



# **Special Education Policies and Procedures Handbook**

**The Heights Charter**

**2020-2021**

**Adopted by the Board 10/19/2020**

## **Introduction and Purpose**

The purpose of the *Special Education Policies and Procedures Handbook* is to assist The Heights Charter (“Charter School” or “School”) personnel to understand and practice policies that comply with federal, state, and Charter School requirements. It is expected that school personnel will serve students with disabilities and their families in a manner consistent with this handbook. Please note that a [full manual](#) (linked here) is provided by our Special Education Local Plan Area (“SELPA”) which employs a team of experts to research, review, and update their policies and procedures.

This handbook is designed to be used as a:

- Structured process for implementing special education policies.
- Reference for answering questions.
- Staff development tool.
- Source for resources of support and assistance.

Note: This manual will be periodically updated to reflect amendments to federal and state laws or new SELPA requirements.

**Part I: *Overview.*** This chapter provides the user with the concepts and framework to understand how to implement special education policies and procedures. Staff is encouraged to familiarize themselves with Part I since it provides the foundation for understanding the remainder of the handbook.

**Part II: *The Special Education Process.*** This section walks the reader step by step through the special education process from referral through the development of an individualized education plan. This section details the actions to be taken, how to use the district’s IEP system to manage the process, forms to be utilized, communication required, and staff responsibilities.

**Part III: *Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (“Section 504”).*** This part describes the 504 Plan purpose and process.

**Part IV: *Ensuring the Rights of Individuals with Disabilities.*** This chapter provides an overview of federal civil rights protections for students with disabilities, which includes a detailed explanation of discipline procedures.

**Part V: *Glossary.*** This section provides a list of common special education definitions.

**Part VI: *Acronyms.*** This part provides common disability and other special education related acronyms.

**Part VII: *References.*** This section provides the references used in this handbook.

## Part I: Overview

### 1. What is the definition and background of Special Education?

Special Education, pursuant to the Individuals with Disabilities in Education Act (“IDEA”) (20 U.S.C. §§ 1400 *et seq.*), is a *specialty designed instruction that meets the unique needs of a child with a disability at no cost to parents. Instruction locations can be a classroom, home, hospitals, institutions, or other settings as applicable.* (34 C.F.R. § 300.39(a)(1)). The IDEA was enacted by Congress in 1975 and requires schools to identify, locate, and evaluate all children with certain eligible disabilities and to provide special help, education, and related services. The IDEA is the federal law that governs special education, requires participating states to have policies and procedures to ensure that a free appropriate public education (“FAPE”) is available to children between the ages of three through 21-years-old with disabilities in the United States. Furthermore, the California Education Code declares that all public-school students with disabilities or exceptional needs have a right to participate in a free appropriate public education with special education support as needed. (Ed. Code § 56040).

Special education is specially designed instruction, at no cost to parents, to meet the unique needs of the child so that he/she can access the general curriculum and meet state and school educational standards. An Individualized Education Plan (IEP) is developed for each eligible student by a team of qualified individuals, which includes the parent/(s)/guardians(s). Because it is the commitment and obligation of The Heights Charter (“THC” or “Charter School”) and its staff to ensure that students with disabilities receive a FAPE, the following questions and answers are designed to help the reader understand FAPE and the legal intent of special education policies and procedures.

### 2. Who is a child with a disability?

Under the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (“Section 504”), a child with a disability in a public-school setting is broadly defined as a student who has a mental or physical disability which substantially limits one or more of the student’s major life activities, which include but are not limited to thinking, writing, learning, reading, concentrating, writing, communicating, interacting with others, working, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, and breathing.

Some students with a disability under the ADA and Section 504, will also qualify for eligibility under the IDEA. To be eligible under the IDEA, there are three criteria that must be met:

- A child with a disability is a student evaluated in accordance with federal and state policies as having a qualifying disability under the IDEA.
- The disability must adversely affect the student’s educational performance causing a need for special education and related services.
- The child’s age range is between 3 and 21, inclusive.

### 3. What are qualifying disabilities?

The IDEA specifies 13 classifications of disabilities; however, a child's educational performance must be "adversely affected" by a disability to qualify for the special education program.

- **Specific Learning Disability ("SLD").** *Section 3030(b)(10), Title 5, CCR: A student eligible under SLD exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken, or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.*

An SLD does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

This disability must either result in a severe discrepancy between a student's intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skills, reading fluency, reading comprehension, mathematical calculation, and mathematical reasoning; or the School may use a process that determines if the pupil responds to scientific, research-based intervention. The decision regarding whether a severe discrepancy exists shall take into account all relevant material available, and no single score or product of scores, test or procedure shall be used as the sole criterion for the IEP team decision regarding a student's eligibility for special education.

- **Other Health Impairment ("OHI").** *Section 3030(b)(9), Title 5, CCR: A student eligible under OHI has limited strength, vitality, or alertness due to chronic or acute health problems, including but not limited to a heart condition, cancer, leukemia, rheumatic fever, chronic kidney disease, cystic fibrosis, severe asthma, epilepsy, Tourette Syndrome, lead poisoning, diabetes, tuberculosis, and other communicable infectious diseases and hematological disorders such as sickle cell anemia and hemophilia which adversely affects a student's educational performance. This health problem is not temporary in nature.*

In addition, OHI is an umbrella term that covers any other condition that limits a child's strength, energy, or alertness. One common example is Attention Deficit Hyperactivity Disorder (ADHD), which may impact a student's attention and executive function.

- **Autism Spectrum Disorder ("AUT").** *Section 3030(b)(1), Title 5, CCR: Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three and adversely affecting a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or changes in daily routines, and unusual responses to sensory experiences.*

Autism does not apply if a student's educational performance is adversely affected

primarily because the child has an emotional disturbance as defined by 5 CCR 3030(b)(4).

Autism mainly affects a child's social and communication skills and may impact behavior. There are a wide range of symptoms, but some of the more common examples are:

- An inability to use oral language for appropriate communication.
- A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood
- An obsession to maintain sameness.
- Extreme preoccupation with objects or inappropriate use of objects, or both
- Extreme resistance to controls.
- Displays peculiar motoric mannerisms and mobility patterns.
- Self-stimulating, ritualistic behavior

- **Emotional Disturbance (“ED”).** *Section 3030(b)(4), Title 5, CCR: A student eligible under ED will exhibit one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: (A) inability to learn which cannot be explained by intellectual, sensory, or health factors; (B) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (C) inappropriate types of behaviors or feelings under normal circumstances; (D) a general pervasive mood of unhappiness or depression; (E) a tendency to develop physical symptoms or fears asocial with personal or school problems; or (F) schizophrenia.*

Common examples may include anxiety disorder, schizophrenia, bipolar disorder, obsessive-compulsive disorder, and depression. This does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance as detailed above.

- **Speech or language impairment (SLI).** *California Education Code, Section 56333: A student eligible under SLI shall be assessed as having a language or speech disorder which makes him or her eligible for special education and related services when he or she demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance and cannot be corrected without special education and related services.*

Common speech disorders may include articulation (reduced intelligibility) [5 CCR 3030(b)(11)(A)], abnormal voice (defective voice quality, pitch or volume) [5 CCR 3030(b)(11)(B)], fluency disorders (rate and rhythm of speech) [5 CCR 3030(b)(11)(C)], inappropriate or inadequate acquisition, comprehension, or expression of spoken language such that performance level is significantly below peers (“language disorder”) [5 CCR 3030(b)(11)(D)], or hearing loss which results in a language or speech disorder and significantly affects educational performance.

- **Visual impairment (VI).** *Section 3030(b)(13), Title 5, CCR: A student eligible under VI has a visual impairment, including blindness, which even with correction, adversely affects*

*the student's educational performance.*

This disability includes both partial sight and blindness. If eyewear can correct a vision problem, then the student may not qualify under the definition of visual impairment.

- **Deaf and Hard of Hearing (“DHH”).** *Section 3030(b)(3), Title 5, CCR: A student is eligible under DHH based on the definition of “deafness” if the student has a hearing impairment, that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, and which adversely affects the student’s educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.*

If any equipment can correct a hearing problem, then the student may not qualify under the definition of deafness.

