

INDIVIDUALIZED EDUCATION PROGRAM & SPECIAL EDUCATION PROGRAMS & RELATED SERVICES

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INDIVIDUALIZED EDUCATION PROGRAM

7.1 PURPOSE AND SCOPE

The Individualized Education Program (IEP) is a written plan which is developed by an IEP team that results in an offer of FAPE that provides educational benefit for a student with a disability. The IEP document describes the student's present level of academic achievement and functional performance, sets annual goals and describes the special education program and related services needed to meet those goals.

The SELPA or LEA will provide a continuum of program options to meet the needs of students with disabilities to ensure a free appropriate public education (FAPE).

The IEP team determines the program or combinations of programs that can meet the student's needs in the least restrictive environment (LRE), allowing for maximum interaction with typically developing peers and course content consistent with instruction provided to students without disabilities.

Once a student has been found eligible for special education and related services, placement is based upon the specific needs of the student in the least restrictive environment. Related services are provided only if necessary for the student to benefit from their special education program.

The IEP shall show a direct relationship between the present levels of performance, the goals (and objectives if appropriate) and the specific educational services to be provided. (C.C.R., Title 5, Sec. 3040 (c))

7.2 INDIVIDUALIZED EDUCATION PROGRAM REQUIREMENTS

7.2. A. Development of IEP

An IEP shall be developed within a total time not to exceed 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, from the date of receipt of the parent's written consent for assessment, unless the parent agrees, in writing, to an extension.

A district administrator or designee will initiate and conduct the meeting for the purpose of developing, reviewing, and revising the IEP of a child with a disability. All efforts will be made to ensure that one or both of the parents of a child, with a disability, are present at each IEP meeting or are afforded the

opportunity to participate. The parent will be notified of the meeting early enough to ensure that they will have an opportunity to attend. The meeting will be scheduled at a mutually agreed upon time and place.

When developing each student's IEP, the IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child. The IEP team will consider the results of the initial or most recent evaluation of the child, and as appropriate, the results of the child's performance on any general State or district wide assessment program. (EC 56342)

7.2. B. Circumstances Requiring an IEP Team Meeting

IEP team meetings are required under a variety of situations. An IEP team meeting must be held:

1. When an initial or subsequent formal assessment has been conducted (including triennials) (E.C. § 56343(a));
2. When a student demonstrates a lack of anticipated progress (E.C. § 56343(b));
3. A teacher requests a meeting to develop, review, or revise the IEP (E.C. § 56343(c));
4. At least annually to review progress, goals, placement and related services, and supplementary aids and services and to make any revisions to the IEP (E.C. § 56343(d));
5. Within 30 days of receiving a request for a meeting from a parent to review and/or revise the IEP (E.C. § 56343.5);
6. Within 30 days of making an interim placement of a student transferring from a district outside of the SELPA into any special education program (E.C. § 56325(a)(1);
7. Following a behavioral emergency (5 C.C.R. § 3052(i)(7);
8. For any change of placement (34 C.F.R. § 300.16); and
9. When a manifestation determination must be made due to student discipline issues (20 U.S.C. 1415(k)(1)(E)(i)(I)).

7.2. C. IEP Content

The term “individualized education program” (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised and includes:

1. A statement of the child’s present levels of academic achievement and functional performance, including:
 - a. how the disability affects the child’s involvement and progress in the general education curriculum;
 - b. for preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities; and
 - c. For children with disabilities 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:
 - a. Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and
 - b. Meet each of the child’s other educational needs that result from the child’s disability.
3. A description of how the child’s progress toward meeting the annual goals will be measured, and when periodic reports on progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with 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 child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:
 - a. To advance appropriately toward attaining the annual goals;
 - b. To be involved in and make progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
 - c. To be educated and participate with other children with disabilities and typically developing peers in the activities described above.

5. An explanation of the extent, if any, to which the child will not participate with typically developing peers in the regular class and extracurricular and nonacademic activities;
6. A statement of any individual appropriate accommodations that is necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments.

If the IEP team determines that the child shall take an alternate assessment on a particular State or district-wide assessment of student achievement, a statement of why:

- a. The child cannot participate in the regular assessment; and
 - b. The particular alternate assessment selected is appropriate for the child;
7. The projected date for the beginning of services and modifications, and the anticipated frequency, location and durations of those services and modifications.
 8. Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter:
 - a. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
 - b. The transition services (including course of study) needed to assist the child in reaching those goals; and
 - c. Beginning not later than 1 year before the child reaches the age majority (age 18), a statement that the child has been informed of the child's rights that will transfer to the child when reached age 18.

When appropriate, the IEP will also include other necessary services, such as extended school year (ESY), transportation, type of physical education, prevocational, vocational and career education. (30 EC 56345)

All service providers, the school site and any outside agencies that will provide services will be given a copy of the IEP or be knowledgeable of its content.

7.3 IEP TEAM MEMBERS

Each meeting to develop, review, or revise the individualized education program of a child with special needs shall be conducted by an IEP team.

The IEP team shall include all of the following:

1. One or both of the student's parents, a representative selected by a parent, or both
2. Not less than one general education teacher of the student, if the student is, or may be, participating in the general education environment. If more than one general education teacher is providing instructional services to the student, one general education teacher may be designated by the LEA to represent the others. The general education teacher of a student shall, to the extent appropriate, participate in the development, review, and revision of the student's individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the student, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.
3. Not less than one special education teacher of the student, or if appropriate, not less than one special education provider of the student.
4. A representative of the local educational agency who meets all of the following:
 - a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.
 - b. Is knowledgeable about the general curriculum.
 - c. Is knowledgeable about the availability of resources of the local educational agency.
5. An individual who can interpret the instructional implications of the assessment results. The individual may be a member of the team.
6. At the discretion of the parent, guardian, or the local educational agency, other individuals, who have knowledge or special expertise regarding the student, including related services personnel, as

appropriate. The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the individualized education program team.

7. Whenever appropriate, the student. The LEA shall invite the student to attend his or her IEP team meeting if a purpose of the meeting will be the consideration of the postsecondary goals and the needed transition services for the student. If the student does not attend the IEP meeting, the LEA shall take steps to ensure that the student's preferences and interests are considered. (30 EC 56341)

7.3. A. IEP Team Member Excusal

IEP Team Area of Curriculum Not Being Discussed

A member of the individualized education program team shall not be required to attend an IEP team meeting, in whole or in part, if the parent of student and the LEA 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.

IEP Team Member Area of Curriculum or Related Services Being Discussed

A member of the individualized education program team may be excused from attending an IEP team 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 LEA consent to the excusal after conferring with the member.
2. The member submits in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting. A parent's agreement shall be in writing. (30 EC 56341)

7.3. B. If Parents Cannot Attend IEP Meeting

If neither parent can attend, other methods will be used to ensure parent participation, including individual or conference telephone calls.

If the parent cannot be contacted or if the district is unable to convince the parents that they should attend, the IEP meeting may be conducted without a parent in attendance. The district will keep a record of its attempts to arrange a mutually agreed on time and place, such as:

1. A detailed record of phone calls made or attempted and the result of those calls;
2. Copies of correspondence sent to the parents and any responses received; or
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

When no parent can be located or if the court has specifically limited the rights of the parent or guardian to make educational decisions for the child, a surrogate parent will be appointed.

