developed to provide SELPA and District staff members with a concise, practical, and sequential approach to the identification, assessment, and programs for students with disabilities, who are English learners (EL). When considering possible special education and related services, extreme care must be taken to avoid the over identification of students as disabled, as well as the exclusion of English learners who may have a disability. With this in mind, two specific challenges are presented to educators:

1. To utilize appropriate assessment tools and procedures and to provide services in the least restrictive environment
2. To incorporate language and culture into a special education curriculum

3.2 IDENTIFICATION AND REFERRAL OF ENGLISH LEARNERS SUSPECTED OF HAVING A DISABILITY

Procedures for Identification and referral for special education and related services for all students are described in Chapter 1 of this *Special Education Procedural Handbook*. Please refer to that chapter for complete information. Special considerations for EL students are included in the following sections.

3.3 SPECIAL CONSIDERATIONS FOR EL STUDENTS PRIOR TO REFERRAL

Unless the student has a severe disability, including but not limited to severe vision and hearing impairments, severe physical impairment, severe mental retardation, autism, or severe health impairment, the student should be allowed sufficient time to acquire English proficiency and receive appropriate academic instruction in language arts and math.

It is critical to differentiate between a student who is not achieving in the classroom because English is not his/her primary language and a pupil who is not achieving due to a disabling condition.

Following are some relevant sections of state and federal law that are particularly important in determining eligibility for special education instruction and services:

Education Code (EC) 56303: "A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and when appropriate, utilized "

California Code of Regulations (CCR), Title 5 3023 (b) "The normal process of second language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a handicapping condition"

Federal Code of Regulations (CFR) a 300.534: "A child may not be determined to be eligible...if (i) the determinant factor for that eligible determination is ...1) lack of instruction in reading or math, or (2) limited English proficiency and (ii) the child does not otherwise meet the eligibility criteria under 300.7"

3.4 STUDENT STUDY TEAM

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

3.4 A TEAM MEMBERS

Members of the team may include the following:

- At least one regular education teacher
- Bilingual personnel
- Principal or administrator
- Parent
- Special Education teacher
- School Psychologist
- School Nurse
- Counselor or specialists
- Speech/Language pathologists
- Interpreters (as needed)
- Pupil (as appropriate)
- Others

3.4 B STUDENT STUDY TEAM RESPONSIBILITIES

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

3.5 ASSESSMENT PROCEDURES FOR ENGLISH LEARNERS

After interventions have been tried and programmatic changes have occurred, some students, who have been referred to the SST will need a special education assessment.

English learners will be assessed annually using the required state testing or alternate assessment to determine English language proficiency. Special assessment requirements for students whose primary language is other than English are included in this section.

3.5 A PSYCHOEDUCATIONAL ASSESSMENTS

1. Assessments with pupils of limited English proficiency shall be administered in the child's native language or mode of communication, unless clearly not feasible to do so (EC 56320, EC 56001).
2. Assessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity may have been affected. (CCR, Title 5: 3023)
3. Materials are selected and administered so as not to be racially, culturally or sexually discriminatory (EC 56320, EC 56001).
4. A variety of assessment tools and strategies will be used to gather relevant functional and developmental information, including information provided by the parent (EC 56320).
5. No single procedure is used as the sole criterion for determining an appropriate educational program for an individual child (EC 56320, EC 56001).

The assessment team may include, but is not limited to:

1. School psychologist
2. Language and speech specialist
3. Regular education teacher(s)
4. Special education teacher
5. School nurse
6. Bilingual specialist
7. Principal/vice principal/counselor
8. Parent

3.5 B OTHER PROCEDURES FOR GATHERING INFORMATION

It is necessary to review existing procedures and their applicability for appropriate identification and instructional planning. Appropriate standardized tests are often not available in all languages. A broader variety of methods are often necessary to obtain the information needed to determine if the referred EL pupil is, in fact, an individual with a disability.

These methods may include, but not be limited to, norm referenced tests, criterion referenced tests, curriculum based measurements, systematic observations of behavior in a variety of school settings, structured interviews, progress monitoring data, etc.

3.5 C ADDITIONAL ASSESSMENT GUIDELINES

Following are additional guidelines to consider when assessing a student with limited English proficiency:

- Review prior school history (schooling other than in the U.S., attendance, instruction, etc.)
- Review recent and previous results of the California English Language Development Test (CELDT).
- Assess using non-language measures (e.g., performance).

- Use a trained interpreter whenever needed.
- Assess achievement in both primary language and English.
- Do not accept scores on translations of tests as valid; use other, non-biased or non-test based measures to support the scores. (Document!)
- Assess **adaptive** behavior, mindful of different cultural norms.
- When considering the presence of a language disability, consider whether primary language is deficient when compared to peers and school population.
- Is language generally depressed (common in low socioeconomic populations) or are there significant peaks and valleys?
- Is there evidence of a true language disability?

