

SECTION IV

IDENTIFICATION, REFERRAL, ASSESSMENT, INSTRUCTIONAL PLANNING, IMPLEMENTATION AND REVIEW

[EC 56200 (g), 56205 (b) (7), 56195.7 (a), 56300-56381]

- A. **CHILD-FIND** [34 CFR 300.128; EC 56300-56303, 56205 (b) (7), 56195.7 (a)]: The SELPA employs a continuous child-find system to systematically seek out, identify and refer 0-21 year-old individuals thought to have exceptional needs. This child-find process includes infants and preschoolers.

As a part of the Child-Find effort, the media throughout Tulare County print and broadcast information regarding the available resources in the community, questions about eligibility, educational services which are available, due process, etc. Posters and brochures are displayed in schools, doctor's offices, clinics, etc. In-services for Head Start staff and child care providers are conducted. Individuals who are interested in securing additional information are given a SELPA phone number or an address to write to through the various media.

The Community Advisory Committee is also an integral part of the child-find process. They are used as a resource to assist parents or individuals who have questions regarding services, include Child Find information in publications and generally assist in promoting an awareness of special education programs and services that are available throughout Tulare County.

- B. **IDENTIFICATION/REFERRAL** [EC 56301-56303, 56205 (b) (7), 56195.7 (a)] The identification and referral procedures described in the Child-Find section result in the identification of individuals who may be in need of special education and related services. The referral to special education is usually received at the local school district level and the information is verified at the time of submittal or later by personal contact.

1. **Referral Process** [EC 56302]: It is the policy and practice of the educational agencies involved in the Tulare County/District SELPA to actively and systematically seek out and identify all individuals with exceptional needs, 0-21 years of age. A systematic method of processing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and other members of the public is implemented and is described as follows:
 - a. **Referral Procedures**: The Local Education Agencies and Office of the County Superintendent of Schools currently receive referrals from agencies, parents, and private schools within the county as well as from the public school sector. A process to provide for the effective handling of these referrals is described below:

- A pupil should be referred for special education and related services only after the resources of the general program have been considered and, where appropriate, used [EC 56205 (b) (7)]. This includes modifications in the general school program necessary to accommodate differences in students' abilities to learn. A pre-referral process is delineated in the procedures manual as well as the referral form itself. General program resources include Compensatory Education Programs, Migrant Education, Vocational Education, Bilingual Programs, School Improvement Programs and School-Based Coordination Plans.
- All referrals must be written and indicate the suspected areas of disability. The date of receipt of the referral is documented.

- b. **Local School Referrals [EC 56303, 56200(h)]:** A designee from the IEP team will be the primary recipient of referrals from the local school-based population. Those referring may include the school team members, teachers, other educational staff, parents, or the pupil. Each Local Education Agency will receive and coordinate all incoming referrals. Each agency designates the process by which referrals shall be made and in-service all staff on referral procedures. Upon receipt of the referral, the IEP team members designate the information to be gathered on each student and an assessment plan will be developed.

The Local Education Agency (LEA) special education administrator/designee will develop a procedure to receive and process all local referrals when a program may be needed which is not based at the local school of attendance. If the program is not located within the local LEA, the administrator/designee will contact the SELPA office for assistance. The local district of residence is responsible for supplying requested information, assessment data and personnel to complete the Individualized Education Program for the pupil.

- c. **Other Referrals:** Referrals for assessment of individuals attending preschools, private schools or agencies are processed by the Local Education Agency coordinator in the district of residence. These referrals are processed in the same manner as other referrals.

Pupils are referred to State special schools or to private agencies based on the recommendations of the IEP team.

Pupils who are recommended for return from placement in State special schools or private and public agencies are also processed through the IEP team.

In addition to referrals for students who have not previously been in special education, referrals are made for the following:

- Additional assessment;
- Because part or all of the IEP is not working;
- Because another placement is being considered.

The written referral shall include:

1. The name of the individual referred and of the person initiating the referral;
2. Date of submission of the written referral;
3. Any known health problems;
4. Brief rationale for the referral;
5. Assurance that the parent has been notified of the referral, including documentation of person notifying; date and manner of notice;
6. Documentation of any intervention or modifications that have been attempted.

- (d) **Written Notice of Procedural Safeguards and Rights [EC 56301, 56302, 56321, 56329, 56195.8 (b) (3), 56195.7 (b)]:** Written notice of procedural safeguards and rights are given to the parent as part of the assessment plan and informed written parental consent obtained for assessment. The Local Education Agencies implement procedures for notifying parents, at least annually, of required safeguards protecting and ensuring confidentiality of records and the right to refer for consideration of special education services. The Local Education Agencies have uniform complaint policy procedures which include Section 504/ADA policies and procedures as required by state and federal law.

SEE **APPENDIX E** FOR COPY OF SPECIAL EDUCATION RIGHTS OF PARENTS AND CHILDREN

2. **Student Study Team [EC 56303]:** LEAs are encouraged to set up school teams or student study teams to informally discuss concerns and seek consultation regarding pupils prior to a referral to special education. Members of the team are selected by the local school administrator who may appoint one team member to act as chairperson, receive requests and set up team meetings. Members of this team always include general education staff. Special education staff may be included to suggest intervention strategies and program modifications. The function of this team is to make suggestions and give support to the individual requesting

assistance regarding the pupil. Screening procedures and group testing may be utilized to assist the team in determining non-special education intervention. The school team may, when appropriate send notification to the parent, recommend a referral to special education after the various resources in the general education program have been explored, implemented and determined unsuccessful in remediating the problem. The general education resources utilized should be documented. There are no differences in procedures or implementation for students enrolled in School-Based Coordination Plan sites.

The parent continues to have the right to initiate a referral for consideration for special education and related services and to bypass the school team process. If this step is bypassed, the referral must include evidence that all avenues of general education have been explored.

Section 504/ADA Accommodation Plans are a function of the general education program and are developed following SELPA policies and procedures.

The 504 Civil Rights/ADA procedures are addressed within each Local Education Agency (LEA).

C. ASSESSMENT [34 CFR 300.532, 300.540; EC 56195.7 (a), 56320-56346; Title 5, CCR Sec. 3021-3029]: Assessment shall occur in all areas of suspected disability. **"The description of assessment procedures included in Education Code Sec. 56320-56329, for purposes of Title 34, CFR, Part 300.220, are hereby included in this Local Plan by reference."**

1. Selection and Administration of Testing and Assessment Materials: Education Code Section 56320 reads as follows:

"Before any action is taken with respect to the initial placement of an individual with exceptional needs in special education instruction, an individual assessment of the pupil's educational needs shall be conducted in accordance with requirements including, but not limited to, all the following:

a. Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory.

b. Tests and other assessment materials meet all the following requirements:

(1) Are provided and administered in the pupil's primary language or other mode of communication, unless the

- assessment plan indicates reasons why such provision and administration are not clearly feasible.*
- (2) Have been validated for the specific purpose for which they are used.*
 - (3) Are administered by trained personnel in conformance with the instructions provided by the producer of such tests and other assessment materials, except that individually administered tests of intellectual or emotional functioning shall be administered by a psychometrist or credentialed school psychologist where available. It is not the intent of the Legislature to require that new personnel be hired for this purpose.*
 - (4) Intelligence tests will not be used with African-American children. Refer to the SELPA Procedures Manual for a description of the alternative assessment process and procedure.*
- c. 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.*
- d. Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.*
- e. No single procedure is used as the sole criterion for determining an appropriate educational program for an individual with exceptional needs.*
- f. The pupil is assessed in all areas related to the suspected disability including, where appropriate: health and development, vision (including low vision), hearing, motor abilities, language function, general ability, academic performance, 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 Section 56136.*
- g. The assessment of a pupil, including the assessment of a pupil with a suspected low-incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational*

needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136."

Assessments must be conducted by appropriately trained personnel.

2. **Coordination of Assessment with Mental Health Services:** When it is determined that an individual with exceptional needs demonstrates behaviors which indicate serious emotional problems that interfere with academic performance, a referral to the Department of Mental Health may be made. The referral process and assessment for eligibility for mental health services are described in the Mental Health Interagency Agreement (SEE **APPENDIX C FOR COPY OF AGREEMENT**).
3. **Early Intervention Services (Birth to 3) [Part C of IDEA, IDEA (34 CFR), Part 303; Title 14, GC § 95000; Title 17, CCR § 52000; Title 5, EC Part 30, Chapter 4.4; WIC]:** Referrals for early intervention services are coordinated through the collaborative efforts of the Tulare County High Risk Infant Team comprised of representatives from the Tulare County Health and Human Services, Division, Central Valley Regional Center, County Office of Education (SELPA) and Parenting Network/Family Resources Center. The determination of educational services will be made by the qualified personnel of the LEA. The determination will be made with the participation of the transdisciplinary team including the parent (CEISA State Regulation Sections 52060 – 52084). Time lines for completion of the evaluation and assessment process will be in accordance to Section 52086. An Individualized Family Service Plan (IFSP) shall address the infant or toddler's developmental needs and the needs of the family related to meeting those special needs of the child (EC 52100-52110). Procedural safeguards and parents rights are guaranteed under the provision of Sections 52160 – 52175.
4. **Transition from Early Intervention Services [EC 521112]:** Children are transitioned from early intervention services at age three (3). The transition planning process may begin 3 to 6 months prior to the child's third birthday. Children who are eligible for special education and related services at age three (3) under Part B of IDEA, shall have an IEP developed and implemented prior to the child's third birthday.
5. **Eligibility Criteria [5 CCR 3030-3031; EC 56333, 56337, 56441.11]:** A pupil shall qualify as an Individual With Exceptional Needs if the results of the assessment demonstrate that the degree of the pupil's impairment as described in California Administrative Code and Education Code sections, requires special education and

related services which cannot be provided with modification of the general program.

6. **Continuity:** Services among agencies shall be coordinated to ensure continuity of services to children. This shall include exchange of assessment data between school agencies, between other agencies providing assessment and school agencies, and between individuals providing private assessments and school agencies. Confidentiality will be observed and parent permission obtained when necessary to exchange assessment information.

7. **Development of the Assessment Plan [EC 56321]:** A written assessment plan shall be developed within fifteen (15) days of the referral for assessment not counting days between the pupil's regular school sessions or terms or days of school vacation in excess of five (5) schooldays from the date of receipt of the referral, unless the parent agrees, in writing, to an extension. However, in any event, the assessment plan shall be developed within ten (10) days after the commencement of the subsequent regular school year or the pupil's regular school term as determined by each LEA's school calendar for each pupil for whom a referral has been made ten (10) days or less prior to the end of the regular school year. Planning for assessment begins as soon as a written referral has been received. A copy of the Parents' Rights is included on the assessment plan. The parent may have at least fifteen (15) days from the receipt of the proposed assessment to arrive at a decision. Assessment may begin as soon as written permission is received. No individualized assessment may take place without written consent.