7.4 LEAST RESTRICTIVE ENVIRONMENT

Definition:

1. To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled.
2. Special classes, separate schooling, or other removal of individuals with exceptional needs from the general educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (30 EC 56040.1)

Least restrictive environment (LRE) requirements include the following:

1. The student's placement will be as close as possible to his/her home.
2. Unless the IEP requires some other arrangement, the student will be educated in the school that he or she would attend if not identified with special needs.
3. In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs.
4. A student with a disability will not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general curriculum.
5. In providing or arranging for the provision of nonacademic and extracurricular services and activities, the district will ensure that the student

with the disability participates with typically developing peers in those services and activities to the maximum extent appropriate to the needs of that student.

6. Special classes may enroll a student only when the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services, including curriculum modifications and behavioral support, cannot be achieved satisfactorily. These requirements also apply to separate schooling or other removal of students from the general education environment. (EC 56364, 56364.2; 5 CCR 3042; CFR 300.550)

The IEP team shall document its rationale for placement in other than the student's school and classroom in which he/she would otherwise attend if he/she did not have a disability. The documentation shall indicate why the student's disability prevents his/her needs from being met in a less restrictive environment, even with the use of supplementary aids and services.

In determining the educational placement of a student with a disability, the LEA will ensure that the placement decision is made by an IEP team including the parents, and other persons knowledgeable about the student.

All placement decisions will be based on the individual needs of the student pursuant to the IEP and not on the basis of the disability, configuration of service delivery, availability of staff, curriculum intent or administrative experience. All placements will be made in the least restrictive environment.

Specific educational placement means that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the individualized education program, in any one or a combination of public, private, home and hospital, or residential settings. (C.C.R., Title 5, Sec. 3042)

The continuum of options include, but are not necessarily limited to all of the following or any combination of the following:

- General education classroom.
- General education classroom with supplementary aids and services.
- General education classroom with resource specialist services
- General education classroom with related services.
- General education classroom with services from a special education teacher and supports and/or related services.
- Special classes and centers.
- Nonpublic, nonsectarian school services.

- State special schools.
- Residential schools
- Home/ Hospital

7.5 SPECIAL EDUCATION AND RELATED SERVICES AND DESCRIPTORS

Specialized Academic Instruction (SAI) is defined as: “ Adapting, as appropriate to the needs of the child with a disability the content, methodology, or delivery of instruction to ensure access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.” (34 CFR 300.26(b) (3)).

The California State Department of Education (CDE) made changes in the 2006/07 school year on how they report special education and related services. Therefore, many districts are aligning their reporting system with the requirements of the state.

When districts adopt SAI there will no longer be separate designations by program (i.e., resource specialist and SDC). Therefore the IEP would designate *specialized academic instruction*.

The primary instructional service for most special education services will be listed as *Specialized Academic Instruction* on Form 5A of the IEP. As *specialized academic instruction* is identified, one must also identify the amount of service and the location. A student may have more than one line for this service when the locations are different. For example, you may have one line that indicates (SAI) in general education for 10 hours a week, and another line that indicates (SAI) in a separate class for 5 hours per week.

7.5. A. Specialized Academic Instruction/Non-severe/Non-intensive

Description: Non-intensive services shall provide, but not be limited to, all of the following:

1. Provision of instruction and services for those students whose needs have been identified in an IEP, developed by the IEP Team, and who are assigned to regular classroom teachers for a majority of a school day;
2. Provision of information and assistance to students with disabilities and their parent;

3. Provision of consultation, resource information, and material regarding students with disabilities to their parents and to regular staff members;
4. Coordination of special education services with the regular school programs for each student enrolled in the non-severe, non-intensive program;
5. Monitoring of student progress on a regular basis, participation in the review and revision of individualized education programs, as appropriate, and referral of students who do not demonstrate appropriate progress to the IEP Team; and
6. Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

7.5. B. Specialized Academic Instruction/ Intensive Services/Severe Description

Placement in a special day class/intensive services/severe program shall not limit or restrict the consideration of other options, including services provided in a vocational education program or any combination of programs and placements as may be required to provide the services specified in a student's IEP.

The following standards for special classes shall be met:

Special classes may enroll students only when the nature or severity of the disability of the student is such that education in the regular classes with the use of supplementary aids and services including curriculum modification and behavioral support cannot be achieved satisfactorily. These requirements also apply to separate schooling or other removal of individuals with disabilities from the general educational environment;

Students in a special class shall be provided with an educational program in accordance with their individualized education programs for at least the same length of time as the regular school day for that chronological peer group;

When the IEP team determines that a student cannot function for the period of time of a regular school day, and when it is so specified in the IEP, a student may be permitted to attend a special class for less time than the regular school day for that chronological peer group.

7.5. C. Nonpublic, Nonsectarian School Services (“NPS/NPA”).

Nonpublic, nonsectarian school" means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the CDE. When a student whose educational needs cannot be met in a public educational program, nonpublic nonsectarian school services shall be made available to the student.

NPS/NPA services shall be provided under contract with the LEA or SCCOE to provide the appropriate special education and related services when no appropriate public education program is available. (See Chapter 11 – Nonpublic Schools)

7.5. D. State Special Schools.

In determining the educational placement of a child with a disability, including a preschool child, the district will ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child.

All placement decisions will be based on the individual needs of the student pursuant to the IEP and not on the basis of the disability, configuration of service delivery and availability of staff. All placements will be made in the least restrictive environment. (EC 56360, 56361; CFR 300.551, 300.26)

7.5. E. Nonpublic School at Therapeutic Residential Facility

The IEP team may determine that a student needs a nonpublic school placement at a therapeutic residential facility.

The Individuals with Disabilities Education Act (IDEA) authorizes residential care for students with disabilities in Section 300.104 of Title 34 of the *Code of Federal Regulations (CFR)*:

“If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the child.”

When the IEP team recommends residential placement, it shall document the alternatives to residential placement that were attempted and/or considered and why they were insufficient and/or rejected. It shall also document the student’s educational and mental health treatment needs that support the need for

residential placement. This documentation shall identify the special education and related mental health services to be provided by the residential facility that cannot be provided in a less restrictive environment.

Per California *Education Code* 56365(f), if a local educational agency (LEA) places a pupil with a nonpublic, nonsectarian school or agency outside of this state, the pupil's individualized education program team shall submit a report to the California Department of Education within 15 days of the placement decision. This report includes information regarding special education and related services provided by the out-of-state program placement and the costs of the special education and related services provided. In addition, the report addresses the efforts of the LEA to locate an appropriate public school or nonpublic, nonsectarian school or agency, or a combination thereof, within the state.

(See Appendix F – CDE Out of State NPS Placement Report)

7.5. F. Home and Hospital Instruction

“Home and hospital services” means instruction delivered to children with disabilities, individually, in small groups, or by teleclass, whose medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness prevents the individual from attending school. (5 CCR 3065 (j) (1))

Students who are ill for more than 10 school days may require services in a home or hospital setting, as ordered by a physician or psychiatrist. Such recommendation from a physician or psychiatrist must indicate the specified time frame for such service. Such placements should be carefully reviewed to determine the appropriate offer of a free appropriate public education.

CCR 3051.4 Instruction in the Home or Hospital

Special education and related services provided in the home or hospital for school age pupils is limited to those pupils who have been identified as individuals with exceptional needs in accordance with Section 3030 and for whom the individualized education program team recommends such instruction or services.

Instruction may be delivered individual, in small groups or by tele-teaching class.

For those individuals with exceptional needs with a medical condition such as those related to surgery, accidents, short – term illness or medical treatment for a chronic illness, the individualized education program team shall review, and revise, if appropriate, the individualized education program whenever there is a significant change in the pupils' current medical condition.