*A student is eligible under DHH based on the definition of **Hearing Impairment** (Section 3030(a), Title 5, CCR) if the student a hearing impairment, whether permanent or fluctuating, that adversely affects educational performance, but that is not included under the definition of deafness, above.*

- **Deaf-blindness (“DB”).** *Section 3030(b)(2) , Title 5, CCR: A student eligible DB experiences a concomitant (simultaneous) hearing and visual impairment, the combination of which causes severe communication, developmental, and educational needs that cannot be accommodated in special education programs solely for children with deafness and children with blindness.*
- **Orthopedic Impairment (“OI”).** *Section 3030(e), Title 5, CCR: A student eligible under OI experiences a severe orthopedic impairment which adversely affects the student’s educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments caused by other causes.*

In general, these students lack the ability to move and function with their bodies. Examples include cerebral palsy, poliomyelitis, bone tuberculosis, amputations, and fractures or burns that cause contractures.

- **Intellectual disability (“ID”).** *Section 3030(b)(6), Title 5, CCR: A student eligible under ID has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a pupil's educational performance.*
- **Traumatic brain injury (“TBI”).** *Section 3030(b)(12), Title 5, CCR: A student eligible under TBI has an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student’ educational performance.*

This eligibility category applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract

thinking, judgment, problem-solving, sensory, perceptual, and motor abilities, psychosocial behavior, physical functions, information processing, and speech.

- **Multiple disabilities (“MD”).** *Section 3030(b)(7): A student eligible under MD experiences concomitant impairments of at least two disabilities or more, the combination of which causes such severe educational needs that they cannot be accommodated by special education programs solely for one of the impairments. The term does not include deaf-blindness.*

#### 4. What is an IEP?

Students that receive special education are entitled to an individualized education plan (IEP) written by a team of professionals, including, but not limited to, a general education teacher, an education specialist, and an administrator of the Charter School who is (1) qualified to supervise the provision of specially designed instruction, (2) knowledgeable about the general education curriculum, and (3) knowledgeable about the availability of resources, the parent(s)/guardian(s), and the student (if appropriate) to address placement, goals, services, program accommodations and/or modifications, participation in and accommodations for standardized testing, etc. An IEP must be reviewed annually and, every three years, a triennial evaluation must be conducted to determine continued eligibility.

An IEP must include the following [34 CFR 300.320(a) and Education Code Section 56345]:

- (1) A statement of the student’s present levels of academic performance, including how the student’s involvement and progress in the general education curriculum;
- (2) For individuals with exceptional needs who take alternative assessments aligned to alternative achievement standards, a description of the benchmarks or short-term objectives;
- (3) A statement of measurable annual goals, including academic and functional goals designed to meet the student’s needs that result from the student’s disability to enable the child to be involved in and make progress in the general educational curriculum and meet each of the student’s other educational needs resulting from the student’s disability;
- (4) A description of how the child’s progress toward meeting annual goals will be measured and when periodic reports on the student’s progress toward goals will be provided.
- (5) A statement of the special education and related services and supplementary aids and services to be provided to the student or on behalf of the student, and statement of the program modification or supports for school personnel that will be provided;
- (6) An explanation of the extent, if any, to which the child will not participate in the general education classroom with nondisabled peers;
- (7) A statement of any individual appropriate accommodation that are necessary to measure the academic achievement and functional performance of the child on State and schoolwide assessments;
- (8) The projected date for the beginning of the services and modifications, the anticipated frequency, location, and duration of the services and modification.
- (9) Beginning not later than the first individualized education program to be in effect when the

pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, both of the following shall be included: (A) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and (B) The transition services, as defined in Education Code Section 56345.1, including courses of study, needed to assist the pupil in reaching those goals

- (10) A description of the means by which the individualized education program will be provided under emergency conditions, as described in Section 46392, in which instruction or services, or both, cannot be provided to the pupil either at the school or in person for more than 10 school days. The description shall include all of the following (A) Special education and related services (B) Supplementary aids and services; (C) Transition services, as defined in Education Code Section 56345.11; (D) Extended school year services pursuant to Section 300.106 of Title 34 of the Code of Federal Regulations.

## **5. What are the related services?**

Related services (otherwise referred to as “designated services” under California law means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training. Related services may be provided to individuals or to small groups in a specialized area of educational need, and throughout the full continuum of educational settings. When needed, related services are determined by the IEP.

## **6. What is the Least Restrictive Environment (LRE)?**

The least restrictive environment (“LRE”) requires that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactory. Placement decisions are governed by the LRE requirements. This means that decisions to place a child in a more restrictive environment should only be made after considering and determining that a less restrictive environment with special education related services and other supports cannot meet the student's unique educational needs. Overall, students should not be placed in environments that are more restrictive than necessary to meet their individual educational needs.

**7. How are the above decisions made?**

These decisions are made by a team which must include a special education teacher, a general education teacher, a school administrator, a parent, the child (if appropriate), and specialists as needed who meet to collaborate, discuss, develop and write a suitable IEP. There may be other individuals that participate if applicable but only if they have knowledge and responsibility for the child's educational needs. All final decisions are decided in an IEP meeting.

**8. What is the definition of Child Find?**

Child Find requires that all children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities attending private schools, regardless of the severity of the their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

**9. What is Extended School Year (ESY)?**

ESY encompasses special education and related services that are provided to a child with a disability beyond the normal school year of the public agency, in accordance with the child's IEP, at no cost to the parents of the child. Special education and related services are provided during an extended vacation for students with disabilities that an IEP team determines may be needed to prevent regression of learned skills or behaviors that the student is unlikely to recoup in a reasonable period of time. ESY also helps maintain the academic, social/behavioral, communication, or other skills that students have learned as part of their IEP. ESY services are the same as what is found on the student's IEP but may have shorter service minutes based on various factors. ESY is typically offered during the summer which is the end of a school year but before the following year because of a long, extended vacation if students meet all the necessary qualifications.

**10. What is Interim IEP Services?**

Students who enroll in the Charter School in the middle of the school year with an IEP shall be served as follows:

If a student enrolls from another school within the same SELPA during an academic school year, the Charter School must continue, without delay, to provide services comparable to those described in the operative IEP, unless the parent and Charter School agree to develop, adopt, and implement a new IEP that is consistent with federal law.

If a student enrolls from another school in California from a different SELPA, the Charter School shall provide the student with a FAPE, including services comparable to those described in the operative IEP for a period not to exceed 30 days by which time the local educational agency shall adopt the previously approved individualized education program or shall develop, adopt, and implement a new individualized education program that is consistent with federal and state law.

When a student enrolls from another state with an IEP, the Charter School should shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, until the Charter School conducts an assessment, if determined to be necessary by the Charter School, and develops a new IEP, if appropriate, that is consistent with federal and state law.

When a student enrolls with an IEP between academic school years, the Charter School may (1) develop an IEP reasonably calculated to provide Student a FAPE, or (2) adopt and implement the IEP developed for the child by the prior school.

#### **11. What is an Independent Educational Evaluation (IEE)?**

An IEE means an evaluation conducted by a qualified examiner who is not employed by Charter School. If a parent/guardian or their legal representative disagrees with an evaluation conducted by the Charter School, they may request an IEE within two years of the disputed assessment. Parents have a right to have an IEE at public expense unless the School demonstrates in a due process hearing that its own evaluation of the child was appropriate; or the School demonstrates in a due process hearing that the evaluation obtained by the parents did not meet the School's criteria.

#### **12. What are procedural safeguards?**

Local educational agencies must provide the parents of a child with a disability with notice of the procedural safeguards established under the IDEA.

Notice of procedural safeguards notice must be provided to parents/guardians once every year, except that a copy must also be provided:

- Upon initial referral or parental request for evaluation.
- Upon receipt of the first state complaint in the school year.
- Upon receipt of the first due process complaint in the school year.
- In accordance with disciplinary procedures.
- Upon parental request.

Procedural safeguards must cover the following issues:

- Independent educational evaluations.
- Prior written notice.
- Parental consent.
- Access to educational records.
- Opportunity to present and resolve complaints through the due process complaint and state complaint procedures.
- Availability of mediation.
- Child's placement during pendency of due process proceedings.
- Procedures for students who are subject to placement in an interim alternative educational setting.
- Requirements for unilateral placement by parents of children in private schools at public expense.
- Resolution meetings.

