

## **PROGRAMS FOR EXCEPTIONAL CHILDREN STATEMENT AND GOALS**

### **Programs for Exceptional Children Mission Statement**

Ensure that all our students have equitable access to quality classroom and community instruction. That our students will possess the knowledge and skills essential for a successful transition to lifelong learning, by developing to their fullest potential, becoming productive citizens and enjoying a positive quality of life.

### **Programs for Exceptional Children Vision Statement**

Strives to establish an educational climate where diversity and individuality are celebrated and respected. That there is the belief that all children can learn; that we will work to provide and support the necessary interventions, to ensure that each student's unique educational needs are met; that we work as a team, with parents and staff to fulfill the mission statement and comply with State and Federal Laws; that special education programs and activities will be meaningful, authentic and engaging for all students and an acknowledgement that all special education students can become productive, contributing and valued members of the community.

### **Goals and Objectives for 2008 -2009 School Year**

1. Decrease the number of triennial and annual overdue IEPs, state compliance complaints and district complaints by 20% in 2009, 25% by 2010 and 30% by 2011.
2. Create quality programs for students and youth with disabilities and do so with attention to reasonable fiscal restraint.
3. Decrease the number of students in NPS programs by developing norms, policies and procedures in order to facilitate a return of the non-public students to school based programs.
4. Redesign and revise the existing Policy and Procedures Manual to reflect changes in the law and the regulatory environment.
5. Improve communication, within PEC, with the site administrators and the district, by providing on-going training, active participation in district Leadership Team meetings and the PEC joint Leadership Team meetings of Coordinators and Program Specialists.

6. Debrief site IEP teams to evaluate corrective actions from state compliance complaints or to review/implement final mediated agreements from a due process hearing.
7. Improve our technology use in the area of academic programs; require all staff to use the web-based IEP and expand the information that is available on our district special education web page for easy access by teachers, administrators and parents.

## **PURPOSE AND SCOPE**

The purpose of this Special Education Procedural Handbook is to serve as a guideline for required procedures as well as best practices within the realm of special education. With the exception of language mandated by federal and state laws and regulations, the contents of this handbook are procedural suggestions intended to assist the district in meeting the requirements of the law. It provides district personnel clear and systematic procedures regarding student rights and responsibilities, in accordance with federal and state laws and regulations. It draws from the IDEA, Title V, the Education Code, and articulates with the Oakland Local Plan for Special Education.

Students who are eligible for special education and related services are afforded a free and appropriate public education, designed to meet their needs in the least restrictive environment. Procedural safeguards are available for every student. Each school is responsible for ensuring that the above mission is accomplished in a timely, thoughtful and thorough manner.

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

## **OVERVIEW OF SPECIAL EDUCATION**

Special Education is defined by law as “specially designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability”.

In order to determine a student’s eligibility for special education, a multi-disciplinary assessment is conducted. This assessment team determines if a student satisfies both parts of a two-part test. First, the student must meet the definition of one or more of the categories of disabilities specified under the IDEA. Second, the student must be shown to be in need of special education and related services as a result of his or her disability or disabilities. In general, a student is identified to be in need of special education and related services if he or she is unable to function satisfactorily in the general education classroom, even with accommodations and modifications to the curriculum. Students whose educational needs are due primarily to limited English proficiency, a lack of instruction in reading or mathematics, temporary physical disabilities, social maladjustment, environmental, cultural, or economic factors, do not qualify as students with disabilities.

Upon determination of eligibility, the Individualized Education Program (IEP) team develops the IEP, which is a document that describes the student’s current level of educational performance, a statement of annual goals aligned to the general education standards, a statement of the special education and related services the student will receive, and the extent to which he or she will participate in general education. The IEP is reviewed and modified at least annually.

With certain exceptions, at least every three years a re-evaluation of the student is conducted to determine if he or she continues to be eligible for special education and related services. If determined by the IEP team and other qualified professionals that additional data are not needed to make the determination and the parent agrees, a re-evaluation is not necessary and a records review may be conducted. A student may be dismissed from special education and related services if the IEP team, based on an assessment, determines that the student no longer meets the eligibility criteria for special education.

Students with disabilities and their parents are afforded certain procedural safeguards designed to provide them with meaningful involvement in the educational program. Parents may file a complaint with the State Department of Education if they believe that the school district has not complied with the laws and regulations governing special education. They may also request a due process hearing with the Office of Administration Hearings in the event they disagree with the district’s decisions regarding their child’s educational program.

**ROLES AND RESPONSIBILITIES  
IN  
SPECIAL EDUCATION**

## **ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION**

### **ADMINISTRATORS**

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#### **Administrator, Principal, or Assistant Principal**

1. Ensure all parent requests for assessment and relevant paperwork in your possession is forwarded to the appropriate special education staff.
2. Ensure that all special education staff complete the required calendaring of all annuals and triennials by September 15<sup>th</sup>. Copies of the calendar are to be submitted to the administrator, program specialist and coordinator.
3. Ensure that there is appropriate representation of all staff at each IEP meeting. It is especially important that a parent, a special education teacher, a general education teacher, and an administrator attend each IEP meeting. As appropriate, the psychologist and any DIS provider should also be included.
4. A member of the IEP team may be excused from attending an IEP meeting, in whole or in part, if the parent and district consent to the excusal.
5. Ensure implementation and monitoring of monthly reports provided by the PEC department to ensure the timely completion of all IEP reviews and/or triennial assessment at your site.
6. Verify that completed IEPs are forwarded to MIS operator within two (2) days of the IEP meeting.
7. Ensure that all special education staff at the school site are included in educational program planning and development.
8. Ensure that all special education staff attend mandatory special education professional development trainings.
9. Ensure all special education staff are evaluated within contract expectations. RS and SDC teachers should be evaluated at least every other year and paraprofessionals at least annually.

10. Monitor and demonstrate familiarity with the programs and curricula in use at their site.

**All PEC employees have specific special education duties and are not to be assigned to any general education functions.**

11. In compliance with the Williams Act, ensure special education staff have equitable access to all school resources afforded to general education staff.
12. Ensure that all students with disabilities have equal access to district programs where appropriate.
13. If site is intending to move forward with a referral to DHP, an administrator must call on the first day of suspension to inform the appropriate PEC secretary to schedule a manifestation determination IEP.

