

Special Education Guidelines

The following information is intended as a guideline. Please do not hesitate to call the Director if further clarification is required. It is not possible to address all contingencies in this document.

Services to Students

All services to students shall follow the district calendar. Unless otherwise specifically stated on the IEP services page, the first day of school, students with IEPs shall begin receiving services as specified on the IEP. Unless otherwise specifically noted, students shall receive services per the IEP throughout the entire school year, including the last day of school, with the exception of school holidays, weekends, student field trips, and student absences. Services apply to RSP and DIS (Speech, OT, and APE), as well as any other services that are specified on the IEP services page.

Services specifically offered in the IEP notes should be reflected on the services page. As part of the IEP process, any services which are named on the IEP must be delivered in accordance with the terms of the IEP.

Components of programs rather than specific program names should be identified on the IEP. This is also true for personnel, who should not be named specifically on an IEP.

IEP Timelines and Paperwork

“IEP due dates are unforgiving.” Miller Brown Dannis (2007).

2007-2008 represents a year of self-review wherein the District reports its compliance with timelines and services to students to the California Department of Education. See the section on Timelines for additional information. During the review, student files will be pulled according to the CDE guidelines and sampled to identify compliance in a number of areas, including but not limited to the following:

- Adherence to IEP timelines and due dates
 - All original IEP documents (see section on IEP Documents for more info)
 - Assessment Plan (see section on Assessment Plan for more info)
- Services listed on the IEP were provided to the student. In the case of RSP, OT, APE, or Speech services, it is recommended that the providers keep logs of the services rendered.
- Accommodations listed on the IEP were provided to the student. It is recommended that only accommodations that are particular to a specific student be listed. Avoid “boiler plate” accommodation lists.
- IEP was developed appropriately, in accordance with the student’s disability and functioning
- Goals and objectives contain all appropriate components that have been tailored to fit the student’s individual needs (see Goals and Objectives section for more info)

- Goals and objectives are updated at the same time as progress reports and grades are sent home (quarterly or at the trimester, depending on the school site), and copies of the updated goals are submitted to the district office within 48 hours
- Present Levels of Performance (PLOP) were noted (see PLOP for more info)
- Parent concerns were noted during the IEP on the IEP notes page
- Extended School Year was addressed during the yearly IEP (see ESY section)

Requests for Assessment

A written request for assessment must be responded to in writing within 15 days of receipt of the written request. Requests submitted to the district office are faxed to the school site/principal and a copy given to the school psychologist for the student's site. In the case of a student attending a private school, the request is sent to the student's home site. In general, requests for assessment are responded to and processed by the school site. An Assessment Plan, whether the parent signs it or not, should be submitted to the district office within 48 hours of its being developed. Assessment Plans should always be developed with the appropriate personnel in attendance. See below for further information.

Special Education Timelines

56043. The primary timelines affecting special education programs are as follows:

(a) A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five schooldays from the date of receipt of the referral, unless the parent or guardian agrees, in writing, to an extension, pursuant to subdivision (a) of Section 56321.

(b) A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision, pursuant to subdivision (c) of Section 56321.

(c) Once a child has been referred for an initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations shall be made, and an individualized education program team meeting shall occur, within 60 days of receiving parental consent for the assessment, pursuant to subdivision (a) of Section 56302.1, except as specified in subdivision (b) of that section and pursuant to Section 56344.

(d) The individualized education program team shall review the pupil's individualized education program periodically, but not less frequently than annually, pursuant to subdivision (d) of Section 56341.1.

(e) A parent or guardian shall be notified of the individualized education program meeting early enough to ensure an opportunity to attend, pursuant to subdivision (b) of Section 56341.5. In the case of an individual with exceptional needs who is 16 years of

age or younger, if appropriate, the meeting notice shall indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the individual with exceptional needs, and the meeting notice described in this subdivision shall indicate that the individual with exceptional needs is invited to attend, pursuant to subdivision (e) of Section 56341.5.

(f) (1) An individualized education program required as a result

of an assessment of a pupil shall be developed within a total time not to exceed 60 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees, in writing, to an extension, pursuant to Section 56344.

(2) A meeting to develop an initial individualized education program for the pupil shall be conducted within 30 days of a determination that the child needs special education and related services pursuant to paragraph (2) of subsection (b) of Section 300.343 of Title 34 of the Code of Federal Regulations and in accordance with Section 56344.

Administrative Designee

Principals or vice principals must attend the IEP and sign as the designee. Once the administrator leaves the IEP, the meeting must adjourn. Bargaining unit members may not be the principals' designee. The school psychologist may not sign the IEP as the administrative designee without explicit prior direction from the Director of Special Education. In most cases they will have done assessments on the child and this presents a conflict of interest.