- Due process hearings, including requirements for disclosure of evaluation results and recommendations.
- State-level appeals (if applicable in the state).
- Civil actions.
- Attorney's fees.

### **13. What is behavioral intervention and what are behavioral plans?**

Behavioral intervention is the systematic implementation of procedures that result in lasting positive changes in the individual's behavior. Behavioral intervention also includes the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. Such interventions are designed to provide the individual with greater access to a variety of community settings, social contacts and public events; and ensure the individual's right to placement in the least restrictive education environment as outlined in the individual's IEP. Behavioral interventions do not include procedures which cause pain or trauma and such interventions shall assure the individual's freedom, social interaction, and individual choice.

A behavioral intervention plan is a written document developed when the individual exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the individual's IEP. Notably, behavioral intervention plans become part of the individual's IEP. Such plans shall describe the frequency of the consultation to be provided by the behavioral intervention case manager to the staff members and parents who are responsible for implementing the plan.

#### 14. What are the important IDEA timelines?

Item	Timeline
Assessment plan after written request	15 calendar days (EC 56043(a))*
Parent to make a decision on assessment plan	15 calendar days from receipt (EC 56043(b))
IEP after evaluation	60 calendar days from consent on assessment plan (EC 56043(c) & (f))*
IEP review	Annually (EC 56043(J)) and a triennial review (EC 56043(k))
Notice of IEP meeting	Early enough to ensure parent the opportunity to attend (EC 56043(e))
Notice of Transfer of Rights	One year prior to student turning 18 (EC 56043(g)(2))
Hold IEP meeting	30 calendar days from request (EC 56043(l))*
Hold IEP meeting upon student transfer in to program in middle of school year	Not to exceed 30 calendar days (EC 56043(m))
Receiving student records	Within 10 school days of written request from the school
Sending special education records	Within 5 business days (EC 56043(o) – from the school); (EC 56504 – for parents)
Allowing IEE or filing for due process	Without unnecessary delay (34 CFR 300.502)
Prior Written Notice	When an LEA acts to initiate or change the identification, evaluation, or educational placement of a child or the provision of FAPE to the child (34 CFR 300.503)

*\* Not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five school days.*

#### 15. How is EL reclassification determined for special education students?

According to the California Department of Education, reclassification is the process whereby a student is reclassified from an English Learner (EL) to Fluent English Proficient (RFEP). The California Department of Education states that students with disabilities are to be provided the same opportunities to be reclassified as students without disabilities. Therefore, IEP teams may determine appropriate measures of performance in basic English skills, and minimum levels of

proficiency on these measures that would be equivalent to a native English-speaking peer with similar disabilities in the same grade level. Note: If the IEP team believes that a student would still benefit from EL support the student does not need to be reclassified.

#### Criterion 1: Assessment of English Language Proficiency (ELP) Using an Objective Assessment Instrument

If student's overall proficiency level was below level 4 or the student did not pass alternative assessments, the reclassification team may review other informal measures of proficiency and determine that it is likely the student is proficient in English. The students may be reclassified on this criterion if they have demonstrated an appropriate level of English language proficiency commensurate with his/her abilities when compared to native English-speaking peers with similar disabilities in the same grade level after a certain amount of years. Typically, most schools wait at least 6 years or more to determine if the student has reached an appropriate level of English proficiency aligned to their level of functioning.

#### Criterion 2: Teacher Evaluation of Student Academic Performance

The IEP team will use grades from the most recent reporting period and consider grades of C or better in a grade-level English course that can be used to fulfill this criterion. If a student does not have a grade of C or better, the IEP team may use the alternate measure of the student's classroom performance based on his/her IEP goals for English Learning Development (ELD) and all literacy domains (reading, writing, listening/receptive language, speaking/expressive language).

#### Criterion 3: Parent/Guardian Opinion and Consultation

The parent/guardian must participate in the IEP team meeting (preferably in person, but via phone/online when necessary) where the student's progress toward the criteria for reclassification is discussed. The IEP team should obtain parent/guardian opinions throughout the discussion. If the school and parent/guardian determine that the student has demonstrated an appropriate level of English Language Proficiency commensurate with his/her abilities and no longer needs ELD services, the student will be recommended for reclassification. If the school and/or parent/guardian cannot reach an agreement on reclassification, then the student will continue ELD services and instruction.

#### Criterion 4: Comparison of Performance in Basic Skills

If the student does not meet the cut scores of either of these two assessments or does not take these assessments because they are on the alternate curriculum, the IEP team may use the alternate measure of determining that the student has demonstrated an appropriate level of performance in English Language Art (ELA) Basic Skills that is commensurate with his/her abilities when compared to native speakers of English with similar disabilities.

## Part II: The Special Education Process

### 1. What are accommodations for students?

Accommodations are frequently used by teachers and may be found on 504 Plans or IEPs. Accommodations are methods to assist with student learning without modifying the content of the curriculum.

### 2. What are the different types of accommodations?

#### Types of Accommodations

*Presentation* - the way information is presented

*Response* - the way a student completes an assignment

*Setting* - the environment of the student

*Time/scheduling* - dates, days, hours, minutes and other time issues

*Organizational* - the ability to keep a student organized and focused

*Study* - methods to teach students to retain information and self-study, which may be called accommodations or simply strategies.

#### Common Presentation Accommodations

- Read instructions out loud and repeat if needed.
- Have a “human reader” to read content or questions out loud.
- Listen to audio recordings instead of reading text.
- Learn to content from audiobooks, movies, videos, and digital media instead of reading print versions.
- Record lessons instead of taking notes.
- Obtain class notes from another student.
- See outlines of lessons.
- Fewer items per page or line.
- Text in a larger print size.
- Highlighted text or different colored text (e.g., red for nouns).
- Use visual presentations of verbal material, such as word webs, songs, poems.

#### Common Response Accommodations

- Dictate answers to a scribe who will write or type.
- Student responses may be spoken, signed or recorded into an audio recorder such as speech- to-text software.
- Use a dictionary or electronic dictionary, digital spell-checker.
- Grammar check programs.
- Use a word processor to type notes or give answers in class.
- Use a calculator or table of “math facts.”
- Vocalizations, pointing, gestures, or eye gaze.

## **Common Setting Accommodations**

- Work or take a test in a different setting, such as a quiet room with few distractions.
- Sit where they learn best (cubicle or near the teacher/parent).
- Use special lighting or acoustics.
- Take a test in a small group setting or individually.
- Use sensory tools such as an exercise band that can be looped around a chair's legs (so fidgety kids can kick it and quietly get their energy out).
- Allow walks or kinesthetic breaks.

## **Common Timing & Scheduling Accommodations**

- Take more time to complete a task, project or a test.
- Have extra time to process spoken information and directions.
- Take frequent breaks, such as after completing a worksheet.
- Take a test in several timed sessions or over several days.
- Take a test at the best time of day.
- Take test sections in a different order.
- Use of timers.

## **Common Organization Accommodations**

- Use an alarm to help with time management.
- Mark texts with a highlighter.
- Use a planner or organizer to help coordinate assignments.
- Color Coding (e.g., subject areas, categorization).
- Receive study skills instruction.
- Have an adult view and assist with organization.
- Have a student or peer assist with organization.
- Graph or special paper to organize math or words.

## **Study Accommodations or Strategies**

Some educators call these study accommodations while others refer to them as strategies and not specific accommodations.

- Have students retell and share with a peer as soon as possible.
- Have student present to a small group.
- Have student organize or participate in a small peer study group.
- Putting new learning into own words as soon as possible after class—talking about learning.
- Visualization strategies such as a mental picture for a word or phrase.

## **Testing Accommodations**

Formal or standardized testing situations may also include accommodations. An accommodation list for statewide testing should be provided to general education teachers or state testing

administrators who will be administering state tests. Testing accommodations may be found in the IEP under statewide assessments and possibly on a 504 Plan when applicable.

Accommodations do not allow altering the scoring of a standardized test or content of the information presented.