## **ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION**

### **RESOURCE SPECIALISTS**

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#### **Resource Specialists**

The RSP teacher is the case manager for students assigned to the school site(s). The activities of a case manager are varied depending on the site, the program, and grade level(s) of students involved. The following list describes the roles and responsibilities of RSP teachers.

1. Inform parents of the need to file a written request for assessment when a verbal request is made. Provides assistance in completing this written notice, if necessary.
2. The case manager then has 15 calendar days to respond to the request. Carefully review the policy on Prior Written Notice (PWN) which indicates the procedures for determining whether or not the IEP Team should go forward with an assessment. Within the 15 days a PWN is sent home either with an assessment plan indicating a proposal to evaluate the student or without an assessment plan when a request is denied.
3. Assists in the development of the assessment plan. An assessment plan must be completed whenever an assessment for the development or revision of the IEP is to be conducted and must be signed by the parent/guardian prior to the testing. For initial referrals, the assessment plan must be given to the parent within fifteen (15) days of the referral for assessment, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five (5) school days from the date of the referral, unless the parent agrees, in writing to an extension. An assessment plan must be developed within ten (10) days after the beginning of the regular school year for any referral made ten (10) days or less prior to the end of the previous school year.
4. Ensures that the Notice of Procedural Safeguards is given to the parent along with the assessment plan.
5. Assists in the identification of student's individual needs through assessment. Provides results of academic achievement assessments to the school psychologist at least ten (10) days in advance of the IEP meetings.

6. Completes Parent/Guardian Notification of IEP Meeting and sends it to the parent early enough to ensure an opportunity to attend.
7. Ensures that the following timelines are met:
  - Initial IEP meetings must be held within sixty (60) days of the receipt of the signed assessment plan;
  - Annual IEP reviews must be held before or on the date of the previous annual IEP review or initial/triennial,
  - Triennial re-evaluations must be held on or before the date of the previous triennial or within three (3) years of the initial assessment; and
  - 30-day interim IEP meeting must be held on or before thirty (30) days of enrollment.
8. Meets with site administrator/designee and other staff as needed, to calendar IEP meetings according to due dates.
9. Participates in the development of IEPs.
10. Provides direct instruction to special education students, as designated in the IEP.
11. Supervises the assigned paraprofessional and contributes input to his/her evaluation, if appropriate.
12. Provides in-service training for site school staff and community in order to promote a better understanding of the needs of students with disabilities and the referral process.
13. Coordinates and consults with administrators, special education specialists, general education classroom teachers, psychologists, program specialists, other support staff, outside agencies, and parents regarding instructional planning for special education students.
14. Notifies special education department and site administrator of accurate monthly caseload numbers.
15. Provides resources, such as instructional materials and collaboration time with the regular classroom teacher, as appropriate.
16. Evaluates student progress, maintains necessary records indicating student performance, behavior and attendance, and recommends revisions of the IEP when appropriate. This includes grades, progress reports, attendance, student

discipline, suspensions and benchmark documentation of goals and objectives cited in students' IEPs.

17. Assists with coordination of services provided by DIS personnel.
18. Assists parents in understanding their rights and the special education process and procedures.
19. Attends required district and site level meetings.
20. Provides the necessary information to the site/district testing coordinator for all State/District assessments.
21. Conducts appropriate academic assessments in the area of suspected disability.
22. Provides a written report of all assessments conducted.
23. Provides services as indicated in the IEP.

## **ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION**

### **SPECIAL DAY CLASS TEACHERS**

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#### **Special Day Class Teachers**

The SDC teacher is the case manager for students assigned to his/her classroom. The activities of a case manager are varied depending on the site, the program, and grade level(s) of students involved. The following list describes the roles and responsibilities of SDC teachers:

1. Informs parents of the need to file a written request for assessment when a verbal request is made. Provides assistance in completing this written notice, if necessary.
2. Assists in the identification of student's individual needs through assessment. Provides results of academic achievement assessments to the school psychologist at least ten (10) days in advance of the IEP meetings.
3. Completes Parent/Guardian Notification of IEP Meeting and sends it to the parent early enough to ensure an opportunity to attend.
4. Ensures that the following timelines are met:
  - Initial IEP meetings must be held within sixty (60) days of the receipt of the signed assessment plan.
  - Annual IEP reviews must be held before or on the date of the previous annual IEP review or initial/triennial.
  - Triennial re-evaluations must be held on or before the date of the previous triennial or within three (3) years of the initial assessment.
  - 30-day interim IEP meeting must be held on or before thirty (30) days of enrollment.
5. Coordinates the application process for SDC students to register for the Extended School Year program according to timelines, as appropriate.
6. Meets with site administrator/designee and other staff as needed, to calendar IEP meetings according to due dates.

7. Participates in the development of IEPs.
8. Provides direct instruction to special education students, as designated in the IEP.
9. Supervises the assigned paraprofessional and contributes input to his/her evaluation, if appropriate.
10. Provides in-service training for site school staff and community in order to promote a better understanding of students with disabilities as needed.
11. Coordinates and consults with administrators, special education specialists, general education classroom teachers, psychologists, program specialists, other support staff, outside agencies, and parents regarding instructional planning for special education students.
12. Notifies special education department and site administrator or accurate monthly caseload numbers.
13. Provides resources, such as instructional materials and collaboration time to regular classroom teachers, as appropriate.
14. Evaluates student progress, maintains necessary records indicating student performance, behavior and attendance, and recommends revisions of the IEP when appropriate. This includes grades, progress reports, attendance, student discipline, suspensions and benchmark documentation of goals and objectives cited in students' IEPs.
15. Assists with coordination of services provided by DIS personnel.
16. Assists parents in understanding their rights and the special education process and procedures.
17. Attends required district and site level meetings.
18. Provides the necessary information to the site/district testing coordinator for all State/District assessments.
19. Provides a written report of all assessment conducted.
20. Provides services as indicated in the IEP.