The completion of assessment and the IEP meeting with placement recommendations for students ages 3-21 are all accomplished within fifty (50) days after receipt of parent consent to assess. For infants, age 0-3, the timeline is forty-five (45) days [34 CFR 303; EC 56425; GC 95014]. Placement is made only with parent consent. If more than one agency is conducting assessments, coordination of efforts is assured as provided in the interagency agreement.

The assessment plan is a document used to communicate to the parents the necessity for, and the content and scope of, the proposed assessment. The assessment plan is:

- a. Written in the individual's primary language and language proficiency status;
- b. Written in easily understood language and, for the non-English speaking parents, in their primary language;
- c. Explains the type of instruments to be used, their purpose, and who will administer and interpret them;

- d. Includes recent assessments, parent interview, review of records, observations of the student and other relevant information;
- e. Explains why the assessment is necessary;
- f. States that no placement will result without written parent consent.

8. **Preparation of the Assessment Report [EC 56327]:** The persons who assess the pupil shall prepare a written report or reports of assessment findings (for students with learning disabilities, a single report that reflects the findings and conclusions of each team member is available) which should include at least:
- 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 is 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 for pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.

9. **Provision for Pupils Whose Primary Language is Other Than English [EC 56320(b)(1); 5 CCR 3022, 3023]:** All tests utilized in the assessment process are provided and administered in the pupil's native language or other mode of communication unless the assessment plan indicates why this is not feasible. The assessment plan contains information on the primary language of the pupil and the pupil's language proficiency in his primary language. Assessment personnel are competent and appropriately trained to administer and interpret test results and, when necessary, are knowledgeable and understanding of cultural and ethnic backgrounds and competent in both the oral and written skills of limited English proficient (LEP) individuals.

The assessment report shall document if an interpreter is utilized and the effect on the validity of the assessment of this issue.

10. **Selection of Multi-Disciplinary Team to Conduct Assessment [EC 56322, 56324]:** Assessment of any individual being considered for special education will be conducted by a multi-disciplinary team of professionals. Such personnel shall include at

least one teacher or specialist in the area of the suspected disability and teacher from the student's regular classroom. If that teacher or specialist does not possess the necessary knowledge, at least one specialist qualified to conduct diagnostic examinations or assessments in the primary area of suspected disability shall participate in the assessment. An individual with suspected low-incidence disability shall be assessed by qualified and trained personnel, consistent with State guidelines.

A specific and complete record of diagnostic procedures and assessments employed, the instruments utilized, the conclusions reached, and the proposed education or treatment alternatives indicated by the assessment results shall be maintained as part of the required report(s).

11. **Provision for Inclusion of Independent Assessments [EC 56329]**: A parent has a right to obtain, at public expense, an independent assessment of the pupil from qualified specialists if the parent disagrees with the assessment obtained by the public education agency. The public education agency may initiate a due process hearing to show that its assessment is appropriate.

If a parent obtains an assessment at private expense or public expense, such assessments shall be considered by the IEP team as part of the assessment information.

12. **Parents' Rights Pertaining to Assessment [EC 56329]**: Parents' rights pertaining to assessment include:

- The right to obtain a copy of the assessment findings;
- The right to be informed of the purpose of the IEP conference, assessment, recommendation and the rationale for the recommendation;
- The right to obtain an independent educational assessment if parent disagrees with public agency assessment;
- Parents' private educational assessment shall be considered by the IEP team.

Parents requesting an independent educational evaluation are given a copy of a Tulare County Office of Education publication, "A Parent's Guide to Independent Educational Evaluations."

13. **Relationship of the Assessment Team to the IEP Team [EC 56323, 56328]**: Admission to special education programs or services shall be made only through recommendation of the IEP team based upon the results of assessment. Whenever possible, individuals who have assessed the pupil shall be part of the IEP team.

14. **Interim Placements [EC 56325]:** When a student transfers into the SELPA from a special education program located outside the region, the local program administrator shall make a placement in a comparable program. Within thirty (30) days, the IEP team will review the placement to determine its appropriateness. The team may use information, records, and reports from the previous program. However, if these are not available, are incomplete or inadequate, assessments must be conducted in those areas which are needed to write an appropriate IEP.
15. **Utilization of State Schools [EC 56326]:** A pupil may be referred, as appropriate, for further assessment and recommendations to the California Schools for the Deaf and Blind, or to the Diagnostic School for the Neurologically Handicapped. Such referrals shall be based on a recommendation of the IEP team and shall have the approval of parents and the special education administrator of the Local Education Agency for local districts or Director of Special Education for the Office of the County Superintendent of Schools' referrals.

D. ANNUAL INDIVIDUALIZED EDUCATION PROGRAM REVIEW AND THREE-YEAR ASSESSMENTS [EC 56200(g), 56195.7 (a), 56195.8 (B) (2)]: "The procedures for reviewing Individualized Education Programs and three-year assessments included in Education Code Sec. 56380-56381, for purposes of Title 34, CFR, Part 300.534, are hereby included in this Local Plan by reference."

The IEP Team reviews, at least annually, the progress of each student, the appropriateness of placement, and revises the Individualized Education Program accordingly. In addition, a reassessment is conducted at least every three years. Each of these reviews is conducted within the required timeline with proper parent notification.

The assignment of an exceptional needs individual to a general education or special education teacher's classroom will be reviewed at the teacher's request. If the review indicates a change in the pupil's placement, instruction, related services or any combination thereof, a meeting of the IEP team will be held [EC 56195.8 (B) (2)].

The parents of the student are notified of the review meeting within time to participate in the meeting. Parent consent is obtained for any program modification, change, or termination. Each parent is provided with notice of his/her rights, particularly the right to request an Individualized Education Program review.

Preschool children are reassessed prior to transitioning from a preschool program to kindergarten or first grade and monitored to determine continuing need for special education.

When the IEP Team suggests that a residential placement may be considered for a seriously emotionally disturbed (SED) student, the team shall be expanded to include a representative of the County Mental Health Department. Government 26.5 Code AB 3632/Chapter 1747 and AB 882/Chapter 1274 requirements shall be utilized. Any SED student requiring out-of-home placement shall be reviewed at least every six months to monitor program effectiveness and progress toward return to family placement. (Refer to Mental Health Interagency Agreement.) This provision shall be included in the IEP and shall be monitored by the Local Education Agency-designated administrator. Specific procedures are delineated in the *SELPA Procedures Handbook*.

E. TRIENNIAL ASSESSMENTS [EC 56301, Amended 56381 and 56382]:

The IEP team will convene at least every three years to review existing evaluation data on each special education identified student. This reassessment of the pupil will be based upon procedures specified in Article 2 (commencing with Section 56320) and shall be conducted within three calendar years or more frequently, if conditions warrant a reassessment or if the pupil's parent or teacher requests a reassessment. A new/updated IEP for the student shall be developed.

1. **Preschool**

All preschool children shall be reassessed, per EC 56445, using information and test data deemed necessary by the reviewing IEP team to determine the possible need for continued special education services prior to transitioning into kindergarten or first grade classes. Receiving teachers shall receive summary information and recommendations regarding the child's strengths, learning styles and needs.

2. **Review**

The review will include having the IEP team review existing assessment data on the pupil, current classroom-based assessments and observations of how the student is involved in/and progressing in the general curriculum, and teacher and related service providers. Based on the review and input from the pupil's parents, the IEP team will identify what or if additional data is necessary to determine the following:

- a. whether the student has or continues to have a disability
- b. present levels of performance
- c. whether the student needs or continues to need special education and related services, an
- d. whether any additions or modifications to the special education and related services are needed

Student's IEP will be developed based on these findings.

3. **Reassessment**

If assessment is a recommendation of the IEP team, written permission to conduct assessment from the parent/guardian will be secured. No reassessment shall be conducted unless the written consent of the parent is obtained prior to reassessment except in a special case, i.e., the case of a reassessment of the pupil if the SELPA can demonstrate that it has taken reasonable measures to obtain consent and the pupil's parent has failed to respond. Qualified, trained staff shall administer tests and other assessment materials needed to produce the data identified by the IEP team. Re-evaluations by IEP teams will be completed on or before the calendar date that is 3 years from the initial IEP meeting or the previous IEP triennial meeting. The parents of the student are notified of all review meetings, annual and triennial, with enough time to ensure an opportunity to attend the IEP meeting. The parent is a member of the IEP team and parent informed consent is obtained for any program modification, change or termination.

4. **CASEMIS**

With use of CASEMIS and our Special Education Information System (SEIS) last Annual IEP dates and last Triennial IEP dates are updated automatically as IEPs are completed in the system. In addition, SEIS has alerts that teachers/specialists can access on their SEIS homepage to monitor next Annual and next Triennial IEP dates. These alerts are titled "25 Day Alert for Next Annual IEP" and "75 Day Alert for Next Triennial IEP" and are accessible by clicking the view link. Teachers/specialists are reminded to monitor these Alerts on a regular basis by their program secretaries as well as the information system specialist via SEIS news items and emails so that IEPs and assessments are completed within the required timelines.

5. **Continuing Eligibility**

The IEP team of which the parent is a participating member, will determine and document data needed to determine continuing eligibility criteria for annual services. These services will be documented on the IEP. The parents will be made aware of their right to request an assessment to determine whether the pupil continues to be an individual with exceptional needs, however, the LEA or SELPA shall not be required to conduct an assessment in such a case unless requested to by the pupil's parent.

6. **State/Districtwide Assessments**

Student participation in state or district wide assessments will be documented on the IEP. Individual modifications will be determined by the IEP team and be documented on the IEP. If the IEP team determines that the pupil will not participate in a particular state or district wide assessment of pupil achievement (or part of an assessment), there will be a statement on the IEP why that assessment would not be appropriate for the pupil and how the

pupil will be assessed. If the IEP team determines that an alternate assessment is needed the alternative assessment will be listed on the IEP.

F. INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPMENT [34 CFR 300.340, 300.341; EC 56340, 56195.8 (B) (2)]: Each school agency conducting special education programs shall initiate and conduct meetings for the purpose of developing, reviewing and revising the Individualized Education Program of each individual with exceptional needs. **"The description of IEP development included in Education Code Sec. 56340-56347, for purposes of Title 34, CFR, Part 300.235, are hereby included in this Local Plan by reference."**

1. **The IEP Team [EC 56341-56342; 34 CFR 300.344]:** The Individualized Education Program Team shall include all the following:
 - a. The parent(s) of the child, a representative selected by a parent, or both, in accordance with the Individuals with Disabilities Act (20 USC Sec. 1400 et seq.)
 - b. At least one regular education teacher of the child (if the child 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, one regular education teacher may be designated by the LEA, Tulare County/District SELPA or Tulare County Office of Education to represent the others.
 - c. At least one special education teacher of the child, or if appropriate, at least one special education provider of the child.
 - d. A representative of the LEA, Tulare County/District SELPA or Tulare County Office of Education who is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of the child with exceptional needs, and is knowledgeable about the general curriculum and availability of resources of the LEA.
 - e. An individual who can interpret the instructional implications of evaluation results, who may be a member of team as described in this section, or an individual who conducted an assessment of the pupil or is knowledgeable about the assessment procedures used to assess the child, and is familiar with the assessment results or recommendations. The individual shall be qualified to interpret the instructional implications of the assessment results.
 - f. At the discretion of the parent, guardian, or the LEA, Tulare County/District SELPA or Tulare County Office of Education, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate.

- g. If appropriate, the child

Additional IEP team members, when appropriate, shall also include:

- h. If a child is suspected of having a specific learning disability, at least one member of the IEP team shall be qualified to conduct individual diagnostic examinations of children, such as a:

- School Psychologist
- Speech/Language Pathologist
- Remedial Reading Teacher

At least one team member other than the pupil's regular teacher shall observe the child'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.

- i. If learning disabilities or emotional disorders are suspected, at least one member of the IEP team, other than the pupil's teacher, shall have observed the child in an appropriate setting. If the student is preschool age or not enrolled in school, a member of the team must observe the student in an environment appropriate to his/her age.

- j. When an assessment has occurred which determines a pupil is seriously emotionally disturbed and the IEP team is considering therapy services or residential placement, the IEP team shall be expanded to include a representative from County Mental Health [GC 7572.5].

- k. In the case of transition services, the LEA, Tulare County/District SELPA, or county office shall invite an individual with exceptional needs of any age to attend his/her IEP meeting if the purpose of the meeting will be the consideration of either, or both of the following:

- The individual's transition services needs a delineated under EC 56435.1(a) and 34 CFR 300.347(b)(1).
- The needed transition service for the individual under EC 56435.1(b) and 34 CFR 300.347(b)(2).

If the individual with exceptional needs does not attend the IEP meeting, the LEA, Tulare County/District SELPA or Tulare County Office of Education will take other steps to ensure the student's preferences and interests are considered.

A representative that is likely to be responsible for providing or paying for transition services shall be invited to the IEP meeting. If an agency is invited to send a representative to a meeting and does not do so, other steps to obtain participation of the agency in the planning of any transition services shall be taken.

The LEA, Tulare County/District SELPA or county office may designate another LEA member of the IEP team to serve as the representative if the representative meets the requirements of EC 56341(4) and 34 CFR 300.344(4).

- I. In the case of a student with exceptional needs who has been placed in a group home by the juvenile court, the LEAs, Tulare County/District SELPA or county office shall invite to the IEP team meeting a representative of the group home.

2. **Appointment of Surrogate Parents [EC 56028, 56050, 56156; GC 7579.5; 34 CFR 300.10]**: A surrogate parent is appointed to represent an individual with a disability or an individual suspected of having a disability in matters relating to identification, assessment, instructional planning and development, educational placement, review and revision of the individual education program (IEP) and in other matters relating to the provision of FAPE. A surrogate parent shall be appointed for a student only in the following cases:

- a. The student is below the age of 18 years; AND
- b. A juvenile court has specifically limited the right of the parent(s) or legal guardian to make educational decisions for a child who is a ward or dependent of the court; OR
- c. Neither parent nor legal guardian can be located.

A person having custody of a minor student may be considered a "parent" for the purpose of making educational decisions. Local Education Agencies are required to select, as a first preference, a relative caretaker, or court-appointed special advocate [GC 7579.5]. A foster parent shall, to the extent permitted by federal law, have the rights related to his or her foster child's education that a parent has under Title 20 of if Title 34 of the Code of Federal Regulations [EC 56055].

Individuals who have a conflict of interest in representing the student shall not be appointed as a surrogate parent. A "conflict of interest" is generally defined as having a financial or other interest which would benefit, detract, or otherwise bias a potential parent surrogate in their ability to appropriately advocate for the free appropriate public education for a specific child. Surrogate parents shall not be employees of an agency or institution, including group homes and licensed children's institutions, providing care or education the child.

A surrogate parent shall not be considered a paid employee of the Local Education Agency (LEA) making the assignment, nor the SELPA although they may be reimbursed for incidental expenses required in the performance of duties on behalf of an assigned student.

Surrogate parents shall be selected on the basis of interest in service to children, awareness of State and Federal laws and regulations governing the provision of special educational services. Appointed surrogates should be, as far as practical, culturally sensitive to the assigned child.

Assignments of surrogate parents shall be made by either the administrator designated by the Local Education Agency (LEA) superintendent or, upon request of the LEA superintendent, the SELPA Administrator. Questions regarding alleged conflicts of interest shall be referred to the SELPA Administrator for final resolution.

Responsibilities of the surrogate include that they may represent the child in all matters pertaining to:

- (1) Written consent to the IEP including non-emergency medical services, mental health treatment services and occupational therapy/physical therapy services;
- (2) Identification, assessment, instructional planning and development, educational placement of the child, reviewing and revising the Individualized Education Program (IEP) and
- (3) Other matters relating to the provision of a free appropriate public education (FAPE).

A surrogate parent shall be held harmless by the State of California and the SELPA when acting in his/her official capacity except for acts of omissions which are found to have been wanton, reckless or malicious.

3. **When the IEP Team Meets [EC 56342, 56343, 56195.8 (B) (2)]:**
The IEP team shall review the assessment results, determine eligibility, determine the content of the Individualized Education Program, and make program placement recommendation. The IEP team shall meet when:
 - a. A pupil has received an initial formal assessment or three-year evaluation;
 - b. The pupil's placement or instructional goals, services, or any combination as specified in the IEP, is to be developed, changed or terminated;
 - c. The pupil is not making the expected progress;
 - d. The parent or teacher requests a meeting;
 - e. At least annually to review all elements of the IEP.

4. **IEP Development Timeline [EC 56344, 56343.5]:** An IEP required as a result of the assessment of a pupil shall be developed within a total time not to exceed fifty (50) days, not counting days between the pupil's regular school sessions, terms or days of school vacation in excess of five school days, from the date of the parents' written consent for assessment unless the parent agrees in writing to an extension. However, an IEP shall be developed within thirty (30) days after the start of a subsequent school year for each pupil for whom assessment consent has been made twenty (20) days or less prior to the end of the regular school year, or a pupil who has transferred to the agency from another public school agency.

For an infant between the age of 0-3, the total time shall not exceed forty-five (45) days including the days in July and August [34 CFR 303; EC 56425; GC 95014].

A meeting of an IEP team, requested by a parent to review the IEP of a pupil, shall be held within 30 days from the date of the request. In case of pupil school vacations, the time shall recommence on the day that pupil school days reconvene. The school agency shall notify the parent of need for a written request and procedure for filing this request.

The IEP shall be implemented as soon as possible following the IEP team meeting. A copy of the IEP shall be provided to the parents in the primary language of the parents if requested.

A representative from California Children's Services, Regional Center, and Mental Health Services may participate with the IEP team for those pupils for whom they provide services. Participation may be either in person or by written reports or conference calls.

5. **Other than Home School:** It is desirable for students to attend school at their school of residence when it is appropriate for students to do so. Special education programs and services are sometimes not available at the home school site. Placement of the pupil away from the home school is an IEP Team decision and a statement of placement rationale is included in the IEP form.
6. **Transition Services for Students Age 16+ [EC 56345(b)(1)(2), 56456]:** Beginning not later than the first IEP to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the IEP team, an Individualized Transition Plan (ITP) is developed and included in the IEP. Transition planning is a collaborative, results-oriented process that helps a student plan for a quality adult life. Development of the ITP involves the participation of students, parents, teachers, agency representatives and other individuals significant to the transition process.

Measurable post-secondary goals are developed in the areas of education/training, employment, and if appropriate independent living. The ITP team agrees on measurable post-secondary goals and plans transition services which support the student in meeting the goals. This process usually takes place as part of the IEP meeting; however, a separate ITP meeting may be held depending on the student needs.

Transition services available through the SELPA include the WorkAbility I Program. This program provides job and pre-employment skills training for students age 16 to 22 enrolled in the severely handicapped classes. General vocational education includes instruction in career awareness, social, daily living, and pre-employment skills as well as community-based instruction.

The WorkAbility I Advisory Committee meets regularly to discuss transition needs, concerns and trends.

7. **Individualized Education Program Content [EC 56345, 56366(a)(2), 56367]:** The IEP is a written statement developed by an IEP team and includes the following:

- a. A statement of the present level of the student's educational performance;
- b. The annual goals including short-term instructional objectives;
- c. The specific special educational instruction and related services required by the student;
- d. The extent to which the student will be able to participate in general educational programs (the least restrictive environment is that environment which best meets the student's needs and which does so with a minimum loss of contact with general programs);
- e. The projected date for initiation and the anticipated duration of programs and/or services;
- f. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the short-term objectives are being achieved;
- g. Type of physical education is indicated: regular, modified, specially designed or adapted;
- h. Extended school year services, including the number of days, when needed and as determined by the IEP team;
- i. Vocational and career education or work experience goals for pupils in grades 7-12, or comparable chronological age;
- j. Alternative means and modes for completing LEA course of study and meeting graduation proficiency standards when necessary for pupils in public and nonpublic schools in grades 7-12, inclusive;
- k. For individuals whose primary language is other than

English, linguistically-appropriate goals, objectives, programs and services;

- l. For pupils with low-incidence disabilities, specialized services, materials, and equipment consistent with California State guidelines;
- m. Provision for the transition into a general education program if the pupil is to be transferred from a special class or a private school into a general education class in a public school for all or part of a school day;
- n. Behavior intervention plans, if indicated, which detail specific interventions to be used including reinforcement and consequences;
- o. Description of transportation including designation of regular or special and notation of any necessary equipment or personnel support. Alternative transportation, such as parent reimbursement for mileage, if a student is suspended from the bus, will be provided.
- p. Student's participation in district/state assessments.

Members of the SELPA are responsible for providing all the programs and services in the IEP. However, it is recognized that some pupils will not meet the growth projected in annual goals and objectives.