Who Should Attend the IEP Meeting

Principal or vice principal, parent, child (where appropriate), special education personnel (this varies, depending on the current or proposed services), school psychologist for initial and triennial evaluations, regular education teacher (this can be waived with parent's written permission, or if the student does not have any current mainstreaming, and if mainstreaming is not being addressed at the IEP meeting).

IEP Documents

The original IEP documents, whether signed by the parent or not, should be submitted to the school psychologist within 48 hours of the meeting. The special education staff has a list of the appropriate documents that should be submitted. Special education staff should retain a copy of the IEP for the student's working file at the site. All special education documents and testing kits should be kept under lock and key and are confidential. IEP forms may be downloaded from the SouthEast SELPA website at:

<http://scooe.org/depts/selpa/iepforms.asp>

Aide Time

Students with 1:1 aide time listed on their IEP must receive those services in order to be compliant. If the aide is not able to provide the service to the student due to the absence of the aide, the school should have a back-up plan to provide the stated service time for the student since substitute aides are generally not available. Changes to aide time should be a discussion item at the student's IEP.

Goals and Objectives

Academic Goals: See the Goals & Objectives Handbook, distributed to all certificated special education personnel and site administrators in the fall of 2006—they also available online (free of charge) at <http://www.carsplus.org/publications.php> and on the MHUSD website in pdf. Goals for most students with mainstreaming opportunities can and should be served by “regular and special education staff” to provide generalization from the special education setting to that of regular education.

Other goals and objectives may be written for students with identified needs in other areas, such as behavioral or social-emotional. While some students with behavioral goals may have a Behavior Support Plan (see your school psychologist for more information on this) or more intensive needs, this is not always the case. Before writing goals speak to your school psychologist. For students with social-emotional needs, a bank of goals will be developed and distributed. In general, students with mainstreaming opportunities will have goals that are monitored by special education and regular education staff.

Alternative Assessments

Most special education students in grades 2-11 can and should participate in standardized assessments. A very few students qualify to participate in the California Alternate Performance Assessment (CAPA). Students qualify who are unable to participate even with accommodations. Typically these are students who have significant cognitive disabilities who are working in curriculum that focuses on life skills. The IEP team determines whether a student meets the eligibility for the CAPA. A school psychologist must be present when considering alternate assessment eligibility.

Present Levels of Performance (PLOP) (DATA)

Present levels of performance are generated by observation, interviews, written reports, work samples, and data collection, and should include information provided by the parents, teachers, and professionals, current grades, and assessment results. It is helpful to the all team members to see the results of prior assessment data in comparison with current assessment data, whether formative or summative. Thorough PLOPs lead to better written IEPs, better service identification and provision, and better goals and objectives for the child. A general checklist was developed by Salli Welsh and has been distributed to certificated special education staff. In general, IEPs should take into account academic, behavioral, social-emotional, and organizational performance.

Referrals to Special Education Data

Data are kept by the special education office on how many students are referred for assessment each year, and how many of those qualify for services. At the end of the

school year you will be asked to provide the department with the number of SSTs that were held at your school site, the number of students referred for assessment, and how many qualified once referred. In addition, data will also be requested about how many students were referred to special day classes, and how many students were exited out of special education during the school year.

Case Managers and Service Providers

The Case Manager is the special education personnel at the school site who oversees the primary disability of the student. It might be the SDC teacher, the RSP teacher, or the Speech teacher. It is never the APE (Adaptive Physical Education) teacher, or the Occupational Therapist (OT), since these are related (secondary) services. Students do not qualify for OT or APE if they do not have other special education services. The school psychologist is never the Case Manager. The Resource Specialist is considered the Case Manager for private school referrals for assessment and will complete the assessments along with the school psychologist.

Educational Benefit

The student is making reasonable progress on his/her goals and objectives. If the student is not making progress, the IEP team should meet to determine the appropriateness of the goal and whether other factors are interfering with the child's progress. Educational benefit is also calculated over a period of three years of regular and reasonable progress on the child's goals and objectives.

IEP Notes

IEP notes are intended to capture the flavor and overall intent of the IEP. They should not be word-for-word accounts of the meeting. The note-taker should have legible handwriting, good writing skills, and the meeting notes should be read and corrected by the team before the meeting ends. If at all possible, it is important that the note-taker not run the meeting. The parent will need to cross out the word "DRAFT" that appears at the top of each IEP page, and also should initial each page.