3.6 ELIGIBILITY CRITERIA AND PROGRAM OPTIONS

3.6 A DETERMINING ELIGIBILITY

Specific eligibility criteria to determine if a child has a disability are described in Chapter 6 of the Special Education Procedural Handbook.

Please refer to Chapter 6 for specific criteria for each disability. The thirteen federal categories of disability include the following:

- Autism
- Deaf-Blindness
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Mental Retardation
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired
- Specific Learning Disability
- Speech and Language
- Traumatic Brain Injury
- Visual Impairment

3.6 B PROGRAM OPTIONS

All students in need of special education and related services, including students identified as English learners (EL), are to be served under the requirements of current state and federal law.

Districts need to offer appropriate resources to ensure that each English learner with a disability receives appropriate *educational and linguistic opportunities in the least restrictive environment*. A full continuum of program options will be available to each special education student. To the maximum extent appropriate, children with disabilities are educated with children who are not disabled.

A full continuum of program options include, but are not limited to the following:

1. Regular education program with specially designed modifications.

2. Regular education classroom with resource specialist and/or designated instruction and services (DIS).
3. Regular education classroom with services or support from a special day class teacher and/or designated instruction and services.
4. Special Classes and Centers.
5. Nonpublic, nonsectarian school services.
6. State special schools.

Students may receive primary language support and/or language development services in any of the above program options, when determined appropriate by the IEP team.

3.7 IEP DEVELOPMENT FOR ENGLISH LEARNERS WITH DISABILITIES

The Individualized Education Program (IEP) teams should ensure that:

- (a) IEPs include linguistically appropriate goals and objectives, including when necessary use of the student's primary language;
- (b) necessary documentation and translation services are provided to parents as needed; and
- (c) teachers providing the students the district's core curriculum are appropriately certified.

Other requirements include:

- Qualified teachers
- Sufficient and appropriate basic and supplemental resources to ensure access to the district's core curriculum.
- When possible translation of required parent notifications/documents, including IEP parent rights to inform and involve parents of EL students, and translation services as required by state and federal laws.
- Opportunities for parents to become members of the district and/or school advisory committees.

3.7 A LINGUISTICALLY APPROPRIATE GOALS, OBJECTIVES AND PROGRAMS

CCR, Title 5, Section 3001 (s): "Linguistically appropriate goals, objectives, and programs means those activities which lead to the development of English language proficiency; and those instructional systems either at the elementary or secondary level which meet the language development needs of the limited English language learner. For individuals whose primary language is other than English, and whose potential for learning a second language, as determined by the individualized education program team, is severely limited, nothing in this section shall preclude the individualized education program team from determining that instruction may be provided through an alternative program pursuant to a waiver under Education Code section 311(c), including a program provided in the individual's primary language, provided that the IEP team periodically, but not less than annually, reconsiders the individual's ability to receive instruction in the English language."

3.7 B IEP CONSIDERATIONS FOR ENGLISH LEARNERS

Linguistically appropriate goals and objectives have the following characteristics:

- They are appropriate for the cognitive level of the student.

- They are appropriate for the linguistic level of the student.
- They match the developmental level of the student's primary (L1) or secondary (L2) language.
- They match the student's general education transition criteria and district reclassification policy.

3.7 C ADDITIONAL LINGUISTIC AND CULTURAL CONSIDERATIONS

Culturally appropriate goals and objectives have the following characteristics:

- They access the student's prior knowledge and experiences.
- They incorporate culturally relevant materials and experiences.
- They affirm the student's cultural heritage.

CHAPTER 4 – INTERDISTRICT TRANSFERS

4.1 PROCEDURES

When students require special education placement in programs other than those operated by their district of residence, or are being transferred back to their district of residence, placement shall be made in an appropriate program through a coordinated IEP team meeting involving the district of residence and the district of services. While the procedure outlined below emphasizes the importance of cooperation and collaboration, and while it is incumbent upon the district of service to execute its responsibility as if it were the district of residence, it is understood that in all cases where a child is placed out of his/her district of residence, ultimate responsibility for placement, program, and due process issues remain with the district of residence. For the purposes of this document, the Mendocino County Office of Education is considered to be, and referred to as, a “district”. This policy does not apply to the intra-district transfer of students from one classroom to another within the same district. It is clearly understood that intra-district transfers, matriculations or new class assignments will be facilitated to the maximum extent possible by the district.

I. The administrator, or designee of the district of residence shall:

A. Ensure that all of the following data is accurate and present for review:

- Student Name
- Birth Date
- Parent Names
- Address
- Phone Number(s)

All medical and/or health and developmental assessment information must be current. Academic assessments will have been conducted within the academic year and a psychological evaluation within five months of the impending transfer. The district of residence must have completed all psychological and academic assessments prior to the student’s entry into the district of service’s program.