### **3. What are some additional interventions/accommodations/resources in an IEP?**

Please note that this list is some of the more common or standard interventions and the IEP team must determine, based on the student's individual needs, which accommodations and/or interventions are necessary and applicable:

- The student is to be provided pacing guides/schedules to assist with scheduling, attendance, understanding school expectations, breaking down big projects, planning, preview/review of materials and to help meet the deadlines for assignments, projects, and tests/exams. This accommodation may help reduce student anxiety.
- Directions can be simplified, repeated, clarified, explained, and provided in multiple formats such as writing or verbal to ensure that the student understands the expectations and requirements. This may help with comprehension.
- Frequent checks for understanding and may include asking the student questions, having the student rephrase, or watching the student do a few minutes of work to ensure understanding of the assignment.
- Extended time to assist with assignment completion/tests as reasonable, agreed upon and when requested by the student/parent. This may reduce student stress.
- Allow the student to retake tests and exams. This is designed to eliminate test anxiety, assist with the student's comprehension, assist with grades, and to help pass/complete classes. It is optional for the student/parents if the test is not needed for purposes of passing/completing a course and the student/parents are satisfied with grades.
- The student has been provided a Chromebook with accessibility features for using text to speech, speech to text, and read-aloud along with explicit directions. If the parent is unable to download the accessibility features, the IT specialist will assist the family if requested. This accommodation is designed to help students in multiple ways. One example is the read-aloud feature, which helps reduce stress, targets the skills of audio learners and helps improve a student's processing skills, vocabulary, and comprehension.
- For subjects/classes that present a struggle with lesson comprehension or assignment completion, the homeroom teacher is to provide a list of virtual tutoring (study hall) to the student and parents. These classes are optional for the student, are one-hour weekly, and offered by teachers specifically trained in intervention strategies.

### **4. What are the steps when testing for special education?**

IDEA requires each state have policies and procedures to ensure all children with disabilities who are in need of special education and related services are identified, located, and evaluated. This is commonly referred to as "Child Find." [34 C.F.R. § 300.111(a); Cal. Ed. Code § 56301(a)]. Once identified, regular education strategies are implemented first to be compliant with the California Education Code, Section 56303: *A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and were*

*appropriately utilized.* For this reason, we implement the Student Study Team (“SST”) process first.

The SST process utilizes a team of Charter School staff dedicated to identifying and supporting students who exhibit academic or behavioral problems by providing early systematic assistance to student and connect them to appropriate interventions and supports through the regular instructional setting.

An SST uses a systematic problem-solving approach to assist students with concerns which are interfering with success. The SST clarifies problems and concerns; develops strategies and organizes resources; provides a system for school accountability; and serves to assist and counsel the parent, teacher and student.

The SST process is a function of the general education program. All students can benefit from an SST, including but not limited to, those students achieving below or above grade level and students who have experienced emotional trauma, behavioral issues, or language issues.

### **Referral to an SST**

A student may be referred to the SST process for any reason, including, but not limited to:

1. Lack of academic progress;
2. Increasing behavioral concerns;
3. Consideration for retention;
4. Attendance/truancy issues;
5. Parent concerns; and/or
6. Any other reason appearing to impact a student’s access to education.

Any Charter School teacher or staff member who has a concern for a student can refer that student to the SST for consideration.

### **SST Meeting**

The purpose of the SST is to discuss issues and concerns related to a student’s performance, identify intervention strategies which may help a student succeed, and monitor his or her progress to ensure learning and development. The team may suggest regular program interventions and/or support services available to all students. The SST may suggest and offer different supports that may include monitoring student progress, developing intervention plans, referring students to intervention services (e.g. reading or math specialists, counseling, etc.) and implementing increasing tiers of school-based intervention services, as necessary.

Anyone who is connected with the student can be included in the SST to provide information to share about the student’s strengths, concerns and strategies which have been used in the past. These people may include, but are not limited to, teachers, principals, parents/guardians, counselors, doctors, administration, social workers, and/or law enforcement. The meeting is designed to bring out the best in the people involved.

The Charter School SST meeting steps include, but are not limited to, the following:

1. Team members introduce themselves and their roles
2. Purpose and process of the meeting are stated
3. Timekeeper is appointed
4. Strengths of the student are identified
5. Concerns are discussed, clarified and listed
6. Pertinent information and modifications are listed
7. Concerns are synthesized with one or two chosen for focus
8. Strategies to deal with concerns are chosen; options are brainstormed
9. Team chooses best strategies to carry into actions
10. Individuals make commitments to actions
11. Person responsible and timelines for actions are recorded
12. Formalization of an SST intervention plan
13. Follow-up meeting date is set

### **Follow-up after an SST**

After implementation of an SST intervention plan and follow up meeting, if the student continues to exhibit academic and/or behavioral concerns and/or should the student need additional supports, the SST may discuss making revisions to the student's intervention plan and/or providing the student with additional supports, or if necessary, the SST may refer the student for assessment for special education services and/or a Section 504 accommodation plan as applicable.

### **Special Education Evaluation**

Upon determination that special education assessments are necessary, or within fifteen (15) days of Charter School's receipt of a parent or guardian's request for assessments, Charter School shall provide an Assessment Plan that describes any evaluation procedures the Charter School proposes to conduct. This Assessment Plan must include all areas of suspected disability and intended to address all areas of suspected need, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

In conducting the evaluation, the Charter School shall use a variety of assessment tools and strategies to gather relevant function, developmental, and academic information about the student, including information provided by the parent, that may assist the IEP team in determining the following:

1. Whether the student is eligible for special education under any of the eligibility categories detailed above; and
2. The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum.

The Charter School must not use any single measure or assessment as the sole criterion for

determining whether a student is eligible for special education or for determining an appropriate educational program for the student. All instruments must be technically sound to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The Charter School must also ensure all assessment and other evaluation materials are:

- Selected and administered in a racially and culturally nondiscriminatory basis;
- Provided and administered in the student's native language or other mode of communication and in a form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible;
- Used for the purposes for which the assessments or measures are deemed valid and reliable;
- Administered by trained and knowledgeable personnel; and
- Administered in accordance with any instructions provided by the producer of the assessments.

Assessments and other evaluation materials must include those tailored to assess specific areas of educational need, not merely those designed to provide a single intelligence quotient. The assessments must be selected and administered so as best to ensure the student's aptitude or achievement level are accurately reflected.

## **5. What are the parts in a standard IEP?**

Following is a list of sections that are found in one of our standard IEP documents and this is the typical order, but may vary between schools. Other pages may be included depending on the circumstances or student needs.

- Information Eligibility Page
- Present Levels
- Special Factors
- Statewide Assessments
- Goals
- Services - Offer of FAPE
- Educational Setting - Offer of FAPE
- Transition Page One (age 16 or older)
- Transition Page Two (age 16 or older)
- Emergency Plan
- Notes
- Transportation Page (N/A at an at-home program)
- Parent Consent with Medical form
- Assessment Plan Agreement (should be on Triennial or any other IEP wherein assessments were offered or reviewed)
- Indication Notice of Meeting Attachment (if applicable)
- Generally, an "IEP at a Glance" is attached or included as an extra document but should be

made a part of the IEP

- Progress reports are either attached to the IEP or as a separate attachment, but schools may vary on this facet.

## **6. What is the typical IEP process for a case carrier?**

- Receive notification of a newly enrolled IEP student.
- Request IEP and applicable documents.
- Once documents arrive, conduct a detailed review of IEP docs and other student records.
- Contact parents to conduct parent interviews and/or discuss/clarify IEP information.
- Input student to SEIS (or your site's online IEP system) and input all information.
- Contact homeroom teacher, SAI teacher, and/or other applicable staff that will be working with the student to inform them the student has an IEP, provide applicable information, and/or to discuss strategies/obtain information.
- Contact parents/staff to coordinate date of attendance.
- Send IEP meeting invites to IEP Team members, verify attendance and reschedule if necessary.
- Remind the team members about the meeting.
- Contact parent by email/reply for a waiver if certain IEP member cannot attend.
- Prepare all required docs, review major issues, and go over meeting agenda.
- Coordinate and moderate IEP meeting and take pertinent notes.
- Engage in meaningful conversation with all members of the IEP team, including parents, regarding student needs, present levels, parent concerns, and all other applicable portions of the IEP document.
- Organize and summarize all notes, changes, decisions, suggestions from IEP meeting.
- Input all required IEP meeting data into SEIS.
- Obtain signatures from parents/IEP Team on applicable forms.
- Upload signature pages onto SEIS site.
- Follow-up as needed with unsigned DocuSign documents or any issues.
- Final review of IEP, then affirm and attest in SEIS.