Running an IEP Meeting

IEP meetings should not, in general, go beyond 1.5-2.0 hours. After this time, team members do not always do their best thinking. It is recommended that a time limit be agreed upon prior to the start of the meeting, and that a time-keeper be assigned. Contentious IEP meetings should be reconvened, if additional time for agreement is needed. The service providers and assessors (including school psychologists) are informed by the special education department that they should send copies of their reports out to the parents no later than three days prior to the meeting date so that the parent has time to read the report and formulate questions in advance. Adherence to this timeline allows the team to address significant issues, rather than using the IEP time to read their reports. Everyone should understand their role—there should be few surprises! A draft of the IEP can be sent for the parent to look at—no conclusions about services should be determined in advance of the IEP meeting.

The draft IEP should include PLOP, assessment results along with comparisons, where appropriate, from previous assessments to illustrate growth over time, and other available information. The service provider should also provide draft goals and objectives for the parent to look at, and a copy of the previous year's updated goals and objectives.

Resource Allocation

New and existing resource allocations committed on IEPs must be approved in advance (at least 2 days prior to the IEP meeting) through the Special Education Director or Program Specialist. Appropriate rationale and data supporting the projected allocation must be presented before approval can be given. Resources that are not cleared in advance will become the fiscal responsibility of the school site of the administrator who committed the funds and signed the IEP. The IEP team needs to reflect on services that have been provided to the student in the past, or that are being considered currently in order to determine the student's need.

Transportation

Transportation is provided for SDC students when the student is not placed at his/her home school site. Transportation is not provided for parental convenience, and pick up and delivery times are not part of the IEP process, nor should they be indicated on the IEP.

Extra or Additional Hours—RSP & SDC aides/paraeducators

Extra hours for RSP & SDC aides and paraeducators must be approved by the Special Education Director in advance or they will become the fiscal responsibility of the school site where they were incurred.

Extended School Year (ESY)

Extended School Year (ESY) runs for 20 days for eligible pre-school and elementary school students; 25 days for students in grades 7-12. Eligibility for ESY is an IEP team decision and should be part of the yearly IEP discussion. See the following pages for specific guidelines regarding the ESY eligibility process. Students who do not choose to attend Extended School Year are not eligible for compensatory education services.

EXTENDED SCHOOL YEAR

I. DEFINITIONS

- **Regular School Year** - must be a minimum of 180 school days.
- **Extended School Year (ESY)** - any individualized instructional program which is extended beyond the regular school year for handicapped students who are enrolled in a school district's special education program.
- **Mastery** - the successful demonstration of an acquired skill, at the designated level of proficiency specified in the evaluation criteria defined for that skill, in the student's IEP.
- **Regression** - the loss, as a result of a scheduled break in instruction, of one or more mastered skills included in the short-term objectives of the student's IEP.

- **Recoupment** - following a scheduled break in instruction, the process of regaining a previously mastered skill through review and reteaching.
- **Recoupment Time** - the length of time required to regain previously mastered skills.
- **Regression-Recoupment Syndrome** - the name applied to the belief that, following a scheduled break in instruction, a student will have lost one or more **mastered** skills and that it will take varying lengths of time to relearn those skills.
- **No Educational Benefit** - regression because of summer vacation to such an extent that: (a) following review and reteaching, recoupment of one or more mastered skills does not occur during the first ten (10) weeks of instructions in the next school year or (b) the loss of one or more acquired critical skills addressed in the current IEP would be unusually substantial and severe.

II. GUIDELINES FOR EXTENDED SCHOOL YEAR

A review of the literature, as well as practical experience, indicates that both handicapped (and nonhandicapped) students regress during breaks in instruction. The amount of regression and the length of time required to recoup previously mastered skills varies widely among all students.

It is the policy of the State Department of Education that when necessary to insure a free appropriate public education (FAPE), each local school district shall offer an extended school year to those handicapped students whose Regression-Recoupment Syndrome is so severe that it can be predicted that they will have gained no educational benefit from their previous year's educational program (as defined in the IEP) without an extended school year. The purpose of the extended program is to maintain each student's mastered skills so that the summer vacation periods will not render the previous year's educational program of no educational benefit.

III. PROCEDURE FOR SELECTION AND ELIGIBILITY FOR EXTENDED SCHOOL YEAR

A. General

The need for an extended school year must be considered on at least an annual basis at an IEP meeting. The IEP Team must review available data relative to the student's mastered skills and educational history. Based on this review, the IEP Team must predict whether the regression that will occur because of the lengthy break in instruction (summer vacation) will be to such a marked degree that recoupment of a previously mastered skill(s) will not occur during the first ten (10) weeks of instruction in the following school year or the loss of one or more acquired critical skills addressed in the current IEP would be unusually substantial and severe. It is possible that the extended school year may only include the maintenance of skills previously mastered as a result of a related service if loss of that skill will result in no educational benefit. Generally speaking,

handicapped students who require an extended school year will have severe problems in one or more of the following areas:

- physical, emotional, communication, and self-help and
- will need intensive instruction, including related services, across several of these areas. Conversely, when one considers how more mildly handicapped students function and what expectations are for them, it is likely that very few of them will require an extended program to derive educational benefit during the regular school year.