- B. Notify the administrator or designee of the potential district of service of the request to consider a student for placement, and provide an opportunity for a staff member from the potential district of service to observe the pupil in question.
- C. Distribute copies of all assessment reports and IEP’s to appropriate staff of the district of service at least three days in advance of the scheduled joint IEP team meeting.
- D. Coordinate the opportunity for parents to visit potential program placements.
- E. Coordinate the scheduling and notification of parents and staff members of both districts of the joint IEP team meeting.
- F. Coordinate with the district of service, the arrangements for transportation of the student to the new school. In all cases, the district of residence is financially responsible for all transportation.
- G. Conduct the joint IEP team meeting and assume all of the duties described for IEP team meetings.
- H. Forward all relevant student records to the district of service as soon as possible after the joint IEP team meeting.

II. The administrator or designee of the district of service shall:

- A. Send a representative with authority to commit district resources to all IEP team meetings called for this purpose.
- B. Invite appropriate district of residence special education staff to annual IEP review meetings.

- C. Assure that the IEP team identifies all programs and services with a clear delineation of which district provides the service including transportation.
 - D. Within ten days of the IEP meeting, notify the district of residence and the SELPA of all costs associated with the student's placement that will be included in a memorandum of understanding.
- III. When a student transfers to a district or county office program with an outdated or lapsed IEP (one that does not meet timelines for annual IEP's or triennial assessment), the sending district retains the responsibility to bring it up to date within 30 days of placement. The sending district will be notified of the overdue IEP and/or assessment within five days of enrollment in the new placement.
- IV. In the event that an appropriate placement cannot be found by the district of residence administrator or designee, a request for assistance should be made to the SELPA Office.

CHAPTER 5 – CONFIDENTIALITY OF PUPIL RECORDS

5.1 PURPOSE AND SCOPE

Local Educational Agencies (LEAs) must establish policies, procedures and rights related to confidentiality of pupil records. Policies and procedures must be consistent with State and federal laws and regulations, including the Family Educational Rights and Privacy Act of 1974 (FERPA). Procedures describe the required notice to parents, right to access pupil records, record keeping procedures, retention and destruction of pupil records, and requests for amendment of pupil records.

5.2 PARENT RIGHT TO ACCESS

Parents have the right to inspect and review all education records that relate to their child with respect to the identification, assessment, and educational placement of the child and the provision of a free, appropriate public education, which are collected, maintained, or used by agency.

Each agency shall permit parents access to records without unnecessary delay no more than five (5) days after the request has been made either orally or in writing. This includes access to and confidentiality of public records including LEAs educating pupils with disabilities in State hospitals, developmental centers, and youth and adult facilities. The LEA may not charge a fee for retrieval of information. The agency may charge a fee for copies of records, which are made for parents, if the fee does not prevent the parents from exercising their right to inspect and review these records.

5.2 A DEFINITION OF PARENT

Natural parent; adoptive parent; legal guardian; child, the child himself (if of legal age, 16 years or 18 years or completed tenth grade, depending upon the purpose); or a surrogate parent who has been appointed. If the parents are divorced or legally separated, only the parent having legal custody may challenge the contents of a record, offer a written response to a challenged record, or consent to the release of records to others, provided however, that either parent may grant consent if both parents have notified, in writing, the school or school district that such an agreement has been made. Both parents have an unqualified right to see all materials in their child's file, unless there is a court order the contrary.

5.2 B DEFINITION OF ACCESS

Access means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record, or receipt of a copy of a record.

5.3 NOTICE TO PARENTS

Parents must be notified, in writing, of their rights to inspect and review the school records of their children. This must be done at the time of initial enrollment and annually thereafter. Notice should be in their native language and include information on policies, procedures, and rights related to record keeping including the

Family Educational Rights and Privacy Act of 1974 (FERPA). The notice will contain the following specific information:

- The types of records and information contained therein.
- The position of the official responsible for the maintenance of each type of record.
- The location of the log or record required to be maintained.
- Criteria used by the district to define “school officials and employees” and in determining “legitimate educational interest.”
- The policies of the district for reviewing and expunging records.
- The right of the parent to access pupil records.
- The procedures for challenging the content of pupil records.
- The cost, if any, charged to the parent for reproducing copies of records.
- The categories of information which the institution has designated as directory information.
- Any other rights stated in the California Education Code and the right to file a complaint with Department of Health, Education and Welfare (FERPA).
- Notice of all locations where copies of the policies and procedures regarding the General Education Provisions Act and confidential pupil records may be obtained.

The right to inspect and review also includes responses to reasonable requests for explanations and interpretations of the records and the right to have a representative of the parent inspect and review the records. (See provision regarding written parental releases.)

