Special Education Procedural Handbook

San Francisco Unified School District
March 2013
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I. INTRODUCTION

Hello!

Welcome to the SFUSD Special Education Procedural Handbook. It is with delight that I introduce you to this resource! In simple terms, this document was written to give the reader easy access to answers about how special education is supposed to be done, and how SFUSD complies with the state and federal laws that are designed to assure that our children and youth with disabilities receive a free, appropriate public education. This handbook serves as the official source of directive for the adults in SFUSD who are responsible for educating our students.

This handbook is a resource for staff and parents to understand the legal requirements and the way each aspect of special education should be implemented. While professional development will be offered, and special education administrators and teachers-on-special assignment are available as resources, I want to be clear that employees are responsible for following the procedures outlined in this handbook.

The procedures contained in this book apply to children, aged birth through 22 who are identified as being eligible for special education. The chapters that are about Child Find, pre-referral interventions and the evaluation process apply to children who are struggling with development, learning or behavior. It is posted on our website for all to see, so that there is no excuse for not knowing, and so that parents and advocates can help hold us accountable to fulfill our obligations to educate children with disabilities.

“Through a combination of policy, enforcement, technical assistance, and, yes, investing in the power of parents—we are going to make good on the promise of a free, appropriate public education and ensure that all children are getting a world-class education.” – Arne Duncan, Secretary of Education, Aug. 2010

We all must rise to the challenge of our strategic plan, Beyond the Talk 2.0: Strategic Implementation Plan 2010, and the goals of Special Education Redesign, to achieve better outcomes for children and youth who receive special education. Thank you for all that you do to make sure that children with disabilities have equity and access to high quality education in SFUSD.

I want to thank all the people who helped to pull this information together, especially Carol Kocivar, Kristen Devine, Ruth Diep, Marc Bainbridge and the Extended School Year Staff, and the brave and talented summer intern, Mercedes Biggs. They pulled together an amazing volume of information into an excellent tool, in a short period of time.

Sincerely, Cecelia Dodge, Assistant Superintendent, Special Education
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II. PROCEDURES FOR LOCATING AND IDENTIFYING CHILDREN WITH DISABILITIES

A. CHILD FIND OBLIGATIONS

What’s Required?
The Child Find process requires San Francisco Unified School District (SFUSD) to identify, locate, and evaluate all children with disabilities residing in its jurisdiction. This obligation includes all students who attend private (including religious) schools, migrant or homeless students, students who are wards of the State, and students with suspected disabilities who are advancing in grade level. (20 USC 1412 (a)(3)(A), 20 USC 1412 (a)(10)(A)(ii)(I), 34 CFR 300.131, 34 CFR 300.111(c)(2), 34 CFR 300.111, 34 CFR 300.101(c), 30 EC 56301.)

It is important to note that Child Find is a screening process that identifies children who have a disability, or are suspected of having a disability and may need special education and related services. Children identified through the Child Find process must still be assessed to confirm eligibility. For more information on Disability Assessments, reference Part IV: Procedures for Determining Eligibility.

What to do?
SFUSD must actively and systematically seek out all children with exceptional needs who reside within the school district by engaging in the following activities:

- Distributing written information to all schools in the area, as well as to other agencies that are likely to encounter children with special needs
- Furnishing information on the internet
- Offering training to private school employees
- Developing pamphlets about the availability of special education services and how to access them
- Reaching out to SFUSD Court Schools including:
  - Principals’ Center
  - Woodside Learning Center
  - Log Cabin Ranch
  - The Early Morning Study Program
- Reaching out to the San Francisco community through:
  - Public Service Announcements
  - Media Advisories
  - Press Releases
  - SFUSD Highlights within the School-year Calendar
  - SFUSD School Times Newspaper
  - SFUSD Website Spotlights
Specific information concerning Child Find is provided under the following topic areas:

- Infants and Toddlers
- Preschool-Aged Students
- Private School Students
- Determining whether a child is eligible for services under the IDEA as a result of identification through Child Find

B. INFANTS AND TODDLERS

***Section Pending; Currently Under Construction***

C. PRESCHOOL STUDENTS

**What’s Required? / What to do?**

SFUSD must identify preschool children aged 3 to 5 with disabilities through:

- Child Find activities listed in the [Part IIA - Child Find Obligations](#) section
- Direct referrals from parents, preschools, physicians, members of the community, and Kindergarten teachers. More information regarding referrals is located within [Part III - General Education Interventions](#)
- Identification of children who are in transition from the Early Start Program

SFUSD receives notification from Golden Gate Regional Center (GGRC) that there will be a transition planning meeting requiring the attendance of an LEA representative. An LEA representative attends all transition meetings.

D. PRIVATE SCHOOLS

**What’s Required?**

If a student attends a private school located within the jurisdiction of SFUSD, SFUSD is considered the student’s “District of Attendance.” As such, SFUSD is responsible for Child Find activities for that student regardless of where the student actually resides. Therefore, SFUSD must conduct Child Find in all private schools, including religious, elementary and secondary schools that are located within SFUSD’s jurisdictional boundaries (34 CFR 300.131.).

If a student resides within SFUSD’s jurisdictional boundaries but attends a private school outside of the school district, SFUSD is not responsible to conduct Child Find. However, SFUSD is responsible to assess (or otherwise respond) if and when there is an assessment request to determine whether the student is eligible for special education and related services and to develop an individualized education program (IEP) if the student desires a free appropriate public education (FAPE).

For more information on Disability Assessments, reference [Part IV: Procedures for Determining Eligibility](#).
What to do?

In its execution of Child Find activities for private school students, SFUSD must:

- Consult with appropriate representatives of private school students with disabilities on how to carry out Child Find activities *(34 CFR 300.134, 30 EC 56301 and 56171)*

- Maintain in its records, and provide to the State, the number of parentally placed private school students evaluated, determined to have disabilities and served *(20 USC 1412 (a)(10)(A)(i)(V), 34 CFR 300.132(c) & 300.131(b), 30 EC 56301 (c)(1).)*

- Ensure the equitable participation of parentally placed private, including religious school students with disabilities, an accurate count of these students, and a completion period that is comparable to that for other pupils attending public schools in the local educational agency *(20 USC 1412 (a)(10)(A)(ii)(V), 34 CFR 300.131(e), 34 CFR 300.134, 30 EC 56301(c)(1) & (c)(3).)*

- Ensure timely and meaningful consultation during the Child Find process by consulting with private school representatives and representatives of parents of parentally placed private school students with disabilities during the design and development of special education and related services for the students, including:
  - Equitable participation opportunity
  - Information as to how parents, teachers, and private school officials will be informed of the process and assurance of how the consultation process will operate throughout the school year to provide meaningful participation in special education and related services *(20 USC 1412 (a)(10)(A)(ii) & (iii), 34 CFR 300.134 & 300138, 30 EC 56301(c)(1) & (d)(1).)*

- In the event of a disagreement over provision of services or the types of services for a private school student with a disability, provide a private school official with a written explanation of the reasons explaining why SFUSD chose not to provide services *(20 USC 1412 (a)(10)(A)(iii)(V), 300.134(e).)*

- Obtain written, signed affirmation of timely and meaningful consultation from private school representatives of parents of parentally placed private school students with disabilities in the design and development of special education and related services *(20 USC 1412 (a)(10)(A)(iv), 34 CFR 300.134 and 300.135(a), 30 EC 56172(c).)*

- Provide special education and related services to parentally placed private school students with disabilities secular, neutral, and non-ideological, including materials and equipment *(20 USC 1412 (a)(10)(A)(vi)(II), 34 CFR 300.304(c)(6), 34 CFR 300.138(c), 30 EC 56172(f).)*
E. DETERMINING WHETHER A CHILD IS ELIGIBLE FOR SERVICES UNDER THE IDEA AS A RESULT OF IDENTIFICATION THROUGH CHILD FIND

What’s Required /What to do?
If SFUSD has knowledge that a student has a disability, or is suspected of having a disability and may need special education and related services, SFUSD must offer to assess the student.

Indicators for when a student is suspected of having a disability and SFUSD should thus offer an initial assessment include, but are not limited to the following:
- Parent(s) expressed concerns in writing to SFUSD supervisory or administrative personnel, or to one of the student’s teachers, that the student may be need of special education and related services
- Parent or school staff has requested an initial evaluation of the student
- Student’s teacher, or other SFUSD personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education or to other SFUSD supervisory personnel
III: GENERAL EDUCATION INTERVENTIONS

A. OVERVIEW OF PRE-REFERRAL REQUIREMENTS

What’s Required/What to do?
According to the law, a student shall be referred for special educational instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized. (30 EC 56303)

SFUSD emphasizes the necessity to develop, provide and measure interventions in order to ensure that a student has a positive school experience. The following sections further define the structures in place to support academic and behavioral success prior to considering a referral for special education services.

SFUSD collects and examines data regarding the over/under representation of racially, ethnically, linguistically and culturally diverse students to determine whether an imbalance exists.

B. PROBLEM SOLVING STRUCTURES

1. SAP/SST

What’s Required/What to do?
SFUSD must utilize two student support structures to maximize student success across all grade levels, K – 12:

- The Student Assistance Program (SAP) is a ‘learning support’ umbrella structure that brings together all support service providers at a school site to develop and monitor programs and resources that enhance prevention and intervention efforts contributing to student success.

  The SAP focuses on referred students, and coordinates respective programs and services to promote their academic success. In addition, school-wide issues are identified and addressed. Ideally, SAP referrals are processed and prioritized by the SAP team at school sites.

  Reference the SAP Manual for more information on the Student Assistance Program.

- The Student Success Team (SST) is a problem solving and coordinating structure that assists students, families and teachers to seek positive solutions for maximizing student potential. The SST focuses in-depth on one student at a time, and invites the parent and student to participate in finding solutions.

  Additionally, at the elementary level, the Classroom SST provides a structure to review the academic, behavioral and health status of each student in a particular classroom. This process informs individual actions for students, including referral to the formal SST process, and class-wide actions to address issues such as use of class resources, behavior management, classroom modifications, and health education.
Student Success Team (SST) Flow Chart

**Teacher/Staff Member/Parent**

is concerned about a student because of:
- Academics
- Health
- Behavior/emotional issues
- Attendance

If student is a danger to them self or others (behaving unsafely, emotional outburst)

**Teacher/Staff Member/ Parent/Student**

fills out Request for Assistance Form 1.0 (and Supplemental 1.0 Form for English Learners) and gives to SAP Coordinator

**DO NOT WAIT!**

Go directly to administrator for appropriate actions and consequences. Consult w/ the following as needed:
- Police
- Comprehensive Child Crisis Services
- Child Protective Services
- LSP/ Wellness Coordinator
- School Counselor
- School District Nurse

**Classroom SST** *(elementary only)*

- individual students are identified for SST

For further information, reference the SST Manual produced by SFUSD School Health Programs Department, Revised August 2011.

At the end of every initial SST process, a follow-up SST meeting date must be set, preferably within 4-6 weeks. At the follow-up SST meeting, action items must be reviewed and student progress discussed. The follow-up SST meeting must be documented on the SST Summary Form for Follow-up Meetings (2.0A).
2. Response to Intervention (RTI2) and Positive Behavior Interventions and Supports (PBIS)

What’s Required?/What to do?
Note that individual schools within SFUSD may be at different levels of exploration of implementation of RTI2. Implementation of RTI2 can only occur following careful planning by school and District personnel.

Response to Intervention (RTI) is a systematic, data-driven tiered approach to providing services and interventions to struggling learners, including students having language or speech difficulties, and/or students with challenging behaviors at increasing levels of intensity. The process incorporates systems of intervention and supports that are provided to students in direct proportion to their individual needs.

This structure is designed for use when making instructional decisions for both students with and without disabilities, to create a well-integrated system of instruction and intervention guided by the production and review of student outcome data. It is designed to ensure that an eligibility decision for special education services is not based on a student’s lack of scientific research-based instruction. For students with behavioral concerns/needs, a system of positive behavior and intervention supports (PBIS) is used to promote success.

The following diagram provides additional information on the RTI2 process. For additional information, reference Wayne Sailor, *Making RTI Work: How Smart Schools Are Reforming Education Through Schoolwide Response-to-Intervention* (San Francisco: Jossey Bass, 2009).
Designing Schoolwide Systems for Student Success

Academic Instruction (with fidelity measures)

Level 3
Tertiary Interventions (for individual students)
- Assessment Based
- Resource Intensive

Level 2
Secondary Interventions (for some students: at risk)
- Some Individualizing
- Small Group Interventions
- High Efficiency
- Rapid Response

Level 1
Primary (universal) Interventions (for all students)
- Preventive, Proactive
- Differentiated Instruction
- Research-Validated Curriculum

Monitoring Student Progress

Screen All Students

Behavioral Instruction (with fidelity measures)

Level 3
Tertiary Interventions (for individual students)
- Wraparound Intervention
- Complex Multiple Life Domain Functional Behavior Assessment and Behavior Intervention Plans

Level 2
Secondary Interventions (for some students: at risk)
- Simple Functional Behavior Assessment/Behavior Intervention Plans
- Group Intervention with Individual Features
- Group Intervention

Level 1
Primary (universal) Interventions (for all students)
- Direct Instruction of Behavioral Expectation
- Positive Acknowledgment

RTI conceptual system for behavior instruction with general and special education integrated at all three levels
C. REFERRALS

1. SECTION 504

What’s Required?

Section 504 of the Rehabilitation Act of 1973 protects disabled individuals against discrimination. It does so by mandating that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of any entity that is a recipient of Federal financial assistance (34 CFR § 104.4(a)).

Accommodations and related services provided through the Section 504 Rehabilitation Act Program (Section 504) ensure that a student with a physical or mental impairment that substantially limits one or more major life activity has equal access to education.

What to do?

Section 504 accommodations and/or related services must be delineated in a Section 504 Plan formulated by the student’s teacher(s), parents/guardians, members of the Student Success Team (SST), Section 504 School Site Coordinator, and other relevant school site staff as well as members of SFUSD’s 504 Committee, if needed.

Examples of accommodations and/or services that SFUSD must provide to students include:

- Assistance on stairways for a student with mild cerebral palsy
- Extra time on tests for a student with Attention Deficit Hyperactivity Disorder (ADHD)
- Nursing services for a student with Type I Diabetes
- Use of an FM system for a student with a hearing loss

SFUSD must establish and maintain services and accommodations for disabled students in order ensure that these students have equal access to education. SFUSD’s 504 Committee is responsible for determining if a student qualifies for a Section 504 Plan as follows:

- School staff, generally the SST, must submit a Request for a Section 504 Plan, along with the necessary documentation. Reference the Educator Resources site for a Section 504 Plan template.
- SFUSD’s 504 Committee must review the request.
  - Note that a Section 504 Plan can only be written with approval from the 504 Committee
- Each school site must have a designated Section 504 School Site Coordinator to assist the site with referrals and oversee the implementation of Section 504 accommodations and services at the site

Further explanation on Section 504, School Site Coordinator responsibilities and referral process are available through Student Support Services Department (SSS) and accessible through the SFUSD intranet.
2. MENTAL HEALTH  
   a. SB1895  

***Section Pending; Currently Under Construction***

b. WELLNESS CENTER

What’s Required?/What to do?  
The High School Wellness Center/Program is a collaborative initiative between the Department of Children, Youth & Their Families (DCYF), SFUSD’s School Health Programs Department, and the Department of Public Health (DPH). SFUSD must provide students receiving special education services equal access to the Wellness Center.

Each Wellness Center provides free, confidential services to students including behavioral health counseling, nursing services, support and empowerment groups, and connections to health resources in the community. Common topics include:

- Reproductive health
- Alcohol
- Tobacco and other drugs
- Family & peer relationships
- Nutrition and healthy decision making

Wellness programs also offer workshops on yoga, healthy cooking, self-defense and other topics that promote a healthy lifestyle.

At each Wellness Center, students find welcoming staff, an open-door policy during lunch and after school, a confidential place to come with any concern, and a safe place to eat lunch and meet friends. Each Wellness Center has a team of Youth Outreach Workers – students who work with Wellness staff to develop and present health education workshops and school-wide events.

Wellness Centers bring health education to the whole school via in class presentations, school-wide campaigns and conferences, assemblies, guest speakers, and health/fitness fairs. The Wellness Initiative, in collaboration with school site administrators, manages and funds Wellness Programs in 15 high schools in SFUSD:

Abraham Lincoln High School  
Downtown High School  
Galileo Academy of Science and Technology  
Ida B. Wells High School  
International Studies Academy  
John O’Connell School of Technology  
June Jordan School of Equity  
Lowell High School  
Mission High School  
Phillip & Sala Burton High School  
San Francisco International High School  
School of the Arts/Academy of Arts & Sciences  
Thurgood Marshall Academic High School  
Wallenberg High School  
Washington High School
Note that Wellness programs offerings are subject to change. Wellness programs were available at the schools listed above at the time of print.

### 3. SPECIAL EDUCATION

**What’s Required/What to do?**

When a Student Success Team (SST) determines that a student has not made sufficient progress given the interventions and support identified and implemented by the SST, the team must conduct a thorough file review and rule out hearing, vision, and/or attendance as qualifying conditions. Only after doing so should the team consider a referral for an assessment under Section 504 or Special Education.

SFUSD must base this determination on progress monitoring and subsequent modification of interventions and supports implemented with **fidelity** for 8-12 weeks. **Fidelity** refers to implementation practices based on program requirements, including the length of time necessary to obtain sufficient data to determine effectiveness.

**Immediate Referral.** Typically, the SST process is not appropriate for students described below because they require Immediate Referrals to special education.

- **Students with Certain Disabilities.** Students suspected of having apparent disabilities, such as hearing impairment, visual impairment, deaf-blindness, severe and recent traumatic brain injury, mental disability (moderate or severe), multiple disabilities, and some students with severe autism, severe orthopedic impairments and/or significant health issues
- **Students with Mental Illness.** For students suspected of exhibiting a significant mental illness, the school psychologist should evaluate the student’s needs and, as appropriate, contact their Special Education Administrator for consultation and/or initiate a possible referral for a special education assessment

Through the referral and assessment process, SFUSD must determine whether a student is eligible to receive special education and related services and their educational needs. Some students may display learning or behavioral problems that could be addressed through a system of tiered interventions within the general education setting.

Through the procedures outlined below and in the following sections, SFUSD must provide for the identification and assessment of the needs of an individual student, and the planning of an instructional program to meet his/her assessed needs.

Identification procedures include systematic methods of utilizing referrals of students from teachers, parents, agencies, appropriate professional persons, and from other members of the public. As discussed above, **SFUSD must refer students for special educational instruction and services only after considering and utilizing, where appropriate, the resources of the general education program.**
**Individuals Who May Request an Assessment.** A student may be referred for special education services at any time by the student’s parent, teacher, or other service provider. Staff of other public agencies may also request an assessment of students. Referrals pertain to students enrolled in SFUSD, residing in SFUSD boundaries, or attending a nonprofit private school in SFUSD’s boundaries.

**Written Referral by Parent or Other Individuals Outside of the School**  
- All referrals must be in writing, signed, dated, and include a brief reason for the referral  
- If the request is received orally or if a parent does not submit a written request, the individual receiving the request must communicate with the parent to learn the basis for the referral, and document the information with the date the request was completed.

An education specialist must offer to help the person put the request in writing. This includes assisting parents who may not understand the process or know how to request a referral. This may also include assisting with arranging a SST meeting to address parent concerns and develop interventions if appropriate.

- If the referral does not include the basis for concern, the individual receiving the referral must ask the referring source for this information, document the response, and attach it to the request  
- The principal/designee may ask parents to provide any relevant information about the student, including any reports, prior assessments, health records, school records from other schools, etc., to avoid duplication of information and to assist the SST in making appropriate decisions

**Process for Referring Non-attending Students.** When the parent of a student who is not enrolled in an SFUSD program believes that the student may have a disability, one of the following processes is used:

- **Young Children.** The Special Education Early Childhood Assessment Team receives referrals for children younger than school age. Refer to Part II: Procedures for Locating and Identifying Children with Disabilities, sub-parts **B. Infants and Toddlers** and **C. Preschool Students** for additional information on early childhood referrals

- **School-Aged Students.**  
  - **SFUSD Residents.** SFUSD resident parents of school-aged students should contact the Screening and Assessment Center to request an assessment at 415-379-7607  
  - **Non-SFUSD Residents.** Non-SFUSD resident parents with children who attend a private school located within SFUSD’s jurisdiction should contact the Screening and Assessment Center at 415-379-7607

**SST Role.** To the extent possible, all referrals for a disability assessment for SFUSD enrolled students must be made through the SST so that the team has an opportunity to review
supporting documentation to ensure it provides an appropriate basis for initiating an assessment. If the student was not referred through the SST, the request must document why this process was not utilized.

**Follow-Up Activities.** The individual receiving the referral must immediately provide it to his/her school principal, Special Education Department Head, School Psychologist, or Speech Therapist for processing.

The assigned case manager must:
- Maintain a contact log documenting all actions related to the entire IEP process in order to document adherence to timelines
- Notify the school principal and other school site staff members, as appropriate, that a referral has been made for a particular student
- Facilitate a review of the referral and underlying information to determine if an assessment is appropriate for the student

**Criteria for Appropriate Assessment Referral.** SFUSD must gather the following information to support an appropriate assessment referral:
- **Documentation.** The SST must provide documentation showing that it addressed a student’s academic, language/speech, and/or behavioral issues, incorporating:
  - **Interventions.** Scientifically research-based intervention(s) implemented with **fidelity** as evidenced by data sheets, computer-generated records, or other permanent products. **Fidelity** refers to implementation practices based on program requirements, including the length of time necessary to obtain sufficient data to determine effectiveness

**Inappropriate Basis for Referral.** To ensure that a student does not inappropriately receive an assessment, SFUSD must provide data-based documentation that the student’s lack of educational progress is **not primarily due to the following**:
- **Reading.** Lack of appropriate, explicit and systematic instruction in reading which includes the essential components of reading instruction: phonics, phonemic awareness, fluency, comprehension, and vocabulary
- **Math.** Lack of appropriate instruction in math (e.g., if more than 50 percent of the class falls below benchmark on universal screening, lack of appropriate instruction might be suspected)
- **English Language Acquisition.** If the student’s primary language is not English, the teacher or SST members must consult with the site English Language Development (ELD) teacher and/or staff from the English Language Support Services Department (ELSS) as needed, to assure that an **English Language Data Form** has been completed. This form provides information about the student’s proficiency in his/her primary language and helps the team to determine whether there is a learning disability or language difference. Contact [English Language Support Services](#) for a copy of this form.
The teacher and/or SST must employ a variety of intervention and support strategies within the general education classroom to accommodate the student’s language and cultural background and help resolve the targeted learning and behavior problems.

- **Cultural & Linguistic Interventions.** Interventions to help resolve difficulties that arise from differences in cultural and linguistic background or from difficulties with the schooling process
- **Socio-Linguistic Interventions.** Interventions to help resolve difficulties that arise from differences in socio-linguistic development might include:
  - Instruction in English language development
  - Bilingual assistance
  - Primary language development
  - Assistance in developing basic interpersonal communication skills
- **Cultural Factors.** For students from culturally and linguistically diverse backgrounds, data indicates that the school and classroom teacher have been sensitive toward the students’ diverse learning needs

In referring **culturally and linguistically diverse** students for special education services, SFUSD must take care to determine whether learning, language/speech, and/or behavior problems demonstrated by the students indicate a disability or, instead, manifest cultural, experiential and/or socio-linguistic differences.

It is especially important for the SST to determine whether accommodations and supports in the general education curriculum or in the manner in which the student receives instruction may assist them in overcoming their learning, language/speech, and/or behavioral problems.

The student’s teacher and SST should gather the following information about the student to help make this determination:
  - Background
  - Culture and language
  - Acculturation/assimilation level
  - Socio-linguistic development
  - Data showing the student’s response to the school and classroom environment when accommodations and supports are provided

- **Environmental or Economic Disadvantage** (e.g., if a majority of low income students in the class fall below benchmark on universal screening, environmental or economic barriers as a primary factor might be suspected)
- **Temporary Physical Disabilities**
- **Social Maladjustment.** Generally, students with emotional disabilities are viewed to have behavior of an “involuntary nature.” Students with social maladjustment are viewed as having behavior that is intentional in nature and are generally conceptualized as having a conduct problem.
A Federal District Court viewed social maladjustment as “a persistent pattern of violating societal norms...a perpetual struggle with authority, easily frustrated, impulsive and manipulative.” These students are viewed as being capable of behaving appropriately, but they intentionally choose to break rules and violate norms of acceptable behavior. Socially maladjusted students view rule breaking as normal and acceptable. They do not take responsibility for their actions and often blame others for their problems.

Determining Whether the Student Needs an Assessment

- **Review of Referral.** The SST must submit a Request for Assistance 1.0 K-12 form with all related documentation to the Multidisciplinary Team (MDT), referred to as the Student Assistance Program (SAP) team, for review and analysis of all the data described above to determine the most beneficial option for the student. Additionally, if a student is identified as an English Learner (EL), the SST must also submit the Supplemental 1.0 Form for English Learners. Contact English Language Support Services for a copy of this form.
  - **Options**
    - **Additional Interventions.** One option the SST team must consider is that the student would benefit from additional interventions and progress monitoring.
      - *Note that Additional interventions should be provided in lieu of or during the assessment process.*
    - **Assessment Is not Warranted.** If it is determined that an assessment is not warranted, SFUSD must provide the parents a written explanation of the reason for the decision using the Prior Written Notice and Notice of Procedural Safeguards within 15 calendar days of receipt of the referral. Reference the Educator Resources site for a copy of the Prior Written Notice and Notice of Procedural Safeguards.
    - **Assessment Is Warranted.** Follow the procedures outlined in Part IV: Procedures for Determining Eligibility
    - **Section 504 Referral.** Follow the procedures for requesting a 504 evaluation provided by the Student Support Services Department (SSS) and accessible through the intranet

For further information, reference the SST Manual produced by SFUSD School Health Programs Department, Revised August 2011.