- 8. **Services to be Provided by Other Agencies [EC 56341(c)(2), 56195.7 (d); 5 CCR 3040]:** When services may be provided by another agency or the pupil has been evaluated by another local public agency, a representative of that agency shall be extended an invitation to participate in the IEP team meeting. Results of agency assessments will be requested, with parent consent, so that they may be utilized by the team. Nonschool agencies which provide both assessment and services to pupils within the Tulare County/District SELPA are: Regional Center, Head Start, California Children's Services, County Mental Health Services and private sector mental health/medical practitioners.
- 9. **Elements of the IEP for Pupils Enrolled in Nonpublic Schools or State Special Schools [EC 56195.8 (b) (1), 56345, 56364.1, 56366(a)(2), 56367]:** All elements of the IEP shall be included for those pupils enrolled in nonpublic schools or State special schools. In the case of nonpublic schools, services specified in the IEP shall be provided under contract to supply the appropriate special facilities or services required by the individual with exceptional needs when no local public education program can serve the student appropriately. Changes in educational instruction, services, or placement provided under contract may only be made on the basis of revisions to the pupil's Individualized Education Program.

State special schools shall be considered as a referral for placement of individuals with exceptional needs upon recommendation of the local IEP team based on a finding that no appropriate placement is available in the Local Plan Area.

10. **Implementation of the IEP When Parent Does Not Consent to All Components [EC 56346]:** No pupil shall be required to participate in all or part of any special education program unless the parent is first informed, in writing, of the facts which make participation in the program necessary or desirable, and of the contents of the Individualized Education Program; and after such notice, consents, in writing, to all or part of the Individualized Education Program. If the parent does not consent to all the components of the Individualized Education Program, then those components of the program to which the parent has consented may be implemented so as not to delay providing instruction and services to the pupil. Components to which the parent has not consented may become the basis for a due process hearing. The parent may withdraw consent at any time after consultation with a member of the IEP team and after he/she has submitted notification to an administrator.
11. **Provision of IEP for Parents and Teachers [EC 56347]:** Each educational agency within the SELPA shall provide copies of the IEP to the parents, general education teacher of the pupil, special education teacher, and other persons who provide special education or related services to the pupil with special needs prior to the placement of the pupil or ensure that a copy of the IEP is available to these individuals, in the primary language, upon request. The IEP will be considered part of the permanent record of the pupil and a copy shall be available in this file and subject to Federal and State pupil record laws.

G. IMPLEMENTATION OF THE CONTINUUM OF PROGRAM OPTIONS [34 CFR 300.222, 300.223, 300.227, 300.240; EC 56360-56369, 56195.7: "The description of the program options included in Education Code Sec. 56360-56369, for purposes of Title 34, CFR, Part 300.223, are hereby included in this Local Plan by reference." The Tulare County/District SELPA provides full service programming to individuals with exceptional needs in its geographical area. The program options available to students vary based on severity of a student's handicapping conditions. The continuum of programs consists of Designated Instruction and Services (DIS), Resource Specialist Program (RSP), Special Day Class (SDC), Nonpublic Schools (NPS), and State residential schools for individuals with special needs, ages 0-21. These program options are consistent with the least restrictive environment concept to which the SELPA is committed.

1. **Program Options [56195.7 (c)]**: A description of each of the program options follows.
 - a. **Resource Specialist Program [EC 56362, 56362.1, 56362.5, 56195.8 (b) (4)]**: The Resource Specialist Program provides instruction to students who spend a majority of the school day in the general education classroom. The emphasis of the Resource Specialist Program is to support the student's participation in the core curriculum by using subject matter from the core program as a vehicle for modifying the learning disability. Staffing of the Resource Specialist Program consists of a Resource Specialist and, when appropriate, an aide(s) who is supervised by the Resource Specialist. The Resource Specialist has a caseload averaging 24 pupils and not exceeding 28 pupils except with a waiver from the State Department of Education. Based on individual pupil needs, there are differences in the Resource Specialist Program services for preschool, elementary, and secondary pupils.

Instructional services are provided on a one-to-one or group basis and are in an appropriate educational setting that may include the general education classroom. The Resource Specialist is responsible for defining specific goals and objectives in the written IEP and participating in the annual review of the pupil's program. Evaluation may occur more frequently as considered necessary.

The Resource Specialist is also responsible for the following:

- (1) Provides instruction and services for those pupils whose needs have been identified in an Individualized Education Program who are assigned to general education classroom teachers for a majority of a school day except with a waiver.
- (2) Provides information and assistance to individuals with exceptional needs and their parents.
- (3) Provides consultation, resource information, and material regarding individuals with exceptional needs to their parents and to general education staff members.
- (4) Coordinates special education services with the preschool and general education programs for each Individual With Exceptional Needs enrolled in Resource Specialist Program.
- (5) Monitors pupil progress on a regular basis, participates in the review and revision of Individualized Education Programs, as appropriate, and refers pupils who do not demonstrate appropriate progress to the IEP Team;

- (6) Provides emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.
- (7) Serves on the IEP team in those cases where appropriate.
- (8) Serves on the Student Study Team as a consultant when necessary.

The role of the Resource Specialist must be interpreted broadly enough so that an individual may function differently at the preschool, elementary and secondary levels. The position is seen as flexible enough to meet individual, school and LEA needs.

Competencies of the Resource Specialist include, but are not limited to, the following:

- (1) Provides consultation, resource information, and material regarding individuals with exceptional needs to their parents and to general education staff members.
- (2) Coordinates special education services for each individual with exceptional needs enrolled in the Resource Specialist Program.
- (3) Provides leadership for assuring full compliance with legal requirements.
- (4) Provides input to personnel development and in-service programs relative to understanding and integration of appropriate assessment tools, selection and modification of appropriate instructional methods and materials, application of classroom environment and behavior management techniques, and enhancement of social and emotional development of exceptional individuals in the general education classroom.
- (5) Possesses skills related to parent education in the areas of providing information about: 1) assessment procedures and instruments and how to utilize the information; 2) remedial methods and techniques relative to the parent's child; 3) use of community resources; 4) home enrichment and home management techniques; 5) strengths and weakness of parent's child as well as child's needs and goals including career and vocation planning alternatives.

Resource Specialist Credentialing: A teacher who holds a valid special education credential and a Resource Specialist Certificate of Competence is a fully credentialed resource specialist.

- b. **Designated Instruction and Services [EC 56363]:** The general education teacher, special education teacher, or Resource Specialist provides Designated Instruction and Services if they are deemed competent to provide the prescribed instruction and service. The Specialist holds the appropriate credential to provide the instruction in the specific area of instruction designated on the IEP.

Designated Instruction and Services may include, but are not limited to, the following:

- (1) Language and speech development and remediation.
- (2) Audiological services.
- (3) Instruction in the home or in the hospital.
- (4) Physical and occupational therapy.
- (5) Vocational education and career development.
- (6) Counseling and guidance.
- (7) Vision services.
- (8) Mobility instruction.
- (9) Psychological services other than assessment and development of the IEP.
- (10) Parent counseling and training.
- (11) Health and nursing services.
- (12) Special services, materials and equipment for low-incidence population.
- (13) Specialized driver training.
- (14) Recreation therapy.

The Individualized Education Program (IEP) will substantiate the need for specific Designated Instruction and Services and specify the goals and objectives to be reached, as well as specify the amount of time scheduled for such service.

Caseloads for each service shall meet Title 5 requirements [EC 56195.8 (b) (7)].

Designated Instruction and Services shall be available to those preschool pupils whose educational needs require such support.

- c. **Special Classes and Centers [EC 56364]:** Special classes are those full-time classes provided to exceptional individuals with similar and more intensive needs who cannot profit from enrollment in general education classrooms for the majority of the school day. A special center is a group of classes on a single campus. Local LEAs or the Office of the County Superintendent operate special classes. Special Day Class (SDC) programs are located on general education campuses unless the age

of the student or the nature of the IEP components require off campus services.

The IEP Team has the program option of placing individuals with exceptional needs ages 0-21 in special classes and centers when the individual has more intensive needs. Special class students spend a majority of the school day within that setting.

The self-contained classes include learning disabled, physically disabled, severely disabled and communicatively disabled. The IEP Team determines the greatest areas of need and the least restrictive environment for a pupil as well as the degree of integration into the general education class for academic, nonacademic, and extracurricular activities, including lunch and recess. Prior to any placement or integration changes, parents must give their consent.

The continuum of services is an important provision for implementation of the least restrictive placement concept. Each pupil is carefully evaluated and the Individualized Education Program Team identifies the appropriate placement based on the needs of the pupil ages 0-21. It is the initial intent of the Team to place a pupil in a program where there is the maximum instruction with peers in nonspecial education programs and where the pupil can participate successfully as determined by the Individualized Education Program Team.

Integration of disabled students with nondisabled students will occur through continuation of:

- Programs in which the Special Day Class pupil is integrated with general education pupils for classes or programs recommended by the IEP team, as appropriate. This may include such non-academic programs as lunch and recess, but may also include academic programs;
- Established programs where general education students work with children in Special Day Classes on regular basis;
- Programs provide access to (core) curriculum which matches or parallels that adopted by the Local Education Agency for K-12 instruction;
- The ongoing outdoor education program where disabled children attend with nondisabled peers;
- Vocational training programs in which Special Day Class pupils work in vocational classes, ROP programs, and in the community to learn job skills;

- The practice of transporting Special Day Class children to general education campuses for integration.

(1) Teacher Credentialing:

- (a) Each special class shall be taught by a special class teacher who meets the following qualifications:

- (1) Holds a special education credential.
- (2) Holds the appropriate credential applicable to the nature of the special class to which he/she is assigned, or has the preparation and experience applicable and whom the superintendent of the Local Education Agency has recommended, and the local Board of Education has approved.

d. **Nonpublic, Nonsectarian or State School Services [EC 56365-56366, 56195.8 (b) (1), 56205 (c); 5 CCR 3061-3062, 3066-3069]:**

Nonpublic, nonsectarian or State school service is an instructional component which will be provided when it is determined by the IEP Team that no appropriate placement is available in the public schools to meet the exceptional needs of the individuals, ages 0-22. The IEP Team recommends placement of a student in a State school or nonpublic school after determining that the State special school or nonpublic school program appropriately meets the needs of the student, including the least restrictive environment. All available public school programs, however, must be considered and evaluated in an effort to meet the pupil's needs prior to a final placement recommendation. The survey includes all State special schools or nonpublic schools in the State before recommending placement outside of the state when appropriate. Only certified nonpublic schools and licensed children's institutions which meet the sanitation, fire, and building safety standards are utilized.

e. **Licensed Children Institutions or Juvenile Court School [EC 56195.7 (f) & (g), 56205 (c)]:**

Individuals with exceptional needs who reside in a licensed children's institution or are served by a juvenile court school shall continue to receive special education services which appropriately meet their individual needs in the least restrictive environment. All procedures for the development of an Individualized Education Program for each student are adhered to by the IEP Team.