When recommending placement for home instruction, the individualized education program team shall have in the assessment information a medical report from the attending physician and surgeon or the report of the psychologist, as appropriate, stating the diagnosed condition and certifying the severity of the condition prevents the pupil from attending a less restrictive placement. The report shall include a projected calendar date for the pupil's return to school. The individualized education program team shall meet to reconsider the individualized education program prior to the projected calendar date for the pupil's return to school.

Instruction in the home or hospital shall be provided by a regular class teacher, the special class teacher or the resource specialist teacher, if the teacher or specialist is competent to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible. If not, the appropriate designated instruction and services specialist shall provide such instruction.

CCR 3051.17 Services for Pupils with Chronic Illnesses or Acute Health Problems.

- a. Specialized services may be provided to pupils determined eligible pursuant to Section 303(f). Such services include but are not limited to:
 1. Individual consultation;
 2. Home or hospital instruction; and
 3. Other instructional methods using advance communication technology.
- b. For pupils whose medical condition is in remission or in a passive state, the individualized education program team shall specify the frequency for monitoring the pupil's educational progress to assure that the illness does not interfere with the pupil's educational progress.
- c. When a pupil identified pursuant to Section 303(f) experiences an acute health problem which results in his or her non-attendance at school for more than five consecutive days, upon notification of

the classroom teacher or the parents, the school principal or designee shall assure that an individualized education program team is convened to determine the appropriate educational services.

- d. If there is a pattern of sporadic illness, the individualized education program team shall convene to consider alternative means for the pupil to demonstrate competencies in the required course of study so that the cumulative numbers of absences do not prevent educational progress.

7.6 RELATED SERVICES

The term "related services" means transportation (Appendix A) and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children. (EC 30 EC 56363)

The only *stand-alone* related services are:

- Speech and language;
- Vocational training;
- Travel training; and
- Adapted Physical Education.

Related services as specified in the IEP shall be available, when the instruction and services are necessary for the student to benefit educationally from his or her special education program. These services may include, but are not limited to, the following:

7.6. A. Speech and Language Services

The related service in language speech and hearing may include:

1. Specialized instruction and services for students with disorders of language, speech and/or hearing, including monitoring of student progress on a regular basis, providing information for the review, and when necessary participating in the review and revision of IEPs of students.
2. Consultative services to students, parents, teachers, or other school personnel in the management of a student's language, speech development, or hearing needs.
3. Coordination of speech and language services with a student's regular and special education program.
4. The person providing instruction and services shall hold an appropriate credential with specialization in language, speech and hearing

Caseloads of full-time equivalent speech/language pathologist (SLP) shall not exceed a district-wide or SELPA-wide average of (55) fifty-five students unless prior written approval has been granted by the State Superintendent of Public Instruction.

Services may be provided by a speech/language pathology assistant (SLPA) working under the direct supervision of a credentialed speech/language pathologist if specified in the IEP.

7.6. B. Audiological Services

Audiological instruction and services, aural rehabilitation, including auditory training and speech reading, may include the following:

1. Aural rehabilitation (auditory training, speech reading, language habilitation and speech conservation) and habilitation with individual students or groups and support for the hearing-impaired students in the regular classroom.
2. Monitoring hearing levels, auditory behavior, and amplification for all students requiring personal or group amplification in the instructional setting.
3. Planning, designing, organizing and implementing an audiology program for individuals with auditory dysfunction, as specified in the IEP.

4. Consultative services regarding test findings, amplification needs and equipment, ontological referrals, home training programs, acoustic treatment of rooms, and educational management of the hearing-impaired individuals.
5. The person providing audiological services shall hold a valid credential with a specialization in clinical or rehabilitative services in audiology.

7.6. C. Orientation and Mobility Instruction

Related services in orientation and mobility may include the following:

1. Specialized instruction for individuals in orientation and mobility techniques.
2. Consultative services to other educators and parents regarding instructional planning and implementation of the IEP.
3. Counseling services to parents of individuals with disabilities relative to the development of orientation and mobility skills and independent living skills of their children.
4. The person providing mobility instruction and services shall hold a credential as an orientation and mobility specialist.

7.6. D. Instruction in the Home and Hospital

Related services in the home or hospital may include the following:

1. Instruction and services for individuals with disabilities whose physical condition requires their confinement for prolonged periods of time and who require long-term instruction at home or in a hospital. The IEP team must recommend this service.
2. Instruction and service for individuals with disabilities, whose disability restricts their capability to attend school, and whose instructional goals include both academic and rehabilitative services. This service must be recommended by the IEP team and is regarded as an interim placement.

3. One (1) hour of home/hospital instruction is the equivalent of a full day of ADA, and that a typical home/hospital instruction is 1 hour per day. However, the amount of instruction time must be based upon a student's needs, and may be fewer or greater than 60 minutes per day.

Instruction in the home or hospital shall be provided by a regular class teacher, the special class teacher or the resource specialist, if the teacher or specialist is competent to provide such instruction.

7.6. E. Adapted Physical Education (APE)

Adapted physical education is designed for students with disabilities who require developmental or corrective instruction and which preclude the individual's participation in the activities of the general physical education program, modified regular physical education program, or in a specially designed physical education program in a special class.

Consultative services may be provided to students, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the regular physical education program or specially designed physical education programs.

Teachers instructing adapted physical education shall have a credential authorizing the teaching of adapted physical education as established by the Commission on Teacher Credentialing.

7.6. F. Occupational Therapy (OT) and Physical Therapy (PT)

When the LEA or SCCOE contracts for the services of an occupational therapist or a physical therapist, the following standards shall apply:

1. Occupational or physical therapists shall provide services based upon recommendation of the IEP Team. Physical therapy services may not exceed the services specified in the Business and Professions Code at Section 2620.
2. The LEA or SCCOE shall assure that the therapist has available safe and appropriate equipment.
3. A physical therapist shall be currently licensed by the Board of Medical Quality Assurance of the State of California and meet the

educational standards of the Physical Therapy Examining Committee.

4. An occupational therapist shall be currently registered with the American Occupational Therapy Association.

7.6. G. Vision Services

Related services for the students with visual disabilities may include the following:

1. Adaptations in curriculum, media, and the environment, as well as instruction in special skills.
2. Consultative services to students, parents, teachers, and other school personnel.
3. The person providing services shall hold an appropriate credential with specialization in the area of the visually impaired.

7.6. H. Psychological Services

Related psychological services other than assessment and development of the IEP may include:

1. Counseling provided to an individual with disabilities by a credentialed or licensed psychologist or other qualified personnel.
2. Consultative services to parents, students, teachers and other school personnel.
3. Planning, managing and implementing a program of psychological counseling for eligible children and parents as specified in the IEP.

7.6. I. Parent Counseling and Training

Parent counseling and training may include:

1. Assisting parents in understanding the special needs of their child, and
2. Providing parents with information about child development.

7.6. J. Health and Nursing Services

Related health and nursing services are designed to assist those individuals with disabilities who have health problems. Qualified personnel will provide services. Services may include the following:

1. Managing the student's health problems on the school site;
2. Consulting with staff members regarding management of the student's health problems;
3. Providing group and individual counseling with the students and parents regarding health problems; and
4. Making appropriate referrals and maintaining communication with health agencies providing care to students.

7.6. K. Specially Designed Vocational Education and Career Development

Personnel providing vocational education services shall be qualified.