## **ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION**

### **DESIGNATED INSTRUCTION AND SERVICES SPECIALISTS**

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#### **Designated Instruction and Services Specialists**

The DIS specialist is responsible for students assigned to his/her caseload. The activities of a case manager are varied depending on the site, the program, and grade level(s) of students involved. The following list describes the roles and responsibilities of DIS specialists:

1. Conducts screenings, when indicated.
2. Informs parents of the need to file a written request for assessment when a verbal request is made. Provides assistance in completing this written notice, if necessary.
3. The case manager then has 15 calendar days to respond to the request. Carefully review the policy on Prior Written Notice (PWN) which indicates the procedures for determining whether or not the IEP Team should go forward with an assessment. Within the 15 days a PWN is sent home either with an assessment plan indicating a proposal to evaluate the student or without an assessment plan when a request is denied. Parents Rights Handbook should be included in both situations.
4. For DIS only students, develops the assessment plan. For all other special education students, assists in the development of the assessment plan. An assessment plan must be completed whenever an assessment for the development or revision of the IEP is to be conducted and must be signed by parent/guardian prior to the testing. For initial referrals, the assessment plan must be given to the parent within 15 days of the referral for assessment, not counting days between the student's regular school sessions or terms or days of school vacation in excess of 5 school days from the date of the referral. An assessment plan must be developed within 10 days after the beginning of the regular school year for any referral made 10 days or less prior to the end of the previous school year.
5. Ensures that the Notice of Procedural Safeguards is given to the parent along with the assessment plan.
6. Conducts appropriate assessments in the areas of suspected disability.

7. For DIS only students, arranges and coordinates IEP team meetings.
8. Completes Parent/Guardian Notification of IEP Meeting and sends it to the parent early enough to ensure an opportunity to attend.
9. Ensures that the following timelines are met:
  - Initial IEP meetings must be held within sixty (60) days of the receipt of the signed assessment plan;
  - Annual IEP reviews must be held before or on the date of the previous annual IEP review or initial/triennial;
  - Triennial re-evaluations must be held on or before the date of the previous triennial or within three (3) years of the initial assessment; and
  - 30-day interim IEP meeting must be held on or before thirty (30) days of enrollment.
10. Provides a written report of all assessment conducted.
11. Provides assessment information at IEP meetings, and makes program and/or service recommendations within DIS specifically.
12. Participates in the development of the IEP.
13. Provides services as indicated in the IEP.
14. Serves as consultant to administrators, psychologists, other special education support staff, regular classroom teachers, and parents.
15. Meets with site administrator/designee and other staff as needed, to calendar IEP meetings in accordance with due dates.
16. Provides in-service training for site school staff and community in order to promote a better understanding of students with disabilities, as needed.
17. Notifies special education department and site administrator of accurate monthly caseload numbers.
18. Provides resources, such as instructional materials and collaboration time to regular classroom teachers, as appropriate.
19. Evaluates student progress, maintains necessary records indicating student performance and attendance, and recommends revisions of the IEP, when

- appropriate. This includes grades, progress reports, and benchmark documentation of goals and objectives cited in students' IEPs.
20. Assists parents in understanding their rights and the special education process and procedures.
  21. Attends district and site level meetings.
  22. Provides the necessary information to the site/district testing coordinator for all State/district assessments.
  23. Submits a monthly list of student adds/drops to the MIS operator.

# REFERRAL

## REFERRAL

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### **CHILD FIND**

Each local educational agency shall actively and systematically seek out all individuals with exceptional needs, ages 0 through 21, including (1) children in private, including religious schools; (2) highly mobile individuals with exceptional needs such as children who are migrant or homeless; (3) children who are advancing from grade to grade even though they are suspected of being an individual with exceptional needs and in need of special education and related services; and (4) children not enrolled in public school programs, who reside in a district or are under the jurisdiction of a SELPA or a county office. All districts have adopted policies for notifying parents of their rights and for initiating a referral for assessment to identify individuals with exceptional needs. Identification procedures shall include utilization of referrals from teachers, parents, agencies, appropriate professional persons, and from other members of the public.

The child find process shall ensure the equitable participation of parentally placed private school children with disabilities, including an accurate count of such children and comparable timelines to that for public school children.

School site procedures and identification procedures are coordinated to provide referral of pupils with needs that cannot be met with modification of the regular instructional program.

**A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized** *California Education Code §56301(b)*.

All referrals for special education shall be in writing. When a verbal referral is made, staff of the school district, county office or SELPA shall offer assistance to the individual making the request, and shall assist the individual if he/she requests such assistance.

### **SOURCES OF REFERRALS**

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

1. School screening programs, such as vision, hearing, and speech and language screenings.

2. Student Success Team (SST).
3. Direct Referrals from agencies or individuals within the LEA having knowledge of an individual with a suspected disability.
4. Direct referral from parents /legal guardians.

### **ACKNOWLEDGEMENT OF REFERRAL**

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

1. If the parent participated in a Student Success Team (SST) meeting when the decision was made to refer the student for an assessment, the notification requirement will have been met.
2. The formal written notification of parent is necessary when referrals have been initiated without parental involvement.
3. Personal contact in the parent's primary language to provide an explanation of the referral/assessment process and the forms is strongly recommended.

### **BEST PRACTICES FOR SCHOOL SITE REFERRALS**

The following is a sequence of activities that reflects best practices in addressing a possible referral for a special education assessment:

1. An individual at the school site has a concern about a student's academic progress. That individual begins to access resources available at the school and/or consult with persons knowledgeable about the individual student or available resources.
2. The student's parent/guardian is contacted for support, information, and sharing of ideas.
3. Attempts are made to accommodate and modify the student's educational program in order to address the original concerns. If the concerns remain after such attempts have been made, a referral is initiated to the Student Success Team (SST).
4. A Student Success Team meeting is held, involving the parent, the pupil, the general education teacher and any necessary community resources. Documentation of targeted academic and/or behavioral interventions maintained. Intervention should be implemented for no less than 8 weeks

5. Should interventions not produce progress a follow-up SST should be held to modify current interventions.
6. After a minimum of two SSTs and two intervention rounds without resulting in progress, a referral to special education may be considered.

### **BEST PRACTICES FOR A DIRECT PARENT/GUARDIAN REFERRAL**

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

1. If the parent/guardian elects not to participate in the Student Success Team, and would like an assessment to determine eligibility for special education and related services, the case manager (resource specialist) assists the parent in putting the request for assessment in writing (if necessary).
2. If the case manager believes that an assessment for special education **is appropriate**, within fifteen days of the receipt of the request for assessment, an assessment plan is presented to the parent/guardian. When the parent/guardian gives informed consent, and the assessment process is initiated and must be completed within the statutory timeline of sixty days.
3. However, if the case manager believes that an assessment for special education is **not appropriate**, they may refuse to conduct the assessment. In such cases, the district must complete and present the Prior Written Notice form to the parent/guardian within fifteen days of the receipt of the written request for assessment.