5.3 A RECOMMENDED PROCEDURES

If a parent wishes to inspect school records, they complete and return “Parent Request for Access to Pupil Records.” (Refer to sample on Page A- 1.) When this form is returned, it should be time/date stamped to show when it was received by the school office. Enter program, dates of attendance, teacher and principal on lower portion of form. Log date received, pupil name and program name in the “Parent Access Request Log.” (Refer to sample on Page A-2.)

The request is given to a certificated staff member who interprets the records where necessary. The certificated staff member schedules an appointment with the parent within five days and reviews the contents of the pupil’s folder with the parent. If photocopies are requested, copy the requested material immediately if possible. If not possible, mail to the parent within one or two days of the request. The Request Form is filed in pupil’s folder.

Even though records from physicians may be stamped “Confidential” or a psychologist’s report contains sensitive or potentially upsetting information, the parent or eligible student has full rights of access.

(EC 49061, 49063)

5.4 SAFEGUARDS

Agencies/districts must protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

One official at each agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding the state policies and procedures as stated in the annual program plan.

5.5 RELEASE OF INFORMATION FROM PUPIL RECORDS

5.5 A RELEASE OF DIRECTORY INFORMATION

- (1) At the time of enrollment, and annually thereafter, parents must be given an opportunity to sign an "Objection to Release of Directory Information" Form. When the Form is returned by the parent to the school, the school must file it in the pupil's records.
- (2) If the parents have not filed an objection, the following directory information may be supplied to employers, prospective employers, representatives of the news media, officials of public agencies and nonprofit agencies:
 - Name
 - Address
 - Telephone
 - Date & place of
 - Major field of study
 - Dates of attendance
 - Degrees and awards received
 - Participation in officially recognized activities and sports
 - Weight/height of members of athletic teams
 - Most recent public or private school attended by student

5.5 B RELEASE OF INFORMATION NOT REQUIRING PARENT/GUARDIAN AUTHORIZATION

The following categories of individuals and agencies are recognized as maybe having a "legitimate educational interest" in the contents of a pupil's educational records, and if so, be granted access without written parental consent:

- School officials, including teachers within the educational agency who have a legitimate educational interest, and members of attendance review boards.
- Officials of other schools or school systems in which the student seeks or intends to enroll.
- Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, an administrative head of an education agency, or by State Educational authorities.

State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.

- Parents of pupils 18 years or older who are dependents as defined in the IRS Code.
- Pupils 16 years or older or having completed the tenth grade who request access.

- Education Code section 49076 also requires access without written parental consent of any district attorney participating in or conducting a truancy mediation program or in the prosecution of a truancy petition; a prosecuting agency concerning the failure of a parent or guardian to comply with the compulsory education law; a probation officer or district attorney for the purpose of criminal investigation or investigation of a student who has been declared a ward of the court or involving a condition of probation. However, the federal government has stated that the release to such persons would be a violation of federal law (FERPA). For that reason, before information is released to such persons or agencies the District should require that a court order be issued.
- Subject to regulations of the Secretary in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
- Agencies or organizations in connection with a student's application for, or receipt of, financial aid.
- County Election Officials,
- Accrediting organizations in order to carry out their accrediting functions.
- Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
- Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll. Upon such requests, the requester must notify the parent of his right to receive a copy of the record and the right to challenge the content of the record.

A school district is not authorized to permit access to pupil records to any person (except those specified above) without parental or eligible student consent or under judicial order. Information concerning a student shall be furnished in compliance with a court order. The school district shall make a reasonable effort to notify the parent and the pupil in advance of such compliance if lawfully possible within the requirements of the judicial order.

5.5 .C CONSENT TO RELEASE STUDENT RECORDS

1. Written consent must specify the records to be released, identify the party or class of parties to whom records may be released, state the purpose(s) of the disclosure and be signed and dated by the parent or eligible student.
2. The recipient of the records must be notified that the transmission of information to others without the written consent of the parent is prohibited; however, information may be shared with other persons within the educational institution obtaining access, as long as such persons have a legitimate interest in the information.
3. Whenever a pupil reaches the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the pupil.

(EC 49061, 49073, 49076)

5.6 LOG OF REQUESTS FOR INFORMATION

All requests of individuals or agencies with the exceptions of “other school officials” above and parents, must be recorded in a record or log of requests for information, except for directory information recipients. The log or record must be open to the inspection by a parent and the school officials or his designee responsible for the maintenance of pupil records and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare and administrative head of an educational agency as defined in PL 93-380, and state educational authorities as a means of auditing the operation of the system.

The log or record must contain the following information: the name of the requesting party and the legitimate interest of the party. The log should be kept with the student’s educational records.

Recommended Procedure:

- Upon receipt of a written request for “directory” information from a group authorized to receive it, check pupil folder for “objection to release” form. (If no objection form is present, supply information). The law does not require logging requests for directory information.
- If request is oral, verify identity of requester by calling back. If any doubt as to identity of requester, require a request submitted in writing, on official letterhead.
- Upon receipt of a written request for information, ascertain whether or not it falls into the authorized categories as defined in Section above. If it does, supply the information as explained above. If it does not, log request and mail the requester an Exchange of Information form accompanied by the form letter (Appendix A-3).
- When the Exchange of Information form is returned to you, supply information together with transmittal letter (Appendix A-4). The law does not require logging of requests accompanied by authorization.