*Note that this process is not intended to supersede parent-generated requests or delay a request for a special education evaluation as defined in Part II: Procedures for Locating and Identifying Children with Disabilities.*
IV: PROCEDURES FOR DETERMINING ELIGIBILITY

A. OVERVIEW OF ELIGIBILITY

What’s Required?
In order to be deemed eligible to receive special education and related services, a student must meet the following age and disability eligibility requirements:

Age Requirements. In order to be eligible for a special education and related services, a student must be between the ages of 0 and 18. Students aged 19 through 21 are only eligible for special education referrals if the following conditions exist:

- He/she must have been in special education at the time he turned 19
- He/she has not met his “proficiency standards”
- He/she has not completed his “prescribed course of study”
- He/she has not graduated from high school with a regular high school diploma

[Cal. Ed. Code Sec. 56026(c)(4) and 56026.1.]

For information on the eligibility of students who are nearing the age of 22, reference the Eligibility at Age 22 document within Educator Resources site.

“Proficiency standards” are requirements of student competence in reading, writing, mathematics, and other academic areas. “Prescribed course of study” refers to SFUSD’s required subjects and credits in English, math, reading, etc. [Cal. Ed. Code Sec. 51000 and following.]

Upon receipt and acceptance of a referral to determine disability eligibility, SFUSD must determine whether the student has a disability by conducting a disability assessment. Disability assessments include examinations, tests and/or observational strategies and are conducted by Multidisciplinary Teams (MDTs) that consist of:

- School Psychologists
- Speech and Language Pathologists
- Occupational and/or Physical Therapists, as needed
- Special Education Teachers

When MDTs conduct disability assessments, they must provide evidence of the following:

- The assessment is comprehensive (34 CFR 300.304(c)(6), 34 CFR 300.304(b)(1)30 EC 56320 (b), 30 EC 56321, 5 CCR 3022.)
- Students evaluated for initial and three-year reviews have a hearing and vision screening unless parental permission is denied (34 CFR 300.304(c)(4), 30 EC 56320(f), 5 CCR 3027.)
Assessments are conducted by trained personnel in conformance with the instructions provided by the producer of the tests (34 CFR 300.304(c)(1)(iv) and (v), 30 EC 56320(b)(3).)

Individually administered tests of intellect or emotional functioning are administered by a credentialed school psychologist (34 CFR 300.308, 30 EC 56320(b)(3).)

Assessments are administered in all areas related to the suspected disability by trained and knowledgeable personnel using sound instruments (20 USC 1414 (b)(3)(B), 34 CFR 300.304(c)(4) and (c)(1)(iv), 30 EC 56320(b), 30 EC 56320(f).)

Assessments for severe and low incidence disabilities are:
  o Administered by trained and knowledgeable personnel, using technically sound instruments
  o Cover all areas related to the student's suspected disability
  o Attend to the need for specialized services, materials and equipment consistent with the guidelines for Deaf-Blind, Deaf and Hard of Hearing, Visually Impaired, and Severely Orthopedically Impaired. (30 EC 56320(g), 30 EC 56327(h), 30 EC 56352(a).)

A variety of tools and strategies are used to gather functional, developmental and academic information to determine eligibility and the content of the IEP
  o The tools and strategies directly assist in determining the educational needs of the student (20 USC 1414(b)(2)(A), 34 CFR 300.304(b)(1), 30 EC 56320(e).)

Technically sound instruments are used to assess:
  o The relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors (20 USC 1414 (b)(2)(C), 34 CFR 300.304(b)(3), 30 EC 56320(f).)

Disability Requirements. MDTs evaluate students for one or more of the following eligible disabilities:
  - Hearing impairment (including deafness)
  - Both hearing and visual impairment (Deaf-blindness)
  - Speech or language impairment
  - Visual impairment (including blindness)
  - Severe orthopedic impairment
  - Other health impairment (OHI)
  - Exhibition of autistic-like behaviors
  - Mental retardation
  - Serious emotional disturbance
  - Specific learning disability
  - Multiple disabilities
  - Traumatic brain injury

IDEA defines these disabilities as follows:
  - Hearing impairment (including deafness)
    o Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without
amplification that adversely affects a child's educational performance (IDEA 300.8 (c)(3).)
  o Hearing impairment means an impairment in hearing, whether permanent or
    fluctuating, that adversely affects a child's educational performance but that is
    not included under the definition of deafness in this section (IDEA 300.8 (c)(5).)
  - Both hearing and visual impairment (Deaf-blindness)
    o Deaf-blindness means concomitant hearing and visual impairments, the
      combination of which causes such severe communication and other
      developmental and educational needs that they cannot be accommodated in
      special education programs solely for children with deafness or children with
      blindness (IDEA 300.8 (c)(2).)
  - Speech or language impairment
    o Speech or language impairment means a communication disorder, such as
      stuttering, impaired articulation, a language impairment, or a voice impairment,
      that adversely affects a child's educational performance (IDEA 300.8 (c)(11).)
  - Visual impairment (including blindness)
    o Visual impairment including blindness means an impairment in vision that, even
      with correction, adversely affects a child's educational performance. The term
      includes both partial sight and blindness (IDEA 300.8 (c)(13).)
  - Severe orthopedic impairment
    o Orthopedic impairment means a severe orthopedic impairment that adversely
      affects a child's educational performance. The term includes impairments caused
      by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis,
      bone tuberculosis), and impairments from other causes (e.g., cerebral palsy,
      amputations, and fractures or burns that cause contractures) (IDEA 300.8 (c)(8).)
  - Other health impairment (OHI):
    o Other health impairment means having limited strength, vitality, or alertness,
      including a heightened alertness to environmental stimuli, that results in limited
      alertness with respect to the educational environment, that:
        ▪ Is due to chronic or acute health problems such as asthma, attention
          deficit disorder or attention deficit hyperactivity disorder, diabetes,
          epilepsy, a heart condition, hemophilia, lead poisoning, leukemia,
          nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome
          (IDEA 300.8 (c)(9)(i).)
        ▪ Adversely affects a child's educational performance (IDEA 300.8 (c)(9)(ii).)
  - Exhibition of autistic-like behaviors
    o Autism means a developmental disability significantly affecting verbal and
      nonverbal communication and social interaction, generally evident before age
      three, that adversely affects a child's educational performance. Other
      characteristics often associated with autism are engagement in repetitive
      activities and stereotyped movements, resistance to environmental change or
      change in daily routines, and unusual responses to sensory experiences (IDEA
      300.8 (c)(1)(i).)
- Autism does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disturbance (IDEA 300.8 (c)(1)(ii).)
- A child who manifests the characteristics of autism after age three could be identified as having autism if he/she satisfies the above criteria (IDEA 300.8 (c)(1)(iii).)

- **Mental retardation**
  - Mental retardation means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance (IDEA 300.8 (c)(6).)

- **Serious emotional disturbance**
  - Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:
    - An inability to learn that cannot be explained by intellectual, sensory, or health factors (IDEA 300.8 (c)(4)(i)(A).)
    - An inability to build or maintain satisfactory interpersonal relationships with peers and teachers (IDEA 300.8 (c)(4)(i)(B).)
    - Inappropriate types of behavior or feelings under normal circumstances (IDEA 300.8 (c)(4)(i)(C).)
    - A general pervasive mood of unhappiness or depression (IDEA 300.8 (c)(4)(i)(D).)
    - A tendency to develop physical symptoms or fears associated with personal or school problems (IDEA 300.8 (c)(4)(i)(E).)
    - Emotional disturbance includes schizophrenia. **The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under the criteria listed above** (IDEA 300.8 (c)(4)(ii).)

- **Specific learning disability**
  - Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as:
    - Perceptual disabilities
    - Brain injury
    - Minimal brain dysfunction
    - Dyslexia
    - Developmental aphasia (IDEA 300.8 (c)(10)(i).)
  - Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage (IDEA 300.8 (c)(10)(ii).)

- **Multiple disabilities**
Multiple disabilities means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness (IDEA 300.8 (c)(7)).

Traumatic brain injury
- Traumatic brain injury means 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 child's educational performance (IDEA 300.8 (c)(12)).
- Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as (IDEA 300.8 (c)(12).):
  - Cognition
  - Language
  - Memory
  - Attention
  - Reasoning
  - Abstract thinking
  - Judgment
  - Sensory, perceptual, and motor abilities
  - Psychosocial behavior
  - Physical functions
  - Information processing
  - Speech
- Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma (IDEA 300.8 (c)(12)).

Severe disabilities and non-severe disabilities. Students meeting eligibility under some of the above federal classifications are considered to be severely disabled as follows:
- "Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities:
  - Autism
  - Blindness
  - Deafness
  - Severe orthopedic impairments
  - Serious emotional disturbances
  - Severe mental retardation
  - Individuals who would have been eligible for enrollment in a development center for handicapped pupils under (E.C., Sec. 56030.5)
What to Do?
If the MDT determines that a student has a disability, the student’s Individualized Education Program (IEP) team must meet and determine if the student is in need of special education and related services. The IEP team includes qualified special education professionals and the student’s parent(s). For more information on IEP teams and the IEP process, reference Part VI: Individualized Education Programs.

Please note that a student may demonstrate a disability, but may not necessarily be eligible for special education and related services. A student’s IEP team will determine his/her eligibility based on the requirement that the student’s disability negatively/adversely affects his/her educational performance.

Parents are full participants in the planning and development of services for their child(ren). As such, parental rights related to their child’s disability eligibility are as follows:
- To make a direct referral to SFUSD for disability assessment for their child
- To receive and approve the proposed Assessment Plan (AP)
- To question the Assessment
- To request an independent assessment
- To receive a copy of the Assessment Report
- To give or revoke parental consent for service at any time
- To be informed of all the service options available
- To be informed of and utilize due process procedures to resolve a dispute (20 USC Section 1412(d); 34 CFR 300.504; EC sections 56301(d)(2), 56321, and 56341.1(g)(1)).

For more information on Assessment Plans and Assessment Reports, reference sections Developing a Special Education Assessment Plan and Assessment Report.

B. TIMELINES

What’s Required?
Disability regulations outline certain timelines that SFUSD must meet when conducting a student’s eligibility assessment. This ensures that a student’s disability related needs are addressed within a timely fashion.

What to Do?
SFUSD must follow the following timelines related to disability eligibility:
- For school-age children, the eligibility assessment must be conducted within 60 days of SFUSD’s receipt of written parental consent for specified assessment activities
  - If this timeline occurs at the end of the school year, allowance is made for the evaluation to be completed when the next school year begins
  - Timelines for schools on year-round schedules should follow the school calendar without interruption except for school holidays that exceed five days
  - For school holidays that exceed five days, the 60-day timeline is extended by an equal number of days
- Extension of assessment timelines requires parental agreement in writing
  - For infants and toddlers, the eligibility assessment must be conducted within 45 days of the date of referral ((20 U.S.C. 1416(a) (3) (B) and 1442)

**Note:** For more information on the 60-day timeline requirement, reference the 60-day timeline chart within the Educator Resources website.

### C. DEVELOPING A SPECIAL EDUCATION ASSESSMENT PLAN

**What’s Required?**
Before a student can be assessed for eligibility for special education or reassessed while receiving special education and related services, SFUSD must develop an Assessment Plan and provide it to the parents for their approval.

SFUSD must develop the special education Assessment Plan in cooperation with the student’s teacher(s), general and special education, and other appropriate staff, depending upon the student’s disability or suspected area of disability, such as:
- The school psychologist
- Related services personnel
- The school nurse

**What to do?**
Persons developing a special education Assessment Plan should use information from:
- The written request for a special education assessment
- The parent, including the Student Information Questionnaire. Reference the Educator Resources site for a copy of the Questionnaire.
- School records, including teacher interviews and observations, student work samples, and other knowledge gathered through a process that reviews the student’s achievement
- The Student Success Team (SST) recommendations, including accommodations and modification
- Recent evaluations, including any Independent Educational Evaluations (IEE) provided by the parent (34 CFR 300.502(a) and 303.504(c), 30 EC 56329(b), 5 CCR 3022.)
- Existing evaluation information provided by the parents, current classroom based assessments, and observations by teachers and related services providers (34 CFR 300.305(a)(1), 30 EC 56321(e), 30 EC 56381(a)(1), 5 CCR 3022.)

The special education Assessment Plan must describe:
- The reason(s) for the assessment (30 EC 56321(a).)
- The assessment areas that will be assessed
- The types of assessments that will be included (34 CFR 300.503(b)(3), 34 CFR 300.304(a), 30 EC 56321(b)(3).)
- The types of staff who will conduct the assessments
- The student’s primary language and language proficiency status (LEP/FEP) for English Learners (ELs) (34 CFR 300.304(c)(4) and (c)(1)(iii), 30 EC 56321(b)(1), 5 CCR 3022.)
- Alternative means that will be used to assess language impairment or specific learning disabilities when standard tests are considered invalid (34 CFR 300.304(c), 5 CCR 3030(c)(4)(B), 5 CCR 3030 (j)(4)(B).)
- Any additional data needed to determine eligibility, present levels of performance, the child’s need for special education and related services, and any modifications needed to enable the child to meet the goals and to participate in the general curriculum (34 CFR 300.305(a)(2), 30 EC 56381(b)(2).)
- Assessment information that the parent requests to be considered, including private assessments (34 CFR 300.304(b), 30 EC 56341.1(a), 5 CCR 3022., 20 USC 1414(b)(2)(A), 34 CFR 300.305(a)(1)(i), EC 56329(c).)
- Information related to enabling the student to be involved in and progress in the general curriculum (20 USC 1414(b)(2)(A)(ii), 34 CFR 300.304(b)(1)(ii), 30 EC 56345.)
- Information about the student’s communication status and language function, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f).)
- Information about the student’s motor abilities, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f).)
- Information about the student’s career and vocational abilities and interests, as appropriate (30 EC 56320(f).)
- Information about the student’s health and developmental information, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f), 30 EC 56327(e).)
- Information about the student’s vision, including low vision, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f), 30 EC 56352, 5 CCR 3027.)
- Information about the student’s hearing status, as appropriate (34 CFR 300.304(b), 30 EC 56320(f), 5 CCR 3027.)
- Information about the student’s social and emotional status (34 CFR 300.304(c)(4), 30 EC 56320(f).)
- Information about the student’s general intelligence and ability (34 CFR 300.304(c)(4), 30 EC 56320(f).)
- Information about self-help, as appropriate (30 EC 56320(f).)
- Information about the student’s academic performance, as appropriate (34 CFR 300.304(c)(4), 30 EC 56320(f).)

In addition, an Assessment Plan must contain documentation of parent consent and the date on which consent was obtained. (20 USC 1414(a)(1)(C)(i), 34 CFR 300.300(a), 34 CFR 300.300(c) 30 EC 56321.)

SFUSD must develop a special education Assessment Plan and provide it to a student’s parents:
- Within **15 calendar days** from the date of receipt of a written request for an initial special education assessment (34 CFR 300.503(a) and (c), 34 CFR 300.304(c)(1)(iv) and (v), 30 EC 56321(a), 30 EC 56321(b).)
Within **15 calendar days** from the date of receipt of a written request for an assessment of a student currently receiving special education and related services (34 CFR 300.503(a) and (c), 34 CFR 300.304(c)(1)(iv) and (v), 30 EC 56321(a), 30 EC 56321(b).)

Prior to conducting a reassessment of a student receiving special education and related services

When a change in a student’s eligibility for special education or related services is being considered

Parents must be notified that:

- Upon completion of the assessment, an IEP team meeting shall be scheduled to determine if the student is an individual with exceptional needs (34 CFR 300.306(a), 30 EC 56329(a). 34 CFR 300.504, 30 EC 56506(c.).)
- They have a right to obtain, at public expense, an independent educational assessment, if they disagree with the assessment conducted by SFUSD or the right to obtain an assessment at any time at their own expense (34 CFR 300.306(a), 30 EC 56329(a). 34 CFR 300.504, 30 EC 56506(c.).)

All special education Assessment Plans should be developed using the SFUSD’s Special Education Assessment Plan Form on the web-based IEP system.

**Note the Assessment Plan provided to the parents must be in the language of the home. Forms in all of the major languages are available. The Assessment Plan must also be written in language that can be easily understood by the general public. (34 CFR 300.503(a) and (c), 34 CFR 300.304(c)(1)(iv) and (v), 30 EC 56321(a), 30 EC 56321(b).)**

The Assessment Plan must provide for:

- Assessing the student in all areas of suspected disability
- Selecting and administering tests and other assessment materials that are not racially, culturally, or linguistically discriminatory (20 USC 1414(b)(3)(A)(i), 34 CFR 300.304(c)(1)(i), 30 EC 56320(a.).)
- Administering tests and other assessment materials in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless it is not feasible to provide or administer
- Selecting and administering tests and other assessment materials to assess an English Learners (EL) that measure the extent to which the student has a disability and needs special education, rather than measuring the student’s English language skills (34 CFR 300.304(c)(1)(ii), 34 CFR 300.306(b)(iii.).)
- Selecting tests and other assessment materials that assess specific areas of educational need and are not designed to provide a single intelligence quotient (20 USC 1414(b)(2), 34 CFR 300.304(c)(2), 30 EC 56320(c.).)
- Ensuring that IQ tests are not administered to African-American students  *(Larry P. vs. Riles.)*
- Using a variety of assessment tools and strategies to gather relevant functional and developmental information about the student
- Using information provided by the parent/guardian
- Obtaining information about how the student is involved and progressing in the general curriculum
- Ensuring vision and hearing screenings have been conducted within the past year, or securing written documentation that the parents do not feel these assessments is necessary

*Note that SFUSD does not need to develop an Assessment Plan when administering assessments that are generally administered to students in the class, school, or District.*

### D. INITIAL ASSESSMENT

#### What’s Required?/What to do?

Once consent for assessment has been received, the Multidisciplinary Team must conduct the assessment, as defined above, to answer the following three questions:

- Does the student meet the eligibility criteria as an individual with a disability?
- Does the severity of the disability have an adverse effect on the student’s educational performance?
- Does the student require special education supports and services to achieve a free appropriate public education?

In addition, the MDT must create an Assessment report outlining required information. To reference details on Assessment Report requirements, refer to the section on [Assessment Reports](#).

*Note that SFUSD must assess all English Learners (EL) in the student’s primary language, unless it is not feasible to do so, by evaluators who are qualified specialists and proficient in the student’s primary language. The assessment report must address the validity and reliability of the assessments in light of the student’s language background and interpreted in a language that is accessible to the student’s parents.*

### E. REASSESSMENT

#### What’s Required?/What to do?

Once a student has been identified by an IEP team as having a disability and needing special education, it is required that the student be reassessed, unless the parent and SFUSD agree that it is unnecessary, at the following times *(20 USC 1414 (a)(2), 34 CFR 300.303(b), 30 EC 56043(k)):

- Every three years (triennially)
- At any time, at the request of the parent(s) or SFUSD staff except it shall not occur more frequently than once a year unless the parent and SFUSD agree
- When SFUSD determines that the educational or related service needs (including improved academic achievement and functional performance) warrant an evaluation
To determine continued eligibility prior to transitioning from a preschool program to kindergarten, or to first grade (30 EC 56445.)

Generally, the purpose of a reassessment is to address one or more of the following concerns:

- That the student may no longer have a disability
- That the student may have an additional or different disability
- That the student is not adequately progressing in achieving the goals and objectives set forth in his/her IEP
- That the student’s current special education and related services may no longer be appropriate
- That the student may no longer need special education and related services

Three-year (triennial) evaluations must include review and consideration of all required information (20 USC 1414(c)(1)(A), 34 CFR 300.305(a), 30 EC 56381(b).):

- A review of existing data (20 USC 1414(c)(1)(A), 34 CFR 300.305(a)(1), 30 EC 56381(b).)
  - If the review of existing evaluation data on the student indicates that there is no need to conduct additional evaluations, SFUSD must notify the parent of:
    - The determination and the reasons for it
    - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student’s educational needs (20 USC 1414(c)(4), 34 CFR 300.305(d), 30 EC 56381(d).)
  - Based on the review of existing evaluation data on the student, SFUSD conducts the additional assessments required to produce the information needed to complete the reevaluation (20 USC 1414(c)(1), 34 CFR 300.305(c), 30 EC 56381(d).)
  - SFUSD uses the required members of the IEP team and other qualified professionals as appropriate, to review existing evaluation data, and on the basis of that review, and input from the student’s parents:
    - Identify what additional data, if any, are needed to determine whether the student continues to have a disability, and the student’s educational needs (20 USC 1414(c), 34 CFR 300.305, 30 EC 56381(b).)

- A review of information provided by the parent (20 USC 1414(c)(1)(A), 34 CFR 300.305(a)(1)(i), 30 EC 56381(b).)
- A review of teacher and related service provider information (20 USC 1414(c)(1)(A), 34 CFR 300.305(a)(1)(iii), 30 EC 56381(b).)
- A review of current classroom based, local, or State assessments and classroom based observations (20 USC 1414(c)(1)(A), 34 CFR 300.305(a)(1)(ii), 30 EC 56381(b).)
- A hearing and vision screening of the student unless parental permission is denied (34 CFR 300.304(c)(4), 30 EC 56320(f), 5 CCR 3027.)

**SFUSD Best Practice.** Although educational code provides for SFUSD and parents to agree that reassessment is not warranted (30 EC 56043(k)), SFUSD institutes a best practice of providing a student a complete reassessment as described above.
F. ASSESSMENT REPORT

What’s Required?
SFUSD Personnel must document the information gathered during the assessment process within an Assessment Report. This is in accordance with the following regulation:
- Assessments result in a written report or reports that include the findings of each assessment (34 CFR 300.306(a)(2), 30 EC 56327.)

What to Do?
The Assessment Report must include:
- Results of tests administered in the student's primary language by qualified personnel (20 USC 1412(a)(6)(B), 34 CFR 304(c)(1)(i), 30 EC 56320.)
- If a test was administered through an interpreter:
  - The written report includes a statement regarding the validity of the assessment (30 EC 56320(b), 5 CCR 3023(a).)
- A description of the extent to which testing varied from standard conditions (20 USC 1414(b)(3)(A)(iii), 5 CCR 3023(a))
- Information related to enabling the student to be involved in and progress in the general education curriculum or, for preschool students, to participate in appropriate activities (20 USC 1414(b)(2)(A)(iii).)
- A determination of whether the student needs special education and related services (30 EC 56327(a).)
- Information on relevant behavior noted during observation of the student in the appropriate setting (30 EC 56327(c).)
- Educationally relevant health, developmental and medical findings, if any (34 CFR 300.532, 30 EC 56327(e).)
- A determination of the effects of environmental, cultural, or economic disadvantage, where appropriate (30 EC 56327(g).)
- A description of the need for specialized services, materials, and equipment for students with low incidence disabilities (30 C 56327(h).)
  - For additional information on low incidence disabilities, reference the section covering IEP considerations for students with low incidence disabilities.
- Consideration of independent evaluations (34 CFR 300.502(b), 30 EC 56329(b).)
- The basis for making the determination of eligibility for students with specific learning disabilities (34 CFR 300.311(a)(2) 30 EC 56327(b).)

Following completion of a student’s Assessment Report SFUSD must provide a copy to the student’s parents (20 USC 1414(b)(4)(B), 34 CFR 300.306(a)(2), 30 EC 56329.).

A template for the Assessment Report is available within the Educator Resources site.
G. PARENT REFUSAL TO ALLOW EVALUATION

What’s Required?
The administrator or designated staff member is responsible for ensuring that all assessments are conducted, reports completed, and an IEP meeting is held within the 60-day timeline. The web-based IEP system will help monitor that assessments are being completed on time.

What to do?
If the parent/guardian does not return a signed special education Assessment Plan within a reasonable amount of time (5 days), the administrator/designee must do the following:

- Contact the parents to determine if they received the plan and intend to sign and return it
  - Note: Document any contacts made with the parents regarding signing the plan. If necessary, send the parents another copy of the plan and document the date on the web-based IEP system.
- Provide the parents with information to answer any questions they may have
- If appropriate, revise the plan to accommodate concerns the parents may have
- If the parents refuse to sign the Assessment Plan, place a copy in the student’s cumulative folder, document on the web-based IEP system, and notify the personnel identified on the plan of the parent’s decision

SFUSD Best Practice: If a parent refuses to allow an initial assessment, SFUSD may, but is not required to pursue the evaluation. SFUSD must document its reasonable efforts to obtain parental consent.

If a parent refuses to allow a reassessment and attempts to obtain parental consent have been documented, the assessment may be conducted without a signed Assessment Plan.

SFUSD must ensure that the Special Education Coordinator and Special Education Administrator are fully informed of attempts to obtain consent, and provide guidance as to whether or not to pursue an evaluation without consent.