Specially designed vocational education and career development for students with disabilities regardless of severity of disability may include:

1. Providing prevocational programs and assessing work-related skills, interest aptitudes, and attitudes;
2. Coordinating and modifying the regular vocational education program;
3. Assisting students in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community;
4. Establishing work training programs within the school and community;
5. Assisting in job placement;
6. Instructing job trainers and employers as to the unique needs of the students;

7. Maintaining regularly scheduled contact with all workstations and job-site trainers; and
8. Coordinating services with the Department of Rehabilitation, the Department of Employment Development and other agencies as designated in the IEP.

7.6. L. Recreation Services

Recreation services include but are not limited to the following:

1. Therapeutic recreation services which are those specialized instructional programs designed to assist students in becoming as independent as possible in leisure activities, and when possible and appropriate, facilitate the student's integration into regular recreation programs;
2. Recreation programs in schools and the community which are those programs that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills; and, the provision of nonacademic and extracurricular leisure activities and the utilization of community recreation programs and facilities; and
3. Leisure education programs which are those specific programs designed to prepare the student for optimum independent participation in appropriate leisure activities, including teaching social skills necessary to engage in leisure activities, and developing awareness of personal and community leisure resources.

7.6. M. Specialized Services for Low Incidence Disabilities

Specialized services for low incidence disabilities may include:

1. Specially designed instruction related to the unique needs of students with low-incidence disabilities.
2. Specialized services related to the unique needs of students with low-incidence disabilities provided by qualified individuals such as interpreters, note-takers, readers, transcribers, and other individuals who provide specialized materials and equipment.

3. Services will be provided by appropriately credentialed teachers.

7.6. N. Services for Students with Chronic Illnesses or Acute Health Problems

Specialized physical health care services for students with chronic illnesses or acute health problems include but are not limited to:

1. Individual consultation;
2. Home or hospital instruction; and
3. Other instructional methods using advanced communication technology.

7.6. O. Services for Deaf and Hard of Hearing Students

Related services for deaf and hard of hearing students may include but need not be limited to:

1. Speech, speech reading and auditory training;
2. Instruction in oral, sign, and written language development;
3. Rehabilitative and educational services for hearing impaired individuals to include monitoring amplification, coordinating information for the annual review, and recommending additional services;
4. Adapting curricula, methods, media, and the environment to facilitate the learning process; and
5. Consultation to students, parents, teachers, and other school personnel as necessary to maximize the student's experience in the general education program.

A specially trained instructional aide, working with and under the direct supervision of the credentialed teacher of the deaf and hard-of-hearing, may assist in the implementation of the student's educational program.

Services will be provided by an individual holding an appropriate credential to provide services to the hearing impaired and who has training, experience and proficient communication skills for educating students with hearing impairments.

7.6. P. Individual and Small Group Instruction

Instruction delivered one-to-one or in a small group as specified in an IEP enabling the student(s) to participate effectively in the total school program.

7.7 REVIEW AND REVISION OF THE IEP

The IEP will be reviewed periodically, but not less than annually to determine whether the annual goals for the child are being achieved. The IEP will be revised as appropriate to address any lack of expected progress toward the annual goals and in the general curriculum, where appropriate.

In addition, the IEP team will meet whenever the parent or teacher requests a meeting to develop, review or revise the IEP.

An IEP meeting will be held within 30 days of receipt of a written request from a parent.

The following should be included in a review

1. The results of any reevaluation,
2. Information about the child provided to, and by, the parent as required in the evaluation process;
3. The child's anticipated needs; and
4. Other matters.
5. Any lack of expected progress toward the annual goals and in the general curriculum where appropriate.

The IEP team will review progress toward previous annual goals, benchmarks (short-term objectives) if appropriate and progress in the general curriculum when developing new goals, and benchmarks if appropriate.

The general education teacher of the child as a member of the IEP shall, to the extent appropriate, participate in reviews or revisions of the IEP.

7.7. A. Making Changes and Amendments to the IEP

In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of the individual with exceptional needs and the local educational agency may agree not to convene an IEP meeting for the purposes of

making those changes, and instead may develop a written document, signed by the parent and by a representative of the local educational agency, to amend or modify the student's existing IEP.

***Best Practice** -NSCC SELPA recognizes that best practice is to hold an IEP Team meeting with the parent(s) to document changes/amendments to the IEP document.*

Changes to the IEP may be made, either by the entire IEP team, or by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the *amendments* incorporated.

7.7. B. IEP Team Meetings Required

An individualized education program team shall meet whenever any of the following occurs:

- a. A student has received an initial formal assessment. The team may meet when a student receives any subsequent formal assessment.
- b. The student demonstrates a lack of anticipated progress.
- c. The parent or teacher requests a meeting to develop, review, or revise the individualized education program.
- d. At least annually, to review the student's progress, the individualized education program, including whether the annual goals for the student are being achieved, and the appropriateness of placement, and to make any necessary revisions. The individualized education program team conducting the annual review shall consist of the required members. Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review. (30 EC 56343)

7.7.C. Consolidation of IEP Meetings

To the extent possible, the LEA shall encourage consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

7.8 IEP MEETING PROCESS

7.8. A. Present Levels of Academic and Functional Performance

The IEP team must determine the student's present level of academic achievement and functional performance. This determination is made by looking at assessment results, input from the parents, teacher and other providers. The IEP team can then identify areas of need for the student.

7.8. B. Individual Transition Plan (ITP) and Transition Services

An ITP must be developed beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter. The IEP for students 16 years or younger, if appropriate must contain:

1. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
2. The transition services (including course of study) needed to assist the child in reaching these goals;

If a participating agency (other than the district) fails to provide the transition services described in the IEP, the IEP team will reconvene to identify alternative strategies to meet the transition objectives for the student; and

If an invited agency representative cannot attend the IEP meeting to develop transition services, the district will obtain agency participation in planning for these services.

Beginning not later than 1 year before the child reaches the age majority (age 18), a statement that the child has been informed of the child's rights that will transfer to the child when reached age 18. (See Chapter 8 – Secondary Transition)

7.8. C. Consideration of Special Factors

The IEP team will consider the following special factors:

Behavioral

In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.

Students with Limited English Proficiency

In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP.

For individuals whose primary language is other than English, linguistically appropriate goals, objectives, programs and services.

Blind and Visually Impaired

In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines that the use of Braille is not appropriate for the child. The IEP team will make this decision after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) is conducted.

Deaf and Hearing Impaired

Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs. The IEP team will consider opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

Assistive Technology

Consider whether a child requires assistive technology devices and services.

If, in considering the above special factors, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive a free and appropriate public education, the IEP team must include a statement to that effect in the child's IEP. (See Chapter 15 Resources for Assistive Technology Guidelines)

7.8. D. Developing Goals

There must be a goal for every area of identified need. Objectives or benchmarks are required for students who participate in an alternate statewide assessments. Goals must contain the following components:

- Baseline (related to goal)
- Who (the child)
- Does what (measurable behavior)
- When (reporting date)
- Given what (conditions)
- How much (mastery criteria)
- How measured (performance data or assessment)

IEP goals should be based on the academic content standards for the grade in which the student is enrolled.

7.8. E. Discussion of Options Considered

Prior to determining the actual special education and related services, the IEP team must discuss and document all options that were considered.

7.8. F. Supplementary Aids and Services

Supplementary aids and services means aids, services, and other supports that are provided in general education classes or other education-related settings and in extracurricular and nonacademic settings, to enable individuals with exceptional needs to be educated with nondisabled children to the maximum extent appropriate. (EC 56033.5)

Supplementary aids and services are often critical elements in supporting the education of students with disabilities in regular classes and their participation in a range of other school activities.