(EC 49064)

5.7 AMENDMENT OF RECORDS

5.5 A GROUNDS FOR AMENDMENT

If parents desire to challenge the content of pupil records, they must establish that one of the following specific grounds exists and provide a written request to correct or remove the information to the superintendent.

Grounds for amendment include:

- Inaccurate information.
- Information is unsubstantiated personal conclusion or inference.
- Information is a conclusion or inference outside the observer’s area of competence.
- Information is not based on personal observation
- Misleading information.
- Information in violation of the privacy or other right of the pupil.

(EC 49070)

5.7 B HEARING PROCEDURES

- Within thirty (30) days after receipt of a written request a superintendent or designee meets with the parent and the certificated employee who recorded the information, if the employee is presently employed by the District.
- The superintendent may sustain or deny the allegations of the parent, either permitting the record to stand or authorizing its removal and destruction.
- Within thirty (30) days the parent may file a written appeal to the governing board if the parent is dissatisfied with the decision of the superintendent.
- Within thirty (30) days after receipt of such an appeal the governing board must hold a closed hearing with the parent and with the teacher, if he or she is still employed by the District. The Board's decision is final. Records of the hearing are confidential and are to be destroyed after one year unless further legal action is pending.
- As an alternative, the superintendent and the governing board may convene a hearing panel if the parent gives written consent to release the relevant pupil's records to the members of the panel. The hearing panel consists of the chairperson who is a school principal in a school other than the one where the record is located, a certificated employee appointed by the parent, and a parent, appointed by the superintendent or the governing board, who is not acquainted with the pupil.
- The hearing panel meets in closed session to hear from the parent and the teacher who recorded the information, if available. The panel is provided with copies of the record in question and makes written findings of fact and a written decision.
- The findings of the panel are forwarded to the superintendent or the governing board depending on who convened the panel.
- The proceedings of the panel may not be disclosed or discussed by panel members except in their official capacity.
- If, as a result of the hearing, the agency does not agree with the parent, it will inform the parent of the right to place in the child's records a statement commenting on the record or explaining any reasons they disagree with the decision of the agency.

(EC 49070, 49071)

5.8 RETENTION AND DESTRUCTION OF PUPIL RECORDS

No pupil records may be destroyed except pursuant to established District rules and regulations which must comply with the procedure for destruction of records contained in California Code of Regulations, Title 5, sections 16020 and following, or as provided in Education Code sections 49070 (b) and (c) relating to the destruction of records that have been successfully challenged as inaccurate or unsubstantiated.

An agency may not destroy any educational record if there is an outstanding request to inspect or review them. Logs or records of access must be maintained as long as the educational record to which it pertains is maintained.

As documents are received by the records custodian at each site, he or she shall initial them to indicate the type of records involved. There are three types of records: mandatory permanent (MP), mandatory interim (MI), and permitted (P).

After records are classified, they must then be classified for destruction according to the timelines contained in Title 5.

5.8 A MANDATORY PERMANENT RECORDS

Mandatory Permanent Records include:

- Legal name of pupil
- Date of birth
- Method of verification of date of birth
- Sex of pupil
- Place of birth
- Name and address of a parent of a minor pupil
- Address of minor pupil if different
- An annual verification of the name and address of the parent and residence of the pupil
- Entering and leaving date for each school year and for any summer session or other extra session
- Subjects taken during each year, half-year, summer session or quarter
- If marks or credits are given, the marks or number of credits toward graduation allowed for work taken
- Verification of, or exemption from, required immunizations
- Date of high school graduation or equivalent
- Evidence of pupil's disability and participation in special education program, if applicable

These mandatory permanent records must be forwarded to a requesting school, but the original or copy must be retained permanently.

Mandatory Permanent Records that have been in inactive status for five years shall be microfilmed.

(5CCR 430,432)

5.8 B MANDATORY INTERIM RECORDS

Mandatory Interim Records are those records which schools are required to compile and maintain for stipulated periods of time and are then destroyed as per California statute or regulation. These records must be forwarded to all California schools and may be forwarded to other schools. Such records include:

- Access log
- Health records
- Participation in special education programs including required tests, case studies, authorizations and actions necessary to establish eligibility or discharge
- Language training records

- Progress slips and/or notices as required by Education Code Sections 49066 and 4906
- Parental restrictions regarding access to directory information or related stipulations
- Parent rejoinders to challenged records and to disciplinary action
- Parental authorizations or prohibitions of pupil participation in specific programs
- Results of standardized tests administered within the preceding three years

(SCCR 430, 432)

5.8 C PERMITTED RECORDS

Permitted Records include:

- Objective counselor and/or teacher ratings
- Standardized test results older than three years
- Verified reports of relevant behavioral patterns
- All disciplinary notices
- Attendance records not covered in the California Code of Regulation, Title 5 section 400 (records related to ADA or to compulsory education)

(SCCR 430, 432)

5.8 D DESTRUCTION PROCEDURES

1. Destruction of Permitted Records

Permitted pupil records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil's completion of or withdrawal from the educational program.