## **7. Who must have copies of the IEP?**

The IEP describes the school's obligation to provide agreed upon, specially designed instruction as well as services, supports, and accommodations to students with disabilities. For students to achieve the full benefit of the IEP planning process, school personnel with responsibility for implementing the IEPs of students with disabilities must understand their responsibilities and have students' IEPs readily available to them. Paper or electronic copies of a student's IEP must be distributed to parents and all students pertinent support team members as follows:

- general education teachers
- special education teachers
- related service providers
- an aide that is responsible for implementing teaching support or services

## **8. May other staff members view the IEP?**

The IEP can be viewed by school administrators or certain school clerks that generally work with student files such as:

- enrollment clerks
- attendance clerks
- record clerks

IEPs should not be shared or viewed by anyone that is not directly responsible for instruction, support services, or record-keeping purposes and must be stored confidentially.

## **9. Who are the required members of the IEP meeting?**

The required IEP Team members and/or roles are the following:

- Parent
- General education teacher
- Special education teacher/provider
- LEA representative
- An individual who can interpret the instructional implications of assessment results. This individual may be the general education teacher, the special education teacher/provider, the LEA representative, or an individual invited by the parent or LEA who has relevant knowledge or special expertise regarding the pupil.

## **10. What are the qualifications for the LEA representative?**

The LEA representative must meet all of the following:

- Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.
- Is knowledgeable about the general education curriculum.
- Is knowledgeable about the availability of resources of the local education agency.

*Reference: 34 Code of Federal Regulations, Section 300.321(a)(4) Education Code Section 56341(b)(4)*

## **11. Who is considered “qualified” to provide, or supervise the provision of, specially designed instruction?**

The term "qualified" is defined in Section 3001(r) of Title 5 of the California Code of Regulations as meaning that "a person has met federal and state certification, licensing, registration, or other comparable requirements . . ." A person qualified to provide specially designed instruction to meet the unique needs of individuals with exceptional needs would need to be an individual who possesses certification, license or registration in the field of special education such as a speech-language pathologist, school psychologist, special education teacher, occupational therapist, and physical therapist. A person qualified to supervise the provision of specially designed instruction to meet the needs of individuals with exceptional needs would need to be an individual who

possesses a certification as an administrator.

*Reference: California Code of Regulations, Title 5, Section 3001(r)*

**12. Does the “qualified” individual need to be employed as an administrator, special education teacher, or provider at the time of the IEP meeting?**

No. The "qualified" individual could be serving in a different role as long as he/she possessed the necessary certification, license, or registration as an administrator, special education teacher, or provider. A provider would include an individual who is qualified to provide special education or related services such as a special education teacher, speech-language pathologist, school psychologist, occupational therapist, and physical therapist. Likewise, a general education teacher could be considered qualified to provide specially designed instruction if he/she also possessed a special education teaching credential.

**13. Can another member of the IEP Team simultaneously serve as the LEA representative? If so, who, and under what conditions?**

Yes, a school may designate another school member of the IEP Team to serve also as the LEA representative as long as the following required IEP team members are present:

- General education teacher
- Special education teacher
- Interpreter of assessment results
- Individuals with knowledge or expertise

*Reference: 34 Code of Federal Regulations, Section 300.321(d) Education Code Section 56341(e)*

**14. When are assessments required?**

In addition to initial assessments to determine, qualification, and/or placement into special education, there are other times when assessments are required.

- Whenever any significant change in the special education placement occurs, including the addition of new services, and discontinuation of existing services.
- If the team of qualified assessors, which includes the parent(s), determine that additional data is needed in reviewing whether the student continues to need special education and related services.
- If the student’s parent or teacher requests a reevaluation.
- Every three years to determine continuing eligibility (called a triennial) for students already in special education.

A reevaluation must not occur more than once a year unless the school and parent agree otherwise. A reevaluation must occur at least once every three (3) years, unless the parent and the school agree that a reevaluation is unnecessary.

*Reference: 34 Code of Federal Regulations, Section 300.303*

**15. How should progress be monitored for students with an IEP?**

Each student's individualized education plan/program has annual goals. These goals are the team's estimate, in measurable terms, of what the student can reasonably be expected to accomplish with special education and related services during the next 12 months based on the student's present levels of performance, the potential for learning, and rate of development. Each goal corresponds to a related baseline which is a snapshot of the student's current academic and skills level. In addition, each goal has two benchmarks or objectives. Benchmarks are sequential, incremental, and measurable written statements to help measure progress throughout the year and towards the attainment of each annual goal. The first benchmark is usually 10% more than the baseline but it can be written in other ways and should be reported within 4 months. The second benchmark is typically 10% more and should be attained by the next 4 months. The annual goal is typically 10% more than the last benchmark and is completed by the end of the year. Each benchmark/goal is reported and sent to the parents at the appropriate time. During the year, a goal may be revised if there is no progress and the parent agrees to a revision. The purpose of this procedure is to keep parents/staff informed, ensure accountability, provide progressive documentation, and to appropriately discover and address any problems that may arise.

## **Part III: Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.**

### **1. What is a 504 Plan?**

A 504 Plan is a blueprint for how the school will provide support and remove barriers for a student with a physical or mental impairment that substantially limits one or more major life activities. It may provide accommodations, services, supports and any other agreed-upon reasonable accommodations to the learning environment to enable students to learn alongside their peers. Unlike an IEP, there is no standard 504 Plan; however, a school site may have a structured form. These plans may vary from student to student as it is based on individual needs. The plan is reviewed yearly for continued eligibility and any necessary changes based on student's need. Reviews may occur more frequently at the request of the parent/guardian or school staff.

### **2. Who creates the 504 Plan?**

The 504 Plan rules are less specific than an IEP and therefore, a 504 Plan is created by a team of people who are familiar with the child and who understand the evaluation data and special services options. Members may vary but usually includes:

- The child's parent or caregiver
- General education teachers
- Pertinent special education staff, if applicable
- Student if applicable
- Any other persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, the options for placement and services, and the legal requirements for least restrictive environment and comparable facilities.

### **3. Who can have a 504 Plan?**

Section 504 has a broader definition of a disability than IDEA. An individual with a disability under Section 504 is an individual who (1) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such impairment, or (c) is regarded as having such an impairment. A child who doesn't qualify for an IEP may qualify for a 504 Plan. To qualify for a 504 Plan, there are two basic requirements:

- A child has a physical or mental impairment that substantially limits one or more major life activities. Section 504 covers a wide range of different struggles and disabilities in the school environment.
- The disability must interfere with the child's ability to access their education in a general education classroom.

### **4. What is the applicable law?**

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law to prevent discrimination against people with disabilities. The rules about governing who can be on the 504 team are less specific than they are for an IEP, and parents do not have the same legal rights with a 504 Plan as

with an IEP. However, parents have a written list of rights which are provided to parents at the annual 504 meeting and upon parent request.

**5. What should be considered before a 504 Plan?**

- The teacher should consult with staff (i.e., teachers, resource specialists, school counselors) who can suggest interventions to support the student's needs.
- The teacher should begin and continue to document what has and has not worked.
- The teacher should retain an adequate amount of representative work samples.
- The teacher should collaborate with other teachers to determine what is or isn't working in various subjects.
- The teacher should ask for parental input and/or interview parents for their concerns.
- If the student is in high school, consider a student interview to discuss the student's point of view and ideas.
- An SST meeting should be convened.