H. DISTRICT REFUSAL TO CONDUCT EVALUATION

What’s Required?/What to do?
If a student’s parent requests an evaluation, and the Multidisciplinary Team (MDT) determines that an evaluation is not required or otherwise warranted, the MDT must provide the parent written notice of SFUSD’s determination to refuse the evaluation. Written Notice of Refusal must state:

- A description of the action refused by SFUSD
- An explanation of why SFUSD refuses to take the action
- A description of any other options that SFUSD considered and the reasons why those options were rejected
A description of each evaluation procedure, assessment, record, or report that SFUSD relied upon when the action was refused

A description of any other factors that are relevant to SFUSD’s refusal

A statement that the parents of a student with a disability have protection under the procedural safeguards described in previously

Sources for parents to contact to obtain assistance in understanding the provisions of IDEA
V: ADDITIONAL ASSESSMENTS

A. BEHAVIOR ASSESSMENTS

What’s Required?
In 1991, California wrote into law a procedure for addressing serious behavior problems of students with special needs. This law is often referred to as the “Hughes Bill.” Per the Hughes Bill, SFUSD is required to conduct behavior-based assessments of students with special needs when one of the following has occurred and/or been observed from a student:

- The behavior is self-injurious, assaultive, or causing property damage leading to suspension or expulsion
- The behavior is so pervasive/maladaptive as to require systematic and frequent application of behavioral interventions
- The serious behavior problem interferes with the individual's opportunity for placement in the least restrictive environment
- A behavioral emergency has occurred that required the use of restricted, emergency techniques in order to protect the safety of the student or others
- An assessment has been conducted and a report written that identified the need for a Functional Analysis Assessment (FAA)

What to do?
If an IEP team agrees that a behavior-based assessment is warranted for a student with special needs, it is required to complete one of the following, both of which require a signed assessment plan:

- Functional Behavioral Assessment (FBA): FBA is initiated when the behavior of a student with an IEP has been determined to be a Manifestation of his/her disability
- Functional Analysis Assessment (FAA): FAA is a type of FBA and is initiated when an ongoing serious behavior of a student with an IEP occurs

In addition, SFUSD must complete the following reports, which relate to the student’s behaviors:

- Positive Behavioral Intervention Plan (PBIP)
- Behavioral Emergency Report (BER) – Reference the Educator Resources site for a BER template.

1. FUNCTIONAL BEHAVIORAL ASSESSMENT/FUNCTIONAL ANALYSIS ASSESSMENT

What’s Required/What to do?
When determining if a student qualifies for an FBA/FAA. When determining whether a student qualifies for an FBA/FAA, the student’s IEP team must determine whether the
behavioral and/or instructional approaches to correcting the student’s behavior, as specified in the student’s IEP, have been effective (30 EC 56523, 5 CCR 3052(b)).

If the IEP team determines that the behavioral and/or instructional approaches have been ineffective, it must perform an FBA/FAA to assess the student’s behavior. FBA/FAA assessments must be supervised by a Behavior Intervention Case Manager (BICM), who then also becomes part of this student’s IEP team.

**When completing an FBA/FAA.** FBAs/FAAs must include:

- Observations of the student’s targeted inappropriate behavior including a description of the frequency, duration, and intensity of the behavior (30 EC 56523, 5 CCR 3052(b)(1)(A).)
- Observations of the events immediately preceding each instance of the student’s targeted inappropriate behavior (30 EC 56523, 5 CCR 3052(b)(1)(B).)
- Observations and analysis of the consequences that follow the student’s display of the targeted inappropriate behavior to determine how they affect the student (30 EC 56523, 5 CCR 3052(b)(1)(C).)
- An ecological analysis of the setting in which the behavior occurs most frequently (30 EC 56523, 5 CCR 3052(b)(1)(D).)
- A review of student records for health and medical factors, which may influence the student’s behaviors (30 EC 56523, 5 CCR 3052(b)(1)(E).)
- A review of the history of the targeted inappropriate behavior including the effectiveness of previously used behavioral interventions (30 EC 56523, 5 CCR 3052(b)(1)(F).)

**When completing an FBA/FAA Report.** Following completion of a student’s FBA/FAA, SFUSD must create a report outlining the results of the assessment. FBA/FAA reports must include descriptions of:

- The nature and severity of the targeted behaviors using objective and measurable terms (30 EC 56523, 5 CCR 3052(b)(2)(A).)
- The targeted behavior(s) including (30 EC 56523, 5 CCR 3052(b)(2)(B)):
  - Baseline data
  - Preceding events
  - Consequences
  - A functional analysis of the behavior(s) across all appropriate settings in which it occurs
- The rate of the targeted behaviors, their preceding events and consequences (30 EC 56523, 5 CCR 3052(b)(2)(C).)
- Recommendations for consideration by the IEP team, which may include a proposed Positive Behavioral Intervention Plan (PBIP) (30 EC 56523, 5 CCR 3052(b)(2)(D) and 5 CCR 3001(f).)

*Reference the Educator Resources site for a sample FBA/FAA Report.*
2. POSITIVE BEHAVIORAL INTERVENTION PLAN

What’s Required?
Positive Behavioral Intervention Plans (PBIPs) are documents that utilize the recommendations from FBAs/FAAs to outline plans of actions to correct a student’s behavior. IEP teams must develop PBIPs following completion of the student’s FBA/FAA. IEP teams are responsible for:
- Creating PBIPs
- Assessing the effectiveness of PBIPs on responsible intervals, such as every 6 weeks

What to do?
When creating a PBIP. IEP teams must include the following within PBIPs (5 CCR 3052(d)):
- Plans on how to change situations that cause the student’s inappropriate behavior
- Plans for teaching the student alternative behaviors to replace his/her inappropriate behavior
- Plans for teaching the student adaptive behaviors to improve the negative conditions that lead to inappropriate behavior
- Plans for changing the consequences for inappropriate behaviors and acceptable behaviors so that the student becomes aware that acceptable behaviors produce better results
- Description of how and when the IEP team will reevaluate the student’s behavior. Reevaluations must occur on scheduled intervals (5 CCR 3052(f))

When creating PBIPs, IEP teams must be aware that certain behavioral interventions are prohibited. Prohibited behavioral interventions include those that:
- Cause physical pain to the student
- Involve the release of noxious or otherwise unpleasant substances in proximity to the student’s face
- Involve the denial of adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
- Subject the student to verbal abuse, ridicule or humiliation, or excessive emotional trauma
- Subject the student to restrictive intervention, including prone containment or locked seclusion that precludes adequate supervision of the individual
- Deprive the student of one or more of his or her senses

When evaluating the effectiveness of a PBIP. When evaluating whether the implementation of a PBIP has successfully modified a student’s behavior, IEP teams must consider (5 CCR 3052(f)):
- Baseline measures of the frequency, duration, and intensity of the student’s targeted inappropriate behavior, taken during the FAA
- Documentation of program implementation as specified in the PBIP
- Interim measures of the frequency, duration, and intensity of the student’s targeted inappropriate behavior, taken during reevaluations
If, while evaluating the effectiveness of a PBIP, the IEP team determines that changes are required, it must conduct additional FBAs/FAAs and propose changes to the student’s PBIP as appropriate.

### 3. BEHAVIORAL EMERGENCY REPORT

#### What’s Required?
IEP teams must create Behavioral Emergency Reports (BERs) immediately following a behavioral emergency. A BER must be created following an incident that requires physical restraint on the behalf of SFUSD staff in order to resolve the incident or prevent injury.

Reference the Educator Resources site for a BER template.

#### What to do?
**When creating a BER.** IEP teams must include the following in BERs *(5 CCR 3052(i).)*:

- Name and age of the student
- Setting and location of the behavioral incident
- Name of the staff or other persons involved
- Description of the incident and the emergency intervention used
- Whether the student is currently engaged in a systemic PBIP

In addition, IEP teams should notify a student’s case manager immediately following a behavioral emergency if he/she was not involved in the emergency.

**After completing a BER.**
IEP Team Responsibilities: After completing a BER, IEP teams must immediately forward it to designated responsible school-site administrators. *(5 CCR 3052(i)(6).)*

School-site Administrator Responsibilities: Upon receipt of a BER, the designated responsible administrators must immediately review the BER *(5 CCR 3052(i)(6).)*.

After reviewing a BER, the administrator must schedule an IEP team meeting **within 2 days** of the behavioral emergency *(5 CCR 3052(7)) if the student does not currently have a Positive Behavioral Intervention Plan (PBIP):

- Review the emergency report
- Determine the necessity for a Functional Behavioral Assessment (FBA) or Functional Analysis Assessment (FAA)
- Determine the necessity for an interim Positive Behavioral Intervention Plan (PBIP)
- If the IEP team decides not to conduct an FBA/FAA and/or create an interim PBIP, it must outline the reasons for doing so within the BER
B. INDEPENDENT EDUCATIONAL EVALUATION

What’s Required?
The procedural safeguards of the Individuals with Disability Education Act (IDEA) provide that under certain conditions, a parent may have the right to obtain an independent educational evaluation (IEE), at public expense.

SFUSD adheres to procedures that are in accordance with federal and state laws:
- Pursuant to California Education Code section 56329(b), a parent may have the right to obtain, at public expense, an independent educational evaluation (IEE) if the parent disagrees with an assessment obtained by SFUSD and requests an IEE. (34 C.F.R. § 300.502(b)(1) and (b)(2)). A parent is entitled to only one IEE at public expense for each evaluation completed by the school district with which the parent disagrees.
- When a student requests an IEE, SFUSD must, without unnecessary delay, either file a request for due process hearing to show that its assessment is appropriate or ensure that an independent educational evaluation is provided at public expense (34 C.F.R. § 300.502 (b)(2); Ed. Code § 56329(c)).
- If the parent requests an IEE at SFUSD’s expense, SFUSD must ask for the parent's reason why he or she objects to the public evaluation. SFUSD must not require the parent to provide an explanation and must not cause unreasonable delay in either providing the IEE at public expense or filing a due process complaint to show that its assessment is appropriate (34 C.F.R. § 300.502 (b)(4)).

Reference SFUSD’s IEE Guidelines for more detailed information. Reference the Educator Resources site for a copy of the Guidelines.

What to Do?
Once the parent communicates his or her desire for an independent educational evaluation (IEE) at public expense, SFUSD must complete the following steps:
- Notify content specialist or Special Education Supervisor
- Immediately forward all requests for an IEE to Special Education Services
- Determine whether the parent’s request meets the following threshold requirements for an IEE at public expense:
  - SFUSD conducted an evaluation
  - Parent expresses disagreement with SFUSD's evaluation, either at the individualized education program ("IEP") meeting or in writing
  - Parent did not already receive an IEE at public expense, relating to the evaluation at issue
- If parent fails to meet any of the threshold requirements listed above, SFUSD must deny the request, state the reasons for the denial in a prior written notice letter, and provide the parents with a copy of the SFUSD Notice of Procedural Safeguards. Reference the Educator Resources site for a copy of the Safeguards.
- If parent meets the threshold requirements, SFUSD must:
- Provide the parents with a copy of the SFUSD Notice of Procedural Safeguards and Parents' Rights
- Contact the parents to review the request, review SFUSD’s evaluation, identify those areas of disagreement and establish the areas in need of assessment
  - If SFUSD elects not to fund an IEE at public expense, SFUSD must file a request for due process hearing to show that its assessment is appropriate
  - If SFUSD elects not to file a request for due process hearing, SFUSD must ensure that an IEE is provided at public expense:
    - SFUSD must provide a copy of SFUSD’s IEE Guidelines to parents. Reference the Educator Resources site for a copy of the Guidelines.
    - Upon request, SFUSD must assist the parent in obtaining an IEE that meets SFUSD’s criteria by providing a list of qualified examiners to parent; note that the parent is not required to select from that list (Letter to Parker, 41 IDELR 155 (OSEP 2004)).
    - The criteria, under which an IEE is obtained, including the location, minimum qualifications of the examiner, cost limits, and use of approved instruments, are the same as the criteria that SFUSD uses when it initiates an assessment, to the extent those criteria are consistent with the parent's right to an IEE (34 C.F.R. § 300.502(e)(1)).
    - If the parent’s IEE did not meet SFUSD’s criteria for assessments, SFUSD may file a request for due process hearing to demonstrate that the evaluation obtained by the parent did not meet SFUSD's criteria or that there is no justification for selecting an evaluator that does not meet SFUSD’s criteria to prevent payment or reimbursement at public expense (34 C.F.R. § 300.502(b)(2)).
  - If SFUSD demonstrates through a due process hearing that the evaluation completed by SFUSD was appropriate, the parents still have the right to an Independent Educational Evaluation, but not at public expense
  - If the parent obtains an Independent Educational Evaluation, the results of the evaluation will be considered by SFUSD with respect to the provision of free appropriate public education to the student

C. MODIFIED STATEWIDE ASSESSMENT

What’s Required?
SFUSD must provide modified statewide assessments to students who receive special education services as a way to measure student achievement based on alternate achievement standards. The modified statewide assessments available to disabled students are:
- The California Modified Assessment (CMA)
- The California Alternate Performance Assessment (CAPA)
What to do?
When determining if a student qualifies for a modified statewide assessment. When determining whether a student qualifies for a modified statewide assessment, the student’s IEP team must:

- Ensure that the student’s record contains evidence of multiple measurements of student progress over a period of time for each subject specified within the student’s IEP (34 CFR 200.1(e)(2)(ii)(B) and 200.1(f)(2)(ii)(B).)
- Determine that the student’s disability prevents him/her from achieving grade-level proficiency on the Statewide standardized achievement tests by using objective evidence such as the student’s performance on assessments or other objective measures (34 CFR 200.1(e)(2)(i).)

After determining that a student qualifies for a modified statewide assessment. For students who the IEP team determines are eligible for modified statewide assessments, the student’s IEP team must:

- Ensure that students who are assessed using the CMA have access to the general curriculum, including instruction, for the grade in which they are enrolled (34 CFR 200.1(f)(2)(iii).)
- **Annually** review the decision to assess a student using the CMA to ensure that assessment using the CMA remains appropriate. This review must be conducted **for each subject** (34 CFR 200.1(f)(2)(v).)
- Inform the student’s parents that the student’s achievement will be measured based on alternate or modified academic achievement standards (34 CFR 200.1(f)(1)(iv).)
- Document the decision within the IEP goals for academic achievement based on content standards in English Language Arts, Math and Science for the grade in which the student is enrolled (34 CFR 200.1(f)(2)(ii)(A).)

D. MULTIDISCIPLINARY TEAM

What’s Required?
The Multidisciplinary Team contains information from all assessments conducted on a disabled student, including those completed by independent evaluators. SFUSD must create a Multidisciplinary Team for each disabled student enrolled in SFUSD.

MDT teams must create Multidisciplinary Teams for disabled students on an annual basis, a triennial basis, and anytime a significant change in a student’s status occurs.

What to do?
When creating a Multidisciplinary Team, SFUSD must include:

- Reason(s) for referral to special education
- Description of prior interventions taken
- Information on health screenings
- Reports on all evaluations and assessments conducted on the student
E. OCCUPATIONAL THERAPY/PHYSICAL THERAPY ASSESSMENTS

What’s Required?
SFUSD is required to provide Occupational and/or Physical Therapy (OT/PT) assessments to students who it suspects may require OT and/or PT in order to benefit from his/her education program. For more information on OT/PT services, reference the Related Services – Physical and Occupational Therapy.

What to do?
When determining if a student requires an OT/PT assessment. When determining whether a student needs an OT/PT assessment, the student’s IEP team must determine if the student has physical impairments that negatively impact his/her ability to succeed in his/her educational setting. If so, the student’s IEP team must complete an OT/PT assessment for the student.

When creating an OT/PT assessment. When creating an OT/PT assessment, IEP teams and other appropriate personnel, must include:

- **OT Assessment:**
  - An evaluation of student’s fine and gross motor skills
  - An evaluation of student’s visual motor integration
  - An evaluation of student’s visual perception/processing
  - An evaluation of student’s sensory integration

- **PT Assessment:**
  - An evaluation of student’s strength, coordination, balance, and symmetry
  - An evaluation of student’s physical activities such as sitting, standing, running, etc.
  - An evaluation of student’s birth history and developmental milestones

When determining if a student NO LONGER REQUIRES OT/PT services. It is possible that a student receiving OT/PT services no longer requires such services in order to benefit from his/her educational program. Students no longer need OT/PT services if they meet one or more of the following conditions:

- The student is functional within his/her educational environment and has accomplished his/her IEP goals
- SFUSD personnel are able to assist the student in areas of concern previously addressed by OT/PT
- Student performance remains unchanged despite multiple efforts by the occupational and/or physical therapist to assist the student
- Physical impairments are not interfering with student’s ability to function adequately within his/her school environment
- Reassessment indicates that the student no longer requires the previous level of service
- The student has learned appropriate strategies to compensate for his/her physical impairments
SFUSD can effectively implement strategies to improve the student’s functioning within the educational environment and does not require the training and expertise of an occupational or physical therapist.

If a student meets any of the above criteria, the IEP team should note this information within the student’s IEP and ensure that the OT/PT services provided to the student are stopped within a timely fashion.

F. ASSISTIVE TECHNOLOGY

What’s Required?
SFUSD is required to provide Assistive Technology (AT) assessments to students who it suspects may require assistive technology services and/or devices in order to benefit from his/her educational program. For more information on AT services, reference the Special Factors – Assistive Technology section.

IEP teams are responsible for deciding whether a student requires an AT assessment and must consider whether assistive technology and services are needed for each student. (20 USC 1414(d)(3)(B)(v), 34 CFR 300.324 (a)(2)(v), 30 EC 56341.1(b)(5).)

What to do?
When determining if a student requires an AT assessment. When determining whether a student requires an AT assessment, the student’s IEP team must consider whether the student needs assistive technology in order to benefit from his/her education program. In making this decision, the IEP team must consider the individual student’s assistive technology needs in relation to his or her education program.

When conducting an AT assessment. AT assessments must include the following:
- An observation of how the student completes everyday educational tasks, such as reading and writing. Observations must be completed in the normal learning environment in which the student receives instruction
- An opportunity for the student to practice using various assistive technologies to see how they increase his/her ability to learn

G. MENTAL HEALTH ASSESSMENTS

What’s Required?
In accordance with the Individuals with Disabilities Education Act (IDEA), SFUSD must provide mental health services to disabled students who require them in order to benefit from his/her education program. Provision of such services requires coordination between SFUSD and county mental health personnel. To determine whether a disabled student requires mental health services, SFUSD must complete a Mental Health Assessment (MHA).
What to do?

When deciding if a student requires a MHA. In order for a student to receive a Mental Health Assessment, the student’s IEP team must determine that:

- The student requires mental health services in order to benefit from his/her educational programs
- The student has emotional or behavioral characteristics that:
  - Impede his/her education
  - Are of significant rate and intensity
  - Are not attributable to “social maladjustment”
  - Are not solely caused by temporary adjustment problems
- The student’s functioning is at a level sufficient for the student to benefit from mental health services
- The school has previously provided counseling and guidance services to address the problems, and/or the IEP Team has determined the services to be inappropriate

After determining that a student needs a MHA. Within 5 days of receiving a referral, the County Mental Health Department must determine if the assessment is necessary. If the County Mental Health Department agrees to assess the child, it must produce a mental health assessment plan within 15 days. Once the assessment plan is signed, the County Mental Health Department must perform the assessment within 60 days and hold an IEP meeting when complete.

When creating the Mental Health Assessment, the County Mental Health Department must include:

- Background information on the student
- The County Mental Health Department’s decision on the need for services
- Description of services to be provided
- Description of goals the student should obtain
VI: INDIVIDUALIZED EDUCATION PROGRAMS

A. OVERVIEW OF IEP

What’s Required?
The Individualized Education Program (IEP) is a written document that SFUSD must develop for each student who receives special education and related services. The purpose of an IEP is to outline a plan for utilizing special education and related services to meet a student’s specific disability related needs.

What to Do?
The IEP document must include the following nine essential elements:

- **Present Levels of Performance:** A statement of the student's present levels of performance including how the disability affects the student's involvement and progress in the general curriculum (20 USC 1414(d)(1)(A)(i)(I)(aa), 34 CFR 300.320 (a)(1), 30 EC 56345(a)(1))
- **Measurable Annual Goals:** Measurable annual goals, including academic and functional goals, related to the student's needs, resulting from the student's disability, that will enable the student to be involved in and progress in the general education curriculum and that meet each of the student's other educational needs that result from the student's disability (20 USC 1414(d)(1)(A)(i)(II)(aa) and (bb), 34 CFR 300.320 (2)(i), 30 EC 56345(a)(2).)
- **Progress:** A description of how the student’s progress toward meeting the annual goals described above will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided
- **Special Education and Related Services:** A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to advance appropriately
- **Participation in General Education:** An explanation of the extent, if any, to which the student will not participate with general education students in the general education classroom and in extracurricular and nonacademic activities
- **State Testing:** A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and district wide assessments consistent with 20 USC 1412(a)(16)(A). If the IEP team determines that the student shall take an alternate assessment on a particular State or district wide assessment of student achievement, the IEP must
include a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student

- **Timing of Services and Modifications**: The projected date for the beginning of the services and modifications identified in the IEP, along with the anticipated frequency, location, and duration of the services and modifications

- **Transition and Post-Secondary Goals**: Beginning no later than the first IEP to be in effect when the student is 16, and updated annually thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education employment, and where appropriate, independent living skills and the transition services (including courses of study) needed to assist the student in reaching those goals

- **Age of Majority**: Beginning at least one year before the student reaches the age of 18, a statement that the student has been informed of the IDEA rights that will transfer to him or her upon turning 18 *(20 USC 1414(d)(1)(A)(i)(VIII)(cc), 34 CFR 300.320 (c) & 300.520 (b), 30 EC 56345(g).*

### B. TIMELINES

**What’s Required?/What to do?**

SFUSD must meet several timeline requirements for developing and maintaining IEPs; these include:

- **Development and Implementation**:
  - An IEP is developed and implemented for each student **at least once each year**, in accordance with federal and state statutes *(20 USC 1412(a)(4), 20 USC 1414(d), 34 CFR 300.320 (1-7), 30 EC 56344.)*
  - An IEP is developed and implemented for each student, within **60 days** of obtaining written parental consent of the Assessment Plan
    - The IEP must be completed within **60 days** of parent consent for assessment, not counting days between the student’s regular school sessions, terms, or days of school vacation in excess of five schooldays, unless a written request for extension is on file *(20 USC 1414(a)(1)(C)(i)(l), 34 CFR 300.301(c)(1), 30 EC 56344.)*
  - The IEP is developed and implemented for each student (including students placed by SFUSD in a private school or facility), **as soon as possible** after the IEP meeting *(34 CFR 300.323(a) & (c)(2), 30 EC 56043(i), 5 CCR 3040(a.)*

- **IEP Meetings**:
  - An IEP meeting is held within **30 days** of receipt of a written request from a parent-- not counting days between the student’s regular school sessions, terms, or days of school vacation in excess of 5 school days, or days in July and August *(34 CFR 300.323 (c)(1), 30 EC 56343.5.)*
C. IEP TEAM COMPOSITION

What’s Required?
IEPs are created via a team effort conducted by IEP Teams. IEP Teams include the following members:

- **Non-SFUSD Personnel:**
  - Parents of the student *(20 USC 1414(d)(1)(B)(i), 34 CFR 300.321(a)(1), 30 EC 56341(b)(2).)*
  - Other individuals with knowledge or expertise regarding the student, including representatives of the student’s private school, as appropriate, including: *(20 USC 1414(d)(1)(B)(vi), 34 CFR 300.321 (a)(6), 30 EC 56341(b)(6).)*
    - Other individuals who have knowledge or special expertise regarding the student *(34 CFR 300.321(a)(6).)*
    - The student, when appropriate or when the IEP team is considering post-secondary transition *(20 USC 1414(d)(1)(B)(vii), 34 CFR 300.321 (a)(6), 34 CFR 300.321(b), 30 EC 56341(d)(1).)*
    - The behavioral intervention case manager (BICM) whenever the team reviews the functional analysis assessment (FAA) and, if necessary, develops a positive behavioral intervention plan (PBIP) *(5 CFR 3052(c).)*
    - Representatives of any other agency that is likely to be responsible for providing or paying for transition services *(34 CFR 300.321(b)(3).)*
    - For a student suspected of having a specific learning disability, at least one member who is qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, or remedial reading teacher *(34 CFR 300.308, 30 EC 56341(c).)*

- **SFUSD Personnel:**
  - Not less than one general education teacher of a student with a disability *(20 USC 1414(d)(1)(B)(ii), 34 CFR 300.321(a)(2), 30 EC 56341(b)(2).)*
    - The general education teacher participates in development of the IEP and helps decide: *(20 USC 1414(d)(3)(C), 34 CFR 300.324 (a)(3)(i), 30 EC 56341(b)(2).)*
      - The appropriate positive behavioral interventions and supports, and other strategies for the student
      - Supplementary aids and services
      - Program modifications
      - Supports for school personnel
      - Program modifications for the classroom
      - Support for school personnel *(20 USC 1414(d)(3)(C), 34 CFR 300.324 (a)(3), 30 EC 56341(b)(2).)*
  - At least one special education teacher/specialist *(20 USC 1414(d)(1)(B)(iii), 34 CFR 300.321 (a)(3), 30 EC 56341(b)(3).)*
A representative who is qualified to provide or supervise specially designed instruction for students with disabilities, and who is knowledgeable about the general curriculum and the resources (20 USC 1414(d)(1)(B)(iv), 34 CFR 300.321 (a)(4), 30 EC 56341(b)(4).)

An individual who can interpret the instructional implications of the evaluations (20 USC 1414(d)(1)(B)(v), 34 CFR 300.321 (a)(5), 30 EC 56341(b)(5).)