### **BEST PRACTICES FOR NON-ENGLISH SPEAKING PARENTS**

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

### **REFERRAL TO INFANT PROGRAM**

Programs for Exceptional Programs coordinates programs for infants with low incidence disabilities (deaf and hard of hearing, visually impaired and orthopedically impaired). Referrals to the program should be directed to the Coordinator of Preschool Programs, at 2850 West Street, Oakland, CA 94608, (510) 879-8222.

### **REFERRAL TO PRESCHOOL PROGRAM**

All referrals for preschool age children shall follow the above procedures and shall be made to the manager of the Oakland Unified School District, Diagnostic Team at 2850 West Street, Oakland, CA 94608, (510) 879-3070.

Ensure that all of the following data is provided:

Student Name  
Birth Date  
Parent Names  
Address  
Phone Number(s)  
Specific Areas of Concern

### **PRIOR WRITTEN NOTICE**

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

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

The notice must include:

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

The notice must be:

- Written in language understandable to the general public; and
- Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure:

- That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- That the parent understands the content of the notice; and
- That there is written evidence that these requirements have been met.

# ASSESSMENT

## ASSESSMENT

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### INTRODUCTION

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

### TIMELINES

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

1. The 60-day timeline begins the day the signed assessment plan is received by a staff member. Case managers are responsible for educating the time sensitively of assessment plan to all site staff.
2. The case manager is responsible for distributing copies of the assessment plan to all persons named as assessors on the plan. **(This should be done within 24 hours to allow all assessors ample time to evaluate the student).**

### DEVELOPMENT OF ASSESSMENT PLAN

Within 15 days of the receipt of the referral for assessment, the appropriate IEP assessment team member(s) shall prepare and mail or personally deliver to the parent the following:

1. The completed Assessment Plan; and
2. A copy of the Notice of Procedural Safeguards and Parents' Rights.

The 15 days does not include days between the student's regular school sessions or days of school vacation in excess of five school days. The assessment plan shall be developed within 10 days after the beginning of the regular school year for whom a referral has been made 10 days or less prior to the end of the regular school year. In the case of school

vacations, the 15 day timeline recommencing on the date the student's regular schooldays reconvene.

1. The assessment plan shall be in the primary language of the parent (or other mode of communication used by the parent) unless to do so is clearly not feasible.
2. The assessment plan shall include the child's primary language and level of English proficiency.
3. The parent shall have at least 15 calendar days from the receipt of the assessment plan to arrive at a decision. Assessment begins immediately upon receipt of the parent's written consent.
4. Upon receipt of the signed assessment plan, you must fill out the date it is received and the date the 60 day timeline expires. The assessment must be included in the completed IEP packet.

#### **ASSESSMENT REQUIRMENTS**

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

4. Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills it produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.
5. No single procedure is used as the sole criterion for determining whether a pupil is an individual with exceptional needs and for determining an appropriate educational program for the pupil.
6. The pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, information processing academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Education Code Section 56136.
7. The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Education Code Section 56136.
8. Assessment must be conducted by those competent to perform the assessment, as determined by the school district.
  - a. Any psychological assessment must be conducted by a credentialed school psychologist, capable of assessing cultural and ethnic factors pertaining to the child being assessed; and
  - b. Any health assessment must be conducted by a credentialed school nurse or physician, capable of assessing cultural and ethnic factors pertaining to the child being assessed.
9. Assessment must include observations of the child according to the following criteria:
  - a. For a child with suspected learning disabilities, at least one person other than the child's regular teacher shall observe his/her performance in the regular classroom setting; and

- b. If the child is younger than 4 years, 9 months or is out of school, an assessment team member shall observe him/her in an environment appropriate for a child of that age.
- 10. Vision and hearing screenings must be conducted for all initial assessments and three-year re-evaluations, unless parental permission was denied.
- 11. The assessment must include consideration of information and private assessments provided by the parent.
- 12. Assessments must include information related to enabling the child to be involved in and progress in the general curriculum.
- 13. Districts must ensure that IQ tests are not administered to African-American students. Alternative assessments IQ tests will be used to obtain information about these students' cognitive development.
- 14. All children whose home language survey indicated a language other than English must be assessed using the California English Language Development Test (CELDT) or an alternate assessment to determine English language proficiency.

### **ASSESSMENT REPORTS**

The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all of 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. For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that cannot be corrected without special education and related services;
- g. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate;

- h. The need for specialized services, materials, and equipment or pupils with low incidence disabilities, consistent with guidelines established pursuant to Education Code Section 56136;
- i. Information related to enabling the child to be involved and progress in the general curriculum or, for preschool children, to participate in appropriate activities;
- j. Documentation of the language of assessment for children whose primary language is not English and the results of tests administered in the child's primary language by qualified personnel; and
- k. A statement regarding the validity of the assessment if the assessment was administered through an interpreter.

A copy of the assessment report shall be given to the parent. Whenever possible, best practices suggest that the parent receives the report in 2 days prior to the IEP meeting to read and assimilate the information.

### **INDEPENDENT EDUCATIONAL ASSESSMENT**

A parent or guardian has the right to obtain, at public expense, an independent educational assessment of the pupil from qualified specialists, if the parent or guardian disagrees with an assessment obtained by the public education agency. The specific requirements and authorities for seeking an independent educational assessment may be found at section 300.502 of Title 34 of the Code of Federal Regulations, and in sections 56506(c) and 56329(b) of the California Education Code.

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

If the parent or guardian obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the public education agency with respect to the provision of free appropriate public education to the child, and may be presented as evidence at a due process hearing.

Current District assessment procedures allow for the in-class observation of students. If the school district observes a child as part of an assessment or would have been allowed to observe a child, the individual conducting an independent educational evaluation must also be allowed to observe the child in the classroom.