As per AB 3632/882 regulations, the parents/guardians, mental health workers or probation officers must be informed of all due process procedures and be notified of the Individualized Education Program meetings. Consent for any due process procedure must be received prior to any program modification or implementation and assessment.

2. **Least Restrictive Environment [34 CFR 300.552(a)(3), (c); EC 56031, 56207 (a) (4)]**: The provision of special services sometimes set special education students apart from their general education counterparts. It is the intention of the Tulare County/District SELPA to minimize this practice. In providing a full range of services proceeding from Designated Instruction and Services through residential placement at a State institution, it will be the policy of this SELPA to select that environment which offers the pupil the least restrictive, most age-appropriate, normalized setting commensurate with the student's individual needs. While this will generally guide decisions related to program placement and individual education plan preparation, those teams responsible for decision making (Individualized Education Program Teams) will also bear in mind the effect of any given student's functioning on the quality of services given to the other students. Consideration will be made of any potential detrimental effect to the individual with exceptional needs and to the pupils assigned to the general education classroom before selecting a program and assigning a student to an instructional environment.

The persons responsible for developing the Individualized Education Program shall have knowledge of the range of alternative educational settings available for exceptional pupils, including preschool pupils. The IEP Team shall indicate why a pupil is being placed away from their home school site. To promote a school climate of understanding, receptive to individuals with exceptional needs, in-service education will be conducted with general and special education staff, pupils and parents.

Each education agency shall consider the needs of special education pupils and the least restrictive environment when planning for placement of special education pupils.

Students with low-incidence disabilities are provided instruction in a manner consistent with State guidelines.

- a. **Procedures for Placement in Least Restrictive Environment [34 CFR 300.552(a)(3),(c); EC 56031]**: To ensure that a full continuum of program options are available, the following policy has been adopted:

Policy #3015 Revised², Program Placement of Students: The Tulare County SELPA promotes the placement of all disabled persons in the least restrictive educational program. To the extent possible, such placement shall be in the regular educational environment. There shall be annual placement re-evaluations. The parents/legal guardian may request a revision of their child's educational placement.

It is the responsibility of the IEP Team to determine the extent of all activities and services to be provided for students with special needs and to identify the person(s) responsible for providing a required service.

It is the responsibility of the Staff Development Committee of the SELPA to annually plan and provide appropriate in-service training programs designed to assist special education personnel and general education staff, including administrators, in meeting the academic, non-academic, and social needs of pupils with special needs.

3. **Vocational, Career Education Programs, and Transition Programs to the World of Work [EC 56345(b)(1)(2), 56456]**: It is recognized that developing the skills necessary to function as independently as possible is the goal of and for every disabled individual. It is also recognized that these skills will need to be an integral part of the educational program. In many cases the training will need to begin early in the school career and continue until the student completes school and goes to work or is being served by another public agency. Special education teachers will receive in-service training and assistance in career education and guidance. Community-based vocational programs are, and will continue to be, a part of the educational experience of disabled students. A strong WorkAbility program with students placed in on-the-job training and work experience is an integral part of the educational preparation. The SELPA has a Vocational Education Consultant specializing in the Career/Vocational Education area. The Vocational Education Consultant assists in the coordination with vocational education in the implementation of the vocational programs countywide. There has been a history of SELPA special grants written with Workforce Investment Act board and WorkAbility to enhance the classroom work programs with on-the-job exploratory programs.

Transition programs exist at each secondary and post secondary site with a countywide committee established to provide assistance in developing and implementing a vocational preparation plan. Students are enrolled in other training programs as early as thirteen (13) years of age on the necessary pre-vocational skills to enter the world of work successfully.

4. **Nonpublic or State School Placement Procedures [EC 56365, 56195.8 (b) (1), 56205 (c)]**: Nonpublic, nonsectarian school services, including services by nonpublic agencies, shall be available. Such services shall be provided under contract with the LEA, the SELPA, or the County Office, to provide the appropriate special facilities or services required by the individual with exceptional needs, only when no public educational program is available. All such services shall be a result of the recommendation of the local IEP team. Only those nonpublic schools approved as certified and eligible for contracting services under E.C. Sec. 56365-56366 shall be utilized for this purpose. The SELPA Director shall assist LEAs in the choice of appropriate nonpublic schools and the preparation of contracts for this purpose and for services by nonpublic agencies. Each LEA shall monitor the IEP's of pupils from their LEA with the assistance of SELPA office staff.
- a. Parent approval will be sought in writing, prior to any placement. If the parent or guardian objects to the proposed placement, the student remains in the current placement and the LEA may initiate a due process hearing.
 - b. Parents shall be informed by the special education administrator of the agency making the placement that they must immediately inform the superintendent of the public education agency of the date of a change in residence and the new address. The nonpublic or State school shall also immediately notify the public agency of a parent's change of address. The superintendent of the placing LEA shall immediately inform the new district of residence of the individual's change of residence. This notice shall include a copy of the pupil's records including the IEP and the contract for services with a nonpublic school/agency.
 - c. When it is determined by an IEP team that nonpublic school services are required, a contract for such services shall be developed and entered into by the responsible local LEA or Office of the County Superintendent of Schools. Such contracts will be developed only after the parent has agreed to such placement and the nonpublic school has agreed that it can provide the services specified on the IEP. If the cost of the nonpublic school placement exceeds the amount specified in E.C. Sec. 56365.5, approval of the State Superintendent of Public Instruction (or designee) shall be obtained prior to approving a contract.
 - d. Contracts with nonpublic schools shall include:
 - (1) The administrative and financial agreements to provide the services specified in the IEP.
 - (2) The length of time for which nonpublic, nonsectarian services are specified in the IEP. Changes in

instruction, services or placement provided under this contract may only be made on the basis of revisions in the IEP. Changes in the contract which do not alter educational instruction, services or placement may be made at any time during the term of the contract, if mutually agreed upon.

- (3) The contract may be terminated for cause with either party giving twenty (20) days notice.
 - (4) The nonpublic school shall provide all services specified in the IEP unless the parties agree otherwise in the contract.
- e. Nonpublic schools or agencies shall be required, under terms of the contract, to make periodic reports to parents or guardians paralleling those reports made to parents or guardians in the school of origin. Failure to make such a report would constitute just cause for the public school agency to discontinue to contract.
 - f. The Local Education Agency (LEA) shall ascertain that the teacher(s) implementing the IEP have the appropriate credential.
 - g. Individuals with exceptional needs may be enrolled concurrently in both public and nonpublic school services, provided one is the major enrollment and the other is supplemental. This determination will be made by the IEP team based upon the needs of the exceptional individual and will be provided only when this arrangement is necessary and appropriate.
 - h. The appropriate program specialist shall be responsible to monitor the progress of individuals placement in nonpublic and State school programs, and act as liaison between the SELPA and the nonpublic and State school in all matters concerning an individual's placement.
 - i. Semi-annual reports of the progress of pupils placed in residential schools shall be obtained by the appropriate Local Education Agency designee. These reports will be studied by the IEP team to determine whether or not the State residential school is accomplishing the goals and objectives for which the individual was originally referred.
 - j. The local IEP team will review the placement of all individuals enrolled in the nonpublic or State schools at least annually. This review will consist of:
 - (1) Evaluating reports of student progress to goals and objectives established in written instructional plans.
 - (2) Reports of the appropriate designated staff visitation to the state residential school.
 - (3) Reports of State residential school staff, who are to be invited to attend the local IEP team annual review meeting.

5. **Instruction in Settings Other Than Classrooms [EC 56361(f)]:** Students may be placed in programs which take place outside the traditional classroom. These activities could include, but are not limited to, various community-based activities such as WorkAbility job sites, Community Classroom or Regional Occupational Program sites, community-based instructional sites, transition programs, Regional Occupational Program classes, or field trips. These activities would be indicated as an integral part of the IEP and/or ITP for each student.

- H. PRESCHOOL SERVICES [34 CFR 300.122(a); EC 56440-56449, 56205 (b) (3)]:** Children who meet the Special Education eligibility criteria under EC 56441.11, October 1993, may participate in the Special Education Preschool Program. Services are provided to children ages 3-5 by Program Managers, Program Specialists/Behavior Intervention Specialists, Resource, Speech and Language, Adapted Physical Education, Vision Specialists, Psychologists, Special Day Class teachers, teachers of the Hearing Impaired, Home Hospital teacher, Preschool Workers, Instructional Aides, a Social Services Worker, and Nursing services.

It is the commitment of the SELPA to identify, assess, and serve identified preschool children through a meaningful, family-focused, effective service-delivery model. Individual needs of each child are identified and an IEP is written with the parent to include all necessary services. Appropriate community agencies work together to ensure that services are not duplicated. Staff has acquired expertise in working with preschoolers and their parents through staff development, concentrated on-site assistance and an effective interdisciplinary approach to serving preschoolers.

1. **Program Components**

- a. **Referrals:** A child may be referred by parents, relatives, teachers, doctors, school nurses, agencies or friends. Information about the programs have been shared by such methods as school news- letters, flyers, radio, T.V., public service announcements and home visits.
- b. **Assessment and Identification:** All appropriate Special Education Guidelines are followed to assess and identify eligible Special Education preschoolers. Appropriate standardized assessment is given and, when necessary, parent interviews and student observations are utilized as alternate assessment. Once a child is determined eligible for services, ongoing assessment using observation and parent/teacher reports is utilized to ensure the child is progressing.
- c. **Procedural Safeguards:** All parents are informed of their due process rights when their child proceeds through the referral process. At IEP meetings, parents are given a

review of due process rights and appeal procedures, preschool philosophy and guidelines and other pertinent preschool material and information.

d. **Curriculum:** Delivery of an integrated curriculum is a focus of the program. Curriculum is developmental and designed specifically to meet the needs of identified preschool students. Lessons are planned to encourage a high transition of parent/child activity and communication in the home.

e. **Program Options:** There are many program options available to the preschool child. Some of the following options are available regionally while others are available in all LEAs. The following models are options available in Tulare County:

(1) After school Preschool: Each student can receive programming up to 20 weeks per year. Best practice would be that student needs are best met through service and parent education that extends throughout the year. Instructional time of each session can range from 1 ½ hours to 2 hours in length. The number of days per week varies from district to district. Programs are offered at local school sites.