(SCCR 437)

2. Destruction of Mandatory Interim Records

Unless forwarded to another district, mandatory interim pupil records may be adjudged to be disposable when the student leaves the district or when their usefulness ceases. Destruction shall occur during the third school year following such classification.

(SCCR 437)

5.9 CONFIDENTIALITY OF PUPIL RECORDS CONTAINING I.Q. INFORMATION

The following guidelines implement the California State Department of Education Directives dated December 3, 1986, and October 15, 1987, regarding the use of I.Q. tests in the assessment of African-American pupils for special education services.

As of September, 1986, school districts may not use intelligence tests in the assessment of African-American pupils who have been referred for special education services. The prohibition against using I.Q. tests for

identifying or placing African-American pupils in special education means that parents of African-American pupils shall not be asked if they want to consent to the use of such tests. An I.Q. test may not be given to an African-American pupil even with parental consent. There are no special education related purposes for which I.Q. tests shall be administered.

5.9 A I.Q. TEST PROTOCOLS

When a school district receives records containing I.Q. test protocols from other agencies, out-of-state school districts, military facilities, or independent assessors, these records shall be forwarded to the parent. I.Q. test scores contained in the records shall not become a part of the pupil's current school record.

5.9 B PRE-EXISTING RECORDS CONTAINING I.Q. SCORES OR REFERENCES TO INFORMATION FROM I.Q. TESTS MUST BE PERMANENTLY SEALED

Before sealing the records of these students:

- The parents must be notified that the records will be sealed because of a court decision which prohibits the use of intelligence tests for African-American students for any purpose related to special education. (Appendix A-7)
- A qualified professional (school psychologist) will identify appropriate data contained in the student's educational records that is an I.Q. score or information that was obtained from or relates to an intelligence test.
- The school psychologist will seal all I.Q. related information as described below.
- The school psychologist will purge the I.Q. related information from the educational records. The remaining information will then become part of the student's educational record.

5.9 C RECORD SEALING PROCEDURE

The school psychologist will place all I.Q. related information in an envelope provided by the school district and seal the envelope. He/she will label the outside of the envelope with the student's name and a notation that the envelope contains sealed educational records and may not be opened. The outside of the envelope shall also indicate that the Director of Special Education must be consulted for information concerning the contents of the envelope.

Sealed records must be maintained by the district for five years.

The sealing process must be completed before a student is reevaluated for special education or transfers to a new district.

5.10 PROOF OF SERVICE BY MAIL FORM

5.10 A PURPOSE

The purpose of a Proof of Service by Mail form is to create a legal presumption of service of the document(s) by mail. The presumption created may be legally rebuttable when service becomes an issue during a court or administrative proceeding.

5.10 B RECOMMENDED PROCEDURES

1. Fill out form as follows (Appendix A-7).
 - **Signer**—the person who will **actually** mail the document(s). This should be a district employee, who would not be directly connected with a potential court or administrative proceeding. A secretary would be a logical person to mail the document(s) and sign the form.
 - **Mailing Address**—It is imperative that the most current address according to the district's records or knowledge be used.
2. Prepare and sign form. Attach a copy of the signed form to the documents being mailed.
3. Check the appropriate box concerning the method of mailing, which can include the use of the District mail room.
4. Keep the signed original in the student's file as proof of service of the documents by mail.

APPENDIX A – SAMPLE FORMS AND LETTERS

APPENDIX A-1

PARENT REQUEST FOR ACCESS TO PUPIL RECORDS

We/I, the parent(s) of hereby request to examine and review his/her school records, as provided under Public Law 101-476, The Individuals with Disabilities Education Act. I understand that I will be contacted within five school days after receipt of this request to schedule an appointment.

Parent/Guardian Signature

Date

Parent/Guardian Signature

Date

FOR CURRENT PUPILS, RETURN TO:

The Principal of your child's school

FOR FORMER PUPILS, RETURN TO:

Special Education Administrator

Your School District Office

APPENDIX A-3 AUTHORIZATION FOR RELEASE OF STUDENT RECORDS

Name of District/Unit/SELPA _____

AUTHORIZATION FOR RELEASE OF STUDENT RECORDS

We/I, the parent(s) of _____

authorize the release by _____

to _____ of the information

described below that is contained in his/her school record.