B. Suggested Data to be Reviewed at the IEP Meeting

The following list contains some of the information which may be helpful when preparing to make the decision about an extended school year:

- current and previous IEP,
- checklists/curricula or other records showing when skills were mastered
- attendance information
- recommendations from professionals
- behavioral logs
- video/audio tape information, if available
- other assessment data.

C. Using the Data for Decision Making at the IEP meeting

After gathering available data, consider the following while making the decision as to whether an extended school year is to be provided for the child:

- Compare the mastery of IEP objectives prior to previous summer breaks with performance after summer breaks. If little or no regression was measured, then there is no indication of the need for extended programming.
- If regression was noted and instruction was provided to reteach skills which were lost, note the time required for recoupment. If IEP objectives mastered the previous year were not recouped during the first time (10) weeks of instruction in the next school year or it is projected that the loss of one or more acquired critical skills addressed in the IEP would be unusually substantial and severe, the child is eligible to receive an extended school year.
- Make sure that significant regression-recoupment in the past occurred because of extended breaks in instruction. Make sure that the regression was not caused by a lengthy absence or failure to review and reteach previously mastered skills. Significant regression-recoupment problems based on this information would not necessarily indicate the need for an extended school year.
- Some skills which were mastered in the previous year's program may be of minimal importance to higher levels of functioning and may no longer be in need of emphasis. Predicted loss and lengthy

recoupment of these skills would probably not indicate the need for an extended school year.

- When determining the content of the extended school program, only mastered skills will be considered for inclusion in the extended year program.
- If a prediction of significant regression-recoupment problems cannot be made because the previous year's data is unavailable, an extended school year may be recommended if other data indicate the probability of significant regression-recoupment problems. In such cases, there should be recognized research which supports the decision. You may also consider what regression occurred during scheduled holidays and other times when the student was out of school for a week or more. This option should only be used for students who exhibit severe problems.
- Determine whether performance within specific developmental areas, as identified on the IEP, is in an accelerated critical phase of acquisition so that the summer interruption in educational programming would cause significant problems in the mastery of that skill and subsequent skills.
- If the IEP Team determines that there is documentation that there is one or more critical skills addressed in the current IEP objectives and that loss of these acquired critical skills would be unusually severe or substantial, then ESY may be justified without consideration of the time period for recoupment of such skills.

A skill is critical when the loss of that skill is projected to result in any of the following unplanned occurrences during the first ten (10) weeks of the next regular school year:

- * Placement in a more restrictive instructional environment,
- * Significant loss of self-sufficiency in self-help areas as evidenced by an increase in the number of staff required to provide special education or related services, and/or
- * Loss of access to on-the-job training or productive employment.

IV. DOCUMENTING THE DECISION FOR EXTENDED SCHOOL YEAR AT THE IEP MEETING

On at least an annual basis at an IEP meeting, the decision regarding ESY services must be documented and maintained in the student's file. This decision is not irreversible. At anytime that data maintained on the student indicates that the ESY decision was incorrect, IEP revision procedures must be followed to change the decision.

When it is determined that a student meets the criteria for an extended school year, the specific skill(s) to be maintained must be identified on the IEP. The IEP Team must also address the amount of time per day, the number of days per week and the number of

weeks that the instruction will be provided to maintain the skills. While students who require an extended school year generally need intensive instruction during the regular school year to show progress it is probable that mastered skills can be maintained across the summer with less instruction.

If a related service is required for educational benefit during the Extended School Year, skills to be maintained must be those listed within the IEP. Related services (DIS such as speech, OT, or other) may or may not be required by the student. It is important to remember that equivalent services are not mandated to continue during ESY, nor are they required to continue at the same rate as during the regular school year. For instance, a student who has demonstrated needs in the area of Math during ESY may not also require speech. If the student does demonstrate a need for speech during ESY, that student's needs may be lower than the regular school year needs. The student may benefit from group sessions rather than individual sessions.

V. GENERAL MISCONCEPTIONS REGARDING EXTENDED SCHOOL YEAR

An extended school year is:

1. not a mandated 12 month school program for all handicapped students,
2. not required just because a handicapped student could benefit from it,
3. not required in order that child care be available for handicapped students during the summer,
4. not required as a means of maximizing the educational opportunities for each handicapped student,
5. not necessarily a continuation of the instructional program provided during the regular school year,
6. not required to be provided all day, every day, nor each day during the week or month,
7. not for more mildly handicapped students (based on level of functioning), and
8. not necessarily a traditional teacher/classroom/child operation.

SPW: 5/2007 (rvsd 7/2007)