School Administrators

IEP Case Manager

Additional SFUSD personnel, as deemed necessary by the IEP Case Manager

For English Learners (ELs), one certified staff person with a Crosscultural, Language and Academic Development (CLAD), Bilingual, Crosscultural, Language and Academic Development (BCLAD), or English Language Development (ELD) certification

For English Learners, a trained interpreter is required upon parental request

Note that all required IEP team members must attend the IEP meeting for the meeting’s entire duration.

What to Do?
The following are key duties of the IEP team:

- Review assessment results (30 EC 56342)
- Determine eligibility (30 EC 56342)
- Determine the content of the IEP (30 EC 56342)
- Consider local transportation policies and criteria (30 EC 56342)
- Make program placement recommendations (30 EC 56342)
- In making the determination of eligibility, draw upon a variety of sources of information, such as:
  - Tests (34 CFR 300.306 (a)(1) & 34 CFR 300.306 (c)(i), 30 EC 56342(b).)
  - Teacher recommendations (34 CFR 300.306 (a)(1) & 34 CFR 300.306 (c)(i), 30 EC 56342(b).)
  - Parent input (34 CFR 300.306 (a)(1) & 34 CFR 300.306 (c)(i), 30 EC 56342(b).)
- Document and consider information obtained from all of the aforementioned sources (34 CFR 300.306 (c)(1)(ii).)
- Ensure that all assessments are completed before the development of the initial IEP or triennial IEP (20 USC 1414(a)(1)(C), 1414(b)(4), 34 CFR 300.306(a).)

Exclusions from IEP Meetings:
The following requirements govern the excusal of required IEP team members from IEP team meetings:

- **Attendance Not Required.** A member of the IEP team is excused from attending an IEP meeting, in whole or in part, if the parent and SFUSD agree that the attendance is not necessary (20 USC 1414(d)(1)(C)(i), 34 CFR 300.321 (e)(1), 30 EC 56341(f).)
- **Modification to/Discussion of Existing IEP.** A member of the IEP team is excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification
IEP teams are required to notify parents of IEP team meetings as follows:

- The parent and SFUSD consent to the excusal after conferring with the member (20 USC 1414(d)(1)(C)(ii), 34 CFR 300.321 (e)(2), 30 EC 56341(g)&(h).)
- The member submits in writing to the parent and the IEP team, information for the development of the IEP prior to the meeting (20 USC 1414(d)(1)(C)(ii), 34 CFR 300.321 (e)(2), 30 EC 56341(g)&(h).)
- The parent’s agreement to the excusal is in writing (20 USC 1414(d)(1)(C)(ii), 34 CFR 300.321 (e)(2), 30 EC 56341(g)&(h).)

Note that parental approval of IEP Team member excusal must be received in writing using the IEP Excusal Approval form. Reference the Educator Resources site for a copy of the form.

D. WRITTEN NOTICE FOR IEP TEAM MEETING

**What’s Required?/What to do?**

IEP teams are required to notify parents of IEP team meetings as follows:

- Notify parents of an IEP meeting. (34 CFR 300.322 (a)(1 & 2), 30 EC 56341.5(a).) Ensure that:
  - The notice is early enough **(at least 10 days before the IEP meeting is scheduled to occur)** to ensure they have an opportunity to attend (34 CFR 300.322 (a)(1 & 2), 30 EC 56341.5(b).)
  - IEP meetings are scheduled at a mutually agreed upon time and place (34 CFR 300.322 (2), 30 EC 56341.5(c).)
  - The notice includes an indication of the purpose, time and location of the meeting and the individuals who will attend (34 CFR 300.322 (b).)
  - The notice includes information relating to the participation of other individuals on the IEP team that the parent may invite who have knowledge or special expertise about the student (34 CFR 300.322 (b)(1)(ii).)
  - The notice is provided in writing
  - For all English Learners, notices of IEP meetings are in parent’s primary language and inform parents of interpretation rights (explaining process for requesting interpretation services)

Please review the Guidelines for Inviting Parent/Guardian to IEP Meeting located in the Documents Library.
E. PREPARATION FOR IEP MEETING

What’s Required?/What to do?
The following are key tasks that SFUSD must complete when preparing for an IEP Meeting:

Interaction with Parents:
- **Parental Notice.** Ensure that the parents were notified of the IEP meeting in writing as specified in the Written Notice for IEP Team Meeting section
- **Parental Attendance by Phone.** If neither parent can attend the IEP meeting, use other means to ensure parent participation including individual or conference phone calls *(34 CFR 300.322 (c-f).)*
- **Parental Refusal to Attend.** If you are unable to convince the parents they should attend the IEP meeting, record attempts to arrange for a mutually agreed on time and place *(34 CFR 300.322 (c-f).)*
- **Parental Understanding.** Ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with hearing limitations or whose native language is not English *(34 CFR 300.322 (e), 30 EC 56341.5(i).)*
- **Parental Request for Meeting.** If the parent makes a request for an IEP meeting orally, inform the parent of the need for a written request and the procedure for filing a written request *(30 EC 56343.5.)*
- **Meeting Recordings.** Permit parents to electronically record their child’s IEP meeting *(30 EC 56341.1(g)(1).)*
  - Ensure that this right to electronically record the IEP meeting is included in the notice to parents of their rights *(30 EC 56321.5.)*
- **Surrogate Parents.** Appoint a surrogate parent where no parent can be located, or if the court has specifically limited the right of a parent or guardian to make educational decisions for the student *(20 USC 1415(b)(2)(A), 30 EC 56028(5), 14 GC Chapter 26.5, Section 7579.5.)*
- **IEP Copies.**
  - Give the parent a copy of the IEP at no cost *(34 CFR 300.322(f), 30 EC 56341.5(j).)*
  - Provide parents with a revised copy of the IEP, upon request, with amendments after a change is made to the IEP *(20 USC 1414(d)(3)(F), 34 CFR 300.324 (a)(6), 30 EC 56380.1(a).)*
  - For all English Learners, translate the copy of the IEP for parents upon request

IEP Review/Revision:
- **Review:**
  - Periodically review but, not less than annually, the student’s IEP *(20 USC 1414(d)(4)(A)(i), 34 CFR 300.324(b)(1), 30 EC 56380.)*
  - Review progress toward previous annual goals and progress in the general curriculum when developing new goals *(20 USC 1414(d)(4)(A)(i), 34 CFR 300.324 (b)(1)(i)(ii), 30 EC 56380.)*
  - At least annually -- review the degree to which benchmarks are met for students
eligible for statewide testing using the California Alternate Performance Assessment (CAPA) (20 USC 1414(d)(4)(A)(i), 34 CFR 300.324 (b)(1)(i)(ii), 30 EC 56380.)

- Hold an IEP meeting to review previous information, records, reports and evaluations and make final recommendations for placement **before the expiration of a 30-day interim placement (1414(d)(2)(C)(i)(l), 30 EC 56325(a)(1).)**

**Revision:**

- During the annual review of the IEP, revise the IEP as appropriate due to:
  - Any lack of progress toward the annual goals and in the general curriculum (20 USC 1414(d)(4)(A)(ii)(l), 34 CFR 300.324 (b)(1)(ii).)
  - Information about the student provided to or by the parents (20 USC 1414(d)(4)(A)(ii)(lll), 34 CFR 300.324 (b)(1)(ii)(C).)
  - Student’s anticipated needs (20 USC 1414(d)(4)(A)(ii)(IV), 34 CFR 300.324 (b)(1)(ii)(E).)

- In making the aforementioned changes to an IEP after the annual IEP, the parent(s) and SFUSD may agree not to convene an IEP meeting for the purposes of making such changes, and instead develop a written document to amend or modify the current IEP (20 USC 1414(d)(3)(D), 34 CFR 300.324 (a)(4), 30 EC 56380.1.)

**Key IEP Considerations:**

During IEP meetings, IEP team members must consider the following:

- Strengths of the student (20 USC 1414(d)(3)(A)(i), 34 CFR 300.324 (a)(1)(ii), 30 EC 56341.1. (a)(1).)
- Parent concerns for enhancing the education of the student (20 USC 1414(d)(3)(A)(ii), 34 CFR 300.324 (a)(1)(ii), 30 EC 56341.1(a)(2).)
- Results of the initial evaluation, most recent evaluation, and results of statewide assessment of the student (20 USC 1414(d)(3)(A)(iii), 34 CFR 300.324(a)(1)(iii), 30 EC 56341.1(a)(3).)

**Additional IEP Considerations:**

- For a student whose behavior impedes his or her learning or that of others, the IEP team must consider providing positive behavior interventions and strategies and/or supports to address the behavior (34 CFR 300.307(a)(3), 5 CCR 3030(j)(4)(B).)
- For English Learners (ELs), the IEP team must consider the language needs of the student as such needs relate to the student’s IEP and whether the IEP includes linguistically appropriate goals, objectives, programs and services (20 USC 1414(d)(3)(B)(ii), 34 CFR 300.324 (a)(2)(ii), 30 EC 56345(b)(2), 30 EC 56341.1(b)(2).)

**F. STRUCTURING THE IEP MEETING**
SFUSD must structure IEP meetings in such a way as to ensure that parents are engaged as full participants in the IEP process. In addition, SFUSD must structure meetings to cover all key topics related to meeting student needs.

**What to Do?**
SFUSD must organize IEP Team meetings as follows:

- **Opening**
  - Introduction of IEP team participants and their roles
    - When an interpreter is used, clarify the roles and turn-taking procedures that are to be used
  - Agreement on ground rules for the meeting, such as:
    - No interruptions
    - Respect others in both verbal and body language
    - Respect confidentiality
    - Listen with an open mind
    - As needed, agree to take a break of up to 10 minutes in length
    - Place cell phones in vibrate mode
    - Adhere to the time limit established by the IEP team

- **Statement of Purpose for the Meeting and Summary of the Meeting Process**
  - Provide parents with an overview of the purpose of the meeting
  - Provide parents with an overview of the IEP meeting process

- **Review of Procedural Safeguards, Rights and Responsibilities**
  - Provide parents a copy of A Parent's Guide to Special Education Services, which includes the *Notice of Procedural Safeguards*. Reference the *Procedural Rights and Safeguards* for a copy of the Procedural Safeguards
  - Ask parents if they understand the explanation of their rights that you have provided to them
    - If they do not understand, summarize their rights again until they clearly understand them

- **Information to be Considered**
  - Parent/family report
    - Student strengths
    - Concerns
    - Parent/student expectations
  - Student’s interests
  - Progress reports and assessment results
  - Behavior considerations
  - Other

- **Identification of Student Needs**
  - Accommodations/modifications
  - Related services
  - Annual goals/benchmarks
  - Placement
  - Other

- **Meeting Conclusion**
o Review/summary of recommendations
  - Discuss any open questions/concerns
  - Finalize recommendations by consensus/parental consent

o Discuss any follow-up actions
  - Ensure that individual SFUSD team members are clear about specific follow-up actions and timelines for which they are responsible, including completion of SFUSD forms

o Distribute IEP copies

o Close:
  - Thank parents for attending and participating in the IEP meeting
  - Encourage parents to contact school or other SFUSD staff if they have questions or concerns at any time
    - Provide parents with names and telephone numbers of school or other SFUSD personnel to contact if they have questions or concerns
      - Parents whose primary language is not English must be provided with specific information on how their questions and concerns will be addressed in their primary language or other mode of communication (e.g., a bilingual contact person)
  - Discuss the arrangements for translation of the IEP
  - Document the distribution of copies of the IEP to all staff who will be implementing it
  - When parents do not agree with any part or all of the IEP, inform the parents of their rights, and assist them in requesting an informal conference, a mediation only hearing, or a due process hearing. Also, inform appropriate SFUSD personnel of the disagreement

Additional Best Practices. SFUSD should also follow certain best practices in order to ensure that IEP meetings run smoothly. They are as follows:

- Ensure that the concerns of parents and the information they provide regarding the student are considered in developing and reviewing the student’s IEP. This may be achieved by asking questions throughout the meeting, such as, “Tell us about your child,” and “From your perspective, what can we do to help?”
- Throughout the meeting, invite parent comments and questions, and check for parent understanding
- Whenever possible, use language comprehensible to the general public and limit the use of educational jargon
- Ensure that parent information and independent educational evaluations (IEEs) are received, considered, and documented within the IEP
- Specify a time in the future when the parent will receive a response if a concern or question cannot be addressed at the meeting
- Take every opportunity to make parents feel part of the team
- Provide parents with a copy of the Community Advisory Committee (CAC) brochure inviting parents to join. Reference the CAC website for additional information.
G. CONTENT OF THE IEP

**What’s Required?/What to do?**
IEPs for all students enrolled within SFUSD special education and related services must be entered and maintained within the Web-based IEP system. The following sections list the information that must be included within each student’s IEP.

1. GENERAL STUDENT INFORMATION

**What’s Required?/What to Do?**
The following general student information must be included within each student’s IEP:
- Demographics such as student name, date of birth, gender, primary language, grade, ethnicity, English Learner status, etc.
- Contact information for the students emergency contact(s)
- Description of the student’s disability/disabilities and how it/they affect the student’s academic performance
- Any parental concerns
- For English Learner (EL) students, parent’s preferred language and whether or not an interpreter is needed

2. PRESENT LEVEL OF ACADEMIC ACHIEVEMENT & FUNCTIONAL PERFORMANCE

**What’s Required?/What to Do?**
Present levels provide a snapshot of the student’s present levels of performance including the activities the student can and cannot do. This information serves as a foundation for the development of the goals and benchmarks in the IEP and:
- Must include the results of the most recent evaluation or reevaluation
- Must include the information most relevant to the student’s present levels of performance

Within the IEP, IEP teams must list the assessments conducted and any other sources of information used to describe the student’s present levels, which may include:
- Formal or informal methods
- Norm- or criterion-referenced tests
- Classroom observation
- Student work samples
- Teacher-made tests or other achievement tests
- Recent evaluations
- Behavior rating scales
- Performance data from regular education teachers
- Parent input

Present levels must include:
- A statement of the student’s academic achievement (core curriculum) and functional performance (self-help, social-emotional, organizational skills, and/or daily living). Functional performance must be stated even if the student is
functioning with age appropriate skills

- A description of the requirements and expectations in the general education curriculum (what is taught, how is it taught, what instructional activities are students engaged in, how are knowledge and skills demonstrated and evaluated)
- A description of the ways in which the student’s disability(ies) will affect the student’s involvement and progress in the general education curriculum
  - Include statements that address each major area of the curriculum that are impacted by the student’s disability
- Beginning not later than the first IEP to be in effect when the student is 16, must include results of age appropriate transition assessments related to training/education, employment, and (where appropriate) independent living skills
  - Transitional assessments may be formal and/or informal and may include observations, anecdotal information, on-the-job tryouts, classroom performance examples, tests, work samples, apprenticeships, paid work experiences or student work programs

If a student has related services, related service staff will:
- Collaborate with the teacher of record to develop present levels related to any area(s) of concern. For more information on related services, reference the Related Services section.

Note that if the student is an English Learner, the IEP team must identify the student’s primary and/or dominant language and which language the student prefers to use at school when determining Present Levels. Each student’s language dominance must be considered in goals. The IEP team must specify the student’s English Language Development proficiency level and other information including, but not limited to, expressive and receptive language skills.

3. CONSIDERATION OF SPECIAL FACTORS
   a. ASSISTIVE TECHNOLOGY

What’s Required?/What to do?
The IEP team must consider, for each student, whether assistive technology (AT) services are needed in order for the student to benefit from his/her educational program. (20 USC 1414(d)(3)(B)(v), 34 CFR 300.324 (a)(2)(v), 30 EC 56341.1(b)(5)). When doing so, IEP teams must:

- Discuss if the student requires assistive technology, using information previously discussed by the team
- Focus first on specific present levels of performance
- Consider any assessment information presented
- In addressing the student’s need for assistive technology begin with low/no tech (i.e. graphic organizers, color coding, picture boards) to mid-level technology (calculator, books on tape) to higher-level technology (word processor, computers)
- If equipment is recommended, use descriptive terms, not brand names (i.e. typewriter not “Canon 250”)
- Be sure that the need for assistive technology is documented in the student’s present levels of performance, and that goals and objectives incorporate the assistive technology selected

*Note that Assistive Technology excludes surgically implanted medical devices or replacement of such devices. Also, note that Assistive Technology is not educational technology. AT provides access to the curriculum while Educational technology (hardware and software) functions as a supplement to the curriculum that reinforces concepts taught and is one of the many instructional tools available to a teacher. The need for educational technology should not be specified in the IEP.*

As part of Free Appropriate Public Education (FAPE), SFUSD must provide AT devices and/or services to a disabled student at no charge to the family of the students. This is only the case if the student’s IEP indicates that the student requires the AT in order to benefit from his/her educational program.

*Home Use.* IDEA regulations require that if the IEP team determines that a student requires a particular assistive technology device for home use in order to achieve the goals and objectives on the IEP, SFUSD must provide the equipment for the student to use at home. The IEP team must base its decision for home use on the educational and instructional activities that the student needs to complete outside of the school setting.

*Section 504.* Students with disabilities who do not require special education or do not meet the eligibility requirements of IDEA are entitled to assistive technology devices and services if a Section 504 team determines that assistive technology devices and services are a reasonable accommodation under Section 504 of the Rehabilitation Act.

### b. LOW INCIDENCE DISABILITY

**What’s Required?**

Low Incidence (LI) disabilities include the following:
- Hearing Impairments
- Vision Impairments
- Severe Orthopedic Impairments
- Any combination of the above

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

Services must be provided by appropriately credentialed teachers.

For more information on Specialized Services for Low Incidence Disabilities, reference the Specialized Services for Low Incidence Disabilities section.

What to do?
The following checklist indicates the legal requirements that IEP teams must consider for students with LI disabilities:

- For a student with a LI disability such as deafness or blindness, the IEP includes specialized services, equipment and materials consistent with state guidelines (20 USC 1414(d)(3)(B)(i-v), 34 CFR 300.324 (a)(2)(ii-iii), 30 EC 56345(b)(5), 30 EC 56136.)
- The IEP team discusses required elements for a student who is blind or has visual impairments (20 USC 1414(d)(3)(B)(iii), 34 CFR 300.324 (a)(2)(iii), 30 EC 56341.1(b)(3).)
- The IEP team:
  - Determines the appropriate medium/media for the student in accordance with state guidelines (20 USC 1414(d)(3)(B)(iii), 34 CFR 300.324 (a)(2)(iii), 30 EC 56352(c), 30 EC 56341.1(b)(3).)
  - Considers the provision of instruction in Braille and the use of Braille, unless the team determines after evaluation that Braille instruction or use is not appropriate for the student (20 USC 1414(d)(3)(B)(iii), 34 CFR 300.324 (a)(2)(iii), 30 EC 56341.1(b)(3), 30 EC 56352(e).)
- For a student who is deaf, the IEP team considers:
  - Language and communication needs (20 USC 1414(d)(3)(B)(iv), 34 CFR 300.324 (a)(2)(iv), 30 EC 56341.1(b)(4).)
  - Opportunities for direct communications with peers and professional personnel in the student’s language and communication mode (20 USC 1414(d)(3)(B)(iv), 34 CFR 300.324 (a)(2)(iv), 30 EC 56341.1(b)(4).)
  - Academic level, and full range of needs, including opportunities for direct instruction in the student’s language and communication mode (20 USC 1414(d)(3)(B)(iv), 34 CFR 300.324 (a)(2)(iv), 30 EC 56341.1(b)(4).)

### c. COMMUNICATION NEEDS

What’s Required? What to do?
IEP teams must consider:

- Students’ communication needs
- The following for deaf and hard of hearing students:
  - Student’s language and communication needs
- Student’s opportunities for direct communications with peers and professional personnel in the student’s language and communication mode
- Student’s academic level
- Student’s full range of needs, including opportunities for direct instruction in the student’s language and communication mode

If the student is an English Learner (EL), IEP teams must indicate so as part of the overall present levels of performance in communication, including primary language. IEP teams must include information about the student’s levels of functioning in both primary language and English, including listening, speaking, reading and writing

In addition, the IEP team must specifically discuss:

- Student’s primary language mode & language, which may include the use of spoken language with or without visual cues, or the use of sign language, or a combination of both
- Availability of a sufficient number of age, cognitive, and language peers of similar abilities
- Appropriate, direct, and ongoing language access to education specialists and other specialists who are proficient in the student’s primary language mode and language
- Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities
- Functioning of hearing aids, and how to ensure that those worn in school are working properly
- Proper functioning of external components of surgically implanted medical devices

*Note that SFUSD is not responsible for the postsurgical maintenance, programming, or replacement of any medical device that has been surgically implanted, or of an external component of the surgically implanted medical device.*

### 4. SUPPORTS FOR INSTRUCTION

#### a. SUPPLEMENTARY AIDS, SERVICES, AND MODIFICATIONS

**What’s Required?/What to do?**

SFUSD is required to provide Supplementary aids, services, and modifications to a student’s educational program if the student requires them to benefit from his/her education.

Supplements may include, but are not limited to those in the following areas:

- **Presentation**
  - Braille
  - Directions given in a variety of ways
  - Highlighted text
  - Large print
  - Modified curriculum
  - Oral tests
  - Reduced paper/pencil tasks
  - Repeated review/drill
- Short-answer tests
- Shortened assignments
- Sign language
- Taped lectures
- Taped texts

- **Setting/Response**
  - Increased verbal/response time
  - Preferential seating
  - Sign language

- **Timing/Scheduling**
  - Extended time for completing assignments
  - Extended time for completing tests
  - Frequent breaks

- **Use of Aids or Tools**
  - Assignment notebooks
  - Calculator
  - Low vision aids
  - Study sheets

- **Additional Support/Assistance**
  - Individualized instruction
  - Note-taking assistance
  - Peer buddy
  - Peer tutor
  - Reader services

### b. PROGRAM MODIFICATIONS OR SUPPORTS FOR SCHOOL PERSONNEL

#### What’s Required?/What to do?
The IEP teams must specify any supports school personnel may need to enable the student to:

- Advance appropriately toward attaining the annual goals
- Be involved in and make progress in the general education curriculum
- Participate in extracurricular and other nonacademic activities
- Be educated and participate with other students with disabilities and nondisabled students in activities

### 5. BEHAVIOR

#### a. BEHAVIOR THAT IMPEDES LEARNING

#### What’s Required?
For students with behavior that interferes with his/her learning or that of others, SFUSD must describe the behavior. Depending on the severity of the student’s behavior, SFUSD must consider:

- The provision of accommodations
- Positive behavior interventions and supports
- The use of a Behavior Support Plan (BSP)
- The provision of an Functional Analysis and Assessment (FAA) and a Positive Behavioral Intervention Plan (PBIP)

**What to Do?**

**Positive Behavior Interventions, Strategies & Supports.** SFUSD must describe strategies, including positive behavioral interventions and supports to address the student’s behavior.

**Behavior Support Plan (BSP).** A BSP is used when a student engages in behavior that requires support and there is sufficient data to identify appropriate supports. In this case, the behavior is not so serious that it requires an FAA and PBIP.

The BSP must contain the following:
- Description of the student’s current positive and targeted behavior, including data reflecting intensity, frequency and duration
- Description of learning areas impeded by the behavior
- Description of how behavior impedes learning
- Estimate of the need for a BSP
- Description of any current predictors of behavior
- Hypothesis for behavior
- Description of what student should do instead of problem behavior
- Description of any factors that may contribute to the problem behavior (in or missing in environment or instruction)
- IEP behaviors/goals/objectives related to the BSP
- Description of the provider of and frequency of:
  - Teaching strategies and necessary curricula or materials for new behavior instruction (communication systems, individual schedules, etc.)
  - Environmental modifications and supports to be provided (time, space, materials and interaction)
  - Proactive strategies (procedures to support replacement behaviors and new skills)
  - Reactive strategies to employ/debrief procedures to use if problem behavior occurs again
  - Communication and documentation procedures (daily, weekly reports, record keeping)
  - Projected review date, actual review date, and outcomes

**Functional Analysis Assessment (FAA) & Positive Behavioral Intervention Plan (PBIP).** To consider whether a student needs an FAA or PBIP, the IEP team must ask whether the student:
- Needs to learn and/or use new behaviors, skills, and/or strategies
- Demonstrates behaviors that are unsafe and/or significantly interfere with the behavior of others
- Has current behavior that requires intervention
- Is frequently removed from the general education classroom because of inappropriate behavior
- Is currently educated in a resource, separate classroom, or separate school because of inappropriate behavior
- May have behavior that is a manifestation of his/her disability

Reference the [Behavior Assessment](#) section for more information on FAAs and PBIPs.

### b. SERIOUS BEHAVIOR PROBLEM

#### What’s Required?
A serious behavior problem means the individual’s behaviors are self-injurious, assaultive, or the cause of serious property damage and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student’s IEP are found to be ineffective (5 CCR § 3001 (aa)).

#### What to do?
Disability regulations require that SFUSD conduct a Functional Analysis Assessment (FAA), resulting in a Positive Behavioral Intervention Plan (PBIP), when a student develops a “serious behavior problem,” and the IEP team finds that the instructional/behavioral approaches specified in the student’s IEP have been ineffective (5 CCR §§3001 (f), 3052 (b)).

Reference the [Behavior Assessment](#) section for more information on FAAs and PBIPs.

### 6. TRANSITION

#### What’s Required /What to do?
Transition services include appropriate, measurable goals that are based on age-appropriate transition assessments. Any area addressed must be based on the student's needs, taking into account the student's strengths, preferences, and interests.