Parent/Guardian Signature

Date

To be completed by Requester

Description of information requested: _____

Student's Name _____ Birthdate _____

Name of School _____

Parent/Guardian _____

Address _____

Phone _____

Return to: _____

Name of Requester _____

Position of Requester _____

Address _____

Purpose of request: _____

If records are disclosed to me I understand that I may not disclose the information to any other party without prior written parental/guardian consent.

APPENDIX A-4 SAMPLE COVER LETTER FOR AUTHORIZATION FOR RELEASE
OF STUDENT RECORDS

Re: _____ Date _____

Dear _____

Your request for information concerning the student named above was recently received by this office. Provisions of state and federal laws require that an authorization for release of student records accompany your request.

A copy of this release form has been enclosed for your convenience. Please submit your written request and the completed release form to the undersigned for prompt processing.

Your cooperation is appreciated.

Sincerely,

SPECIAL EDUCATION DIRECTOR

Enclosure

APPENDIX A-5 SAMPLE COVER LETTER WHEN SENDING STUDENT RECORDS

Re: _____ Date _____

Dear _____

Enclosed is the information you requested concerning the student named above. The transmission of this information to others without the written consent of the parent/guardian is prohibited.

Sincerely,

Enclosure

APPENDIX A-6 SAMPLE PARENT LETTER REGARDING INTELLIGENCE TEST INFORMATION

Dear Parent/Guardian:

Public schools have been instructed to seal pre-existing educational records containing intelligence scores and/or references to information from intelligence tests of African- American special education students. This action is based upon a court decision which prohibits the use of intelligence tests for African-American students for any purpose related to special education. A copy of your child's sealed records will be provided to you upon request.

Please feel free to contact this office if you have any questions.

Sincerely,

cc: Special Education Record Cumulative Record

PROOF OF SERVICE BY MAIL

1. I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing took place and my residence or business address is:

2. I served a copy of the following documents:

3. I served a copy of the foregoing documents by mailing them in a sealed envelope with first class postage fully prepaid, to the address stated below, as follows:

I deposited the envelope with the United States Postal Service.

I placed the envelope for collection and processing for mailing following this business's ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

I faxed a copy of the above described document to the following fax number:

I caused to be hand delivered by messenger.

4. Date of Service: _____

5. Place Mailed From: _____

6. Addressed As Follows: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature _____

Date _____

CHAPTER 6 – SPECIAL EDUCATION ELIGIBILITY CRITERIA AND IEP PLANNING GUIDELINES

6.1 PURPOSE AND SCOPE

The purpose of this document is to define the specific processes and procedures involved in determining a student's need to receive special education and related services. It is **not meant to determine instructional setting or placement**. Those determinations are made by the IEP Team based on identified student needs.

The determination of eligibility must be based on the findings of a multi- disciplinary assessment where no single test or single observer is the sole determining factor. The IEP Team must assure that the student's academic needs cannot be met through modifications of the regular education program and that the disability, even with corrections and modifications, adversely affects the individual's educational performance. The IEP Team must also assure that all areas of suspected disability have been assessed. There shall be further documentation that race, cultural differences, economic disadvantage, language, background, limited school experience and poor attendance are not primary contributing factors to the results of the assessment. The IEP Team will determine eligibility, present levels of performance, areas of need and goals that address each area of need. Goals and (objectives if required) will be supported by appropriate services in the least restrictive environment as determined by the IEP Team for the child to receive educational benefit.

6.2 PRIOR TO REFERRAL FOR SPECIAL EDUCATION

The Student Study Team, or the referring instructional personnel, shall document that accommodations/modifications of the regular program have been attempted and that the results of those modifications have not been effective in meeting the student's need for an appropriate education. Students shall be referred for special education and related services only after the resources of the regular education program have been considered and, where appropriate, utilized.

6.3 REFERRAL

C.C.R., Title 5, Sec. 3021. REFERRAL

(a) All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the school district, special education local plan area, or county office shall offer assistance to the individual in making a request in writing, and shall assist the individual if the individual requests such assistance.

(b) All school staff referrals shall be written and include:

- (1) A brief reason for the referral.
- (2) Documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay time lines for completing the assessment plan or assessment.

6.4 ASSESSMENT

E.C. Sec. 56327: The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:

- (a) Whether the pupil may need special education and related services.
- (b) The basis for making the determination.

- (c) The relevant behavior noted during the observation of the pupil in an appropriate setting.
- (d) The relationship of that behavior to the pupil's academic and social functioning.
- (e) The educationally relevant health and development, and medical findings, if any.
- (f) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate. (h) The need for specialized services, materials, and equipment for the pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.

C.C.R., Title 5, Sec. 3023. ASSESSMENT

- (a) In addition to provisions of Section 56320 of the Education Code, assessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall
- (b) document this condition and note that the validity may have been affected.
- (c) The normal process of second-language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a disabling condition.

E.C., Sec. 56320:

(g) The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136.