**6. What is the 504 process?**

During the SST process, the school may request official medical records from the parent which should include a diagnosis or an assessment report by a medical or psychiatric professional. If an official diagnosis has already been completed and there is documentation, ask the parent to obtain the copies and provide them to the school. At times, the parent may not have medical documentation but that will not necessarily cause a disqualification. While waiting for documentation, if applicable, the school should convene an SST meeting to review student progress, documentation, and other data. If there is evidence of a learning disability, regression, or lack of progress, then the team may determine additional evaluations are required. If following the SST process with regular education interventions the student is still not making adequate academic progress or continues to be unable to access their education, the 504 Team should convene and determine whether a Section 504 Plan is appropriate. If so, the team should collaboratively develop a Section 504 Plan with all reasonable and necessary accommodations, supports, and services. An IEP may consider a Section 504 Plan when a student has been assessed for special education eligibility but was not found eligible for an IEP.

## **Part IV: Ensuring the Rights of Individuals with Disabilities**

### **1. What are the suspension rules for students with disabilities for 1-10 days?**

Students with disabilities are subject to the same suspension rules as non-disabled students. Students with disabilities may be suspended for a period of 1-10 consecutive days in accordance with Charter School policies, even if the behavior is a manifestation of the child's disability.

### **2. What are the suspension rules for students with disabilities for 10 or more days?**

State law defers to federal law for most of the rules governing suspension and expulsion of special education students [California Education Code Section 48915.5]. Federal and state laws allow up to 1-10 days of suspension but not more than 10 consecutive days for any special education student without a manifestation determination review (“MDR”) meeting [20 U.S.C. Sec 1415 (k)(1)(B)].

### **3. What is a manifestation determination meeting?**

A charter school must comply with IDEA and Section 504's discipline protections before they can remove a child from school and must comply with state and federal laws which includes a manifestation determination meeting. The manifestation determination is a meeting of the relevant members of the IEP team (school administrator or administrative designee; parent/guardian, the student if appropriate; school psychologist, if necessary; case manager or special education teacher; general education teacher; and relevant service providers) to determine whether a student with a disability may be suspended for 10 or more days, or expelled. The meeting should be held within 10 days of the school's decision to suspend or to expel the student. At the meeting, the IEP team reviews the relevant information from the student's file, including the IEP, and any additional information deemed necessary from teachers and/or parents. The purpose is to determine if (1) the behavior was caused by, or if it had a direct and substantial relationship with the student's disability and/or (2) if the behavior resulted from the school's failure to implement the IEP [34 C.F.R. Sec. 300.530(e)].

If the team answers “no” to both questions, the student can be referred for expulsion and an expulsion meeting can be held. If the IEP team answers “yes” to either question, the student cannot be legally expelled and any placement change requires the consent of the parent or hearing officer's orders. If the IEP team determines the behavior is a manifestation of the student's disability, then unless the behavior is one of the serious offenses in accordance with THC policies, the student cannot be suspended for over 10 days or expelled, and must return to the placement from which the student was removed, unless the parents and school agree otherwise. In addition, if the student remains, the school must also conduct a new or updated functional behavioral assessment for the student if agreed upon by the parent. Additionally, the IEP team must determine whether a behavior plan should be created, or whether an existing behavior plan must be updated.

*Reference: Title 20, United States Code, Section 1415(k)*

#### **4. What should teachers/staff do before a manifestation determination meeting?**

Staff should document all meetings regarding any students demonstrating concerning behaviors to record all issues and interventions that were attempted for such student. In addition, if there are behavior problems that may put the student or others at risk and the IEP does not appear to be addressing the problem, the school must acknowledge and make attempts to remedy the situation, if possible.

If a potential behavior problem exists, the school must offer the parents a functional behavior assessment, usually conducted by a qualified school psychologist or a trained behavior specialist. If the parents decline the offer, their refusal must be documented in writing. After an assessment, if warranted by the results, a behavior intervention plan should be created to (1) identify the function of the negative behavior and (2) teach positive replacement behaviors that accomplish the same objectives in a socially appropriate way. The behavior intervention plan should be positive, assure access to education in the least restrictive environment, and be designed to replace negative behaviors with positive behaviors.

#### **5. Who attends a manifestation determination meeting?**

The required attendees are a school administrator or administrative designee; parent/guardian/student (if appropriate or over 16 years of age); school psychologist; special education teacher or designee; general education teacher; and relevant service providers.

#### **6. What are the timelines at a glance?**

Not later than the date the decision to take disciplinary action is made, the Charter School must notify the parents of the decision and of all applicable procedural safeguards.

Within 10 school days of the date of the decision to expel, a manifestation determination review is conducted, and an IEP team meeting is held. If suspension or expulsion is allowed, another meeting is held as soon as possible to continue with the proceedings.

#### **7. Are there any circumstances in which a school can change a child's placement or recommend expulsion even if the behavior was related to a disability?**

Yes, under the following circumstances, the Charter School may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior was a manifestation of the student's disability:

1. The student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
2. The student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency;
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local agency.

## **8. What are the general parental rights?**

During the IEP meeting, parents have the right to discuss any part of the IEP as desired to determine if the IEP was properly implemented and followed, including all accommodations, modifications, supports, and services. Parents may wish to discuss behaviors, determine if an area of need was not addressed, and if a behavior plan should have been written and would have helped. Parents may dispute findings that indicate behaviors were not a manifestation of their disability and insist upon a discussion or a future meeting. Parents have the right to discuss if meetings were held to review areas of concern and if anything was done at these meetings (i.e., an IEP amendment with additional accommodations, etc.). Furthermore, parents have the right to request an outside independent psychological opinion.

## **9. What are parental rights if they disagree with the IEP team?**

Parents have the right to disagree with a manifestation determination and can file for due process to challenge the IEP team's decision regarding whether the behavior was a manifestation of a disability. While a due process proceeding is pending, the student will remain in the last agreed upon and implemented educational setting, which is known as “stay put” placement. The hearing must be held within 20 school days from the date of a parent request and the hearing officer must issue a decision within 10 school days. [20 U.S.C. Secs. 1415(k)(3) (4) (A) (B)]

## **10. What are the rules for disciplining students with 504 Plans?**

Section 504 requires that schools evaluate a student believed to have a disability before making an initial placement and before making any significant changes. The rules are similar to that of an IEP in many respects. In order to suspend a student for more than 10 days or expel a student, the school must determine whether the misconduct was caused by the student's disability and conduct a re-evaluation of the student. The determination must be made by the Section 504 Team. If the behavior was not due to a student's disability, the student may be suspended or expelled in the same manner as students without disabilities. All services or recommendations of the 504 Plan will cease at the time of suspension or expulsion.

If it is determined that the misconduct was caused by the disability, the evaluation team must continue the evaluation to determine whether the student's current placement is appropriate. Even in cases when the behavior is caused by the disability, it could be determined that the current placement is not appropriate [34 C.F. R. Sec. 104.35(a)].

## **11. What if the family disagrees with the 504 Team's disciplinary recommendations?**

If the parents disagree with the determination or with the conclusion that the behavior is not related to the disability, they may request a Section 504 hearing. The school obtains a hearing officer to hear and decide the case. Unlike special education disciplinary procedures, each school establishes its own Section 504 hearing procedures. A school cannot serve as the hearing officer [18 IDELR 230 (1991)]. **Stay put is not in effect with 504 students** so a 504 student can be suspended or expelled while the Section 504 hearing is still pending. A parent is not granted a hearing if actions are due to illegal drugs or alcohol [See: Discipline of Students with Disabilities in Elementary and Secondary Schools, U.S. Department of Education, Office for Civil Rights, October 1996, revised

2/25/98].

**12. Must the school continue to provide special education services if the student is suspended 10 or more days or expelled?**

Yes. Unlike general education students, students with disabilities must continue to receive free appropriate public education (FAPE) during any suspension period of 10 or more days, during any period of interim placement, and any period of expulsion [20 U.S.C. Sec. 1412 (a) (1) & 1415 (k)(1)(D); 34 C.F. R. Sec. 300.530(d)]. The services eligible students receive under these circumstances must enable them to continue to participate in the general curriculum and to continue to progress toward meeting IEP goals, and to receive needed behavioral assessments and services [20 U.S.C. Sec. 1415 (l)(1)(D); 34 C.F.R. Secs. 300.530(d)(1)(i) &(ii)]. Services will continue to be provided until the student is accepted at another placement or another school, or returned to a placement at the charter school.