Supplementary aids and services can be accommodations and modifications to the curriculum under study or the manner in which that content is presented or a student's progress is measured. Supplementary aids and services can also include direct services and supports to the child, as well as support and training for staff who work with that child. Determining what supplementary aids and services are appropriate for a particular student must be done on an individual basis.

Supplementary aids and services must specify the duration and frequency needed for the child.

7.8. G. Determination of Special Education and Related Services

The IEP team determines the special education and related services that are needed to implement the goals for the student to receive educational benefit in the least restrictive environment. The special education and related services including ESY, if needed, must be documented to include frequency, duration and location.

7.8. H. Extended School Year (ESY)

ESY means the period of time between the close of one academic year and the beginning of the next academic year. ESY services must be provided for each

individual with exceptional needs who requires special education and related services in excess of the regular academic year, as determined by the IEP team. These students are typically those who have disabilities that will continue indefinitely, or for a prolonged period, and for whom interruption of the educational program may cause regression with limited recoupment capacity. Generally, such students are placed in special classes but other students may also require ESY.

(E.C. § 56345(b)(3) and 34 C.C.R. § 3043)

What ESY Is:

- An exception, not a rule
- Based on the student's unique needs that are critical to overall educational progress as determined by the IEP team
- Designed to maintain student mastery of critical skills and IEP objectives achieved during the regular school year
- Designed to maintain a reasonable level of readiness to begin the next year
- Focused on specific critical skills where regression coupled with limited recoupment due to extended time off, may occur without ESY

What ESY Is Not

- A mandated service for all students with disabilities
- Respite care or a summer recreation program
- Designed to maximize educational opportunities for any student with disabilities.
- Necessary to continue instruction on all the previous year's IEP goals during the ESY period.
- Required if listed on the IEP; parents may choose to refuse the ESY
- Designed to help students with disabilities advance in relation to their peers or to provide education beyond what is in the IEP
- Intended for students who exhibit random regression solely related to transitional life situations or medical problems
- Subject to the same LRE considerations as during the regular school year because the same LRE options are not always available.
- Designed for making up for poor attendance during regular school year or as the primary means for credit recovery for classes failed during the regular school year

When to Consider ESY

When determining if a student requires an ESY program, the IEP team should consider whether:

1. The nature and/or severity of the student's disability prohibits the student from receiving benefit from his or her educational program during the subsequent year without ESY services;
2. There is documentation that a significant regression in critical life skills and/or difficulty in recovering (recoupment) those skills within a reasonable period of time (eight weeks) will occur in the subsequent year without ESY services; and
3. There is documentation that a significant increase in the frequency, duration, or intensity of interfering behaviors (e.g., stereotypic, ritualistic, aggressive, self-injurious) that will reduce the student's ability to benefit from his or her educational program during the subsequent year will occur without ESY services.

The severity of the disability is a primary consideration in determining eligibility for ESY. The IEP team should consider the student's age, severity of the disability, presence of medically diagnosed health impairments, attainment of self-sufficiency, and development of an emerging, critical skill that will be lost due to interruption. Other factors to consider are regression rate and recoupment time in relation to normal rates, behavioral and physical problems, curricular areas that would be adversely impacted, and vocational needs.

Definition: Regression/Recoupment

All students experience some regression and loss over an extended break. In most instances these skills are re-mastered (recouped) within a reasonably short period of time. However, some special needs students have disabilities which are likely to continue indefinitely or for a prolonged period, and interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition. However, the lack of clear evidence of such factors may not be used to deny a student an ESY program if the team determines the need for ESY programming. Thus, when a student experiences more than minimal regression and he/she is not able to recoup skills within a short period of time the provision of a free appropriate public education means that instruction and/or related services must also be provided during an extended break.

Data Collection

When considering ESY for any student, the IEP must consider data collected during the previous year(s) to determine the student's need based on items 1 through 3 above. This decision should be based on multiple factors, although there may be rare instances where the IEP team might consider ESY services based

on a single criterion. Data collection may be in the form of teacher observations, informal and formal tests, benchmark measures, running records, progress toward IEP goals, etc. If the student has continued to progress educationally from year to year despite the lack of ESY programming, ESY may not be necessary to ensure FAPE. Sample data collection worksheets are included as appendices. (Appendices D and E)

Legal Requirements for Operation of ESY

An ESY program must be provided for a minimum of 20 instructional days, including holidays. For reimbursement purposes, a maximum of 55 instructional days, excluding holidays, shall be allowed for students with severe disabilities and 30 instructional days, excluding holidays, for all other eligible students. In order to qualify for average daily attendance revenue, ESY must be provided for the same length of time as for general education students at the same age level who are attending summer school in the district in which the ESY is provided and not less than the minimum school day for that age unless otherwise specified in the IEP. Additionally, the special education and related services offered during ESY must be comparable in standards, scope, and quality to the special education program offered during the regular academic year. Integration in the general education classroom, if specified on the IEP, is not required during ESY if the district operating the ESY does not offer a regular summer school program.

(34 C.C.R. § 3043(d-h))

(See Appendices D and E Worksheets– ESY Consideration and ESY Regression/Recoupment)

7.9 INDIVIDUALIZED EDUCATION PROGRAM: TRANSITIONS

7.9. A. Transition from Preschool to Elementary School

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

As part of the transition process, a means of monitoring the continued success of the child who is determined to be eligible for less intensive special education programs.

As part of the exit process from special education, the present performance levels and learning style shall be noted by the IEP team. This information shall be made available to the assigned general education teacher upon the child's enrollment in Kindergarten or first grade as the case may be.

7.9. B. Transition from Special Class or from Nonpublic, Nonsectarian School to the General Education Classroom in the Public School

When students transfer into the general education classroom from special classes or centers, or from nonpublic, nonsectarian school to the general education in the public school the IEP will include the following:

1. A description of activities provided to integrate the child into the general education program indicating the nature of each activity and the time spent on the activity each day or week; and
2. A description of the activities provided to support the transition of students from the special education program into the general education program.

7.9. C. Secondary Transition (See Chapter 8 – Secondary Transition)

Beginning no later than the first IEP to be in effect when the child is 16, and updated annually thereafter. The IEP for students 16 years or younger, if appropriate must contain:

1. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
2. The transition services (including course of study) needed to assist the child in reaching these goals.

7.10 EDUCATIONAL BENEFIT

Board of Education v. Rowley 1982 was decisive in defining the term *educational benefit*. The Supreme Court concluded that the IDEA does not require that LEAs maximize the potential of students with disabilities. The intent of the IDEA was more to open the door of public education to students with disabilities rather than guarantee any particular level of education once inside. FAPE and LRE become our guideposts decided and analyzed individually to ensure the child is receiving a basic floor of opportunity and “**educational benefit.**”

7.10. A. Components of Educational Benefit Analysis

Based on procedural requirements, including:

1. The assessment is complete and the child is assessed all areas of suspected disability
2. The IEP team identifies needs related to:
 - the child's disability
 - involvement and progress in the general curriculum
3. Goals are established in each need area
 - Objectives are developed for students taking CAPA
4. Services are planned to support:
 - Progress towards all goals
 - Progress in the general curriculum
 - Participation in the general education environment
 - Education with other students with disabilities and typically developing peers
5. The IEP team reviews the student's progress and adjusted the IEP if progress was not made or to address other needs.