(2) Speech Only: Speech service may be provided at a local school site according to a schedule negotiated between the parent and the speech and language specialist.

(3) Special Day Class (SDC): Students with more severe language needs may be served in special day class settings. The SDC program is structured so students would attend half day programs in language-based instruction.

(4) State Preschool Programs: Students with disabilities enrolled in State Preschool Programs may be served at the preschool programs by a specialist from the local LEA.

(5) Summer Session: A summer PEP program may be offered at a local school that could run in conjunction with the regular education summer school program.

2. **Parent Involvement:** The preschool program is both child and parent centered. Parent participation is a vital component. Parents are encouraged to participate in the preschool program by attending sessions with their child, participating in the parent education component, working on home assignments and taking an active part in planning and developing the curriculum. Ongoing parent input is encouraged. Developing meaningful relationships and establishing communication between school and community is a priority.

3. **Integration:** Opportunities to integrate with non-disabled children are encouraged to create a rich, healthy atmosphere for learning and growth. In Special Education preschool programs children are learning effectively from other children in a language-rich atmosphere that is promoting opportunities for preschoolers to interact with children of diverse cultures and children with a wide range of abilities.
4. **Transition:** Prior to exiting preschool, the child is reassessed and the exit IEP team includes Kindergarten and Special Education staff to assist effective transition and determine whether there will be a need to continue Special Education services.

I. BEHAVIORAL PROCEDURES GOVERNING SYSTEMATIC USE OF BEHAVIORAL INTERVENTIONS AND EMERGENCY INTERVENTIONS:

[5 CCR 3052(j) (1) – (2)(D)]: Tulare County/District SELPA has developed procedures for implementation of the Hughes Bill and the accompanying regulations. Emergency procedures have been developed to be used only when necessary to protect the pupil or others. These procedures will be available to all staff members and parents whenever a behavior intervention plan is proposed [CCR 3052 (j) (1)].

1. **Behavior Intervention Plans [EC 56520-56523]:**
Behavior Intervention plans shall be developed for students and included in IEP as appropriate. CAC Title 5, 3001 & 3052
2. **Behavioral Procedures Governing Systematic Use of Behavioral Interventions and Emergency Interventions:**
Behavioral intervention means the systematic implementation of procedures that result in lasting positive changes in a student's behavior. Interventions are the individual and/or group instructional and environmental modifications designed to change student behavior. This may include but not be limited to programs of behavioral instruction, to produce significant improvements in student behavior through skill acquisition and the reduction of problematic behavior. These interventions are designed to provide the student with greater access to a variety of settings, social contacts and public events; and, insure the student's right to placement in the least restrictive education environment as outlined in the student's IEP.
3. **Approved Behavioral Emergency Procedures [5 CCR 3052 (j) (2) (D)]:**
Behavioral emergency is defined as the demonstration of a serious behavior problem:
 - a) which has not previously been observed and which a behavioral intervention plan has not been developed; or,
 - b) for which a previously designed behavioral intervention has been ineffective.

Behavioral emergency interventions shall only be those which have been approved by the SELPA. The approved emergency interventions shall only be those described in *the CPI (Crisis Prevention Institute) training manuals*.

Behavioral interventions do not include those procedures which cause pain or trauma and interventions should ensure student dignity and personal privacy are respected.

- Interventions shall be constructive and proactive rather than suppressive and reactive.
- The primary positive gain of interventions shall be for the student.
- Interventions shall provide for both immediate and long-term benefits for the student.
- As a result of interventions, the student shall have the potential for increased independence and access to school related activities.
- Prior to the implementation of procedures that directly modify the student's behavior, a meaningful accessible and appropriate curriculum shall be provided.
- All interventions shall protect the safety and personal dignity of all parties.
- Interventions shall respect the student's physical freedom, social interaction and choice.

4. **Prohibited Interventions:**

- Locked seclusion;
- Mechanical restraint, such as strapping children to chairs, misusing therapeutic equipment to punish students, duct-taping parts of their bodies, or the employment of any device or material or objects which simultaneously immobilize all four extremities of the student;
- Any intervention that is designed to, or likely to, cause physical pain;
- Use of prone containment or any restraint that restricts or impedes breathing;

- Aversive behavioral interventions that compromise health and safety, such as denying students water, food, or clothing, denying access to toilet facilities, or using noxious or otherwise unpleasant sprays, mists or substances in proximity to the student's face in order to control behavior;
- Procedures that result in verbal abuse, ridicule or humiliation, or those that can be expected to cause excessive emotional trauma;
- Any intervention that leaves the student without adequate supervision;
- Any intervention that deprives the student of one or more of his/her senses;
- Chemical restraint, meaning medications used to control behavior that are not administered consistent with a physician's prescription;
- An amount of force that exceeds that which is reasonable and necessary under the circumstances.

5. **Behavior Intervention Case Manager [5 CCR 3052 (j) (2) (A)]:**
Behavior intervention may include the use of a Behavioral Intervention Case Manager (BICM).

The Behavioral Intervention Case Manager (BICM) is a designated certificated staff member who has been trained in behavior analysis with an emphasis on positive behavioral interventions; BICMs include, but are not limited to, a teacher, resource specialist, school psychologist or program specialist. Behavioral intervention case managers will coordinate and assist in conducting the functional analysis assessments and development of the behavior intervention plan.

6. **Behavior Intervention Plans:**
Behavior Intervention Plans (BIP's) are implemented under the supervision of staff with documented training in behavior analysis, including the use of positive behavior interventions.

The BIP is a written plan, developed when a student exhibits a serious behavior problem that significantly interferes with the implementation of the IEP. Behavior Intervention Plans are based on functional analysis and become part of the IEP.

7. **Functional Analysis Assessment:**

A functional analysis assessment shall include:

- systematic observation of the pupil's targeted behavior;
- systematic observation of the immediate antecedent events to the targeted behavior;
- systematic observation of and analysis of the consequences following the targeted behavior;
- ecological analysis of settings in which the targeted behavior occurs;
- review of records for health and medical factors which influence the targeted behavior;
- review of the history of the targeted behavior and the effectiveness of any previous interventions.

8. **Emergency Report Data:**

Emergency report data shall be collected and an annual report submitted to the CDE.

LEA officials shall maintain emergency intervention report data for students with a BIP and report such data to the SELPA and California Department of Education on an annual basis as per Tulare County SELPA Positive Intervention Program Procedure Manual.

J. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

1. **Identification/Referral [EC 56301-56303, 56205 (b) (7)]**

All individuals with disabilities residing in Tulare County SELPA, including pupils with disabilities who are enrolled in elementary, secondary and private schools, who are in need of special education and related services, shall be identified, located and assessed in the areas of suspected disability. The child-find section describes the continuous child-find system which results in the identification of individuals who may be in need of special education. The referral to special education itself is usually initiated or received at the local school district level which begins the referral process.

Referral Process (EC 56301): It shall be the policy and practice of the educational agencies involved in the Tulare County/District Comprehensive Master Plan to actively and systematically seek out and identify all individuals with exceptional needs 0-21 years of age. A systematic method of processing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and other members of the public shall be implemented and is described as follows:

Referral Procedures: The Local Education Agencies and Office of the County Superintendent of Schools currently receive referrals from agencies, parents and private schools within the county as well as the school sector for special education services. A process to provide for the effective handling of these referrals is described below:

- A pupil should be referred for special education only after all resources and possible accommodations for the student to be successful in the regular education program have been exhausted. This includes modifications of curriculum and accommodations for learning abilities and styles. A pre-referral process is delineated in the Procedure Guide as well as on the Student Information and Referral form. General program resources include Compensatory Education Programs, Migrant Education, Vocational Education, Bilingual Program, School Improvement Programs, School-Based coordination Plans and the Behavioral Intervention program
- All referrals must be written and indicate the suspected areas of disability. The date of receipt of the referral must be documented to support mandatory special education deadlines.

2. **Description of Free Appropriate Public Education (FAPE)**

“Special Education” for the Tulare County SELPA means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, whose educational needs cannot be met with modification of the regular instruction program, and, at no cost to the parent, related services that may be needed to assist these individuals to benefit from specially designed instruction.

3. **Cost to Parents:**

Every individual with exceptional needs, who is eligible to receive educational instruction and/or related services shall receive such educational instruction and services at no cost to his or her parents, or appropriate to him or her.

4. **Eligibility for Related Services:**

The Tulare County SELPA seeks to provide an appropriate, meaningful educational program in a safe and healthy environment for all children regardless of possible physical, mental or emotionally disabling conditions. This includes those enrolled in alternative education programs including, but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools and juvenile county schools will

have access to appropriate special education programs and related services. (However, it is noted that upholding Article 3, Section 56345.5, nothing in this Master Plan shall be construed to authorize LEAs, special education local plan areas or county office to prescribe health care services.)

5. **Assessing Related Services**

Federal, state, local, and private sources of support which are available to provide services as specified in the child's written individualized education program will be utilized. Furthermore, a LEA, special education local plan area or county office may contract with another public agency to provide special education or related services, if needed to address the pupil's exceptional needs. Whenever a related service or designated instruction and service is to be considered for inclusion in the child's IEP, the responsible public agency representative will be invited to be a planning member of the IEP team. If the representative cannot meet with the IEP team, the representative shall provide written information to the IEP team.

6. **Tulare County SELPA Staff to Address Related Needs [EC 56205 (a) (12) (B), 56195.7 (c)]**

The following special education staff support/ provide services:

Orientation and Mobility Specialist

Nurses, Adaptive Physical Education Specialists, Audiologists

Psychologists available for counseling, rehabilitation, parent counseling and training and in-depth intellectual/emotional assessment.

Parent Liaison working full-time to coordinate CAC activities and parent education as well as providing support to parents having individual concerns.

Teacher for Visually Handicapped who work with students throughout the county and conferencing as needed with teaching staff.

Speech and Language Specialists assigned to specific schools and special day classes. Additional speech and language service is used to augment, through staff development, the resource specialist program.

Occupational and Physical Therapists are available for service as required through the IEP.

Vocational Education Specialist

Technology Specialist

7. **Parent's Rights and FAPE**

The information of FAPE, specifically, "no cost to the parent," will be addressed by special education staff when they work with parents/guardians to explain parent's rights. It is also written on the Special Education Referral and Assessment Plan form and will

again be addressed at the IEP meeting of which the parent is a participating member.

THE IEP shall show a direct relationship between the present levels of performance, the goals and objectives and the specific educational services and related services to be provided. Each student with a disability will be provided related services in accordance with their IEP. A copy of the IEP shall be provided to the parent, at no cost.