**13. What if the parents state their child has a disability that the school or school district failed to recognize, do the rules regarding the discipline of special education students apply?**

The rules apply if School “had or has knowledge” that the child has a disability. There are three situations in which a school will be “deemed” to have this knowledge (if the student is not already identified as special education) and in which cases the child will be protected by the special education disciplinary rules. These include: (1) When a parent has expressed concern in writing-*before the student’s behavior at issue*-to a school administrator or the student’s teacher that the child needs special education assistance; (2) When a parent had requested-*before the behavior at issue*-that the student be evaluated for special education and the school did not do so; and (3) When a teacher or other school personnel-*before the behavior at issue*-had expressed specific concerns about a pattern of behavior directly to the special education director, or other supervisory personnel [20 U.S. C. Sec.1415(k)(5); 34 C.F.R. Sec. 300.534(b)].

**14. What if the parents claim to have requested a special education evaluation for their but not in writing?**

State law requires that a special education evaluation go forward even if the request is made *orally* by the parent. If parents make this claim, it may be assumed that an oral request for evaluation was made and not acted on by the school, and this would indicate that the school had sufficient knowledge of a suspected disability [34 C.F.R. Sec 300.534]. However, the school staff receiving such a request must obtain a written or signed statement from the parents to move forward with testing. and the parents must now make a request in writing. [Title 5 California Code of Regulations (C.C.R.) Sec. 3021(a)].

**15. If a student is suspended or expelled before becoming eligible for special education, but parents had requested a special education evaluation before or after the expulsion, what happens to the request during the period the student is suspended or expelled from school?**

If parents had requested an evaluation for special education eligibility immediately before or after the behavioral incident that led to the suspension or expulsion recommendation, the evaluation

period must be expedited. However, until the results of the evaluation are available, the student may be suspended or expelled and will remain in the educational placement determined by school officials until the assessments are completed and a meeting is held with the parents, and student (if applicable), to discuss findings. [20 U.S.C. Sec. 1415(k)(9)(D); 34 C.F.R. Sec. 300.5343(d)(2)].

## Part V: Glossary

This glossary will not include terms covered earlier in this handbook.

**Adapted physical education:** A modified general physical education program, or a specially designed physical education program provided to students, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for participation in the general physical education program or specially designed physical education program.

**Alternate Assessment:** The instrument used for a student who has a significant cognitive disability, is learning content on an alternate curriculum, and the student needs extensive, direct individualized instruction and substantial support.

**Americans with Disabilities Act:** A Federal statute that prohibits discrimination/harassment on the basis of disability in the areas of employment, public transportation, telecommunications, access to public services programs, and activities of State and local governments, as well as those of commercial facilities, private businesses, and nonprofit service providers.

**Assessment:** An individual evaluation of a student in areas of suspected disability and/or educational performance as defined herein and pursuant to state and federal law.

**Assessment plan:** A written statement that delineates how a student will be evaluated.

**Assistive technology device:** Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted or the replacement of such a device.

**Assistive technology service:** Any service that directly assists a child with a disability in the selection, or use of an assistive technology device.

**Audiological services:** Aural rehabilitation (auditory training, speech reading, language habilitation, and speech conservation) and habilitation with individual students in the general classroom; monitoring hearing levels, auditory behavior, and amplification for all pupils requiring personal or group amplification in the instructional setting; planning, organizing, and implementing an audiology program for students with auditory dysfunctions, as specified in the individualized education program; or consultative services regarding test finding, amplification needs and equipment, otological referrals, home training programs, acoustic treatment of rooms, and coordination of educational services to hearing impaired students.

**Behavioral emergency:** The demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. This typically is not applicable in an online school.

**Benchmarks/Objectives:** Specific statements of what students should know. They allow for tracking a student's progress through school and help determine if a student's educational

program is appropriate.

**Blended Services:** The special education teacher provides intensive instructional services outside of the general education classroom for identified students, but also co-teaches within the general education classroom for a period of time using the formats described in co-teaching

**Community-based instruction:** instruction that promotes the teaching and use of academic and functional skills in the student's natural environment.

**Complainant:** Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violations of Federal or State laws or regulations or District policies or procedures.

**Consent (parental):** Parental approval of an activity once the parent (1) has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication, (2) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought, and the consent describes that activity and list the records, if any, that will be released and to whom, and (3) understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time and that revocation of consent is not retroactive.

**Content standards:** What students are expected to know and be able to do in each subject area and grade level.

**Core academic subjects:** English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history, and geography.

**Established medical disability:** A disabling medical condition or congenital syndrome that the individualized education program team determines has a high predictability of requiring special education and related services. Applies only to children ages three through four.

**Family Educational Rights and Privacy Act:** A Federal statute giving parents the right to inspect and review their child's educational records, to amend errors or inaccuracies in those records, and to consent to disclosure of records.

**Free appropriate public education:** Special education and related services that are provided at public expense, under public supervision and direction, and without charge; meets the standards of the California Department of Education and the requirements of the Individuals with Disabilities Education Act; includes preschool, elementary or secondary education; and are provided in conformity with an individualized education program.

**Functional behavioral assessment:** A systematic evaluation of a student, for whom an individualized education program team has determined that instructional/behavioral approaches have been ineffective. Conducted by, or under the supervision of a person who has documented training in behavioral analysis with an emphasis on positive behavioral interventions, to provide a description of the targeted behavior(s) in objective and measurable terms; a description of the targeted behavior(s) that includes baseline data and an analysis of the antecedents and consequences that maintain the targeted behavior, and a functional analysis of the behavior

across all settings; a description of the rate of alternative behaviors, their antecedents and consequences; and recommendations for consideration by the IEP team. This typically is for students attending a site.

**Health or nursing services:** Managing the student's health problems on the school site; consulting with students, parents, teachers, and other school personnel; group and individual counseling with parents and students regarding health problems; maintaining communication with health agencies providing care to students with disabilities; or providing services by qualified personnel.

**Home and hospital services:** Instruction delivered to students with disabilities, individually, in small groups, by teleclass, or online whose medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness prevents the student from attending school.

**Inclusion:** A service delivery option for students with moderate to severe disabilities that brings specially designed instruction and supports for students with disabilities into the context of regular education settings. Students may be partially or fully included in general education with supports provided by a collaborative team.

**Individuals with Disabilities Education Act:** A Federal statute setting substantive and procedural standards for the provision of special education and early intervention to children with disabilities and funding to State and local education agencies. It also supports personnel preparation, research, technical assistance and model programs.

**Individualized education plan/program:** A written plan for a student with a disability that is developed reviewed and revised in a meeting that meets the requirements of Federal and State policy.

**Individualized family service plan:** A written plan providing early intervention services to infants or toddlers (till age 3) and their families who have been determined eligible for early intervention services and that meets the requirements of Federal and State policy.

**Mediation:** A problem-solving activity whereby a third party assists the parties to a dispute in resolving the problem.

**Nonpublic agency:** A private establishment or individual that is certified by the California Department of Education and that provides related services necessary to implement a student's individualized education program.

**Nonpublic school:** A private school, certified by the California Department of Education, that enrolls students with disabilities pursuant to an individualized education program.

**Occupational therapy:** The use of various treatment modalities including self-help skills, language and educational techniques as well as sensory or motor integration, physical restoration methods and prevocational exploration to facilitate physical and psychosocial growth and development.

**Office of Special Education Programs:** The office within the U.S. Department of Education responsible for the administration of the Individuals with Disabilities Education Act.

**Orientation and mobility instruction:** Specialized instruction for students in orientation and mobility techniques or consultative services to other educators and parents regarding instructional planning and implementation of the individualized education program relative to the development of orientation and mobility skills and independent living.

**Parent (for special education decision making):** Includes; a person having legal custody of a student, a person acting in place of a parent, such as a grandparent or stepparent with whom the student lives; an individual designated by the parents to act on behalf of the student; a foster parent if the natural parent's authority to make decisions has been limited by court order and the foster parent has an ongoing long term parental relationship with the student, is willing to assume the role of parent in educational decision making and has no interest that would conflict with the interest of the student, the student, if age 18 or older, for whom no guardian or conservator has been appointed; a surrogate parent appointed for a student who is a ward of the State or for a student whose parent is unknown or whose whereabouts cannot be determined, and an individual designated by the parents to act on behalf of the student.