# INDIVIDUAL EDUCATION PROGRAM IEP COMPONENTS

## **INDIVIDUALIZED EDUCATION PROGRAM IEP COMPONENTS**

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### **IEP COMPONENTS**

- A. The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by subsection (d) of Section 1414 of Title 20 of the United States Code, and that includes the following:
- (1) A statement of the individual's present levels of academic achievement and functional performance, including the following:
    - (a) The manner in which the disability of the individual affects his or her involvement and progress in the general education curriculum;
    - (b) For preschool children, as appropriate, the manner in which the disability affects his or her participation in appropriate activities; and
    - (c) For individuals with exceptional needs who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.
  - (2) A statement of measurable annual goals, including academic and functional goals, designed to do the following:
    - (a) Meet the individual's needs that result from the individual's disability to enable the pupil to be involved in and make progress in the general curriculum; and
    - (b) Meet each of the pupil's other educational needs that result from the individual's disability.
  - (3) A description of the manner in which the progress of the pupil toward meeting the annual goals described in paragraph (2) will be measured and when periodic reports on the progress the pupil is making toward meeting the annual goals, such as through the use

of quarterly or other periodic reports, concurrent with the issuance of report cards, will be provided.

- (4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided to the pupil to do the following:
  - (a) To advance appropriately toward attaining the annual goals;
  - (b) To be involved in and make progress in the general education curriculum in accordance with paragraph (1) and to participate in extracurricular and other non-academic activities; and
  - (b) To be educated and participate with other individuals with exceptional needs and non-disabled pupils in the activities described in this subdivision.
- (5) An explanation of the extent, if any, to which the pupil will not participate with non-disabled pupils in the regular class and in the activities described in subparagraph (C) of paragraph (4).
- (6)
  - (a) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and district wide assessments consistent with subparagraph (A) of paragraph (16) of subsection (a) of Section 1412 of Title 20 of the United States Code.
  - (b) If the individualized education program team determines that the pupil shall take an alternate assessment on a particular state or district wide assessment of pupil achievement, a statement of the following:
    - (i) The reason why the pupil cannot participate in the regular assessment; and
    - (ii) The reason why the particular alternate assessment selected is appropriate for the pupil.
- (7) The projected date for the beginning of the services and modifications described in paragraph (4), and the anticipated frequency, location, and duration of those services and modifications.

- (8) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, and updated annually thereafter, the following shall be included:
  - (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate independent living skills; and
  - (b) The transition services, as defined in Section 56345.1, including courses of study, needed to assist the pupil in reaching those goals.

B. If appropriate, the individualized education program shall also include, but not be limited to, all of the following:

- (1) For pupils in grades 7 to 12, inclusive, any alternative means and modes necessary for the pupil to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation.
- (2) For individuals, whose native language is other than English, linguistically appropriate goals, objectives, programs, and services.
- (3) Pursuant to Section 300.309 of Title 34 of the Code of Federal Regulations, extended school year services shall be included in the individualized education program and provided to the pupil if the pupil's individualized education program team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the pupil.
- (4) Provision for the transition into the regular class program if the pupil is to be transferred from a special class or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day, including the following:
  - (a) A description of activities of activities provided to integrate the pupil into the regular education program. The description shall indicate the nature of each activity, and the time spent on the activity each day or week; and
  - (b) Description of the activities provided to support the transition of pupils from the special education program into the regular education program.

- (5) For pupils with low-incidence disabilities, specialized service, materials, and equipment, consistent with guidelines established pursuant to Section 56136 of the California Education Code.

Note: See the OUSD SELPA IEP Procedural Manual Section on how to complete the IEP.

# **INDIVIDUAL EDUCATION PROGRAM**

## **IEP TEAM MEMBERS**

## **INDIVIDUALIZED EDUCATION PROGRAM IEP TEAM MEMBERS**

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### **IEP TEAM MEMBERS**

- A. The individualized education program team shall include all the following:
- (1) One or both of the pupil's parents, a representative selected by a parent, or both, in accordance with the federal Individuals with Disabilities Education Act (20U.S.C. Sec. 1400 et seq.)
  - (2) Not less than one regular education teacher of the pupil, if the pupil is, or may be, participating in the regular education environment. If more than one regular education teacher is providing instructional services to the individual with exceptional needs, a regular education teacher may be designated by the local educational agency to represent the others.

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

For a preschool child, at least one regular preschool teacher if the child is, or may be, participating in a regular education environment.

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

- (4) A representative of the local educational agency who meets all the following:
    - (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs;
    - (b) Is knowledgeable about the general curriculum; and
    - (c) Is knowledgeable about the availability of resources of the local educational agency.
  - (5) An individual who can interpret the instructional implications of the assessment results. The individual may be a member of the team described in paragraphs (2) to (6), inclusive.
  - (6) At the discretion of the parent, guardian, or the local educational agency, other individuals who have knowledge or special expertise regarding the pupil, including related services personnel, as appropriate. The determination of whether the individual has knowledge or special expertise regarding the pupil shall be made by the party who invites the individual to be a member of the individualized education program team.
  - (7) Whenever appropriate, the individual with exceptional needs.
- B. In accordance with Sections 300.540 and 300.542 of Title 34 of the Code of Federal Regulations, for a pupil suspected of having a specific learning disability, at least one member of the individualized education program team shall be qualified to conduct individual diagnostic examinations of children, such as school psychologist, speech-language pathologist, or resource or special day class teacher. In accordance with Section 300.542 of Title 34 of the Code of Federal Regulations, at least one team member other than the pupil's regular teacher shall observe the pupil's academic performance in the regular classroom setting. In the case of a child who is less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.
- C. (1) In the case of transition services, the local educational agency shall invite an individual with exceptional needs to attend his or her individualized education program meeting if a purpose of the meeting will be the consideration of the needed transition services for the individual.
- (2) If the individual with exceptional needs does not attend the individualized education program meeting, the local educational agency shall take steps to ensure that the individual's preferences and interests are considered.