SFUSD must provide transition services to students with disabilities as follows:
- Before transfer from Pre-School to Kindergarten
- Before transfer from Elementary to Middle School
- Before transfer from Middle School to High School
- Non-public school (NPS) to general education
- On or before age 14 or 15
- On or before age 16
- Before exiting school due to graduation, completion of course of study, or age out
a. PRE-SCHOOL TO KINDERGARTEN

What’s Required?
The IEP team must address the transition process from preschool to elementary school for students age 3 through 5. It must also describe a process for monitoring the continued success of the disabled student who continues to be eligible for special education. *(30 EC 56445.)*

What to do?
With parental permission, the student’s Case Manager should:
- Update the student’s assessment information
- Convene an IEP meeting at which updated information is shared and goals and objectives are developed with consideration of Kindergarten placement option

For a student who is exiting special education after preschool, the IEP team must note the student’s present levels of performance and learning style. The IEP team must also provide this information to the student’s assigned general education teacher upon the student's enrollment in kindergarten or first grade. *(30 EC 56445(d).*

b. ELEMENTARY SCHOOL TO MIDDLE SCHOOL

What’s Required?
During the school year that a student will enter Middle School, the student’s teacher and parent must begin planning for the student's transition to Middle School.

What to do?
With parental permission, the student’s Case Manager must:
- Update the student’s assessment information to obtain current levels of performance
- Convene an IEP meeting at which updated information is shared and goals and objectives are developed with consideration of Middle School service delivery models
  - The IEP team must consider Middle School service delivery options at this time and identify the appropriate service(s)

The IEP team must outline and address each student’s individual needs, i.e. student needs support when transitioning from one class to another or priority seating is required, etc. Communication/Professional Development pertaining to the difference in structure of the school day between Elementary and Middle School staff will be provided.

c. MIDDLE SCHOOL TO HIGH SCHOOL

What’s Required?
During the school year that a student will enter High School, the student’s teacher and parent must begin planning for the student’s transition to High School.
What to do?
With parental permission, the student’s Case Manager must:

- Update the student’s assessment information to obtain current levels of performance
- Convene an IEP meeting at which updated information is shared and goals and objectives are developed with consideration of High School service delivery models
  - The IEP team must consider High School service delivery options at this time and identify the appropriate service(s)

The IEP team must outline and address each student’s individual needs, i.e., student needs support when transitioning from one class to another or student requires priority seating, etc. Communication/Professional Development pertaining to difference in structure of the school day between Middle and High School staff will be provided.

d. NON-PUBLIC SCHOOL (NPS) TO GENERAL EDUCATION

What’s Required /What to do?
When disabled students transfer into the general education classroom from special day classes (SDCs) or centers, or from nonpublic, nonsectarian school to the general education classroom in the public school, the IEP team must document the following within the student’s IEP: (30 EC 56345(b)(4).)

- A description of activities provided to integrate the student into the regular education program describing the nature of each activity, and the time spent on the activity each day or week (30 EC 56345(b)(4)(B).)
- A description of the activities provided to support the transition of students from the special education program into the general education program (30 EC 56345(b)(4)(B).)

e. POST-SECONDARY EDUCATION

1) FOR STUDENTS AGED 14 OR 15

What’s Required /What to do?
Transition planning for students with disabilities age 14 and above are designed to provide exploratory activities including developing a sense of self-awareness and self-determination. Activities involve identifying interests, strengths, and preferences by using interest inventories, transition-planning profiles, and interviews to begin the process of student-centered transition planning.

Assessment of Transition Needs for Students by Age 14 and 15 Years Old. The site administrator must adhere to the following guidelines to ensure that a student’s Individualized Transition Plan (ITP) has been completed by the time he or she turns 14:

- The administrator/designee shall monitor the IEP annual review or re-evaluation dates for each student 13 years of age to ensure an IEP/ITP meeting is convened
- Assessments at this age are informal and embedded throughout instruction provided by a teacher
Additional assessments, such as the IDEAS, COPS, Janus, Career Locker, etc., may be given based on individual student need. An assessment plan must be created.

2) FOR STUDENTS AGED 16 AND ABOVE

What’s Required?
When a student turns 16, his/her IEP team must include within his/her IEP courses of study that focus on improving academic and functional achievement from school to post-school activities. (34 CFR 300.320(b), 30 EC 56345(a)(8).)

SFUSD must determine a student’s Transition Services using a variety of assessment tools that are culturally, developmentally, and linguistically appropriate. Transition assessment instruments and procedures should provide the IEP/ITP team with the functional and developmental information necessary for planning an appropriate course of study, selection of an appropriate transition pathway, and documentation of student progress.

The results of transition assessments are the beginning of the planning process for the student’s Individualized Transition Plan (ITP) and should assist the ITP team in determining appropriate transition activities. Activities include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition assessment for students 16 and above is a formal process. Age-appropriate transition assessments must be conducted (example, IDEAS, COPS, Career Locker, etc.). Based on student need, this evaluation may include:

- Future planning needs and goals
- Self-determination
- Academic strengths and needs (including behavior, if appropriate)
- Vocational interests
- Aptitudes and abilities both in the classroom and the community
- Needs for interagency services and community linkages

What to do?
Specifically the student’s IEP must:

- Describe needed transition services that focus on improving academic and functional achievement of the student to facilitate his/her movement from school to post school (20 USC 1414(d)(1)(A)(i)(VIII), 34 CFR 300.320 (b)(2), 30 EC 56345(a)(8).)
- Focus on improving academic and functional achievement of the student to facilitate his/her movement from school to post school (20 USC 1401 (34),34 CFR 300.320 (b)(1), 30 EC 56345.1(a).)
- Contain measurable postsecondary goals based on age appropriate transition assessments related to training or education, employment, and where appropriate, independent living skills (20 USC 1414(d)(1)(A)(i)(VIII)(aa), 34 CFR 300.320(b)(1, 30 EC 56345(a)(8).)
Be reviewed annually (20 USC 1414(d)(4)(A)(i), 34 CFR 300.324 (b)(1)(i).)

Contain transition services that are based on the individual student’s needs, taking into account the student’s preferences and interests (20 USC 1401(34)(B), 34 CFR 300.43(a)(2), 34 CFR 300.321(b)(2) 30 EC 56345.1(a)(2).)

Include a statement of the needed transition services in all required areas including (20 USC 1401(34)(C), 34 CFR 300.43(a)(2)(i-v), 30 EC 56345.1(a)(3).):
  - Instruction
  - Related services
  - Community experiences
  - Development of employment and other post school objectives and, when appropriate:
    - Acquisition of daily living skills
    - Functional vocational evaluation

Include a statement of the needed transition services and interagency responsibilities (34 CFR 300.322(b)(2)(ii).)

In addition, the student’s IEP Team must:

- Reconvene to identify alternative strategies to meet the transition objectives when an agency other than the SFUSD fails to provide the transition services in the IEP (20 USC 1414(d)(6), 34 CFR 300.324 (c)(1), 30 EC 56345.1(c).)
- Use alternative methods to obtain agency participation in the development of transition services, if an invited agency representative cannot attend the IEP meeting (30 EC 56341(d)(3).)
- Invite the student to attend the IEP meeting when the purpose will be consideration of needed transition goals and services (34 CFR 300.322(b)(2)(ii), 30 EC 56341(d)(1)(2)(3), 30 EC 56341.5(e).)
- Invite a representative of agency(ies) likely to be responsible for providing or paying for transition services to attend the IEP meeting (30 EC 56341(d)(3), 30 EC 56341.5(f).)
- Inform the student of the rights that will transfer to the students upon reaching the Age of Majority (20 USC 1414 (d)(1)(A)(i)(VIII)(cc).)
- Provide the parent or the student if age 18 or older written prior notice of graduation from high school with a regular high school diploma (34 CFR 300.503, 30 EC 56500.5.)
- Provide the student whose eligibility was terminated due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility for FAPE, with a summary of academic achievement and functional performance, which includes recommendations on how to assist the student in meeting their postsecondary goals (20 USC 1414 (c)(5)(B)(ii), 30 EC 56381(i)(2).)

The site administrator must adhere to the following guidelines to ensure that a student’s ITP has been completed by the time a student turns 16:

- The administrator/designee shall monitor the IEP annual review or re-evaluation dates for each student 15 years of age in relation to the student’s birth date to determine the time necessary to develop the assessment plan, obtain written parental consent,
conduct the assessment, and conduct the IEP prior to the student becoming 16 years of age

- An assessment plan for an age-appropriate transition assessment may be needed if the assessments are not generally administered to students in the class, school, or District. Prior to the student’s scheduled annual review or re-evaluation IEP meeting, the team should determine whether an assessment plan, to include assessment for transition services, is needed.
- The results of the assessment will be reviewed at the IEP meeting convened prior to the student’s 16th birthday. Assessments include evaluation of:
  - Self-advocacy skills
  - Classroom simulations of job interviews and role-play of interactions with employers and coworkers, resolution of on-the-job problems, and requests for needed accommodations at the work site
  - Community on-the-job training including Regional Occupational Programs, participation in Small Learning Community activities, school-based business enterprises, etc.
  - Service Learning project
  - Community-based instruction work settings
  - Supported work experiences
  - Work experience
  - Other activities as appropriate

**Postsecondary goals.** Postsecondary goals are required for students who are 16 or older or will turn 16 when the IEP is in effect. These goals are designed to assist the student in moving toward the desired postsecondary outcomes.

- At least one goal must be related to training/education and employment (one goal can be developed for both)
- The IEP must indicate which goals are written to support postsecondary transition outcomes in training/education, employment or independent living skills
- Postsecondary goals for independent living skills are optional and written when appropriate for the student
- Postsecondary goals must be based on age appropriate assessments, as described in present levels of academic achievement and functional performance
- Postsecondary goals may be considered earlier if deemed appropriate by the IEP team

Postsecondary goals must be outlined within a student’s Individualized Transition Plan (ITP). Reference the [ITP section](#) for additional information on Individualized Transition Plans.

3) FOR STUDENTS EXITING SCHOOL

**What’s Required?**

**Summary of Performance.** The Summary of Performance (SOP) is designed to provide a student with a summary of his/her academic achievement and functional performance. It is a separate
document from the IEP that condenses and organizes the key information that should follow the student to post-school activities.

A student’s IEP team must complete a student’s SOP. SOP’s must include recommendations on how to assist the student in meeting their post-secondary goals.

**What to do?**

**Procedures for Completing the Summary of Performance.** IEP Teams must follow the following procedures when completing a student’s SOP:

- **Background Information:** Complete this section as specified.
- **Student’s Post-Secondary Goals:** Copy the post-secondary goals from the IEP (Identified on pages 2 and 3 of the Individual Transition Plan from the most recent IEP)
- **Summary of Performance:** This section includes three areas: Academic, Cognitive, and Functional performance
  - Indicate the student’s present level of performance identified in the most recent IEP and list the accommodations, modifications or assistive technology that were essential in assisting the student in achieving progress
  - Leave blank any section that does not apply
- **Recommendations to Assist the Student in Meeting Post-Secondary Goals:**
  - Identify the recommendations a student may need to assist in meeting the postsecondary goals. Check all that apply
  - Identify all agency linkages known to be working with the student or those that could be a resource. Identify the contact person and telephone number if known

**7. STATEWIDE ASSESSMENTS**

**What’s Required?/What to do?**

Student’s IEPs must contain the following information in relation to Statewide and District-wide Achievement Tests:

- A statement on participation in District or Statewide achievement tests without accommodations or modifications, or with such accommodations or modifications *(20 USC 1414(d)(1)(A)(ii)(VI)(aa), 34 CFR 300.320 (6)(i), 30 EC 56345(a)(6).)*
- An explanation of why it is not appropriate for the student to participate in general education District or Statewide achievement tests, if the IEP team makes that decision *(20 USC 1414(d)(1)(A)(ii)(VI)(bb), 30 EC 56345(a)(6)).*
- A statement of how that student will be tested if statewide or District tests are not used *(20 USC 1414(d)(1)(A)(ii)(VI)(bb), 34 CFR 300.320(6)(ii)(ii), 30 EC 56345(a)(6)).*

In addition, disabled students residing within SFUSD are eligible for exemption from the California High School Exit Examination (CAHSEE), which is a graduation requirement. In order to be exempt from the CAHSEE, students must have an IEP or Section 504 plan that states that the student is scheduled to receive a high school diploma, and has satisfied or will satisfy all other state and local requirements for high school graduation.
8. MEASURABLE GOALS

What’s Required?
IEP teams must consider all areas in which a student has educational needs that require a measurable annual goal and transition services (i.e., academic/cognitive; motor, behavior, communication, social, self-help and transition).

Measurable goals include academic and functional goals designed to meet the student’s needs that result from his/her disability to enable him/her to be involved in and make progress in the general education curriculum.

The IEP must show a direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided.

What to do?
General Requirements. IEP team members must:

- Develop a measurable annual goal for each student’s identified area of need
- Develop goals that address student needs and that are skill-based and provide access to the core curriculum as appropriate; not areas in which the student has yet to be exposed to material
- Develop goals that:
  - Are measurable
  - Are related to the student’s needs that result from the disability
  - Enable the student to be involved in and progress in the general education curriculum
  - Describe what the student can reasonably be expected to accomplish within a twelve month period
  - Are linguistically appropriate
  - Address vocational or pre-vocational needs
  - Enable a preschool child to participate in appropriate activities
- Support goals with appropriate baseline data that reflects where the student is presently functioning relative to the desired outcome/goal
- Use baseline data that includes objective measures such as pre and post testing, scores on standardized tests or other measurable, objective data
- For students taking alternative assessment (e.g., the CAPA), develop a minimum of two benchmarks/objectives for each goal that:
  - Addresses what the student will do
  - Describes the conditions
  - Describes the evaluation standards
  - Are sequenced toward the annual goal
- Identify the person(s) responsible for the implementation of the goal

Standards-based Goals. Standards are the basic framework of the general curriculum and the criteria used to define accountability. In order to ensure that students have the opportunity to
access the general curriculum and to participate meaningfully in the statewide assessment process, essential content standards must be used to develop IEP goals and objectives/benchmarks to coordinate instruction, learning and assessment. Standards provide a common language and help bridge the gap between special education and general education.

Designing standards-based IEPs facilitates support for students in achieving the standards, assists students in performing their best on standards-based district and statewide assessments and helps ensure that students are promoted.

For more information, see the ACSA and CARS+ Handbook of Goals and Objectives Related to Essential State of California Content Standards. This handbook includes examples designed to reduce staff frustration with writing goals and objectives/benchmarks. A bank of goals is also available on the web-based IEP system.

Types of standards include:

- **Content Standards:** Describe what students are expected to know and be able to do in each subject area and grade level
- **Essential Standards:** Identify specific content critical to the student’s program through the curriculum
- **Alternate Standards:** These standards are a subset of the CA standards appropriate for students with the most significant cognitive disabilities who take alternate assessments

*Personnel Responsible for Implementing the Goal.* Identify the personnel (i.e., special educator, general educator, parent, speech/language pathologist, student, adapted physical educator, related service provider, and/or other) responsible for implementing goals and objectives.

9. PROGRESS REPORTS

**What’s Required?**
Progress Reports inform parents about the extent to which their children are progressing toward achievement of the academic and functional annual goals. Although a standard format for progress reports is not mandated by IDEA 2004, it is required that SFUSD send progress reports to and/or review progress reports with parents/guardians at least as often as report cards are issued.

**What to do?**
Federal regulations for the implementation of IDEA 2004, state that an IEP shall include:

- A description of how the child’s progress toward meeting the annual goal(s) will be measured
- When periodic reports on student progress will be provided
- Well-developed goals in a student’s IEP to identify:
  - The skill that a student is working toward
  - The anticipated growth in one year’s time
How growth will be measured and with what tool

The IEP must also state how often progress will be reported to the child’s parent(s)/guardian(s). This reporting frequency should not be any less than that used for the student’s typical peers.

Progress reports must be issued by a student’s special education teacher(s); however, parents must also receive progress reports from related service providers if their child’s IEP contains related services (e.g. OT, PT, and Speech) goals.

For example, if a student receives speech services and has instructional support for math, parents should receive a progress report from the speech and language therapist in addition to the one from the special education teacher. Progress needs to be reported on all goals in the IEP.

Progress reports must include:

- Formal or informal assessment
- State or District assessment results
- Alternate assessments (portfolios, performance-based, curriculum-based measures)
- Current levels of academic performance
- Parent and student interviews
- Observations
- Student self-monitoring progress reports
- Inventories of student’s interests, strengths or needs
- Objective counselor and/or teacher ratings
- Routine discipline data
- Verified reports of relevant behavior patterns
- Progress toward designated instructional or related service goals

10. SPECIAL EDUCATION

What’s Required?/What to do?
Special Education is defined as follows:

- “Special education," in accordance with Section 1401(29) of Title 20 of the United States Code, means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education
- In accordance with Section 300.39 of Title 34 of the Code of Federal regulations, special education includes each of the following, if the services otherwise meet the requirements of the preceding definition:
  - Speech-language pathology services, or any other designated instruction and service or related service, pursuant to Section 56363, if the service is considered special education rather than a designated instruction and service or related service under state standards (30 EC 56031)
o Travel training (30 EC 56031)
o Vocational education (30 EC 56031)
o Transition services for individuals with exceptional needs may be special education, in accordance with Section 300.43(b) of Title 34 of the Code of Federal Regulations, if provided as specially designed instruction, or a related service, if required to assist an individual with exceptional needs to benefit from special education (30 EC 56031)
o Individuals with exceptional needs shall be grouped for instructional purposes according to their instructional needs (30 EC 56031)

11. RELATED SERVICES

What’s Required?
Related services are supportive services that a disabled student requires in order to benefit from special education. Such students require services to allow them to meet their special education goals.

Related services include, but are not limited to, the following:
- Speech and language pathology
- Audiological services
- Orientation and mobility services
- Instruction in the home or hospital
- Adapted physical education
- Physical and occupational therapy
- Vision services
- Counseling and guidance services, including rehabilitation counseling
- Psychological services
- Parent counseling and training
- Health and nursing
- Social worker services
- Vocational education and career development
- Recreation services
- Specialized services for low incidence disabilities
- Interpreting services
- Transportation

What to do?
Related services are provided by professionals who meet California state requirements in their area of expertise. A student’s Individualized Education Program (IEP) team must decide which related services to include within his/her IEP. IEP teams must make this decision based on an analysis of the student’s individual needs and whether related services can assist in meeting those needs.
After determining that a student will benefit from a related service, the IEP team must create goals related to the related service that the student needs. The IEP must provide details of the following:

- The type of related service the student requires
- How often, how long, and where the related service will be provided

### a. SPEECH AND LANGUAGE PATHOLOGY

#### What’s Required?
In order for students to be deemed eligible for speech and language pathology services, they must be classified as exhibiting one or more of the following:

- **Articulation Disorder:**
  - The student displays reduced intelligibility or an inability to use the speech mechanism, which significantly interferes with communication and attracts adverse attention (*C.C.R., Title 5, Sec. 3030 (c) (1))
  - Significant interference in communication occurs when the student's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance (*C.C.R., Title 5, Sec. 3030 (c) (1))
  - A student does not meet the criteria for articulation disorder if the sole assessed disability is an abnormal swallowing pattern (*C.C.R., Title 5, Sec. 3030 (c) (1))

- **Abnormal Voice:**
  - A student has an abnormal voice, which is characterized by persistent, defective voice quality, pitch, or loudness (*C.C.R., Title 5, Sec. 3030 (c) (2))

- **Fluency Disorders:**
  - A student has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the student and listener (*C.C.R., Title 5, Sec. 3030 (c))

- **Language Disorder:**
  - The student scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics
  - The student displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty utterances
    - The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the student is unable to produce this sample, the language, speech, and hearing specialist must document why a fifty-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample
  - When standardized tests are considered to be invalid for the specific student, the expected language performance level shall be determined by alternative
means as specified in the assessment plan

**What to Do?**
A student is eligible for speech and language pathology related services if his/her Multidisciplinary Team (MDT) concludes that the student meets the following standards, as applicable:

- **Articulation Disorder:**
  - A student having hearing within the normal speech range shall be assessed as having an articulation disorder when the student demonstrates a developmental delay in the production of one or more phonemes.
  - A preschool child between the ages of 3 and 5 years must have one or more sound articulation errors delayed by a minimum of six months according to a developmental scale of articulation competency.
  - Upon entering kindergarten and up to age 8, a student must have one or more sound articulation errors delayed by a minimum of one year according to a developmental scale of articulation competency.
    - An exception to this year delay would be lateralization of sibilant sounds. Students who produce lateralized s, z, sh, ch, or j, should receive therapy as soon as the sound in error goes beyond the developmental scale.
  - Students age eight and above must have one or more misarticulations and demonstrate one or more of the following:
    - Lack of stimulability in syllables/words
    - Consistency of error in two or more speaking situations
    - Reduced intelligibility in conversational speech

- **Abnormal Voice:**
  - A student shall be assessed by a Multidisciplinary Team as having abnormal voice when the disorder adversely affects educational performance.
  - When indicated, vocal assessment shall include a medical laryngeal examination.
  - The MDT team documents that the abnormal voice is:
    - Noticeable to both familiar and unfamiliar listeners
    - Interferes with communicating
    - Noticeable over a long period of time
    - Inappropriate for the student’s age and/or sex

- **Fluency Disorder**
  - A student shall be assessed by a Multidisciplinary Team as having a fluency disorder when the student exhibits:
    - Inappropriate rate or rhythm of speech
    - Excessive repetition, revision, interjection, pauses, and other breaks in the flow of speech that do not enhance meaning.
  - A certain degree of normal non-fluent behavior characterizes the speech of very young children.
    - In this case, periodic monitoring and parent education may be more appropriate than direct intervention.

- **Language Disorder**
A Multidisciplinary Team shall assess a student. Relevant information shall include the following:

- Assessment in one or more of the following areas of language development:
  - Morphology
  - Syntax
  - Semantics
  - Pragmatics

- Language Disorder does not include:
  - Students who have atypical patterns resulting from lack of familiarity with English, cultural differences, race, or environmental deprivation
  - Students whose language is commensurate with his/her general cognitive functioning

### b. AUDIOLOGICAL SERVICES

**What’s Required?**

Audiological related services include the following:

- Hearing screenings
- Formal audiological evaluations
- Auditory processing evaluations
- Ear mold impressions
- Teacher in-service
- Hearing conservation information

In order for students to be deemed eligible for the audiological related services, they must be classified as hearing impaired or deaf according to the following definitions:

- A student has a hearing impairment whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination (*C.R.*, *Title 5, Sec. 3030*)
- Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child’s education performance (*C.F.R. 300.7(c)(3]*)

A Multidisciplinary Team (MDT) must classify a student as deaf based on the following criteria:

- Current audiological measures of auditory functioning with and without amplification as determined by a qualified audiologist
- Current assessment of receptive and expressive communication skills and current educational performance reveals significant impairment

A MDT must classify a student as hearing impaired based on the following criteria:
A comprehensive audiological examination, including pure tone and speech discrimination tests, performed by an audiologist

- An assessment of the:
  - Health of the student, including a comprehensive examination of vision
  - Academic achievement of the student
  - Speech and language of the student

If the above requirements are satisfied, the evaluation of the student may include an assessment of the student’s cognitive abilities and social and emotional condition.

**What to Do?**
A student is eligible for audiological related services if the MDT concludes that the student meets the following standards, as applicable:

- **Hard of Hearing**
  - The student has the ability, if aided, to hear and understand most spoken words
  - The student’s hearing mechanism, though defective, is sufficiently functional with or without the use of a hearing aid to allow a receptive flow of information
  - The student has an average hearing threshold of 30 decibels or more

- **Deafness**
  - Routine auditory communication is impossible for the student, or nearly so, because of the student’s inability to discriminate among and understand the sounds that reach the student
  - The sense of hearing of the student is nonfunctional for the ordinary purposes of life, whether as the result of congenital or postlingual deafness
  - The student has an average hearing threshold level, at 500, 1,000 and 2,000 Hz, of 92 decibels or more

*Note that a student under the age of 6 years can be eligible for related services under the classification of Hearing Impairment.*

c. **ORIENTATION AND MOBILITY SERVICES**

**What’s Required?**
In order to qualify for Orientation and Mobility (O&M) related services, a student *must have a visual impairment* as diagnosed by an ophthalmologist that even with best correction, adversely affects his/her ability to move about safely and purposefully within the environment. A separate evaluation by an Orientation & Mobility specialist is required to determine the student’s need for instruction in adaptive techniques for travel due to vision loss.

Reference the [Vision Services](#) section for additional information on guidelines for eligibility for Vision related services.
**What to Do?**
At the student's IEP meeting, the IEP team must determine and identify the following:
- Initiation Date of O&M Services
- Duration of O&M Services
- Description of individualized service needs
- Location of Service (i.e., where the student will receive the service)
- Minutes per Day & Sessions per Week:
  - Totaling the number of minutes in a special setting per week and the extent to which the student is removed from the general education class

O&M Specialists will collaborate with the student’s teacher(s) of record to develop present levels related to the area of concern associated with the student's independent travel abilities.

**Sample Goals.** Goals related to a student’s orientation and mobility services must address a student’s significant deficit areas. Goals must be specific to the student and be measurable and attainable.