8. **Related Services and Child's Need:**

There is a complete and specific definition and direction in the Tulare County SELPA Procedure Guide regarding related services to insure the full understanding of related services. A child shall be assessed in all areas related to the suspected disability by qualified staff to determine the child's need for service before any action is taken with respect to the provision of related or DIS service. A related or DIS service shall be addressed by the child's IEP team. All standards for Designated Instruction and Services will be upheld and implemented according to the general provisions of Article 5., 3051.a and Article 2.5, E. C. 56333.

9. **Multidisciplinary, including LEA and Agency Staff:**

The multidisciplinary IEP teams will work cohesively to develop and implement, to the extent possible, a consistent, effective manner of planning when the pupil is also receiving services of another agency or related services.

10. **IEP Implementation:**

Health Services or any designated local agency administering California Children's services is responsible for medical services necessary for occupational therapy or physical therapy. LEA is responsible for related services and DIS in the IEP that will benefit the child's educational and instructional program. (However, if the IEP team deems necessary medical services that the state Health Services do not address, the Local Education Agency is responsible to see that the child receives the service.)

K. PROCEDURES FOR OBTAINING RELATED SERVICES WHEN THEY WILL NOT BE PROVIDED BY LEA EMPLOYEES

1. **Coordinated of Assessment and Services with other Agency Services**

Program specialists and special education staff work closely with the LEA's to make them aware of other agency assistance and responsibilities. For instance, when it is determined at a school site, that an individual with exceptional needs demonstrates behaviors which indicate serious emotional problems that interfere with academic performance, the LEA and parent may be made aware of the Department of Mental Health responsibilities. The procedure for

mental health services are described in the Mental Health Interagency Agreement.

2. **Continuity:**
Services among agencies shall be coordinated to ensure continuity of services to children. This shall include exchange of assessment data between school agencies, between other agencies providing assessment and school agencies, and between individuals providing private assessments and school agencies. Confidentiality will be observed and parent permission obtained when necessary to exchange assessment information.
3. **Services to be Provided by Other Agencies** [EC 56341 (c) (2); 5 CCR 3040]
When services may be provided by another agency or the pupil has been evaluated by another local public agency, a representative of that agency will be notified to participate in the IEP team meeting. Results of agency assessments will be requested, with parent consent, so that they may be considered as part of the IEP evaluation by the team. Non-school agencies which provide both assessment and services to pupils within the Tulare County/District SELPA include but are not limited to the Regional Center, Head Start, California Children's Services and County Mental Health Services.
4. **SELPA Policy and Process for Providing Related Service in Accordance with the IEP when Other Agencies Fail or Cease to Provide Such Services**
Special Education staff will continue to monitor and review IEP's to insure that each student's IEP, instructional program and related services are being implemented toward attainment and completion of the student's goals and objectives. If the other agency fails or ceases to provide the IEP mandated services, the LEA will contact said agency and hold a subsequent IEP. Services will either be altered or the LEA may bill the agency for continuing mandated services.
5. **Children's Systems Improvement**
The Children's Systems Improvement Council is an advisory committee. This is an interagency committee with representatives from agencies such as Health Services, Mental Health, Social Services, Probation, Central Valley Regional Center and California Child Welfare Services who meet to study, discuss, review and ensure implementation of services and related services needed by students with exceptional needs.

If there appears to be lack of communication between any Agency and the service listed in the IEP, Special Education staff initiates a contact with the special education administrator who has on-going contact with agency administrators and SELPA staff.

6. **Residential Placements**

When the IEP team suggests that a residential placement may be considered for an emotionally disturbed (ED) student, the team shall be expanded to include a representative of the County Mental Health Department. Government Code AB 3632/Chapter 1747 and AB 882/Chapter 1274 requirements shall be utilized. An ED student requiring out-of-home placement shall be reviewed at least every six months to monitor program effectiveness and progress toward return to family placement (refer to Mental Health Interagency Agreement). This provision shall be included in the IEP and shall be monitored by the Local Education Agency-designated administrator. Specific procedures are delineated in the SELPA Procedures Handbook.

L. **SELPA PROCEDURES FOR OBTAINING/COORDINATING THE FOLLOWING NECESSARY SERVICES**

1. **State School Services [EC 56367]:** Placement recommendation of a student in a State school program is made by the SELPA Administrator after the IEP Team determines that a State school program may best meet the needs of the pupil, including the least restrictive environment. All available public school programs throughout the SELPA, however, must be considered and evaluated in an effort to meet the pupil's needs prior to a final placement recommendation.

State schools include the schools for the blind, deaf, and the diagnostic centers.

A representative of the SELPA may attend the annual review meeting of the pupil and provide input and recommendations as appropriate. At the meeting, the IEP Team determines the future programming of each pupil. The pupil's program may be continued, modified, or discontinued at the option of the IEP Team. The parent must consent to any modification, change or discontinuation of the pupil's program.

A representative from the SELPA must attend and review IEP meetings at the State school. This participation assures continuity for local summer placement options.

2. **Nonpublic Schools [EC 56365, 56205 (c), 56195.8 (b) (1)]:** Placement recommendation of a student in a nonpublic school is made by the Directors of Special Education Committee after the IEP Team determines that a nonpublic school may best meet the needs of the pupil, including the least restrictive environment. All available public school programs, however, must be considered and evaluated in an effort to meet the pupil's needs prior to a final placement recommendation. When necessary, the survey includes

all nonpublic schools in the State before recommending placement outside of the State when appropriate. Only nonpublic schools are considered that are licensed by the State.

The IEP Team chairperson notifies the parents that they are responsible for keeping the placing LEA notified of any changes of residence when a pupil is placed in a nonpublic school.

Nonpublic school contracts may include:

- Financial agreements for services and description of services to be provided in the Individualized Education Program.
- Negotiation of length of service time.
- Provisions for changes in agreement if they do not alter the education instruction.
- Provisions for termination with cause with a twenty-day notice.

It is the responsibility of the SELPA to communicate with the nonpublic school during referral, evaluation, and placement of such pupils. Additionally, the IEP Team is responsible for communications with nonpublic schools as well as with individuals, organizations, and public private agencies.

The IEP Team coordinates the annual reevaluation of nonpublic school pupils. A representative from the nonpublic school may attend the reevaluation meeting and provide input and recommendations as appropriate. At the meeting, the IEP Team determines the future programming of each pupil. The pupil's program may be continued, modified, or discontinued at the option of the IEP Team. No modification, change or discontinuation of pupil's program can be made without consent of the parent.

3. **Public Hospitals and other Medical Facilities [EC 56167-56169.5, 56361.5, 56565(d)(4), 56195.7 (e); GC 7578]:** The SELPA Administrator shall authorize appropriate education for a pupil after the IEP Team determines that the pupil's needs can best be met in a public hospital, proprietary hospital or other residential medical facility. Consideration of least restrictive environment is part of the criteria used by the IEP Team in making the recommendation.
4. **State Hospitals [EC 56850-56852, 56195.7 (e)]:** The SELPA Administrator shall authorize appropriate education for a pupil after the IEP Team determines that the pupil's needs can best be met by education services provided by the SELPA.

A representative of the SELPA may attend the annual review meeting of the pupil and provide input and recommendations as

appropriate. At the meeting, the IEP Team determines the future programming of each pupil. The pupil's program may be continued, modified or discontinued at the option of the IEP Team. The parent must consent to any modification, change or discontinuation of the pupil's program.

5. **Licensed Children's Institutions and Foster Homes [EC 56156-56162, 56195.7 (f)]:** Each LEA and the SELPA are responsible for providing appropriate education to individuals with exceptional needs residing in Licensed Children's Institutions and foster family homes located in Tulare County. The IEP Team coordinates the annual review meeting for pupils residing in Licensed Children's Institutions and foster homes. The IEP Team determines the future programming of each pupil. The pupil's program may be continued, modified or discontinued at the option of the IEP Team. The parent must consent to any modifications, change, or discontinuation of the pupil's program.
6. **Juvenile Court System [EC 56150, 56195.7 (g)]:** The SELPA Administrator shall authorize appropriate educational special services for a pupil after the IEP Team determines that the pupil's educational needs require Special Education.

A representative of the SELPA IEP Team conducts the annual review meeting of the pupil and provides input and recommendations as appropriate. At the meeting, the IEP Team determines the future programming of each pupil. The pupil's program may be continued, modified or discontinued at the option of the IEP Team. The parent or pupil, if he is of legal age, must consent to any modification, change or discontinuation of the pupil's program.

7. **Private School Services [34 CFR 76-650-662]:**
 - a. SELPA/LEA procedures for providing special education/services to students who are enrolled in private schools in the SELPA are:
 - (1) The process for referral, identification and IEP development are the same as is provided for public school students.
 - (2) Services and consultation by specialists are provided to students. Specialized equipment is provided for students with low incidence disabilities who attend private schools in Tulare County.
 - (3) The SELPA, the private school and the parent work jointly to be certain that the student(s) is receiving appropriate services. This close working relationship continues throughout the time that the student is in need of a service.

The amount of money spent in providing service to private school students is equal to the amount per child of Part B federal funds times the number of private school students identified as special ed students.

M. TRANSITION SERVICES [EC 56345 (b) (1)(2), 56456]

The Tulare County SELPA's policy and procedures ensure all students age sixteen (16) and above, or younger if determined appropriate by the IEP team, have a statement of needed transition services. Special education transition services are an integral part of school to career, the students in the Tulare County SELPA, aged 16 and above, are involved in the development of an Individualized Transition Plan (ITP). This ITP is developed annually and included with the student's IEP; however, a separate ITP meeting may be held depending on the student need. The ITP focuses on the pupil's course and study, such as participation in advanced-placement courses or a vocational education program. The ITP is a statement of needed transition and a coordinated set of activities that is a collaborative, results-orientated process that helps a student and their family plan for a quality adult life.

The ITP is based upon the individual pupil's needs, preferences and interests. The ITP is designed to help the students move from school to post school activities including post-secondary education, vocational training and integrated employment, including supported employment. In addition, continuing and adult education, adult services, independent living and/or community participation is addressed as appropriate. The ITP involves not only the student and the family but provides linkages with agency representatives and other individuals significant to the transition process.

1. **Services [Federal Law [CFR 300.18 and 300.346]:**

The Individual Transition Plan's (ITP statements of needed transition services) developed for use in the Tulare County SELPA includes long range goals and short-term objectives related to instruction, community experiences, development of employment and other post school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocation evaluation. (See SELPA ITP form). The IEP team will write a statement of why transition services are not needed by an individual student when appropriate.