- (3) The local educational agency also shall invite to the individualized education program team meetings a representative that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the local educational agency shall take other steps to obtain participation of the other agency in the planning of any transition services.
- D. A local educational agency may designate another local educational agency member of the individualized education program team to serve also as the representative required pursuant to paragraph (4) of subdivision (b) if the requirements of subparagraphs (A), (B), and (C) of paragraph (4) of subdivision (b) are met.
- E. A member of the individualized education program team shall not be required to attend an individualized education program meeting, in whole or in part, if the parent of the individual with exceptional needs and the local educational agency agree that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
- F. A member of the individualized education program team may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if both of the following occur:
  - (1) The parent and the local educational agency consent to the excusal after conferring with the member; and
  - (2) The member submits in writing to the parent and the individualized education program team, input into the development of the individualized education program prior to the meeting.
- G. In the case of a child who was previously served under Early Education for Individuals with Exceptional Needs, or the California Early Intervention Services Act under Title 14 (commencing with Section 95000) of the Government Code, an invitation to the initial individualized education program team meeting shall, at the request of the parent, be sent to the infants and toddlers with disabilities coordinator or other representatives of the early education or early intervention system to assist with the smooth transition of services.
- I. In the case of a child who received a functional behavioral analysis assessment, the behavioral intervention case manager shall attend the IEP meeting to review the results and, if necessary, to develop a behavioral intervention plan.

# **INDIVIDUAL EDUCATION PROGRAM SCHEDULING AND CONDUCTING IEP**

## **INDIVIDUALIZED EDUCATION PROGRAM SCHEDULING AND CONDUCTING IEP MEETING**

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### **SCHEDULING AND CONDUCTING AN IEP TEAM MEETING**

The case manager ensures that the IEP team periodically, but not less than annually, reviews the pupil's IEP

The case manager ensures that an IEP shall be in effect for each pupil at the beginning of each school year.

Before the expiration of a 30-day interim placement, the case manager schedules the IEP team meeting to review information from the previous placement and to make final recommendations for placement following all the usual requirements for holding IEP meetings.

An IEP meeting for a student identified as an individual with exceptional needs must be held within 30 days of receipt of a written request by the parent, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of 5 school days.

The case manager schedules the IEP team meeting in coordination with all other team members, including the parent.

The following guidelines are best practice procedures for scheduling an IEP team meeting:

#### **Scheduling the IEP Team Meeting**

- It is required that all IEP team members meet to calendar all annuals and triennials by **September 15th**. Submit a copy to your principal, program specialist and coordinator.

- If the annual and triennial IEP renewal occur in the same year but on different dates, schedule the triennial on the earlier of the two dates.
- Reserve a room that will accommodate all the needs of the participants: enough room at the table with chairs for all, electrical outlets for tape recorders, a telephone available for telephone conferencing, etc.
- Allow a reasonable amount of time for the IEP meeting
- Invite all necessary IEP team members:
  - Parent(s)
  - Student, if appropriate
  - Administrator or designee
  - Special education teacher
  - General education teacher
  - Anyone else who has assessed the student for the upcoming IEP or has important information to share
- Include a Request for Parent Information for IEP Meeting with Parent/Guardian Notification of IEP Meeting sent to parent.
- Ask general education teachers to complete the **General Education Teacher's Report for the IEP.**
- If neither parent can attend the IEP meeting, use other means to ensure parent participation, including individual or conference phone calls.
- If unable to convince the parent to attend the IEP meeting, record the attempts to arrange for a mutually agreed on time and place.
- Ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- Inform the parent of his/her right to electronically record the IEP meeting.

### **Prior to the IEP Meeting**

- Send assessment reports and draft IEP goals and objectives/benchmarks to the parent ahead of time (annuals and triennial IEPs if eligible). In some cases it may be beneficial to schedule a time to discuss the report and/or goals and objectives over the phone if the parent has questions.
- Be prepared to bring assessment reports, student work samples, the special education file, health and attendance information, draft goals and objectives, etc., to share with the team.

- Confirm that all necessary team members will be attending the IEP meeting.
- Send a copy of the proposed agenda to the parent.

### **The Day of the IEP Meeting**

- Comfortable ventilation and setting for attendee's.
- Check that the meeting room is set up and everything that is needed is in the room.
- Confirm that all IEP members will be attending.
- Phone outlet for conference calls

### **At the IEP Meeting**

- Start on time.
- Case manager or designee initiates introductions.
- Make sure that there is a note taker who records both the family's and the school personnel's comments.
- Review the ground rules for the meeting. Three basic rules include:
  - i. No interruptions;
  - ii. Summarizing (not reading) reports in 15 minutes or less (Best Practice);
  - iii. Pagers or phones should be left on or off; and
  - iv. Agreement that pagers and phones are on silent, vibrate or turned off.
- Ask if anyone would like other rules.
- Establish time parameters.
- Review the agenda
- Complete the IEP forms.

Note: The Program Specialists are available if you have questions concerning IEP forms and procedures.

**If parent doesn't show up do a Parent Notice of IEP team meeting, to reschedule a second /third time with all members present.**

### **After the IEP Team Meeting**

- Send progress reports home on the goals and objective at least as often as general education students receive their progress reports.
- If progress or behavior is not going well, communicate that to the family along with suggestions that may help. Enlist family members
- **Document all contacts in a contact log.**

### **IEP Amendments**

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

Changes in student eligibility, disability category and/or discontinuation of services must be done with complete evaluation that is presented in IEP.

### **Consolidation of IEP Team Meetings**

To the extent possible, the local educational agency shall encourage the consolidation of reevaluation meetings for the child and other IEP team meetings for the child

# **INDIVIDUAL EDUCATION PROGRAM IEP TEAM MEETING AGENDA**

## **INDIVIDUALIZED EDUCATION PROGRAM IEP TEAM MEETING AGENDA**

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### **IEP TEAM MEETING AGENDA**

The following is a suggested IEP team meeting agenda:

1. Chairperson/Case Manager introduces and identifies all members present and sign for attendance.
2. Chairperson/Case Manager states the reason for the meeting and the goal(s) or desired outcome of the IEP team meeting.
3. Chairperson/Case Manager reviews parent rights and gives a copy of the Notice of Procedural Safeguards and Parents Rights.
4. Chairperson/Case Manager briefly informs team members of the agenda of the meeting.
  - a. Written/oral presentation of reports by team members;
  - b. Summary of reports by assessor or Chairperson/Case Manager;
  - c. Consideration of consensus agreement;
  - d. Development of IEP; and
  - e. Obtaining signatures and distribution of copies of IEP forms.
5. Chairperson/Case Manager calls on each team member for report(s). Include strengths and weaknesses of the student.
  - a. General education school personnel;
  - b. Multidisciplinary team personnel;
  - c. Health report(s);

- d. Parents' report(s);
  - e. Other reports; and
  - f. Summary by chairperson/case manager of student's strengths, weaknesses and/or needs.
6. Chairperson/Case Manager seeks consensus of team members.
    - a. At initial and triennial meetings, determine whether pupil meets eligibility criteria for one of the disability categories; and
    - b. Attach dissenting statement of any team member who disagrees.
  7. The team develops the Individualized Education Program.