Sample goals include the following:
- For a student learning how to access the community:
  - Goal: Student A will develop skills in making a safe street crossing at a residential crossing
    - Objective 1: Student A will scan left and right as implemented by the Orientation & Mobility Specialist, starting (date), with 50% current achievement, with 100% target achievement and completed by (date)
    - Objective 2: Student A will wait for an all clear before beginning his street crossing as implemented by the Orientation & Mobility Specialist, starting (date), with 50% current achievement, with 100% target achievement and completed by (date)
    - Objective 3: Student A will cross with the "fresh" green light cycle as implemented by the Orientation & Mobility Specialist, starting (date), with 70% current achievement, with 100% target achievement and completed by (date)
- For a student learning to use a cane:
  - Goal: Student B will develop safe use of a long cane as implemented by the Orientation & Mobility Specialist, starting (date), enabling him to progress in the curriculum, with 40% current achievement, and with 100% target achievement completed by (date)
    - Objective 1: Student B will detect drop-off (top step on a staircase and the curb) and stop before proceeding as implemented by the Orientation & Mobility Specialist, starting (date), with 50% current achievement, with 100% target achievement and completed by (date)
    - Objective 2: Student B will utilize proper cane technique when ascending and descending stairs as implemented by the Orientation & Mobility
Specialist, starting (date), with 40% current achievement, with 100% target achievement and completed by (date)

d. INSTRUCTION IN THE HOME OR HOSPITAL

What’s Required?
Special education and related services provided in the home or hospital for school age students is limited to those who SFUSD has identified as having a disability in accordance with the procedures described in Part IV: Procedures for Determining Eligibility and for whom an IEP team recommends such instruction or services.

What to do?
Teacher. Instruction in the home or hospital is provided by a general education teacher or an education specialist qualified to provide such instruction and services. The teacher/specialist providing the home instruction must contact the student’s previous school and teacher to determine:
- The course work to be covered
- The books and materials to be used
- Who is responsible for issuing grades and promoting the student when relevant
- For students in grades 7 to 12, the teacher must confer with the school guidance counselor to determine:
  - The hours the student has earned toward semester course credit in each subject included in the IEP and the grade as of the last day of attendance
  - Who is responsible for issuing credits when the course work is completed
  - Who will issue the diploma if the student is to graduate

IEP Team. When recommending placement for home instruction, the IEP team must:
- Include in the assessment a medical report from the attending physician, surgeon, or psychologist stating the diagnosed condition and certifying that the severity of the condition prevents the student from attending a less restrictive placement
  - The report must include a projected calendar date for the student’s return to school. The team must meet to reconsider the IEP prior to the student’s projected calendar date for return to school
- Review and revise the IEP whenever there is a significant change in the student’s current medical condition

e. ADAPTED PHYSICAL EDUCATION

What’s Required?
SFUSD must provide adapted physical education to students who require developmental or corrective instruction and who are precluded from participation in the activities of the general physical education program, modified general physical education program, or in a specially designed physical education program in a special class.
**What to do?**
SFUSD must offer consultative services to students, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for a student’s successful participation in the regular physical education program or specially designed physical education programs.

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**f. PHYSICAL AND OCCUPATIONAL THERAPY**

**What’s Required?**
There are no specific requirements outlining a student’s eligibility for Physical Therapy or Occupational Therapy. Rather, in school-based practice, both Physical Therapists (PTs) and Occupational Therapists (OTs) view disability in terms of the ways in which a student is faced with activity limitations and participation restrictions, instead of a focus on projected limitations of a singular diagnosis, disease, or disorder. The student’s activity limitations and participation restrictions experienced in gaining access to the educational program are assigned a high priority.

**What to do?**

**Occupational Therapy.** OTs are health professionals whose purpose in a public school setting is to support a student’s engagement and participation in daily occupations, which include activities of:

- Daily living
- Education
- Prevocational work
- Play
- Rest
- Leisure
- Social participation

In accordance with disability regulations, OTs must provide/assist students with the following:

- Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation (*IDEA regulations, Title 34, Code of Federal Regulations, Section 300.34(c)(6)*)
- Improving ability to perform tasks for independent functioning if functions are impaired or lost (*IDEA regulations, Title 34, Code of Federal Regulations, Section 300.34(c)(6)*)
- Preventing, through early intervention, initial or further impairment or loss of function (*IDEA regulations, Title 34, Code of Federal Regulations, Section 300.34(c)(6)*)
Physical Therapy. PTs are health professionals whose purpose is to correct, facilitate, or adapt the student’s functional performance in:
- Motor control and coordination
- Posture and balance
- Functional mobility
- Accessibility
- Use of assistive devices

PTs provide students with the following services:
- Physical or corrective rehabilitation (The California Physical Therapy Practice Act, in Business and Professions Code Section 2620)
- Physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise (The California Physical Therapy Practice Act, in Business and Professions Code Section 2620)
- Physical therapy evaluation, treatment planning, instruction and consultative services (The California Physical Therapy Practice Act, in Business and Professions Code Section 2620)

g. VISION SERVICES

What’s Required?
SFUSD must provide vision services to visually handicapped students through the use of credentialed teachers and/or eye specialists.

What to do?

Credentialled teachers. Credentialled teachers must provide such services, which may include:
- Adaptations in curriculum, media, and the environment, as well as instruction in special skills
- Consultative services to students, parents, teachers, and other school personnel

Eye Specialists. Eye specialists employed by SFUSD must:
- Conduct an assessment of and provision for services to visually impaired students
- Provide consultation to the student, parents, teacher and other school personnel as may be requested by the student’s IEP team

h. COUNSELING AND GUIDANCE SERVICES, INCLUDING REHABILITATION COUNSELING

What’s Required?
SFUSD must provide counseling and guidance services to disabled students when the student’s IEP team determines that additional counseling and guidance services are necessary to supplement the regular guidance and counseling program.
What to do?
SFUSD must offer eligible students the following counseling and guidance services:

- Educational counseling in which the counselor assists the student in planning and implementing his/her immediate and long-range educational program
- Career counseling in which the counselor assists the student in assessing his/her aptitudes, abilities, and interests in order to make realistic career decisions
- Personal counseling in which the counselor helps the student to develop his/her ability to function with social and personal responsibility
- Counseling and consultation with parents and staff members on learning problems and guidance programs for students

i. PSYCHOLOGICAL SERVICES

What’s Required?
SFUSD must offer psychological services to disabled students when the student’s IEP team determines that such services are required for the student to benefit from his/her educational program.

What to do?
SFUSD must offer the following psychological services:

- Counseling provided by a credentialed or licensed psychologist or other qualified personnel
- Consultative services to parents, students, teachers, and other school personnel
- Planning and implementing a program of psychological counseling for the student and parents

j. PARENT COUNSELING AND TRAINING

What’s Required?
If a student receives special education and related services, his/her parent may also need services to enable them to support their child’s education. This is particularly true for parents of infants and toddlers. The Individuals with Disabilities Education Act (IDEA) recognizes the need for parents to receive such services. IDEA refers to these services as “parent counseling and training.”

What to do?
Providing parent counseling and training means that SFUSD must:

- Assist parents in understanding the special needs of their child
- Provide parents with information about child development
- Help parents to acquire the necessary skills that will allow them to support the implementation of their child’s Individualized Education Program (IEP) or Individualized Family Services Plan (IFSP)
Parent counseling and training can cover a range of areas. Parents of special needs children often need assistance learning how best to communicate, interact and teach their child.

Most parents do not have any background or training in the educational programs and methods being implemented by their child’s school. Therefore, if they are to be effective in understanding and supporting their child’s IEP, many of them will need special training and counseling to do so.

Decisions about all related services, including parent counseling and training, must be made by the IEP Team and written in the IEP document. Parents are part of the IEP Team and can ask that training for the family in the student’s mode of communication is included in the student’s IEP. The specialists on the IEP team can provide training to the parent/family in the area of their expertise.

**k. SPECIALIZED PHYSICAL HEALTHCARE**

**What’s Required? / What to do?**
SFUSD must provide specialized physical healthcare services to disabled students when the student’s IEP team determines that such services are necessary for the student to benefit from his/her educational program.

Specialized physical health care services are services prescribed by the student's licensed physician and surgeon requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the student to attend school.

Prescribed services include protocols and procedures developed through collaboration among school or hospital administrators and health professionals, including licensed physicians and surgeons and nurses, to be utilized in the provision of the specialized physical health care services.

**I. SOCIAL WORKER SERVICES**

**What’s Required?**
SFUSD must provide social worker services to disabled students if the student’s IEP team determines that the student requires the services in order to benefit from his/her educational program.

**What to do?**
Social workers assigned by SFUSD to assist disabled students must offer the following services:
- Individual and 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 student’s learning and developmental requirements
m. VOCATIONAL EDUCATION AND CAREER DEVELOPMENT

What’s Required?
SFUSD must provide vocational education and career development services to disabled students when the student’s IEP team determines that such services are necessary for the student to benefit from his/her educational program.

What to do?
SFUSD must provide such services, which are designed to prepare students for employment and independent living. They are a coordinated set of activities that promote movement from school to post-school environments. These tailored activities consider each student’s preferences, potential, abilities, and interests and include:

- Instruction
- Community integration
- Employment
- Other post-school adult living objectives

For more information on the type of vocational education and career development services that SFUSD provides to disabled students, reference the Transition and Transition Services sections.

n. RECREATION SERVICES

What’s Required?
SFUSD must provide recreation services to disabled students when the student’s IEP team determines that such services are necessary for the student to benefit from his/her educational program.

What to do?
SFUSD must provide eligible disabled students with access to the following recreation services:

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

o. SPECIALIZED SERVICES FOR LOW INCIDENCE DISABILITIES

What’s Required?
A low incidence disability is a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof.

Summary of legal requirements. Education Code Section 56836.22 provides for funds to purchase specialized books, materials and equipment as required under the student’s individualized education program (IEP) for students with low incidence disabilities as defined in Section 56026.5 (hard of hearing, deaf, deaf-blind, visually impairment, or severe orthopedic impairments, or any combination thereof).

As a condition of receiving these funds, the SFUSD must ensure that:
- The appropriate books, materials and equipment are purchased
- The use of items is coordinated as necessary
- The books, materials and equipment are reassigned within SFUSD once the student that originally received the items no longer needs them

Responsibility. Low Incidence funding is legally the responsibility of SFUSD, including accountability of how the funds are used and reassignment of specialized books, materials and equipment within SFUSD. To meet this responsibility, a Low Incidence Committee has been established which is comprised of educators knowledgeable about low incidence disabilities. The SFUSD Low Incidence Committee has established procedures and guidelines for purchases through the Low Incidence fund.

The Low Incidence Committee may include:
- Specialist for the visually impaired
- Specialist for the orthopedically impaired
- Specialist for the Hard of Hearing or Deaf
- Speech/Language Pathologist
- Audiologist
- Teacher or Specialist knowledgeable in assistive technology
- DIS Administrator

Eligibility. Low Incidence Funds may be used for all students with Low Incidence disabilities as defined in law, for both primary and secondary eligibilities. Some students counted as having an orthopedic impairment may not be eligible because they do not have a “severe orthopedic
impairment” as per the definition of Low Incidence disabilities in Education Code 56026.5. Students who have severe orthopedic impairments require highly specialized services, equipment and materials per Education Code Section 5600.5(b).

Education Code Section 56320(g) requires that persons knowledgeable of that disability shall assess a student with a suspected low incidence disability. A low incidence disability does not guarantee the use of low incidence funds.

The IEP team must review assessment data and determine the most appropriate items or services needed to address the student’s unique educational needs. These may or may not be specialized.

**What to Do?**
These guidelines were developed for serving students with severe low incidence disabilities who require specialized services and/or equipment and specialized materials to benefit from education. These students have the potential to access SFUSD’s core curriculum with appropriate accommodations.

- **Low Incidence Funds (LIF) Parameters**
  - Prior to requesting purchase of new equipment, the DIS specialist must check other sources such as the Assistive Technology (AT) center for any availability
  - Low incidence funds must not be used for purchase of non-adapted computers and toys

- **Procedures**
  - **Determine Eligibility:** The IEP team must determine eligibility for low incidence disabilities. The Low Incidence eligibility must be documented on the IEP as a primary or secondary disability
  - **Determine Student Needs:** The IEP team must determine the student’s educational needs for item(s) through educational assessment and documentation
    - **Educational Assessment**
      - The personnel who assess the student must prepare a written report, or reports as appropriate, of the results of each assessment. The report shall include, but not be limited to the need for specialized services, materials, and equipment for students with low incidence disabilities
    - **IEP Documentation:** The requirements must be written into the IEP but are not limited to the following:
      - How the item will assist the student’s instruction in accordance with the IEP
      - How often the item will be used or is needed
      - How the item facilitates participation in the classroom
      - Specific projected student outcomes
• Justification statement that is related to the student’s unique educational needs as identified in the assessment information (See IEP Team’s Rationale on Request Form); reference the Educator Resources website for a copy of the form
• Assessment, goals and objectives that are correlated to the justification statement of need
• Present level that reflects assessment information and need for support
• Identification of personnel who will provide support to the student and will monitor and inventory adapted equipment and FM System (List name & position)

  o Contact DIS Specialist: IEP teams must contact the DIS specialist to receive copies of the “Low Incidence Request” Forms and complete the form. Include accurate ordering information including tax and shipping. Reference the Educator Resources website for a copy of the form.
  o Attach Current Annual IEP: IEP must be signed and legible. Attach amendment IEPs as appropriate
  o Attach all Documentation: IEP teams must submit reports from OTs, PTs, audiologists, vision impairment specialists and/or speech/language pathologists
  o IEP teams must send the Request Packet to:
    ▪ Special Education Services
    Assistive Technology and Hearing Center
    750 25th Ave
    San Francisco, CA 94121
    ▪ IEP Teams must keep a copy of the request packet for their records

- Cautions
  o IEP teams must not list specific items in students’ IEPs using specialized brand names. Rather, goals should be addressed generically. What the IEP must show is that the student has a unique educational need directly related to the low incidence disability and that this need can only be met with specialized books, materials, equipment and services. Goals need to be written to address the unique educational needs, not the desired items or service
  o If the Annual IEP goals do not specifically address this educational need, then the IEP team must create and submit an amendment IEP with goals that reflect the need for specialized books, materials, and equipment
  o There is no guarantee of approval by the Low Incidence Committee. Once specific items are listed on the IEP, SFUSD is ultimately responsible for purchasing the equipment

- Low Incidence Committee Approval Process
  o Dates of Review: The Low Incidence Committee must meet twice a month to review the Low Incidence requests and provide approval or denial response after the meeting
  o Purchasing the LI Item: Once approval is granted, the LI committee must process the purchase order. An inventory tag must be attached to equipment by
designated SFUSD personnel and identify equipment as LI with permanent marker. An inventory tag number will also be recorded on the purchase order by LI committee personnel.

- **Student Movement**
  - **Student moves into SFUSD:** When a student moves into SFUSD with LI equipment already purchased for the student in their last placement, the Local Education Agency (LEA) that issued the equipment must document that the equipment be transferred. If equipment is sent with the student, the LEA must complete an inventory form and send it to SFUSD so it can be put into the Low Incidence Inventory database.
  - **Student moves out of SFUSD:** If the books, materials and equipment issued to the student are still needed by other SFUSD students with low incidence disabilities, SFUSD is **not** required to send the equipment with the moving student. Providing LI is now the responsibility of the LEA where the student now resides.

However, if materials and equipment purchased with Low Incidence Funds are unused, SFUSD is encouraged to arrange with other school districts to share the unused equipment, books and materials. SFUSD may contact the California Department of Education (CDE) for assistance in locating another school district that has need of the unused equipment, books or materials.

- **Student graduates from high school:** A graduating high school student with a LI disability cannot use the specialized equipment purchased for him/her by SFUSD through low incidence funds in college. To do so would be a gift of public funds, which is a violation of law.

Pursuant to Education Code 56822, books, materials and equipment purchased with low incidence funds remain the property of the state. Since the student has graduated from high school, he/she is no longer eligible to receive special education services from SFUSD.

If SFUSD no longer has use for the books, equipment or materials, it must notify CDE so that CDE can find another school district that has need of these resources. If the student needs similar equipment upon graduating or aging out, he/she should contact the Department of Rehabilitation or Golden Gate Regional Center.

- **Equipment**
  - **Lost or stolen equipment may be replaced using Low Incidence Funds (LIF)**
  - **If the item(s) has been purchased for one student and is no longer being used by that student, SFUSD should reassign the item to another student who is LI eligible. The IEP for that student must indicate the need for LI equipment**
  - **IEP teams may want to recommend a trial basis on a piece of equipment. This can be accomplished through a lease agreement with the vendor prior to purchase**
- **Management Information Documentation**
  - An IEP team member must ensure that the student who receives LI equipment is listed as having a Low Incidence disability within web-based IEP system.

## p. INTERPRETING SERVICES

### What’s Required? / What to do?
SFUSD must provide interpreting services to disabled students when the student’s IEP team determines that such services are necessary for the student to benefit from his/her educational program.

### q. TRANSPORTATION

### What’s Required?
IDEA defines transportation as:
- Travel to and from school and between schools
- Travel in and around school buildings
- Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a student with a disability

Transportation is NOT just travel in vehicles, but also includes travel on foot. In addition, specialized education also includes “travel training.” In addition, “orientation and mobility services” are also related services included in special education. Reference the [Orientation and Mobility section](#) for additional information on Orientation and Mobility Services.

SFUSD is required to provide transportation to students with disabilities if transportation is required to assist such students to benefit from their educational programs. If transportation is deemed necessary, it must be provided free of charge to the student.

SFUSD does not guarantee transportation for all of its students, and therefore is not obligated to require transportation for all special education students. Instead, SFUSD operates several school bus routes from designated points across the city, and requires parents to sign up for school bus services. If a student does not ride one of these routes to school, then that student may ride public transportation or that student’s parent or another adult may transport him/her to school.

SFUSD’s school choice program also has implications for transportation. The following guideline applies for SFUSD’s offering of free appropriate public education (FAPE):

- If a parent chooses to place their child in a different school due to personal choice and have no disability-related reason to do so (i.e., FAPE has been offered elsewhere), then SFUSD is not obligated to provide transportation to that student
This is because SFUSD does not guarantee transportation for ANY child who participates in the SFUSD’s voluntary school choice program. The student is still eligible for the transportation that SFUSD does provide; i.e. general education buses. The IEP team must, however, be careful to document the offer of FAPE in the student’s original school and make clear that the parents’ preference is for non-disability related reasons.

**What to do?**

IEP teams should do the following when evaluating a student’s transportation needs:

- Discuss a student’s transportation needs at each IEP meeting
  - Note that this should be done because transportation is a related service; *failure to do so is a significant procedural violation*

- When considering whether a student requires transportation as a related service, the IEP team must evaluate the special education student’s needs relative to his non-special education peers
  - The primary question to be asked in this evaluation is whether the special education student, in order to get to her specific educational setting, is capable of using the same options to get back-and-forth to school as her non-special education peers

- Discuss a student’s transportation needs only AFTER an educational program/placement/service has been selected for the student. IEP teams must be in possession of the details concerning both the length and location of a student’s educational program before it can determine the logistics of an appropriate transportation program for a student

- Consider the following factors when determining his/her transportation needs:
  - Student’s medical diagnoses and health needs
  - Student’s general ability and/or strength to ambulate/wheel
  - The approximate distance the student needs to walk or wheel his/herself to school
  - Student’s needs in very hot or inclement weather
  - The physical accessibility of curbs, sidewalks, streets, and public transit
  - Student’s ability to arrive to school on time, avoid getting lost, avoid dangerous traffic situations
  - The implementation of Positive Behavioral Intervention Plans (PBIPs) for the student
  - Student’s mid-day transportation needs for other related services

Note that not every child, by the sole reason that they receive special education services, will receive transportation as a related service, just like every child who receives special education does not automatically receive speech-language pathology services, for example. This is because the need for transportation, like all related services, should be *determined on a case-by-case basis depending on whether the student needs the service to benefit from his/her education.*
Transportation Options. After an IEP team has decided a student’s educational plan and accessed his/her transportation needs, the IEP team should document how the student will get from home to school and back each day. Transportation options include:

- **Specialized transportation not required:** If a student is capable of using the same options to get back-and-forth to school as are non-special education students (including walking, taking public transportation, and riding the general education school bus), then transportation does NOT need to be listed as a related service in the student’s IEP. This is because the student does not require any specialized transportation service to benefit from their education, and therefore transportation is not a related service under the IDEA for that student.

- **Specialized transportation required:** If the IEP team determines that the student is not capable of using the same options to get back-and-forth to school as her non-special education peers, then transportation should be listed on the IEP as a related service.

This is usually designated either as curb-to-curb service by a special school bus, taxi service, or reimbursed voluntary parental driving. Because transportation as a related service should be addressed during every IEP meeting, the IEP team should evaluate a student’s transportation during each IEP meeting, adjusting them as needed. The service should be described in detail to describe how, when, and from where to where the transportation will be provided, and of course, financial arrangements when parents are to be reimbursed.

Factors to consider when choosing between general education and curb-to-curb transportation. There are a few considerations that IEP teams should consider when deciding between general education pickup and curb-to-curb services for a special education student after determining that a student requires transportation as a related service. These factors include:

- **Mobility:** Can the student move independently? If not, then they most likely need curb-to-curb services.

- **Age:** Is the student old enough to have the maturity and reasoning abilities to make prudent decisions regarding bus travel, following directions, and arriving at the pick-up point safely?

- **Nature of the Disability:** Does the nature of the student’s disability negatively affect his/her ability to make prudent decisions regarding bus travel, following directions, and arriving at the pick-up point safely?

- **Distance:** Is the walk from the student’s home to the bus stop long? If so, and depending on considering the student’s age and disability, the student may need curb-to-curb service.

- **Nature and Conditions of Route to Bus Stop:** Is there considerable potential hazard on the route between home and the bus stop, including difficult terrain or heavy traffic, given the student’s age and disability?

- **Public and Private Assistance:** Are there crossing guards on the route? Are there older siblings that are also walking to the bus stop? If so, and the student only needs
guidance and the normal protections against traffic, then they could possibly ride the
general education bus

**Travel Training.** Travel training is defined as “providing instruction, as appropriate, to children
with significant cognitive disabilities, and any other children with disabilities who require this
instruction, to enable them to develop an awareness of the environment in which they live and
learn the skills necessary to move effectively and safely from place to place within that
environment, as for example in school, in the home, and in the community.”

In essence, travel training consists of teaching students how to travel independently on public
transportation, walking safely across streets with and without stoplights, recognizing the need
for assistance and knowing how to get assistance, avoiding dangerous situations, and handling
unexpected situations, such as changed routes or detours.

IEP teams must consider whether a student would benefit from travel training during his/her
IEP meetings.

### 12. PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

**What’s Required?**
IEP teams must discuss the placement that is the least restrictive environment (LRE) for the
disabled student. In this context, placement refers to facilities, personnel, location or
equipment necessary to provide all of the services identified in the IEP.

**Core LRE Basic Principles.** These principles apply to all students receiving special education
support, not just those with mild disabilities:

- **Standards for Removal from General Education.** The IEP team must ensure that special
day classes, separate schools, or other removal of students with disabilities from the
general education environment, occurs only if the nature or severity of the disability is
such that education in general education classes with the use of supplementary aids
and services cannot be achieved satisfactorily (i.e., student is not receiving educational
benefit)
  - “General educational environment” encompasses general education classrooms
    and other settings in schools such as lunchrooms and playgrounds in which
    students without disabilities participate
- **Begin Consideration with General Education Class.** The IEP team must always begin
consideration of placement in a general education class, along with the provision of
special education/related services and the use of supplementary aids and services
  - These may include the provision of differentiated instruction, assistive
    technology, and provision of specialized services either in or briefly outside of
    the general education class
- **Attendance in School Student Would Attend if Not Disabled.** Unless the IEP of a
student with a disability requires some other arrangement, the student is educated in
the school that he/she would attend if nondisabled. If the student must be placed in
another school to receive FAPE, the placement must be as close as possible to his/her home

- **Integration.** To the maximum extent appropriate, students with disabilities, including students in public (including charters) and private institutions or other care facilities, must be educated with nondisabled students

- **Potential Harmful Effects.** When considering LRE, the IEP team must consider any potential harmful effect of a placement on the student or on the quality of services that he/she needs and what strategies may be used to counter these effects

- **Need for Modifications.** A student with a disability may not be removed from education in age-appropriate general education classrooms solely because the general education curriculum needs to be modified

- **Impermissible Factors.** In all cases, the LRE decision must be individually determined on the basis of each student’s abilities, needs, and IEP, and not solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, availability of space, transportation routes, or administrative convenience. For example, a student with a primary disability of Emotional Disturbance (ED) must not be assumed to require and automatically placed in an “ED program”

- **Residential Care.** If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents

- **Timing of Decision.** The LRE decision is based on the student’s unique needs and made only after all goals, modifications, and accommodations have been developed in the IEP

- **Discussion Questions.** For the location of instruction/services, IEP team members must consider the following:
  - Where would the student attend school if he or she did not have a disability?
  - What accommodations and modifications have been used to support the student in the general education class?
  - After a review of the modifications and accommodations designed in the IEP, what additional strategies and supports have been identified to facilitate the student’s success in the general education setting?
  - If the student is not currently receiving instruction and/or services in a general education setting, what strategies could be used to do so?
  - Based on IEP goals and objectives or benchmarks, what instructional setting(s) would support the achievement of these goals and objectives or benchmarks?