2. **Notices to Parents [CFR 300.344]:**

The family, student and agencies involved with the student are invited to the ITP meeting and receive written notices that indicate that the purpose of the meeting will be to discuss school-to-work transition. The notice will also identify any other agency that has been invited to send a representative. (See SELPA Meeting Notification). The notices are sent in the parents and students primary language or mode of communication, when appropriate and reasonable.

The student's ITP describes the agencies involved with the student and his/her family, along with the projected service needs. If a participating agency, other than the local education agency, fails to provide the transition of services as described in the pupils ITP, the local education agency will reconvene the individual education program team to identify alternative strategies to meet the transition services for the student.

3. **Goals of Transition Planning**

The goals of the transition plan is to coordinate services between educators, adults service providers, potential employers, and families in order to effectively plan and implement a successful transition for students to the adult world of paid employment and social independence in the least restrictive environment to the extent possible. To that end, the SELPA and local educational agencies will provide work skills training, including those skills that are necessary in order to exhibit competence on the job. They further provide information on multiple employment options and facilitate job or career choice by providing a variety of vocational experiences.

4. **Transition Services [EC 56460-63]**

a. **Resources**

The SELPA provides resource manuals, materials and in-service training that will support the implementation of individualized transition planning for all pupils with exceptional needs. This includes coordination with other specialized programs and agencies that serve special populations.

b. **WorkAbility I**

An essential component of transition services developed by the State of California and implemented in the Tulare County SELPA is WorkAbility I. The SELPA has the following local educational agencies as Workability I sites. Tulare County Office of Education, Tulare Joint Union High School District, Visalia Unified School District, Porterville Unified School District, and Woodlake Union High School District.

The WorkAbility I program provides instruction and experiences that reinforce core curriculum concepts and skills leading to part-time or full-time employment. The WorkAbility I projects help the appropriate students in the SELPA in the following areas: (1) recruitment, (2) assessment, (3) counseling, (4) pre-employment skills training, (5) vocational training, (6) student wages for try-out employment, (7) placement in subsidized employment, (8) other assistance with transition to a quality adult life, and (9) utilization of an interdisciplinary

advisory committee to enhance project goals.

c. **Vocational Education**

The SELPA provides a vocational education consultant specializing in the career/vocational education area. The vocational education consultant assists in the coordination with vocational education in implementation of the vocational programs throughout the county. The consultant also coordinates vocational education services with the local educational agencies.

Transition programs exist at each secondary site with a countywide committee established to provide assistance in developing and implementing a vocational preparation plan. Students are started on training programs as early as possible on the necessary pre-vocational skills to enter the world of work successfully. The WorkAbility Advisory Committee meets regularly to discuss transition needs and concerns.

N. NON PUBLIC SCHOOL AND NON PUBLIC AGENCY DISTRICT MASTER CONTRACTS AND INDIVIDUAL SERVICE PLANS

Nonpublic or State School Placement Procedures [EC 56365, 56195.8 (b) (1)]:

Nonpublic, nonsectarian school services, including services by nonpublic agencies, shall be available. Such services shall be provided under contract with the LEA, the SELPA, or the County Office, to provide the appropriate special facilities or services required by the individual with exceptional needs, only when no public educational program is available. All such services shall be a result of the recommendation of the local IEP team. Only those nonpublic schools approved as certified and eligible for contracting services under EC Sec. 56365-56366 shall be utilized for this purpose. The IEP committee will document efforts to utilize public schools before contacting a nonsectarian school or agency outside the state [EC 56365(e)]. The SELPA Director shall assist LEAs in the choice of appropriate nonpublic schools and the preparation of contracts for this purpose and for services by nonpublic agencies. Prior to contracting with out of state nonpublic schools, the LEA/SELPA will document efforts to use public and in-state nonpublic schools [EC 56365(e)]. If the LEA/SELPA 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 superintendent within 15 days of the placement decision. The report shall include information about the special education and related services provided by the out-of-state program placement and the costs of the special education and related services provided, as specified in subdivisions (a) and (b) of Section 56741, and shall indicate the efforts of the local educational agency to locate an appropriate public school or nonpublic, nonsectarian school or agency, or a combination thereof, within the state [EC 56365.5, 56365(f)]. Each LEA

shall monitor the IEP's of pupils from their LEA with the assistance of SELPA office staff.

- a. Parent approval will be sought in writing, prior to any placement, if the parent or guardian objects to the proposed placement, the student remains in the current placement and the LEA may initiate a due process hearing.
- b. Parents shall be informed by the special education administrator of the agency making the placement that they must immediately inform the superintendent of the public education agency of the date of the change in residence and the new address. The nonpublic or State school shall also immediately notify the public agency of a parent's change of address. The superintendent of the placing LEA shall immediately inform the new district of residence of the individual's change of residence. This notice shall include a copy of the pupil's records including the IEP and the contract for services with a nonpublic school/agency.
- c. When it is determined by an IEP team that nonpublic school services are required, a master contract consistent with EC 56366 (a) (1), 56366 (b) and 56366 (d), and policy memorandums issued by the CDE [EC 56366(a)(1), 56366(d)] for such services shall be developed and entered into by the responsible LEA or Office of the County Superintendent of Schools. Such contracts will be developed only after the parent has agreed to such placement and the nonpublic school has agreed that it can provide the services specified on the IEP.
- d. Contracts with nonpublic schools shall include:
 - (1) The administrative and financial agreements to provide the services specified in the IEP including special education, DIS and transportation [EC 56366(d)]. (Note: the LEA/SELPA pays the full amount of the tuition pursuant to EC 56366.7 and the current master contract [EC 5635(d)].
 - (2) The length of time for which nonpublic, nonsectarian services are specified in each IEP [EC 56366(d)] and the anticipated date for the return for students placed in out-of-state nonpublic schools [EC 56365(g)]. Changes in instruction, services or placement provided under this contract may only be made on the basis of revisions in the IEP [EC 56366(a)(2)]. Changes in the contract which do not alter educational instruction, services or placement may be made at any time during the term of the contract, if mutually agreed upon.
 - (3) Procedures for record keeping and documentation to assure that appropriate high school graduation credit is received by the pupil [EC 56366(d)].
 - (4) The contract may be terminated for cause with either party giving twenty (20) days notice.

- (5) The nonpublic school shall provide all services specified in the IEP unless the parties agree otherwise in the contract [EC 56366(d)].
 - (6) Appropriate billing procedures in accordance with EC 56366(c) (1) and 56366.5.
 - (7) Assurances that there are appropriate credentialed/qualified teachers as specified by IEP and/or individual service agreement [EC 56061, 56366].
- e. Nonpublic schools or agencies shall be required, under terms of the contract, to make periodic progress reports to parents or guardians paralleling those reports made to parents or guardians in the school of origin [EC 56366(d)]. Failure to make such a report would constitute just cause for the public school agency to discontinue to contract.
 - f. The nonpublic school or agency shall be required, under terms of the agreement to provide a written course of study designed to provide adequate credits or graduation [EC 51225.3; 51228; 56366].
 - g. The Local Education Agency (LEA) shall ascertain that the teacher(s) implementing the IEP have the appropriate credential.
 - h. Individuals with exceptional needs may be enrolled concurrently in both public and nonpublic school services, provided one is the major enrollment and the other is supplemental [EC 56366(d)]. Also, the master contract may allow for partial or full time attendance at nonpublic school. This determination will be made by the IEP team based upon the needs of the exceptional individual and will be provided only when this arrangement is necessary and appropriate.
 - i. The master contract or individual services agreement cannot include special education transportation through the use of LEA/SELPA owned, leased or contracted equipment unless provided directly or subcontracted by the NPSINPA [EC 56366(d)].
 - j. The appropriate program specialist shall be responsible to monitor the progress of individuals placement in nonpublic and State school programs, and act as liaison between the SELPA and the nonpublic and State school in all matters concerning an individual's placement, including assurance that students are receiving DIS services as stated in the IEP [EC 56366].
 - k. Semi-annual reports of the progress of pupils placed in residential schools shall be obtained by the appropriate Local Education Agency designee. These reports will be studied by the IEP team to determine whether or not the nonpublic or State residential school is accomplishing the goals and objectives for which the individual was originally referred.

- I. The local IEP team will review the placement of all individuals enrolled in the nonpublic or State schools at least annually. This review will consist of:
 - (1) Evaluating reports of student progress to goals and objectives established in written instructional plans.
 - (2) Reports of the appropriate designated staff visitation to nonpublic school.
 - (3) Reports of nonpublic or state school staff, who are to be invited to attend the local IEP team annual review meeting.

O. STUDENT PERFORMANCE AND PARTICIPATION [EC 33031, 60607, 60640, 60615]: The SELPA Policy to ensure the participation of all students in state and district-wide assessment is as follows:

- Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the academic achievement tests administered annually as part of the standardized testing and reporting program.
- Pupils in special education shall be tested with the designated achievement and, if applicable, a primary language test unless the individual education plan for the student specifically exempts the pupil, or the student's parent requests the pupil's exemption from testing
- Pupils in special education who will not participate in district-wide assessment will be evaluated by alternate means as determined by the IEP team.

1. Description Procedures for Determining Accommodations for Students with Disabilities [EC 33031,60607, 60640, 60615]:

- Accommodations or modifications for individual special education students shall be made only through the IEP process.
- Accommodations shall be made on the basis of the individual's handicapping condition and may include adaptations related to presentation, timing/scheduling, pupil response mode and/or test setting. All accommodations, modifications and adaptations shall be specified in the student's IEP, and related to routine instructional practices for the individual student.

2. Procedures for Reporting the Participation of Special Education Students in the Testing Programs

- All accommodations, modifications and/or adaptations shall be reported for the individual student on the test information sheet.
- The LEA and COE shall submit accurate data to the CDE through the following form:
 - District Certification
 - Standardized Testing Reporting Program
 - Designated Achievement Test
 - Apportionment Information Report

P. SUSPENSION AND EXPULSION

1. **Regarding limitations on a Number of Days of Suspension/Change of Placement [EC 48911]:** A special education student may not be suspended for more than 10 cumulative school days in a given year.

In the case of a truly dangerous student, a suspension may exceed 10 cumulative school days if:

- a. the parent/guardian agrees
- b. a court order so provides

2. **Regarding Expulsion [EC 48915.5]:** A disabled student may be expelled only if:
 - a. the behavior is not a manifestation of the students disability
 - b. the student was appropriately placed and the services required by the student's IEP were being provided, and
 - c. a pre-expulsion assessment was conducted

3. **Regarding FAPE Provisions at the Time of Expulsion [EC 48916.1]:** A disabled student who is suspended for more than 10 cumulative school days in a given year, or is expelled, shall continue to receive Free and Appropriate Public Education—the necessary services required by the student's IEP at the time of disciplinary action.