Every annual review should be written with this analysis. When done over a period of years, you have a comprehensive analysis and rationale for the IEP team recommendations over time. Assuming the IEPs are implemented fully and in compliance, you then have a long term record of the success of a carefully planned and implemented special education program for the student. This process provides proof positive of individual educational benefit.

When districts participate in a California Department of Education review process, an educational benefit analysis is conducted with several student records. Additionally when individual districts are selected for State-required Verification Reviews which includes CDE participation, the same educational benefit analysis is conducted by CDE review team.

7.10. B. Definition of FAPE

Free Appropriate Public Education (FAPE) means special education and related services that:

1. Are provided at a public expense;
2. Meet the standards of the State;
3. Include pre-school, elementary or secondary school and education through the 22nd birthday if appropriate; and
4. Are provided in conformity with the IEP.

The Supreme Court established two criteria in determining FAPE

1. Have the procedures been adequately complied with (compliance) and
2. Is the IEP reasonably calculated to enable the child to receive educational benefit?

IDEA (Individuals with Disabilities Education Improvement Act) of 2004 gave us further conceptual refinements:

1. High expectations for all children;
2. Ensuring access to the general education curriculum and standards in the general classroom, to the maximum extent possible;
3. Preparing children with disabilities to lead productive and independent adult lives; and
4. Providing effective transition services to promote successful post-school employment or education.

(See Appendix B – Educational Benefit Checklist)

7.11 INTERIM PLACEMENTS

7.11. A. Transfers from District to District within the State

If the child has an IEP and transfers into a district from district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the LEA shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, for a period not to exceed 30 days, by which time the LEA shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

7.11. B. Transfers from District to District within the Same SELPA

If the child has an IEP and transfers into a district from a district operating under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the LEA agree to develop, adopt and implement a new IEP that is consistent with federal and state law. It is recommended that an IEP Amendment be completed to reflect the change in location and provider.

7.11. C. Transfers from District to District from Outside of State

If the child has an IEP and transfers from an educational agency outside the state to a district within the state within the same academic year, the LEA shall provide the pupil with a free appropriate public education, including services

comparable to those described in the previously approved IEP, in consultation with the parents, until the LEA conducts an assessment

In order to facilitate the transition of an individual with exceptional needs, the new school in which the pupil enrolls shall take reasonable steps to promptly obtain the pupil's records.

Upon receipt of a request from an educational agency where an individual with exceptional needs has enrolled, a former educational agency shall send the pupil's special education records, or a copy thereof, to the new educational agency with five working days. (EC 56325)

Appendix A – Transportation

Appendix B – Educational Benefit Checklist

Appendix C – Sample IEP Team Meeting Agenda/Checklist

Appendix D – ESY Consideration Checklist

Appendix E – ESY Regression/Recoupment Worksheet

Appendix F – CDE Out of State NPS Placement Report

TRANSPORTATION GUIDELINES

Definition of Special Education Transportation

Special education transportation is defined in federal regulations (34 C.F.R. § 300.24) as a related service. As a related service, transportation must be provided if it is necessary for the student to benefit from special education instruction and to receive FAPE. There are two types of special education transportation defined in California Education Code.

1. "Special education transportation" is defined as, "The transportation of severely disabled special day class pupils, and orthopedically-impaired pupils who require a vehicle with a wheelchair lift, who received transportation in the prior fiscal year, as specified in their individualized education program" (E.C. 41850(d)).
2. "Home-to-school transportation" is defined as, "The transportation of individuals with exceptional needs as specified in their individualized education programs, who do not receive special education transportation as defined in subdivision (d)" (EC 41850(b)(5)).

Eligibility for Special Education Transportation

Based upon the education codes cited above, the IEP team must determine if a student meets one of the following criteria in order to be eligible to receive transportation as part of the IEP:

1. Has a severe disability and is enrolled in special day class for students with severe disabilities;
2. Has an orthopedic impairment and requires a vehicle with a wheelchair lift;
3. Has any special needs that cause problems in getting to school in the same manner as non-disabled students (e.g., health, behavioral, capacity to avoid dangerous situations);
4. Lives beyond a reasonable distance to his or her school and would not, without transportation, have access to appropriate special education instruction and related services at no cost;
5. Has other transportation needs such as mid-day trips to another site for occupational or physical therapy, mental health services, or community-based instruction.

Length of School Day, Related Services, Extracurricular Events

It should be noted that the use of alternative starting times for all special education students at a site might lead to program compliance concerns. Students receiving special education and related services must be provided with an educational program in accordance with their IEP for at least the same length of time as the regular school day for their chronological peer group,

unless otherwise stated in a student's IEP. In addition, there may be occasions where the needs of the student require receiving therapy or some other related service that cannot be provided during the "established" school day. If provisions for "early" or "late" transportation are made for students within the general education program due to extracurricular events, provisions for equal opportunity to these events for pupils with exceptional needs who require special transportation must also be made.

Special Education Transportation Options

Special education transportation options may include, but are not limited to the following:

1. Regular school bus with or without accommodations (e.g., student is typically picked-up at a designated "bus stop", delivered to the student's assigned school, and returned to a designated "bus stop");
2. Special education bus (e.g., student is picked-up at home or day care, delivered to assigned school, and returned to home or day care);
3. Public transportation with a reimbursement of the cost to the parents or direct payment by the school district; and
4. Parent transportation with a reimbursement for mileage.

For safety purposes when transportation is being provided between home and school on a public school bus, the road that the home is located on must be of appropriate width to allow two-way traffic or have sufficient turnouts to allow safe passage and must be maintained in reasonably good condition. Driveways shall have adequate turn-around space at all times and shall allow adequate visibility for safe entrance and exit of the school bus. If it is determined that there are unsafe conditions, an IEP team will be convened to discuss options.

The IEP should specify the type of special education transportation that the IEP team has agreed will be appropriate for the student.

Participation of Transportation Staff in IEP Team Meetings

The case manager should invite transportation staff to participate in IEP team meetings when the student needs the use of adaptive or assistive equipment, when school bus equipment is required to be modified, when the student exhibits severe behavioral difficulties and a behavior intervention plan is to be implemented on the bus, when the student is medically fragile and requires special assistance, or when the student has other unique needs.

Initiating, Changing, or Canceling Transportation Services

Each LEA is responsible for establishing procedures for initiating, changing, or canceling special education transportation services. These procedures must be designed to respond to the requested action in a timely manner in order to prevent denial of FAPE.

Significant Health Issues

If a student who is eligible for special education transportation has significant health needs of which the bus driver needs to be aware (severe asthma, seizures, hemophilia, etc.), this will be noted on the transportation request. Appropriate health care professionals (e.g. school nurse) will submit an emergency protocol to the LEA's transportation department, if required, and the bus driver will be provided with a copy of the emergency protocol. In the event of a health emergency, the driver will follow the protocol established by the LEA.

Discipline

Each LEA is responsible for establishing appropriate procedures for disciplining students receiving special education transportation who violate bus rules, particularly safety rules. If a student repeatedly violates bus rules, an IEP meeting should be held with parent, transportation personnel, site administrator, teachers and a representative from the LEA. During this meeting, if the student has a behavior intervention plan, the team will review the plan and revise it as necessary. If the student does not have a behavior intervention plan, the team will consider whether one is needed and, if so, develop the plan. Some suspension from the bus may be considered at this time.

There may be times when a student may be suspended from special education transportation services (E.C. § 48900-48900.7). Although a student with disabilities can be suspended from special education transportation services, the student cannot be denied transportation on a permanent basis; an alternative form of transportation must be provided if special education transportation is specified on the IEP (E.C. 48915.5(c)).