The team ensures that the IEP includes a direct relationship between the present levels of performance, goals, objectives (if appropriate), and the specific educational services to be provided.
  8. Chairperson/Case Manager summarizes the IEP with the parent.
  9. Parents have the right to sign or not sign an IEP based on whether or not they agree with content. Most issues can be resolved through communications at the meeting. Parents should be informed that they have the option to sign or agree to portions of the IEP.
  10. Chairperson/Case Manager distributes copies of the IEP to the parent and all personnel who will participate in its implementation.
  11. Chairperson/Case Manager informs their Program Specialist when they anticipate potentially contentious IEP.

# **INDIVIDUAL EDUCATION PROGRAM POST IEP MEETING ACTIVITIES**

## INDIVIDUALIZED EDUCATION PROGRAM POST IEP MEETING ACTIVITIES

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### POST IEP MEETING ACTIVITIES

Following the IEP meeting, it is the Chairperson/Case Manager's responsibility to do the following:

1. Distribute legible copies of IEP forms to appropriate personnel who did not receive copies at the meeting. All individuals who are responsible for implementing the IEP, including general education teachers, should receive copies.
2. Submit original copies of all IEP forms to the individual responsible for the input of MIS data within **two (2) days** of the IEP meeting.
3. If needed, complete transportation request forms and send/give them to the personnel in charge of arranging transportation within **two (2) days** at 879-8225 at the PEC main office.

Prior to an IEP meeting, if the IEP team, chair or case manager suspects a student's IEP will necessitate a SDC program, the chair will review the case with the special education coordinator so that possible locations of the SDC program can be considered at the actual meeting.

After the IEP meeting, location of the program is finalized by a letter to the parent from the Coordinator. Copies of the letter are sent to the principals of the old and new schools,

as well as to the students' new teacher, who will also receive the IEP and related information (assessment reports, etc.). In the meantime, the student remains in their current educational placement. Upon receipt of the letter the parent must take the letter to the new school and register.

# **PLACEMENT OF STUDENTS IN SPECIAL EDUCATION PROGRAMS**

**PLACEMENT OF STUDENTS  
IN  
SPECIAL EDUCATION PROGRAMS**

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**PLACEMENT OF STUDENTS IN SPECIAL EDUCATION PROGRAMS**

In determining the program placement of a student with a disability, the IEP team must ensure that the placement decisions and the student's placement are made in accordance with the least restrictive environment requirements in federal and state laws and regulations.

The program options available to a student with a disability shall include, but not necessarily be limited to, all of the following or any combination of the following:

1. Regular education programs consistent with Federal law;
2. Resource Specialist Program (RSP);
3. Designated Instruction and Services (DIS);
4. Special classes;
5. Nonpublic, nonsectarian school services;
6. State special schools;
7. Instruction in settings other than classrooms where specially designed instruction may occur;

8. Itinerant instruction in classrooms, resource rooms, and settings other than classroom where specially designed instruction may occur to the extent required by federal law or regulation; and
9. Instruction using telecommunication, and instruction in the home, in hospitals, and in other institutions to the extent required by federal law or regulation.

The District shall, prior to the placement of a student with a disability, ensure that the regular teacher or teachers, the special education teacher or teachers, and other persons who provide special education, related services, or both to the student have access to the student's IEP, shall be knowledgeable of the content of the IEP, and shall be informed of his or her specific responsibilities related to implementing the IEP and the specific accommodations, modifications and supports that shall be provided in accordance with the IEP.

When placement/programs change are to be considered at an IEP team meeting, the Program Specialist **must** be present.

If an IEP team recommends grade retention or adjustment to a higher grade, district procedure is to be followed:

- Conduct a retention/promotion IEP.

### **REVIEW OF DISPROPORTIONALITY OF PLACEMENTS**

The district shall annually examine data regarding the over/under representation of racially, ethnically, linguistically, and culturally diverse students to determine whether an imbalance exists. If an imbalance exists, the district shall review the appropriateness of its identification, referral, assessment, IEP development, and placement procedures.

## **ANNUAL IEP REVIEWS**

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### **ANNUAL IEP REVIEW**

1. The IEP team shall meet at least annually to review the student's progress, the IEP, including whether the annual goals for the student are being achieved, and the appropriateness of placement, and to make any necessary revisions.
2. The annual IEP review shall consist of those persons specified in the section, IEP team members. Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review.
3. To assist in maintaining annual review schedules, it is recommended that teachers, psychologists, support staff and site administrators receive appropriate student lists that include the annual IEP review schedule.
4. The planning and scheduling of annual IEPs begins the first day of school. All IEPs due between November and June must now be moved up 60 days prior to the original IEP date. IEPs due in July and August must be completed prior to the end of the school year with their new review date scheduled between August and September.
5. All required components of parent notice and informed consent are to be included in the annual IEP review process

## **TRIENNIAL REVIEWS**

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### **TRIENNIAL REVIEWS**

State and federal laws and regulations require that students with disabilities receive a re-evaluation at least once every three years or more frequently if conditions warrant or if the student's parent or teacher requests an assessment. The date of the IEP meeting following the three-year re-evaluation must occur on or before the calendar date that is three years from the initial IEP meeting (or previous triennial).

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

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

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

1. Whether the student continues to have a disability;
2. The present levels of performance and the educational needs of the student;

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

According to California law, no re-evaluation shall be conducted unless the written consent of the parent is obtained prior to the re-evaluation. However, parental consent is not required for a review of existing data.

Parental consent is not required for a re-evaluation if the district can demonstrate that it has taken reasonable steps to obtain consent and the parent has failed to respond.

### **Implementation Procedures**

The planning and scheduling of triennial IEPs begins the first day of school. All IEPs due between November and June **must be moved up 60 days** prior to the original IEP date. Additionally at your planning meetings, the team should determine the triennials that will only require a records review or partial assessment by the school psychologist.

It is required effective August 25, 2008, that all triennials due in July, August, and September of the following school year must be completed prior to the end of the current school year. By necessity, it will require all assessment plans be sent out minimum 60 days prior to anticipated IEP date.