**What to do?**

The following checklist summarizes SFUSD’s legal obligations related to placing students within LREs:

- Steps are taken, including placement of classes, to ensure that the student with a disability participates in academic, nonacademic and extracurricular services and activities to promote maximum interaction with the general education school population (20 USC 1412 (a)(1), 20 USC 1415 (a)(5), 34 CFR 300.114(2)(i & ii), 34 CFR 300.107, 30 EC 56345(a)(4), 30 EC 56364.2, 30 EC 56033.5, 30 EC 56000.5.)
- Students with disabilities are educated with students who are not disabled *(20 USC 1412(a)(5), 34 CFR 300.114 (2)(ii), 30 EC 56345(a)(4)).*
- Placement in special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily *(20 USC 1412(a)(5), 34 CFR 300.114 (2)(ii), 30 EC 56345(a)(4)).*
- A full continuum of services and placements are available if needed for each individual with disabilities *(20 USC 1412(a)(5), 34 CFR 300.115, 30 EC 56361.)*
- The IEP team considers:
  - Regular education programs *(20 USC 1412(a)(5), 34 CFR 300.320(a)(5), 30 EC 56361(a)).*
  - General education classroom with resource specialist services *(20 USC 1412(a)(5), 34 CFR 300.305(a)(2)(iv), 30 EC 56361(a) - (b)).*
  - General education classroom with designated instruction and services or related services *(20 USC 1412(a)(5), 34 CFR 300.115(b)(2), 30 EC 56361(a) & (c)).*
  - General education classroom with some services in special classes and centers that enroll students with similar and more intensive educational needs *(20 USC 1412(a)(5), 34 CFR 300.115 (b)(2), 30 EC 56361(a) & (d)).*
  - Special classes and centers *(20 USC 1412(a)(5), 34 CFR 300.114(a)(2), 34 CFR 300.115(a) & (b)(1), 30 EC 56361, 30 EC 56364.2).*
  - Instruction in settings other than classrooms *(20 USC 1412(a)(5), 34 CFR 300.115(b), 34 CFR 300.117, 30 EC 56361.)*
  - Itinerant instruction in classrooms, resource rooms, and settings other than classrooms *(20 USC 1412(a)(5), 34 CFR 300.115, 34 CFR 300.117, 30 EC 56361.)*
  - Telecommunication and instruction in the home, in hospitals, and in other institutions *(20 USC 1412(a)(5), 34 CFR 300.115(b)(1), 34 CFR 300.117, 30 EC 56361.)*
  - Nonpublic, nonsectarian school services *(20 USC 1412(a)(5), 34 CFR 300.114(a)(2)(i), 34 CFR 300.118, 30 EC 56361.)*
  - State special schools *(30 EC 56361(f)).*
  - Nonpublic schools and agency services certified by the state *(30 EC 56034.)*

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**13. ENGLISH LEARNERS**

**What's Required?**

English Learners (ELs) are students whose Home Language Survey indicates a language other than English. Reference the Educator Resources website for a copy of the Survey. EL students who qualify for special education services receive both special education services and appropriate language acquisition services.
**What to do?**

When developing the IEP for English Learners, the IEP team must:

- Include directions that the student must be assessed **annually** using the California English Language Development Test (CELDT) or an alternative to determine English language proficiency (30 EC 313, 5 CCR 11511, 5 CCR 11512.)
- Consider the results of the CELDT or alternate (34 CFR 300.324(a)).
- Include a determination of whether the CELDT will be administered with or without modifications or accommodations, or whether English proficiency will be measured using an alternate assessment (34 CFR 300.320, 5 CCR 11516.)
- Include a description of activities that lead to the development of the student’s English language proficiency (34 CFR 300.320, 5 CCR 3001.)
- Include a description of instructional systems that meet the language development needs of the student and ensure access to the general education curriculum (34 CFR 300.320, 5 CCR 3001.)
- Ensure that teachers who provide instruction to English Learners with disabilities have appropriate special education credentials as well as supplementary authorization to provide English language development and primary language support (e.g., CLAD, BCLAD, or equivalent) (30 EC 44253.1 to 30 EC 44253.10.)
- Whenever possible, maximize appropriate primary language support
- For each goal, specify the language of instruction by using the following phrase: “… in the language of instruction that will align with the EL pathway at the school site that maximizes his/her primary language”
  - Example: Student, when reading a third grade passage, will apply basic syllabication rules when decoding multi-syllabic rules [RE.2.1.2] in the language of instruction that will align with the EL pathway at the school site that maximizes his/her primary language as implemented by the Special Education teacher, Student, Parent, Teacher from 10% to 90% by 1/4/2011
- Create English Language Development (ELD) goals or objectives that are related to English Language Acquisition (ELA) goals for all students identified as ELs
- Ensure that all English Learner students receive a minimum of 30 consecutive minutes of English Language Development targeted at their proficiency levels

**14. EXTENDED SCHOOL YEAR (ESY)**

**What’s Required?**

Extended School Year (ESY) is a related service that SFUSD provides students with disabilities beyond the regular school year, in accordance with the student’s IEP, at no cost to the parents of the student.

SFUSD must ensure that extended school year programs are available as necessary to provide free, appropriate public education (FAPE). (34 C.F.R. § 300.309(a)(1).)
What to Do?
The student’s IEP team will need to consider a variety factors to determine whether the student requires ESY in order to receive a free appropriate public education (FAPE). The following is a non-exhaustive list of factors that SFUSD must consider:

- **Regression/Recoupment Test**: SFUSD must provide ESY services to individuals with handicaps that are likely to continue indefinitely or for a prolonged period. For these students, an interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, making it unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his /her handicapping condition
- Nature and severity of the student’s disability
- Whether the student is making steady progress
- What happens to the student when regularly scheduled breaks occur during the school year, i.e., semester breaks, winter vacation, etc.
- Whether the benefits the student gains during the regular school year will be significantly jeopardized if he is not provided with an ESY
- Ability of the student to interact with peers
- The student’s vocational needs
- Availability of alternative resources
- Whether there are “emerging skills” and “breakthrough opportunities” such as when a student is on the brink of learning to read
- Other relevant information

15. TRANSITION SERVICES

What’s Required?
Transition services and support prepare students for employment and independent living. They are a coordinated set of activities that promote movement from school to post-school environments. These tailored activities consider each student’s preferences, potential, abilities, and interests. They include instruction, community integration, employment, and other post-school adult living objectives.

Transition services include appropriate, measurable post-secondary goals that are based on age-appropriate transition assessments. Any area addressed must be based on the student's needs, taking into account the student's strengths, preferences, and interests.

Transition services must be:

- **Results-oriented.** Designed to be within a results-oriented process, that is focused on improving the academic and functional achievement to facilitate movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation

- **Based on Student Needs.** Based on the individual student’s needs, taking into account strengths, preferences, and interests; and includes, but is not limited to:
o Instruction
o Related services
o Community experiences
o The development of employment and other post-school adult living objectives
o Acquisition of daily living skills and provision of a functional vocational assessment, if appropriate

Transition Principles. In order to effectively provide transportation services, IEP teams must:

- Collaborate with students/families to consider goals for life after high school and develop a long-range plan to get there
- Prepare for a high school experience that will enable the student to gain the skills and competencies needed to achieve his/her desired post-school goals

What to do?
Age to Initiate Transition Services. The IEP team must consider transition services beginning no later than the first IEP to be in effect when the student turns 16 (or younger as determined by the team), and update information on transition services annually.

The IEP team must address transition services prior to age 16 years so they are in place by this age and another IEP meeting does not have to be held to address the issue. In addition, the team may address transition services at an earlier date if the team has determined that transition assessments, goals, supports, or services should be addressed.

Individual Transition Plan (ITP). The ITP must include:

- Postsecondary Goals. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to: employment, residential, education/training, financial/economic, and independent living
- Description of Services. The transition services (including courses of study) needed to assist the student in reaching those goals
- Consideration of Graduation. As part of transition planning, the IEP team must determine the student’s projected graduation status. All students, including those receiving the majority of instruction in special day (SDC) classes are considered diploma-bound, unless determined otherwise by the IEP team

Reference sections Transition and/or Individualized Transition Plans for additional information on Transition Services.

16. GRADUATION AND ALTERNATIVES

What’s Required?
Defining appropriate graduation requirements for students who receive Special Education presents a unique challenge. This is because students with learning disabilities may experience a wide array of disabilities including cognitive, auditory or visual processing, emotional, physical, medical or many other learning or perceptual challenges.
IEP teams must map a detailed plan for each student that spells out services and course requirements through graduation (or Certificate of Completion). The team must also develop an individualized transition plan (ITP) that maps out a student’s progress beyond high school into the world of work and independent living, or on to college.

Reference section Individualized Transition Plans for additional information on ITPs.

The State of California sets a minimum requirement for graduation of 130 units of specified core subjects. San Francisco Unified requires a minimum of about 100 more credits than this. Students with IEPs are required to meet the SFUSD standard of 230 units for graduation.

**What to do?**

An IEP team must to ensure that students with mild or moderate disabilities:
- Graduate
- Complete the core curriculum in the most inclusive and least restrictive environment possible
- Receive adequate support classes and succeed in General Education classes, or their equivalent
- Receive adequate support classes to pass the California High School Exit Examination (CAHSEE) or receive a waiver for the exam
- Have a well-developed and comprehensive individualized transition plan (ITP)
- Receive appropriate support classes that prepare students for independent living, a career, college or other advanced education or training

In some cases, it may be necessary to modify individual schedules in order to ensure that students with disabilities graduate, succeed in the core curriculum, and transition to success beyond high school. Wherever possible, however, it is recommended that students come as close as possible to meeting the full A to G graduation requirements required by SFUSD and complete the full 230 units.

**State of California minimum course requirements.** In accordance with state of California requirements, students with disabilities must meet the following minimum course requirements:
- Three courses in English
- Two courses in mathematics, including one year of Algebra beginning in 2003-04 (California Education Code Section 51224.5)
- Two courses in science including biological and physical sciences
- Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics
- One course in visual and performing arts or language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language
Note that a student's IEP states that he/she is not required to take a World Language, then the student may be exempted from the World Language requirement. Students should substitute the 20-credit World Language requirement with other courses

- Two courses in physical education, unless the student has been exempted pursuant to the provisions of Education Code Section 51241
- Additionally, SFUSD requires 5 credits of Health Education and 2.5 credits in College and Career

The governing board, with the active involvement of parents, administrators, teachers, and students, shall adopt alternative means for students to complete the prescribed course of study, which may include:

- Practical demonstration of skills and competencies
- Supervised work experience or other outside school experience
- Career technical education classes offered in high schools
- Courses offered by regional occupational centers or programs
- Interdisciplinary study
- Independent study
- Credit earned at a postsecondary institution

<table>
<thead>
<tr>
<th>High School Subject Area</th>
<th>Recommended Graduation Requirement for Special Education Students</th>
</tr>
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<tbody>
<tr>
<td>English</td>
<td>• Minimum 3 years&lt;br&gt;• Recommended 4 years - 40 credits, English 9, English 10, American Literature&lt;br&gt;• European Literature&lt;br&gt;• Support classes may include reading, English Language Development for students acquiring English or English support</td>
</tr>
<tr>
<td>Mathematics</td>
<td>• Minimum two courses in mathematics including one year of Algebra&lt;br&gt;• Recommended two years – 20 credits of mathematics including Algebra and Geometry&lt;br&gt;• Support classes may include Consumer or Applied math, math skills, and in some cases students benefit from algebra being broken into 4 semesters, in which case, the student would need three years of mathematics to meet minimum state guidelines</td>
</tr>
<tr>
<td>Sciences</td>
<td>• Minimum two courses in science, including biological and physical science&lt;br&gt;• Recommended two years – 20 credits Biology plus another lab science&lt;br&gt;• Additional or support classes may include Integrated Science, especially with an emphasis on project based or hands on approach, applied physics, marine biology or earth science</td>
</tr>
<tr>
<td>Social Science</td>
<td>• Minimum 3 years – 30 credits, Modern World History, United States History, American Democracy &amp; Economics&lt;br&gt;• Additional support classes may be necessary</td>
</tr>
<tr>
<td>Language other than English</td>
<td>• Minimum one year course in a foreign language (American Sign Language satisfies the requirement)&lt;br&gt;• Or one year of visual or performing arts&lt;br&gt;• Recommended one year – 10 credits in foreign language&lt;br&gt;  • Note that if a student's IEP states that he/she is not required to take a World Language, then the student may be exempted from the World Language requirement. Students should substitute the 20-credit World Language requirement with other courses</td>
</tr>
</tbody>
</table>
| Visual and Performing Arts | • Minimum one year of visual or performing arts  
• Or one year of foreign language  
• Recommended one year – 10 credits of visual and performing arts |
| Physical Education  
CA State  
Dept. of Education | • Minimum 2 years – 20 credits required by law. Students who fail to pass CDE Fitness Test must retake the test annually until they pass and could be required to take up to 4 years of Physical Education. Students with a significant physical disability (or disabilities) can seek a waiver of this requirement |
| Health Education | • 5 credits |
| College and Career Course | • 2.5 credits |
| Electives | • Recommended 52.5 credits, which may include general education electives, special education support classes, CAHSEE support classes, reading, support classes for Community College Placement Exam, transition classes, credit for work/internships, project based or practical demonstration of skills and competencies, independent living skills, concurrent enrollment in community college, etc. (Many of these courses may evolve as the Special Education Redesign progresses.) |
| Total Credits/Units for graduation | • To be determined by IEP team. Minimum of 135.5  
• Recommended 230 total credits |
| Assessments | • California High School Exit Exam waiver is available providing student takes appropriate support classes  
• Must pass the SFUSD Swimming Proficiency Test. Students with a significant physical disability (or disabilities) can seek a waiver of this requirement |

17. IEP NOTES

What’s Required?/What to do?
IEP Notes are designed to capture information discussed during an IEP meeting, but not captured in other sections of the IEP. IEP Teams should assign a note taker before the IEP meeting begins. The note taker must:
- Capture important instances of agreement or disagreement
- Capture information and/or discussion not reflected in the rest of the IEP
- Summarize what was discussed
- Document that the student’s parents received a copy of the IEP
- Document parent participation within the IEP meeting
- Document if parents require further clarification on free, appropriate public education (FAPE)
- Document any required follow-up tasks for issues that were not resolved during the IEP meeting
- Document any information that the parent requests be added to the notes
- Document full names of all meeting participants
- Document all parental requests expressed during the IEP meeting. Also, note SFUSD’s response to parental requests
- If the student’s parents do not attend the IEP meeting, document prior attempts (including date, method, and time) to get the parents to attend
- If there are problems getting parents to actively participate in the meeting, document all SFUSD attempts to encourage parent participation
- If any required members of the IEP team have been excused from the meeting, explain that in the notes and refer to the parent’s written approval of the excusal
- Identify any reports that were reviewed and considered by the IEP team, this includes any Independent Educational Evaluation (IEE) provided by the parents
- Proofread the notes and review with the team, including the parents, before finalizing the IEP

### 18. INDIVIDUALIZED TRANSITION PLANS (ITP)

#### What’s Required?

The Individualized Transition Plan (ITP) is a written plan identifying the progressive steps a student will take to meet post-graduation goals. It includes the following information:

- Student’s after-graduation goals
- Student’s interests, strengths, and career goals
- Activities to help student reach goals in the areas of career, self-advocacy, interpersonal/social, and independent living
- School and post-school services that can help student reach goals
- Notice of rights that must be provided to the student a year before reaching age 18
- Recommendations for next year to help the student reach goals

To begin transition services, the student will complete a transition planning interview to identify his or her needs. The IEP team must then develop an individualized transition plan (ITP) based on the interview. The ITP is designed to accomplish the student's stated goals from the interview.

Included in the ITP are the goals and benchmarks needed to achieve identified outcomes. The ITP may include related instruction in life and employability skills designed to maintain actual employment. Evaluations and assessments may be identified to assist the student in achieving his or her stated outcomes.

The ITP must also identify essential activities needed to achieve transition goals. Such activities may include evaluations, when to apply for scholarships, when to identify trade schools or colleges, and setting up linkages to adult services and supports.

Agencies that must be contacted to be as part of the ITP process include, but are not limited to:

- Community Colleges
- County Mental Health Services
- Department of Rehabilitation
- Employment Development Department
- Regional Centers
- Regional Occupational Programs
- Social Security Administration
**What to do?**

Specific steps that IEP teams must follow to create ITPs are as follows:

- **Identify student needs based on current evaluations:**
  - Student needs related to involvement and progress in the general education curriculum (academic needs)
  - Other educational needs that result from the disability
  - Transition needs for students age 16 and over
  - If the student is identified as Limited English Proficient (LEP), the language needs of the student must be considered and noted on the IEP
  - If the student is legally blind or visually impaired, instruction must be provided in Braille OR the IEP team must document why instruction in Braille is not appropriate

- **Establish goals and short term objectives:** Include a statement of each measurable annual goal, including academic and functional goals, designed to do the following:
  - Meet the student’s needs that result from the student’s disability in order to enable the student to be involved in and make progress in the general curriculum
  - Meet each of the student’s educational needs that result from the individual’s disability
  - At annual and three year reviews, IEP teams must address the previous year’s goals and objectives and note on the IEP whether goals were met. If previous goals were not met, IEP teams must document that appropriate action(s) to be taken (i.e. continue, discontinue or modify)
  - Short-term objectives are no longer required for students who are receiving accommodations only in the general education curriculum
  - The IEP team must develop a list of services and/or equipment necessary to achieve the annual goals developed. Frequency, duration, and location of services to be provided must be specified on the IEP. Frequency of service may reflect a range of time or sessions to allow for scheduling variability

- **Consider program alternatives:**
  - In considering program alternatives, the IEP team must make recommendations based on the individual needs of the student and not on the category under which the student is determined to be eligible for special education
  - To the maximum extent appropriate, standing with disabilities should be educated with children who are not disabled. The IEP team must consider the full continuum of program options to ensure that all students are provided a free appropriate public education in the Least Restrictive Environment (LRE) and document options considered on the IEP
  - After reviewing all program options, the IEP team must recommend appropriate specialized academic instruction and services, calculated to offer the student’s the opportunity to achieve educational benefit
- **Sign appropriate forms**
  - All IEP team members, including parents and student (when student is in attendance) sign the IEP. If the student’s parents consent to the IEP and placement of their child, they will so note and sign the IEP document.
  - If the parent does not consent to all components of the IEP, then those components of the program to which the parents has consented may be implemented so as not to delay providing instruction and services to the student. The parent should be informed of their Due Process rights.
- **Distribute completed forms to appropriate individuals**

Reference the [Transition](#) and [Transition Services](#) for additional information on Transition procedures for students with disabilities.

## H. AMENDING IEP DOCUMENT

### What’s Required?
Following review and finalization of a student’s IEP, changes in circumstances may lead to amendments to the student’s IEP. IEP Amendments:
- Occur after the annual IEP has been developed
- Do **not** change the due date of when the next annual IEP is due
- May only be done without an IEP meeting when the parent agrees to do so
  - Parental agreement to modify an IEP without an IEP meeting must be obtained in writing

### What to do?
When amending an IEP, IEP teams must:
- Contact the student’s parent(s) to discuss the proposed change
- Inform the parent that the proposed change needs to occur through a team process, but can happen with or without a meeting
  - If the parent requests further discussion through a meeting process, SFUSD must call and hold an IEP meeting
  - If the parent and SFUSD agree that the change(s) can occur without a meeting:
    - The parent(s) and SFUSD discuss the IEP change(s)
    - SFUSD notes the areas to be changed on the IEP within the Agreement to Amend IEP form. Reference the Education Resources website for a copy of the form.
    - SFUSD prints the Agreement to Amend IEP form
    - Parent(s) and appropriate SFUSD personnel sign the Agreement to Amend IEP form. Reference the Education Resources website for a copy of the form.
- Ensure that the original IEP is finalized before amending it
- Send copies of the following to the student’s parent(s):
  - Agreement to Amend the IEP
  - Amended IEP
• Prior Written Notice informing the parent of the proposed changes to the IEP
• Parent Consent/Objection form. Reference the [Educator Resources website](#) for a copy of the form.
• When parental permission is received, SFUSD must:
  • Inform the entire IEP Team of the amendments/changes made to the IEP
  • Implement the Amended IEP

IEP Amendments fall into two main categories:
• IEPs requiring significant change
• IEPs that do not require significant change

1. **SIGNIFICANT CHANGE**

**What’s Required?**

Examples of situations in which an IEP requires significant change include:
• Changes to the student’s placement
• Changes in student’s disability eligibility
• Significant changes in student behavior that warrants serious disciplinary action

**What to do?**
In such instances, SFUSD must hold an IEP meeting to discuss the proposed changes and how they impact student need and services.

2. **NOT SIGNIFICANT CHANGE**

**What’s Required?**

IEPs do not require significant change if the proposed amendment is small or limited to a particular service. Examples include small changes to:
• Student transportation details
• Student goals/objectives
• Student Extended School Year (ESY) designation
• Student instructional setting

**What to do?**
In such instances, SFUSD and the student’s parents can agree that the proposed amendment is not significant and choose to modify the IEP without calling an IEP meeting. If this agreement is obtained, the IEP can be modified using the procedure outlined above.

1. **TRANSFER STUDENT WITH IEP**

**What’s Required?/What to do?**

It is possible for students who require special education and related services to transfer into
SFUSD from other areas within California or other states. SFUSD must follow certain guidelines when handling the IEPs for students who transfer from other California districts or other states.

### 1. TRANSFER WITHIN CALIFORNIA

**What’s Required? / What to do?**
The following guidelines govern how to handle IEPs for students who transfer into SFUSD from another school district in California:

- A student transferring into SFUSD from another district within California must **immediately** be placed in an SFUSD program that is in conformity with the student’s IEP for a period not to exceed **30 days** before a new IEP is developed in consultation with the parent *(20 USC 1414(d)(2)(C)(i)(1), 34 CFR 300.323(e), 30 EC 56325, 30 EC 56043(m).)*
  - **Non-Public School:**
    - When a student’s placement is changed from an SFUSD school to a Non-Public School (NPS) within the SFUSD Special Education Local Plan Area (SELPA), a 30-day Interim IEP meeting is **not** required
    - When a student’s placement is changed from NPS to a public school within the SFUSD Special Education Local Plan Area (SELPA), a 30-day interim IEP meeting is **not** required

### 2. TRANSFER FROM ANOTHER STATE

**What’s Required? / What to do?**
The following guidelines govern how to handle the IEPs for students who transfer into SFUSD from another state:

- SFUSD must provide a student who transfers from outside the California to SFUSD with a free, appropriate public education (FAPE), including services comparable to those described in the student’s previously approved IEP until SFUSD, if determined to be necessary, develops a new IEP. *(20 USC 1414(d)(2)(C)(i)(II), 34 CFR 300.323(f), 30 EC 56043(m), 30 EC 56325(a)(3).)*

### 3. TRANSMITTAL OF RECORDS

**What’s Required?**
When a student who is eligible for special education and related services transfers into SFUSD, from either within California or from another state, SFUSD must:

- Take reasonable steps to obtain the student’s records, including IEP, from the student’s previous school pursuant to Family Educational Rights and Privacy Act (FERPA)

**What to do?**
Reasonable steps to take to locate a student’s records include, but are not limited to:

- Calling the student’s former school or district office in attempt to locate student records
- Sending a letter of request to the student’s former school or district office
- Working with the student’s parents to obtain the student’s records
J. STUDENT WITHDRAWAL FROM SFUSD

1. GENERAL

What’s Required? What to do?
If the parent of a student previously receiving special education services notifies the school that the student is being placed in a private school, the case manager must seek information to determine whether the parent will or will not seek reimbursement for the cost of private school.

In addition, the case manager must convene an IEP meeting to ensure that any parental concerns are addressed regarding SFUSD offer of FAPE and that these concerns are addressed appropriately in the IEP. If the parents do not wish or fail to attend the meeting, staff should discuss whether the parents expressed concerns about the student’s IEP or program and address them, as appropriate, in the IEP.

2. PRIOR WRITTEN NOTICE

What’s Required? What to do?
Upon completion of the meeting, the case manager must:

- Send a letter to the parents notifying them of the IEP and SFUSD’s offer of FAPE, along with the IEP and Notice of Procedural Safeguards
- Send a copy of the aforementioned documents to the Special Education Due Process Office

Reference the Educator Resources website for a copy of the Safeguards.

3. STUDENT ENROLLED IN PRIVATE SCHOOLS BY PARENTS

What’s Required? What to do?
SFUSD special education services for students parentally placed in a private school setting consist of the following:

- Child Find
- Identification and assessment
- Initial assessment
- Development of the initial IEP (for students residing within the SFUSD boundaries)
- Development of an Individualized Service Plan (ISP) if the child remains in a non-profit private school
- Annual notification to review student progress and the continued availability of special education services
- Reassessment at least every three years
- Information, resources, interventions, and instructional supports related to the student’s disability
- Professional development opportunities for private school teachers and administrators
- Parent training opportunities
Written Notice of Procedural Safeguards. Reference the Educator Resources website for a copy of the Safeguards.

**Consultation Services.** Teachers and/or parents of students must receive consultation services twice a year. SFUSD must provide consultation services in a variety of ways and include recommendations of appropriate interventions and resources that support teaching and learning. Consultation must be available for all disability areas.

**Special Education Individualized Services Plans (ISP) Procedure.** The IEP participants described earlier must meet to develop an Individualized Services Plan (ISP) for each private school student. In addition, staff must ensure that a representative of the religious or other private school is invited to attend each meeting. If the representative cannot attend, SFUSD must use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls and written input.