(Portions of this section are based upon information provided in the *Special Education Transportation Guidelines* published by the California Department of Education.)

Educational Benefit Checklist

STUDENT: _____ IEP DATE: _____

IDENTIFYING INFORMATION

- ☐ Is all of the information complete and correct?
- ☐ How will the manager of the school MIS system be informed of the changes?
- ☐ Does the IEP clearly specify the child's disability(s)?
- ☐ Did the IEP team identify how the child's disability affects his or her involvement and progress in the general curriculum or participation in appropriate activities for the preschool child?

TRANSITION

- ☐ Is the transition plan developed in accordance with the student's post-school preferences, interests, and goals?
- ☐ Are there measurable postsecondary goals, based on age appropriate transition assessments, that address education/training, employment, and where appropriate, independent living skills?
- ☐ Are appropriate transition services (including courses of study) and responsible persons/agencies specified?
- ☐ Are the transition services designed to be within a results-oriented process that is focused on improving academic and functional achievement of the student?
- ☐ Are additional vocational and/or transition assessments required?
- ☐ Is the transition plan designed to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living and community participation?

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE

- ☐ Are the student's strengths, preferences, and interests clearly identified?
- ☐ Are the concerns of the parent identified?
- ☐ Are all sections of the Present Levels of Academic Achievement and Functional Performance addressed, including documentation of "no concerns noted at this time?"
- ☐ Does this clearly reflect the student's performance in the educational setting?
- ☐ Do the Present Levels of Academic Achievement and Functional Performance reflect all needs identified in the assessments?

SPECIAL FACTORS

- ☐ Has the IEP Team addressed all the special considerations the student may require?
- ☐ Does the student demonstrate behavior(s) that impede learning, and if so, how will positive behavior interventions, strategies, and supports be provided?
- ☐ Does the IEP Team agree on the areas of need to be addressed in goals as identified in the

- ☐ Present Levels of Academic Achievement and Functional Performance and in Special Factors?
- ☐ Is participation on state and district-wide assessments, including accommodations and
- ☐ modifications, in accordance with state guidelines?
- ☐ Are alternate assessment(s), including the reasons, clearly noted if required?

GOALS, INCLUDING BENCHMARKS OR OBJECTIVES (AS APPROPRIATE)

- ☐ Are there goals and objectives/benchmarks (if appropriate) for each area of need and vice versa?
- ☐ Are the goals and objectives/benchmarks measurable?
- ☐ Do the goals and objectives/benchmarks enable the student to be involved/progress in the general curriculum?
- ☐ Are all other educational needs resulting from the disability addressed?
- ☐ If the student is an English Learner, are the goals and objectives/benchmarks linguistically appropriate?
- ☐ Is the person(s) primarily responsible for implementing the goals and objectives/benchmarks, and monitoring progress identified?

SPECIAL EDUCATION AND RELATED SERVICES

- ☐ Was the determination of the appropriate supplementary aids and services, and special education and related services completed after the goals were finalized?
- ☐ Are the appropriate services identified to support progress toward all goals including: progress in the general curriculum, participation in extracurricular activities, and other nonacademic activities?
- ☐ Are the special education, related services, and supplementary aids and services based on peer-reviewed research to the extent practicable?
- ☐ Are the start/end dates, provider, frequency, duration, and location specified for supplementary aids and services as well as special education and related services?

EDUCATIONAL SETTING

- ☐ Is there a clear description of the location of services, including why some services may not be provided at the child's school of residence, if appropriate?
- ☐ Is there a clear description of the amount of time the student is outside the general education environment, including an explanation of why the student will not participate in general education for all or part of the day?
- ☐ If appropriate, are the activities clearly identified to support transition from preschool to kindergarten, from special education and/or NPS to general education, 8th – 9th grade, etc?
- ☐ If appropriate, is the graduation plan identified for students Grade 8 or higher?

SIGNATURES

- ☐ Did all IEP Meeting participants sign and date, if required?
- ☐ Do the parent(s) consent to all components of the IEP?

- ☐ If not, are areas of agreement and/or disagreement clearly specified?
- ☐ Are the next steps identified for reaching resolution, if appropriate?

IEP TEAM MEETING COMMENTS

- ☐ Is this information a summary of the meeting?
- ☐ Does everyone agree that the information accurately reflects what was discussed and the agreements that were made?
- ☐ Are next steps clearly identified, including individuals responsible, if needed?

Sample IEP Team Meeting Agenda/Checklist

Activity	Who
<u>Opening</u>	
<input type="checkbox"/> Welcome and introduce everyone	CM or LEA Rep
<input type="checkbox"/> Explain purpose and procedure	CM or LEA Rep
<input type="checkbox"/> Provide & explain <i>Notice of Procedural Safeguards</i> (NC 1)	CM or LEA Rep
<input type="checkbox"/> Set agenda/time limits	CM or LEA Rep
<input type="checkbox"/> Review demographic information for accuracy (IEP 1)	CM or LEA Rep
<input type="checkbox"/> Discuss student's strengths (IEP 2)	IEP Team
<input type="checkbox"/> Elicit parent concerns (IEP 2)	CM or LEA Rep
<u>Assessment Results and Eligibility*</u>	
<input type="checkbox"/> Review assessment results	Assessors
<input type="checkbox"/> Address and record eligibility (IEP 2)	IEP Team
<input type="checkbox"/> Identify areas of need related to disability (IEP 2)	IEP Team
<u>Present Levels/Goals & Objectives</u>	
<input type="checkbox"/> Review and present levels of achievement/performance	IEP Team
<input type="checkbox"/> Review and update previous goals and objectives	IEP Team
<input type="checkbox"/> Revise previous and/or develop new goals and objectives	IEP Team
<u>Participation in District & Statewide Assessments (IEP 4)</u>	
<input type="checkbox"/> Identify appropriate test (CST, CMA, CAPA) and method of administration	IEP Team
<input type="checkbox"/> Identify method of administration for CAHSEE (when grade appropriate)	IEP Team
<input type="checkbox"/> Identify method of administration for CELDT (for English Learners only)	IEP Team
<input type="checkbox"/> Specify any other district/statewide assessments & method of administration	IEP Team
<u>Instructional Settings and Supports (IEP 5)</u>	
<input type="checkbox"/> Discuss and identify percentage of participation in general education	IEP Team
<input type="checkbox"/> Identify any needed instructional accommodations	IEP Team
<input type="checkbox"/> Identify any needed assistive technology and/or low incidence equipment	IEP Team
<input type="checkbox"/> Specify promotion/retention standard and (8 th grade and up) graduation plan	IEP Team
<u>Special Considerations (IEP 6A through 6I)</u>	
Discuss and complete any special consideration forms, as needed:	
<input type="checkbox"/> <i>IEP – Supplemental Instruction</i> (IEP 6A)	IEP Team
<input type="checkbox"/> <i>IEP – Postsecondary Transition Plan</i> (IEP 6B)	IEP Team
<input type="checkbox"/> <i>IEP – Program Change Transition Plan</i> (IEP 6C)	IEP Team
<input type="checkbox"/> <i>IEP – Preschool to Elementary School Transition Plan</i> (IEP 6D)	IEP Team
<input type="checkbox"/> <i>IEP – Determination of Need for Functional Analysis Assessment</i> (IEP 6E)	IEP Team
<input type="checkbox"/> <i>IEP – Escalation Cycle Management Plan or Interim BIP</i> (IEP 6F)	IEP Team
<input type="checkbox"/> <i>IEP – Behavior Intervention Plan (BIP)</i> (IEP 6G)	IEP Team
<input type="checkbox"/> <i>IEP – Manifestation Determination</i> (IEP 6H)	IEP Team
<input type="checkbox"/> <i>IEP – Grade Retention Consideration</i> (IEP 6I)	IEP Team