In anticipation of the triennial review date, the special education case manager will consult with relevant regular education teachers and triennial assessment team members to examine what types of data are needed for the determination of disability and other key components of the IEP review. In cases where comprehensive assessment data may not be required, this consultation should be facilitated by the case manager completing the 3-year evaluation worksheet and submitting it to the assessment team members for input. If all members of the assessment team agree that a comprehensive assessment is not required, a parent letter is sent, along with the IEP meeting Notification Form, which explains the abbreviated assessment process and the parent's right to request a comprehensive assessment.

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

When a records review or partial assessment is determined to be appropriate, a three year evaluation, worksheet is completed, signed by relevant IEP members and sent home with

the assessment plan. The content of the assessment plan reflects recommendation in the three year re-evaluation worksheet.

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

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

IDEA also permits that informed parent consent for a triennial assessment *need not be obtained if the public agency can demonstrate that (i) it made reasonable efforts to obtain such consent; and (ii) the child's parent has failed to respond 34C.F.R. §300.300 (c) (2).*

To demonstrate the district has made a reasonable attempt to gain parent consent, the IEP team must submit written records of a **minimum of three attempts** to reach the parent to have the assessment plan signed. These three attempts must reflect at least two different strategies: phone calls, assessment plan sent home by mail with a stamped self-addressed envelope, notice of a meeting to obtain permission which the parent did not attend. One attempt **must** be a signed *Affidavit of Service by Mail* form signed by an adult age 18 or over who is not involved in the assessment. All affidavits will be sent to PEC secretaries of your division to be completed and mailed from our offices. The original goes in the IEP file and a copy goes home with the assessment plan and a parent rights booklet. As with all assessment plan, these attempts to contact the parent must be made well before the triennial due date in order to allow for the full 60 calendar days to be available to the team for an assessment.

## **30-DAY PLACEMENT**

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### **THIRTY-DAY PLACEMENTS**

A school district receiving a student with a current IEP from another district (in any state) provides that student with a comparable special education program and related services for a period of 30 calendar days.

### **RELEASE OF INFORMATION**

1. No Release of Information form is required between districts in California.
2. The registering secretary/clerk at each school should ask each new registering student if they had been in a special education program at their previous school. They should obtain the following information from the parent/guardian.
  - Type of special education program
  - A copy of the IEP
  - The name and city of the last school of attendance

The Resource Specialist should be notified when a student was in special education, as they will need to call the previous school to determine in which special education program the student had been enrolled.

#### **A. 30-Day Placement in the Resource Specialist Program**

1. If the student had been enrolled in a program comparable to a Resource Specialist Program, the Resource Specialist completes a Data Transmittal Form and forwards it to the MIS Specialist.

- Request the student's special education file from his/her previous school. (The school office staff should already have requested the cumulative folders).
  - Enroll the student in a Resource Specialist Program, and notify the appropriate DIS Personnel if a service should also be provided to the student.
  - Discuss the student's known needs with the classroom teacher(s).
  - Notify site psychologist of enrollment.
2. Assessment and IEP Procedures for Interim Placements. The student's first student's first day of OUSD enrollment begins the 30 day process and the 30<sup>th</sup> day is the date by which and IEP meeting must be held. The purpose of the 30 day period is to verify the student's needs and appropriate placement,
- The specialists must review previous assessments, and utilize information, records, and reports from the program the student had previously attended. Assessments dates are important in order to determine future annual and triennial reviews.
  - If there is doubt about the appropriateness of the program or placement, then within the 30 days, the site team develops and presents an assessment plan to the parent/guardian at the IEP meeting. There is a 60 day timeline with all assessment plans. The IEP meeting is to be held before the end of the 60 days.
  - The procedures for the IEP meeting are exactly the same as those for an initial IEP meeting.

**Site staff is not to enroll the student in a SDC Program. Only special education coordinators are to make SDC placements.**

**B. The 30 Day Placement in SDC**

The special education coordinator, after receiving and reviewing the IEP information, will place the student in an appropriate Special Day Class to meet the the student's needs. The parent/guardian will receive a letter from the coordinator, stating the school, transportation if appropriate, and teacher.

1. Assessment and IEP Procedures
- The 30 days begins with the first day of OUSD enrollment . The 30<sup>th</sup> day is the date by which the IEP meeting must be held.

- The purpose of the 30 day placement is to verify the student's needs and placement. The special education teacher/specialist/psychologist must review all records to determine if additional testing is necessary. Teachers are encouraged to consult with other members of the IEP team in determining if additional assessment is necessary.
- An IEP meeting is held and information from the previous IEP, and observations and/or class work from current placement are written on Oakland IEP forms.
- If there is doubt about the appropriateness of the program or placement then within the 30 days IEP meeting, the site team develops and presents an assessment plan to the parent/guardian. There is a 50 day timeline with all assessment plans. Another IEP meeting is to be held before the end of the 50 days.
- The procedures for the IEP meeting are exactly the same as those for an initial IEP meeting.

C. **30 Day Placement for Designated Instruction and Services (DIS)**

If the student had been enrolled in a Designated Instruction and Services Program only, then the specialist with the comparable Oakland service becomes the case carrier and proceeds to provide the appropriate services in accordance with the current IEP.

The specialist does the following:

- The 30 days begins with the first day of OUSD enrollment. The 30<sup>th</sup> day is the date by which the IEP meeting must be held.
- The purpose of the 30 day placement is to verify the student's needs and placement. If the student's previous records indicate the program/placement appropriate, then no testing is necessary.
- An IEP meeting is held and information from previous IEPs, and observations and/or class work from current placement are written on Oakland IEP forms.
- If there is doubt about the appropriateness of the program or placement then within the 30 days, the site team develops and presents an assessment plan to the parent/guardian at the 30 day IEP meeting. There is a 60 day timeline with all assessment plans. The IEP meeting is to be held before the end of the 60 days.

- The procedures for the IEP meeting are exactly the same as those for an initial IEP meeting.

### **PARENTS/GUARDIANS REVOKE CONSENT FOR SPECIAL EDUCATION**

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 *CFR* Section 300.503 before ceasing the provision of special education and related services
2. May not use the procedures in subpart E of this part (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
4. Is not required to convene an individualized education program (IEP) team meeting or develop an IEP under 34 *CFR* sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note that, in accordance with 34 *CFR* Section 300.9 (c)(3), if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