**Physical education:** Development of physical and motor fitness; fundamental motor skills and patterns; and skills in dance, individual and group games and sports; and may include specially designed physical education, adapted physical education, movement education and motor development.

**Physical therapy:** Administration of active, passive and resistive therapeutic exercises and local or general massage, muscle training and corrective exercises and coordination work; administration of hydrotherapy treatments; assistance in administering various types of electrotherapy including ultraviolet, infrared, diathermy and inductothermy; teaching parents of hospitalized students exercises which are to be continued at home and interpret to them the significance of physical therapy services; and instruction in walking, standing, balance, use of crutches, cane or walker and in the care of braces and artificial limbs.

**Present levels of performance:** Written statements developed by an individualized education program team of how a student is performing in school including progress in the general curriculum or an alternative curriculum and State standards.

**Recoupment:** The period of time needed for a student to reacquire a skill lost (regression) during the summer/intersession.

**Recreation services:** Therapeutic recreation and specialized instructional programs designed to assist students to become as independent as possible in leisure activities and when possible and appropriate, facilitate the pupils integration into general recreation programs; recreation programs in schools and the community that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills and the provision of non-academic and extracurricular leisure activities and the utilization of community recreation programs and facilities; or leisure education programs designed to prepare the student for optimum independent participation in appropriate leisure activities, and developing awareness of personal and community leisure resources.

**Regression:** The significant loss of a skill during the summer/intersession.

**Related services:** Transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes; speech language pathology and audiology services, interpreter services, psychological services, physical and occupational therapy, therapeutic recreation, counseling services, rehabilitation counseling, orientation and mobility services, school nurse services designed to enable a student with a disability to receive a free appropriate public education as described in the individualized education program of the student, social work services in schools, and parent counseling and training. The term does not include a medical device that is surgically implanted or the replacement of such device.

**Resource specialist program:** Instruction and services for students with disabilities who are assigned to general education teachers for the majority of the school day, including; the provision of information and assistance to students with disabilities and their parents; provision of consultation, resource information, and material regarding students with disabilities to parents and staff; coordination of special education services with the general school programs for each student enrolled in the resource specialist program; monitoring of pupil progress on a regular basis; and at the secondary level emphasis on academic achievement, career and vocational development, and preparation for adult life.

**Social worker services:** Individual or group counseling with the student and his/her immediate family; consultation with students, parents, teachers and other personnel, regarding the effects of family and other social factors on the learning and developmental requirements of children with disabilities; or developing a network of community resources, making appropriate referral and maintaining liaison relationships among the school, student, family, and the various agencies providing social income maintenance, employment development, mental health, or other developmental services.

**Specially designed instruction:** Adapting, as appropriate, to the needs of a child with a disability, the content, methodology or means of instruction to address the unique needs of the child that result from the child's disability; and to ensure access of the child to the general curriculum, so that he/she can meet the educational standards that apply to all children.

**Student success team:** A formal general education process that helps school site personnel and parents address the learning, and/or behavioral needs of individual students. The team can propose interventions and usually consists of a teacher, administrator, and support personnel from the school.

**Supplementary aids and services:** Aids, services and other supports that are provided in general education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

**Transition services:** A coordinated set of activities for a student with a disability that is designed within an outcome oriented process; that promotes movement from school to post- school activities, including postsecondary education, vocational training, integrated employment

(including supported employment), continuing and adult education, adult services, independent living, or community participation; is based on the individual student's needs, taking into account the student's preferences and interests; and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

**Vision services:** Adaptations in curriculum, media, and the environment, as well as instruction in special skills; or consultative services to students, parents, teachers, and other school personnel.

**Vocational education:** Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

## **Part VI: Common Special Education Acronyms Common Disability Acronyms**

**AB:** Adaptive Behavior  
**ADA:** Americans with Disabilities Act  
**ADD:** Attention Deficit Disorder  
**ADHD:** Attention Deficit Hyperactivity Disorder  
**ASL:** American Sign Language  
**APE:** Adapted Physical Education  
**AT:** Assistive Technology  
**AUT:** Autism  
**BIP:** Behavior Intervention Plan  
**BSP:** Behavior Support Plan  
**CD:** Cognitive Disability  
**CH:** Communicatively Handicapped  
**CP:** Cerebral Palsy  
**D/B or DB:** -Deaf/Blind or Deaf/Blindness  
**DHH:** Deaf and Hard of Hearing  
**DD:** Developmental Delay  
**ED:** Emotional Disturbance  
**HH:** Hard of Hearing  
**HI:** Hearing Impairment  
**IC:** Intellectually Challenged (same as MR)  
**ID:** Intellectually Disabled (same as MR)  
**LD:** Learning Disability  
**MD:** Mental Disability  
**MD:** Multiple Disability  
**MH:** Multi-handicapped  
**OCD:** Obsessive-Compulsive Disorder  
**ODD:** Oppositional Defiant Disorder  
**OH:** Orthopedic Handicapped  
**OI:** Orthopedic Impairment  
**OHI:** Other Health Impairment  
**PDD:** Pervasive Developmental Disorders  
**PD:** Physical Disability  
**PH:** Physical and Health Disabilities  
**SED:** Serious Emotional Disturbance  
**SD:** Severe Disability  
**SH:** Severely Handicapped  
**SLD:** Severe Learning Disability  
**SPD:** Specific Learning Disability  
**SOI:** Severe Orthopedic Impairment  
**SLI:** Speech & Language Impairment  
**TBI:** Traumatic Brain Injury  
**TS:** Tourette Syndrome  
**VH:** Visual Handicap  
**VI:** Visual Impairment

## **Other Acronyms**

**CAPA:** California Alternate Performance Assessment  
**CARS:** Childhood Autism Rating Scale  
**CBI:** Community-Based Instruction  
**CDE:** California Department of Education  
**CSB:** California School for the Blind  
**DIS:** Designated Instruction & Services also known as “Related Services”  
**DR:** Department of Rehabilitation  
**DOE:** Department of Education  
**DPSS:** Department of Social Services  
**EL or ELL:** English Learner or English Language Learner  
**ELA:** English Language Arts  
**ELD:** English Learning Development  
**ELP:** English Language Proficiency  
**ESL:** English as a Second Language  
**ESY:** Extended School Year  
**FAPE:** Free Appropriate Public Education  
**FAS:** Fetal Alcohol Syndrome  
**FERPA:** Family Educational Rights and Privacy Act of 1974  
**FEP:** Fluent English Proficient  
**FOIA:** Freedom of Information Act  
**HHS:** Health and Human Services Agency  
**IDEA:** Individuals with Disabilities Education Act  
**IEE:** Independent Educational Assessment  
**IEP:** Individualized Education Plan/Program  
**IFSP:** Individualized Family Service Plan  
**ITP:** Individual Transition Plan  
**IQ:** Intelligence Quotient  
**LEA:** Local Education Agency  
**LDS:** Language Development Specialist  
**LSH:** Language, Speech and Hearing  
**LRE:** Least Restrictive Environment  
**MD:** Manifestation Determination  
**NPA:** Nonpublic agency  
**NPS:** Nonpublic school  
**SLP:** Speech and Language Specialist  
**OT:** Occupational Therapy/Therapist  
**PE:** Physical Education  
**PT:** Physical Therapy/Therapist  
**PBS:** Positive Behavior Supports  
**RFEP:** Reclassified Fluent English Proficient  
**RTI:** Response to Intervention  
**SAT:** Scholastic Aptitude Test  
**SW:** Social Worker  
**SE:** Special Education  
**SEHO:** Special Education Hearing Office  
**SELEP:** Special Education Limited English Proficient **SELPA:** Special Education Local Planning Area  
**SPED:** Special Education Department/Division  
**SDAIE:** Specially Designed Academic Instruction in English  
**SLP:** Speech/Language Pathologist  
**STAR:** Standardized Testing and Reporting Program

**SEA:** State Educational Agency  
**SEIS:** Special Education Information System  
**SST:** Student Study Team  
**SSI:** Supplemental Security Income  
**WISC:** Wechsler Intelligence Scale for Children