Special Education and Related Services (IEP 7)

- | | | |
|--------------------------|---|---------------|
| <input type="checkbox"/> | Explain special education and related service options | CM or LEA Rep |
| <input type="checkbox"/> | Consider special education and related service options | IEP Team |
| <input type="checkbox"/> | Offer appropriate special education and related service options | CM or LEA Rep |

Supplementary Aids, Services, ESY (IEP 8)

- | | | |
|--------------------------|--|---------------|
| <input type="checkbox"/> | Identify any needed supports for school personnel or program modifications | IEP Team |
| <input type="checkbox"/> | Offer any needed supports for school personnel or program modifications | IEP Team |
| <input type="checkbox"/> | Identify any special education transportation to be provided | IEP Team |
| <input type="checkbox"/> | Discuss options for how physical education will be provided | IEP Team |
| <input type="checkbox"/> | Specify how physical education will be provided | CM or LEA Rep |
| <input type="checkbox"/> | Discuss whether ESY is needed | IEP Team |
| <input type="checkbox"/> | Specify ESY services that are being offered, if needed | CM or LEA Rep |

IEP Notes/Additional Information (IEP 12)

- | | | |
|--------------------------|--|---------------|
| <input type="checkbox"/> | Record any important notes or additional information | CM or LEA Rep |
| <input type="checkbox"/> | Review contents of notes with parent | CM or LEA Rep |

Signatures (IEP 9)

- | | | |
|--------------------------|---|---------------|
| <input type="checkbox"/> | Ask parent to check all appropriate acknowledgements and requests | CM or LEA Rep |
| <input type="checkbox"/> | Obtain parental consents | CM or LEA Rep |
| <input type="checkbox"/> | Obtain signatures of all IEP team members | CM or LEA Rep |

Closure

- | | | |
|--------------------------|---|---------------|
| <input type="checkbox"/> | Answer any parent/student questions | IEP Team |
| <input type="checkbox"/> | Provide contact names and numbers | CM or LEA Rep |
| <input type="checkbox"/> | Explain any future procedures | CM or LEA Rep |
| <input type="checkbox"/> | Enter any revisions/corrections into IEP | Case Manager |
| <input type="checkbox"/> | Print and distribute completed forms to parents and all service providers | CM or LEA Rep |
| | Adjourn meeting | |

Follow-Up

- | | | |
|--------------------------|--|-------------------|
| <input type="checkbox"/> | Affirm IEP events, submit electronic and hard copies of all related events and forms to LEA office according to LEA procedures | CM and/or LEA Rep |
|--------------------------|--|-------------------|

* When initial, triennial, or other assessment has been conducted. Eligibility should be addressed at initials, triennials, interim placement reviews

ESY CONSIDERATION WORKSHEET

Note: Use this worksheet with the ESY Checklist if the team feels it is needed

1. The student demonstrates a pattern of past regression as evidenced by breaks of more than four weeks: ☐ Yes ☐ No ☐ Unknown

Comments (describe the degree (minimal or serious) of actual or likely regression following a school break:

2. What is the estimated amount of time it takes or it may take the student to regain the prior level of knowledge skills, benefits or functioning following a school break:

☐ One month or less ☐ Up to 3 months ☐ 4 to 6 months

☐ Other _____

Comments: _____

3. Describe the student's rate of learning (as compared with the student's ability to recoup skills after a break):

4. Does the IEP team feel the student's disability will continue indefinitely or for a prolonged period of time? ☐ Yes ☐ No ☐ Unsure

Describe the degree, nature and severity of the student's disability:

5. Does the IEP team feel it will be impossible or unlikely the student will attain self-sufficiency and independence expected in view of his/her disability following a break? ☐ Yes ☐ No ☐ Unsure

6. Is the student at a critical point of skill acquisition or readiness, and his/her ability to acquire the skills will be lost or greatly reduced as a result of: (a) an interruption of services; and/or (b) by an escalation of previously reduced behaviors?

☐ Yes ☐ No ☐ Unsure

If yes, describe: _____

7. Are there other issues concerning the student’s physical, medical condition, emotional, social, behavioral, mental health, family, academic and/or vocational issues, and his/her ability to be with typically developing peers that may be adversely impacted if the student does not receive ESY services?

☐ Yes ☐ No ☐ Unsure

If yes, describe: _____

Extended School Year (ESY) Regression/Recoupment Capacity Worksheet

Chapter 7 Appendix E

Student Name _____ School _____ Age _____ Grade _____ Date _____

Primary Disability _____ Education Placement _____ DIS Services _____

Current IEP: Date: _____ Assessment Area:	Pre-Break Present Levels of Performance Date: _____ (Describe levels based on measurable data- prior to an academic break of 2 weeks or more.) If additional space is needed, include attachments.	Post –Break Present Levels of Performance Date: _____ (Describe levels based on measurable data- after returning from break.) If additional space is needed, include attachments.	*Regression/ Recoupment If regression is noted, record the time required to recoup Pre-Break levels (i.e. 4 days, 2 weeks...).	ESY Recommended Yes/No ESY is recommended in noted areas below based on regression and recoupment data.
Communication				
Reading				
Written Expression				
Math				
Behavior				
Fine Motor				
Gross Motor				
Self Help				
Social Emotional				
Other:				

**Reporting of Out-of-State Nonpublic, Nonsectarian
School and Agency Placement
California Education Code 56365(f)**

This report is required to be submitted within 15 days of the placement decision to:

Interagency-Nonpublic Schools/Agencies Unit

Special Education Division

California Department of Education

1430 N Street, Suite 2401

Sacramento, CA 95814

Phone 916-327-0141 FAX: 916-327-5233

1.	Placing Agency:	
	Address:	
	City:	State: Zip:
	Contact Person (Print Full Name):	Telephone:
	Signature:	
2.	Student ID# :	Birth Date:
3.	Name of Out-of-State School/Agency:	
	Is the Program California-Certified? Yes ____ No ____ (A waiver is required for noncertified programs.)	
	Address:	
	City:	State: Zip:
	Contact Person (Print):	Telephone:
4.	Date of Placement:	For School Year(s):
	Anticipated Date of Return to a California Placement:	
5.	Out-of-State Pupil Placement and Costs Report costs by school year (example 2009-10; 2010-11) NOTE: (Continue on reverse. Use additional sheets, if necessary.)	
	4 Check appropriate box	
	FULL DAY, nonpublic, nonsectarian SCHOOL placement	Contract Cost:
	PARTIAL DAY, nonpublic, nonsectarian SCHOOL placement	Contract Cost:
	RESIDENTIAL, nonpublic, nonsectarian SCHOOL placement (Use only if your agency is paying residential costs.)	Contract Cost:
	FULL DAY, nonpublic, nonsectarian AGENCY placement	Contract Cost:
	PARTIAL DAY, nonpublic, nonsectarian AGENCY placement	Contract Cost:

5.	Out-of-State Pupil Placement and Costs (continued).
6.	Related Services. List and identify cost of related service(s). Use additional sheets, if necessary.
7.	Describe the efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency, or a combination, thereof, within the State of California.