6.5 ELIGIBILITY CRITERIA

A pupil shall qualify as an individual with exceptional needs, pursuant to Section 56026 of the Education Code, if the results of the assessment as required by Section 56320 demonstrate that the degree of the pupil's impairment as described in Section 3030 (a through j) requires special education in one or more of the program options authorized by Section 56361 of the Education Code. The decision as to whether or not the assessment results demonstrate that the degree of the pupil's impairment requires special education shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341 (d) of the Education Code. The individualized education program team shall take into account all the relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decision of the individualized education program team as to the pupil's eligibility for special education. The specific processes and procedures for implementation of these criteria shall be developed by each Special Education Local Plan Area and be included in the Local Plan pursuant to Section 56220 (a) of the Education Code.

Eligibility Criteria are separated into thirteen federal classifications. Students need only to meet eligibility under one of these federal classifications. (34 C.F.R., Part 300.7.)

Students meeting eligibility under some of the above federal classifications are considered to be severely disabled as follows:

E.C., Sec. 56030.5

"Severely disabled" means individuals with exceptional needs

who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6

(commencing with Section 56800) of this part, as it read on January 1, 1980.

SEVERE DISABILITIES AND NONSEVERE DISABILITIES

Students meeting eligibility under some of the above federal classifications are considered to be severely disabled as follows:

E.C., Sec. 56030.5

"Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6 (commencing with Section 56800) of this part, as it read on January 1, 1980.

6.5 A AUTISM

Definition:

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

A pupil exhibits any combination of the following autistic-like behaviors, to include but not be limited to:

- (1) An inability to use oral language for appropriate communication.
- (2) A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
- (3) An obsession to maintain sameness.
- (4) Extreme preoccupation with objects or inappropriate use of objects or both.
- (5) Extreme resistance to controls.
- (6) Displays peculiar motoric mannerisms and mobility patterns.
- (7) Self-stimulating, ritualistic behavior.C.F.R. 300.7 (c) (1)
- (8)

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.

6.5 B DEAFBLINDNESS (DB)

Definition:

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

A pupil has concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.

C.F.R. 300.7 (c)(2)

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

6.5 C DEAFNESS (D)

Definition:

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

A pupil has a hearing impairment whether, permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination. C.F.R. 300.7(c)(3)

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's education performance.

Deafness: This hearing impairment is so severe that an individual is impaired in processing linguistic information through hearing with or without amplification. This condition adversely affects expressive or receptive communication or both, developmental growth, and/or educational performance.

6.5 D HEARING IMPAIRMENT (HI) Definition:

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

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

C.F.R. 300.7 (c)(5)

Hearing impairment means an impairment in hearing whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

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

6.5 E MENTAL RETARDATION (MR)

Definition:

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

A pupil has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect a pupil's educational performance.

C.F.R. 300.7(c)(6)

Mental retardation means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

6.5 F MULTIPLE DISABILITIES (MH)

Definition:

34 C.F.R. 300.7 (c)

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

6.5 G ORTHOPEDIC IMPAIRMENT (OI)

Definition:

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

A pupil has a severe orthopedic impairment which adversely affects the pupil's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.

C.F.R. 300.7(c)(8)

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

6.5 H OTHER HEALTH IMPAIRMENT (OHI)

Definition:

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

A pupil 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 pupil's educational performance. In accordance with Section 56026 (e) of the Education Code, such physical disabilities shall not be temporary in nature as defined by Section 3001 (v).C.F.R. 300.7 (c)Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that –

- (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and
- (ii) Adversely affects a child's educational performance.

6.5 I EMOTIONAL DISTURBANCE (ED)

Definition:

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

Because of an emotional disturbance, a pupil exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect 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.

C.F.R. 300.7(c)(4)

Emotional disturbance is defined as follows:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's education performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
 - (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
 - (C) Inappropriate types of behavior or feelings under normal circumstances.
 - (D) A general pervasive mood of unhappiness or depression.
 - (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
- (ii) The term includes schizophrenia.

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

6.5 J SPECIFIC LEARNING DISABILITY (SLD)

Definition:

E.C. 56337

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

(a) A severe discrepancy exists between the intellectual ability and achievements in one or more of the following academic areas: Oral Expression

- (1) Listening comprehension
- (2) Written expression
- (3) Basic reading skills
- (4) Reading comprehension
- (5) Mathematics calculation
- (6) Mathematics reasoning

(b) The discrepancy is due to a disorder in one or more of the basic psychological processes and is not the result of environmental, cultural, or economic disadvantages.

(c) The discrepancy cannot be corrected through other regular or categorical services offered within the regular instructional program.

E.C. 56337.5 (a)

(a) A pupil who is assessed as being dyslexic and meets eligibility criteria specified in Section 56337 and subdivision (j) of Section 3030 of Title 5 of the California Code of Regulations for the federal Individuals with