**Due Process Hearings Are Not Applicable.** Parents of the students enrolled in private school are not entitled to receive a due process hearing to challenge the contents of an ISP.

**Complaints.** Parents may file a complaint with CDE regarding SFUSD’s failure to meet Child Find, assessment, or consultation requirements. The complaint must be filed with the school district in which the private school is located and a copy must be forwarded to the California Department of Education (CDE).

**Annual Review.** SFUSD must invite parents to review the ISP on an annual basis. A representative of the private school must be invited to participate if a meeting is requested. Students eligible for special education services must be evaluated every three years to determine the continued existence of a disability and the need for special education and related services.

4. **JUVENILE COURT AND COMMUNITY SCHOOLS**

**What’s Required?**
SFUSD is responsible for the educational program for students in the Juvenile Justice System. The SFUSD Court Schools operate in partnership with the Juvenile Probation Department, and include:

- Principals’ Center
- Woodside Learning Center
- Log Cabin Ranch
- The Early Morning Study Program

The procedural safeguards of IDEA apply to students who come under the jurisdiction of the Juvenile Justice System. The program serves students with disabilities attending school while being detained in juvenile facilities, on probation, or under the jurisdiction of the Health and Human Services Agency.
**What to do?**
The SFUSD Special Education Program must provide identification, assessment and instruction to students with disabilities in accordance with state and federal laws and regulations governing special education and in compliance with all IDEA mandated requirements.

SFUSD must provide services year round and allow students to enter and exit the program at any time during the year. SFUSD must also provide special education and related services to SFUSD students in juvenile court ordered programs and at community school sites.

**Reentry into District.** When the student is released from county/court schools the student should return to his/her last school of attendance, unless another decision is made by an IEP team, SFUSD’s Placement Office, or the Student Services Office in accordance with disciplinary proceedings, parent/guardian request for a change of placement, or safety considerations.

Upon the student’s return, the student’s IEP Case Manager and the Special Education Department Chair’s must ensure that:

- The student is reenrolled in school in appropriate classes (the student must not be sent home)
- The student’s most current IEP is implemented
- An IEP review is held if IEP changes are necessary to meet the needs of the student
VII: EDUCATIONAL BENEFIT

What’s Required?/What to do?
SFUSD IEP teams must keep the following in mind when providing special education and related services to students with disabilities:

The California Department of Education (CDE) reviews Individualized Education Programs (IEP) to determine if the student’s IEP is reasonably calculated for the student to receive educational benefit as defined by the federal court case, Board of Education v. Rowley.

Reasonable Calculation would include the following:

- The IEP Team identified needs related to:
  - The student’s disability
  - Involvement and progress in the general curriculum
- Goals and objectives were established in each need area
- Services were planned to support:
  - Progress toward all goals
  - Progress in the general curriculum
  - Participation in extracurricular and other nonacademic activities
  - Education with other disabled and non-disabled students
- The IEP Team reviewed the student’s progress and adjusted the student’s IEP if progress was not made and/or to address anticipated needs

The CDE’s review process is directed toward answering the following questions:

- Is the assessment complete and does it identify the student’s needs?
- Does the present level of performance include all of the needs identified in the assessment?
- Are all of the student’s educational needs addressed by appropriate goals and objectives?
- Do the services support the goals and objectives?
- Did the student make yearly progress?
  - If the student did not make progress, were the goals and objectives changed in the next IEP to assist the student to make progress?
  - If the student did not make progress, were the services changed in the next IEP to assist the student to make progress?
  - Were sufficient services provided to ensure that the student would make progress?
- To assess for overall compliance: Considering the answers to each of the above, was the IEP reasonably calculated to result in educational benefit?

The CDE reviews three years of services are reviewed starting either with an Initial or Triennial Review.
VIII: INFORMED CONSENT

A. OVERVIEW

What’s Required? / What to do?
Certain actions with respect to a student with a disability require parental consent, as described below. Consent means that:

- The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent’s native language or other mode of communication (20 USC 1414 (a)(1)(D)(ii), 34 CFR 300.504(c)(3), 34 CFR 300.9(a), 30 EC 56021.1.)
- The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom (34 CFR 300.504(c)(3), 34 CFR 300.9(b), 30 EC 56021.1.)
- The parent understands that the granting of consent is voluntary and may be revoked at any time (34 CFR 300.504(3), 34 CFR 300.9, 30 EC 56021.1.)

B. EDUCATIONAL RIGHTS HOLDER

1. DEFINITION OF PARENT

What’s Required? / What to do?
A “parent” is required to provide Informed Consent related to the delivery of a student’s special education services. Since a student’s biological parent may not always be available to provide consent, SFUSD’s definition of a “parent” includes the following persons:

- Biological or adoptive parent
- Foster parent, unless state law, state regulations, or contractual obligations prevent the foster parent from acting as a parent
- Guardian (but not including the state if the student is a ward of the state)
- Individual acting in the place of the student’s natural or adoptive parent (including a grandparent, stepparent or other relative) with whom the student lives, or an individual who is legally responsible for the student’s welfare
- Surrogate parent who is authorized to act as the student’s parent and to make educational decisions for the student

2. SURROGATE PARENT

What’s Required?
A Surrogate Parent is an individual assigned by SFUSD to assume the rights and responsibilities of a parent when one of the following occurs:
- No parent can be identified for a particular student (20 USC 1439, 34 CFR 303.406, 17 CCR 52175.)
- SFUSD cannot determine the parents’ whereabouts (20 USC 1439, 34 CFR 303.406, 17 CCR 52175.)
- The student is a ward of the state (20 USC 1439, 34 CFR 303.406, 17 CCR 52175.)

Surrogate parents are responsible for representing the student in all IEP meetings

**What to Do?**
When a referral for special education assessment is anticipated, SFUSD must determine if the appointment of a surrogate parent is needed to represent the student in special education.

If SFUSD decides that a student needs a surrogate parent, it must document that it has made reasonable efforts to identify and locate a student’s parents before appointing a surrogate parent. Reasonable efforts include:

- Calling the student’s home
- Writing the student’s home
- Discussing with the student the best way to locate his/her parents
- Contacting the court on the whereabouts of the student’s parents
  - In the case of court involvement, the court must specifically limit the right of a parent or guardian to make educational decisions before a surrogate parent is appointed

After it is clear that a student’s parents cannot be located, SFUSD must complete the following process:

- School staff notifies Special Education Services that the student may need a Surrogate Parent by completing the Surrogate Parent Request form. Reference the Educator Resources website for a copy of the form.
- Special Education Services notifies the DHS (Department of Human Services), which may request the court to either:
  - Create a court order limiting the educational rights of the student’s parent and appoint a responsible adult
  - Create a court order directing SFUSD to appoint a surrogate parent
- Court worker forwards the court order to Special Education Services
- A volunteer or court recommended individual is trained and appointed as a surrogate parent
- Special Education Services completes the Surrogate Parent Appointment form, sends copies to the student’s school and the court worker, and provides one copy to the appointed surrogate parent. Reference the Educator Resources website for a copy of the form.

*Note that the preceding process applies to students in both Public and Non-Public Schools and to infants and toddlers as well.*
Also note that Referrals in the case of students enrolled in Non-Public schools are initiated by the Non-Public Schools or by SFUSD Content Specialists.

C. INITIAL EVALUATIONS

What’s Required?/What to do?
SFUSD must obtain parental consent before:
- Conducting an initial evaluation (20 USC 1414(a)(1), 34 CFR 300.504(3).)
  - If the parent refuses to consent or does not respond to SFUSD’s request for consent for an initial evaluation, SFUSD may, but is not required to, request mediation or request a due process hearing to override the parent’s refusal
- Initial provision of special education and related services to a student with a disability (20 USC 1414 (a)(1)(D)(i)(II), 34 CFR 300.300(a)(1)(ii), 34 CFR 300.300(b)(1), 34 CFR 300.504(3).)

Note that parental consent to an initial evaluation does not constitute consent to the initial placement.

D. RE-EVALUATIONS

What’s Required?/What to do?
SFUSD must obtain parental consent before:
- Conducting a reevaluation (20 USC 1414(c)(3), 34 CFR 300.504(C)(3).)
  - If the parent refuses to consent for a re-evaluation, SFUSD may, but is not required to, request mediation or request a due process hearing to override the parent’s refusal
  - If the parent does not respond to SFUSD’s request for consent, SFUSD may complete a reevaluation without the parent’s permission

E. CONSENT FOR SERVICES

What’s Required?/What to do?
SFUSD must obtain parental consent before:
- Initial provision of special education and related services to a student with a disability
- If the parent refuses to consent or does not respond to SFUSD’s request for consent to provide special education and related services to the student for the first time, SFUSD cannot use mediation or due process to override the parent’s lack of consent
  - If the parent does not provide consent for the initial provision of special education and related services, SFUSD is not be required to develop an IEP and will not be in violation of the obligation to make a free appropriate public education available to the student

F. TRANSFER OF EDUCATION RIGHTS TO STUDENT
What’s Required?
At 18 years of age, parental rights transfer to the student unless the student has been conserved under state law. Beginning no later than the student’s 17th birthday, the parents must be informed about this transfer of rights. The IEP must include a statement that the parent has been informed of his/her rights under IDEA, if any, that will transfer to the student.

What to do?
SFUSD must:
- Inform the Parents:
  - Inform parents of the transfer of education rights no later than the student’s 17th birthday. This must occur in writing
  - Include within the student’s IEP a statement that the parent has been informed and the date, time, and manner in which they were informed
- Inform the Student:
  - Inform the student of the rights that will transfer to him/her upon reaching age 18 (/20 USC 1414 (d)(1)(A)(i)(VIII)(cc))
  - Include within the student’s IEP a statement that the student has been informed and the date, time, and manner in which they he/she was informed

G. CONSENT EXCEPTIONS

What’s Required?/What to do?
SFUSD is not required to obtain parental consent before:
- Reviewing existing data as part of an evaluation or a reevaluation
- A reevaluation of a student if SFUSD personnel can demonstrate that they have taken reasonable measures to obtain parental consent, and the student’s parent has failed to respond
- Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students
IX: STUDENT DISCIPLINE PROCEDURES

A. OVERVIEW

What’s Required?
SFUSD is required to provide free, appropriate public education (FAPE) to all students with disabilities. This includes students that SFUSD suspends or expels. Students with disabilities have certain legal protections when their disciplinary removal from school constitutes a change in placement.

A “change is placement” refers to the need to modify a student’s current educational placement. A change in placement must occur if a student’s suspension either:

- Exceeds 10 cumulative or 5 consecutive school days
- Exhibits a pattern of behaviors or suspensions

What to do?
Upon Deciding to Take Disciplinary Action. When SFUSD decides to take disciplinary action, including suspension and expulsion, against a disabled student, SFUSD must do the following on the same day the decision is made:

- Notify parents of the decision to take disciplinary action against their child (20 USC 1415(K)(1)(H), 34 CFR 300.350(h).)
- Provide the parents with a Procedural Safeguards Notice (20 USC 1415(K)(1)(H), 34 CFR 300.350(h).) Reference the Educator Resources website for a copy of the Notice.

When Student’s Suspension Exceeds 10 Cumulative or 5 Consecutive School Days. When a student’s suspension exceeds 10 cumulative or 5 consecutive school days, SFUSD must do the following on the day that SFUSD decides to change the student’s placement:

- Notify the parents of the decision to change the student’s placement (20 USC 1415(k)(1)(H), 34 CFR 300.530(h).)
- Provide the parents with a Procedural Safeguards Notice (20 USC 1415(k)(1)(H), 34 CFR 300.530(h).) Reference the Educator Resources website for a copy of the Notice.
- Hold an IEP meeting to determine if the student’s actions are a manifestation of his/her disability. Reference the Manifestation Determination section for more information on this process

Note that SFUSD must also hold Manifestation Determination meetings for each suspension that occurs after the 10 day period.

11th Day Service. Starting the 11th day of a student’s cumulative suspension, SFUSD must provide special education and related services to the suspended student (20 USC 1415(k)(1)(D), 34 CFR 300.534(d), 34 CFR 300.530(b)(2) and (d).) This includes:
- Continuation of Educational Services (i.e., FAPE), so as to allow the student to continue to participate in his/her curriculum and to progress toward meeting the goals established in his/her IEP
- Provision of services outlined in the student’s Functional Analysis Assessment (FAA) and/or Positive Behavioral Intervention Plan (PBIP) documents

**Expulsion.** In the case of the expulsion of a disabled student, SFUSD must:
- Conduct a pre-expulsion assessment prior to an IEP meeting held to consider expulsion *(20 USC 1415(k)(1)(E)(i)&(ii), 34 CFR 300.530 - 537, 30 EC 48915.5(a).)*
- Inform the student’s parents that they have the right to pursue a due process hearing if they disagree with the decisions of the IEP team regarding expulsion *(20 USC 1415 (c)(1)(C), 34 CFR 300.530 - 537, 30 EC 56301(d)(2)(D)).*
- Convene the IEP team prior to the student’s expulsion hearing to determine:
  - If the alleged misconduct was a manifestation of the student’s disability *(20 USC 1415(k)(1)(E)(i), 34 CFR 300.530 - 537, 30 EC 48915.5(a)).*
  - If the student’s placement was appropriate *(20 USC 1415(k)(1)(E), 34 CFR 300.530 - 537, 30 EC 48915.5(a)).*
  - If the behavior interventions described in the student’s IEP were followed *(20 USC 1415(k)(1)(F)(i) and (ii), 34 CFR 300.530 - 537, 30 EC 48915.5(a)).*
- Conduct the expulsion hearing only after the pre-expulsion assessment is completed and the IEP team convenes and makes the required findings *(20 USC 1415(K)(1)(E)(ii), 34 CFR 300.530 - 537, 30 EC 48915.5(a)).*

**B. INTERIM ALTERNATIVE EDUCATIONAL SETTINGS**

**What’s Required?**
An Interim Alternative Educational Setting (IAES) is a temporary setting in which a disabled student is placed pending the decision to either return the student to his/her original placement or place the student within a new educational setting. IAESs must be determined by a student’s IEP team. *(20 USC 1415(k)(2), 34 CFR 300.531.)*

**What to do?**
When determining a student’s IAES, the IEP team must:
- Implement appropriate policies and procedures to ensure parent participation within the IAES determination *(34 CFR 300.500, 30 EC 56342.5, Honing v Doe.)*
- If neither of the student’s parents can attend the IEP meeting in which a decision is to be made relating to the educational placement of their child, the IEP team must use other methods to ensure their participation, including:
  - Individual phone calls
  - Conference calls
  - Video conferencing *(20 USC 1414(f), 34 CFR 300.322(c), 34 CFR 300.328, 34 CFR 300.501(c)(3), 30 EC 56341.5(g), 30 EC 56304(b)).*
If the IAES placement decision is made by a group without the involvement of the student’s parent(s), the IEP team must record its attempts to ensure parent involvement (34 CFR 300.501(c)(4), 30 EC 56341.5(h).)

SFUSD personnel may remove a student to an IAES for a maximum of 45 school days in cases where a 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 (20 USC 1415(k)(1)(G), 34 CFR 300.530(g).)
- 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 (20 USC 1415(k)(1)(G), 34 CFR 300.530(g).
- 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 educational agency (20 USC 1415(k)(1)(G), 34 CFR 300.530(g).)

Under all other circumstances, SFUSD may remove a disabled student who violates a code of student conduct from his or her current placement to an IAES for a maximum of 10 consecutive days. (34 CFR 300.530(b)(1).)

C. MANIFESTATION DETERMINATIONS

What’s Required?
Within 10 school days of any decision resulting in a change of placement, the IEP team, including the school psychologist, must meet and document its process on the Manifestation Determination form. Reference the Educator Resources website for a copy of the form.

What to do?
Before/While Determining if the Student’s Conduct is a Result of Disability. When determining whether a student’s conduct is a result of his/her disability, the student’s IEP team must:

- Determine whether services included in the student’s Positive Behavioral Intervention Plan (PBIP) were consistent with the IEP (20 USC 1415(k)(1)(E)(i)(II), 34 CFR 300.530(e)(1)(ii)).
- Determine whether the disability impaired the student's ability to understand the impact and consequences of the behavior in question (20 USC 1415(k)(1)(E)(i)(I), 34 CFR 300.530(e)(1)(i)).
- Determine whether the disability impaired the student's ability to control the behavior that led to the disciplinary action (20 USC 1415(k)(1)(E)(i)(I), 34 CFR 300.530(e)(1)(i)).
- Consider all relevant information including (20 USC 1415(k)(1)(E)(i), 34 CFR 300.530(e)(1)(i)).:
  - Evaluation and diagnostic results
  - Parent information
- Observations of the student
- The student's IEP and placement

- Determine whether the IEP and placement were appropriate \((20 \text{ USC } 1415(k)(1)(E)(i), 34 \text{ CFR } 300.530(e))\).

- Determine whether the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent to the student’s IEP and placement \((20 \text{ USC } 1415(k)(1)(E)(i)(ii), 34 \text{ CFR } 300.530(e))\).

- Discuss the following two questions:
  - Was the student’s conduct caused by or directly related to the student’s behavior? \((20 \text{ USC } 1415 (k)(1)(E), 34 \text{ CFR } 300.530(e)(1)(i))\).
    - When answering this question, consider whether the behavior has been:
      - Consistent across different settings and times
      - Directly associated with the student’s disability. Behavior that may be a result of but not directly caused by a student’s disability, such as low self-esteem, should not be considered as being directly associated with a student’s disability
  - Was the student’s conduct a direct result of the school’s inability to follow the student’s IEP? \((20 \text{ USC } 1415 (k)(1)(E), 34 \text{ CFR } 300.530(e)(1)(ii))\).
    - If so, the school’s principal must take immediate steps to ensure that any failures in IEP implementation are corrected

**After Determining if the Student’s Conduct is a Result of Disability.** If SFUSD determines that the student’s conduct is **not** a manifestation of the student’s disability:

- School personnel should apply relevant disciplinary procedures to the student in the same manner and duration as they would be applied to students without disabilities \((20 \text{ USC } 1415(k)(1)(B) \& (C), 34 \text{ CFR } 300.530(c), 34 \text{ CFR } 300.101(a))\).

- During the period of suspension, SFUSD must continue to provide the student with the special education services described in his/her IEP

- SFUSD must create or modify a Positive Behavioral Intervention Plan (PBIP) to address the student’s disciplinary issues

If SFUSD determines that the student's conduct is **is** a manifestation of the student's disability:

- A functional analysis assessment (FAA) and, if necessary, a Positive Behavioral Intervention Plan (PBIP), must be developed to address the behavior that resulted in the change of placement
  - If a FAA and/or PBIP already exist for the student, the IEP team must review the plan and modify it, as necessary, to address the behavior \((20 \text{ USC } 1415(k)(1)(F)(i) \& (ii), 34 \text{ CFR } 300.530(f), 5 \text{ CCR } 3052(b))\).

- SFUSD must return the student to the placement that he/she was removed from, unless SFUSD and the student’s parents agree to a change of placement as part of the student’s new/modified FAA/PBIP \((20 \text{ USC } 1415 (k)(1)(F)(iii), 34 \text{ CFR } 300.530(f)(2))\).
  - **Note:** This provision does not apply to students involved with incidents of weapons, drugs, or serious bodily harm.
For more information on FAAs and PBIPs, reference the Behavior Assessments section.

D. DISCIPLINE FOR STUDENTS NOT YET ELIGIBLE

What’s Required?
A student who has not been determined to be eligible for special education services and who has violated the codes of conduct may assert the protections available for students with disabilities if the SFUSD had knowledge that the student was a child with a disability prior to the behavior that led to the disciplinary proceedings.

SFUSD is deemed to have knowledge if:
- Parent expressed that the student is in need of special education in writing to a supervisor, administrator, or the student’s teacher (34 CFR 300.534(b)(1)).
- Parent requested an evaluation for special education services. (34 CFR 300.534(b)(2).) (“Referral for assessment” means any written request for assessment to identify an individual with exception needs by a parent/guardian, teacher or other service provider, foster parent)
- Student’s teacher or other SFUSD staff expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Director of Special Education or a Supervisor (34 CFR 300.534(b)(3)).

SFUSD is deemed not to have knowledge if:
- Parent did not allow SFUSD to evaluate the student (34 CFR 300.534(c)(1)(i).)
- Parent refused services (34 CFR 300.534(c)(1)(ii).)
- Student was evaluated and determined not be a student with a disability (34 CFR 300.534(c)(2)).

Note that one administrative decision suggested that multiple disciplinary referrals, by themselves, would not be enough to constitute a basis for knowledge that a student is disabled (Dickinson Indep. Sch. Dist., 29 IDELR 290 (SEA TX 1998)).

What to do?
If SFUSD does not have knowledge that a student is a child with a disability prior to taking disciplinary measures against the student, he/she may be subjected to the disciplinary measures applied to students without disabilities who engage in comparable behaviors. (34 CFR 300.534(d)(1).)

If an assessment is requested while a student is subject to discipline, the assessment is to be conducted in an expedited manner. (34 CFR 300.534(d)(2).)

While the assessment is pending, the student shall remain in the educational placement determined by school authorities. If an IEP team determines that the student is a student with a disability, the IEP team must design an appropriate IEP and the school is to provide the appropriate special education services.
E. REPORTING CRIMES TO LAW ENFORCEMENT

What’s Required?
The procedures described in this section do not prohibit SFUSD personnel from reporting a crime committed by a disabled student to appropriate law enforcement authorities. Likewise, these procedures do not prevent law enforcement from applying federal or state law to crimes committed by a disabled student.

What to do?
If SFUSD personnel report a crime committed by a disabled student to law enforcement, they must:
- Provide copies of the student’s special education and disciplinary records to the law enforcement agency/agencies to whom SFUSD reported the crime
  - Transmittal of student records must be in line with the rights outlined within the Family Educational Rights and Privacy Act (FERPA)

F. APPEAL PROCESS

What’s Required?
Expeditied Due Process Hearings may be requested for a variety of reasons, including, but not limited to:
- Parent Disagreement. Parents who disagree with a manifestation determination, the appropriateness of an IAES, and/or other IEP services that will be provided during the student’s removal, may request an expedited due process hearing
- School Considers Student to be Dangerous. In some cases, a student that did not commit one of the three “emergency” offenses discussed above is considered by school officials to be dangerous.

A principal/designee may have solid reasons to believe that keeping the student in his/her current school is substantially likely to result in injury to the student or to others. In such cases, the Principal/designee must consult with the appropriate Special Education Coordinator and/or Special Education Supervisor to consider a request for an emergency due process hearing to seek a transfer of the student to an IAES for up to 45 school days. In this case, dangerous conduct may exist when there has been no serious bodily injury.

G. TRANSPORTATION DURING SUSPENSION/EXPULSION

What’s Required?/What to do?
When bus transportation is listed as a service on a student’s IEP, SFUSD must provide special education and related services to the suspended student on the 11th day of a student’s
cumulative suspension. \(20 \text{ USC 1415(k)(1)(D), 34 CFR 300.534(d), 34 CFR 300. 530(b)(2) and (d).}\). This includes:

- Continuation of Educational Services (i.e., FAPE), so as to allow the student to continue to participate in his/her curriculum and to progress toward meeting the goals established in his/her IEP
- Provision of services outlined in the student’s Functional Analysis Assessment (FAA) and/or Positive Behavioral Intervention Plan (PBIP) documents

For additional information on FAAs and PBIPs reference these links: Functional Behavioral Assessment-Functional Analysis Assessment and Positive Behavioral Intervention Plan.
X: PROCEDURAL SAFEGUARDS

A. NOTICE OF PARENTAL RIGHTS AND PROCEDURAL SAFEGUARDS

What’s Required?
Parents, legal guardians, and surrogate parents of students with disabilities are entitled to receive a copy of the “Special Education Rights of Parents and Children,” which is also known as the “Notice of Procedural Safeguards” and the “Written Notice of Procedural Safeguards.” Divorced parents who share educational rights of their child(ren) are each entitled to an individual copy of the Notice of Procedural Safeguards.

Students who have reached the age of eighteen are also entitled to receive this document, which provides an overview of their educational rights under the Individuals with Disabilities Education Act (IDEA).

The Notice of Procedural Safeguards must be provided to parents:

- When parents ask for a copy
- The first time their child is referred for a special education assessment
- Each time they are given an assessment plan to evaluate their child
- Upon receipt of the first state or due process complaint in a school year
- When the decision is made to make a removal that constitutes a change of placement (20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1])
- At least annually (e.g. at the annual IEP)

For a copy of SFUSD’s Notice of Procedural Safeguards, reference the Educator Resources website.

What to do?
At the start of each IEP Team meeting, IEP teams should ask parents if they have received a copy of the Notice of Procedural Safeguards previously. IEP teams must have a copy available in case parents need another copy.

IEP teams must also:

- Ensure that the Notice of Procedural Safeguards is provided in the parents’ native language or other mode of communication (unless it is clearly not feasible to do so)
- Ask parents if they have any questions or concerns about their due process rights
- Offer a brief summary of their rights, such as:
  As the parent of a child who may receive special education, you have certain rights that are guaranteed by federal law: the Individuals with Disabilities Education Act (IDEA). These rights are listed in the “Notice of Procedural Safeguards” and include your
right to participate in meetings dealing with the identification, evaluation, and educational placement of your child and the provision of a free appropriate public education to your child. The “Notice of Procedural Safeguards” also offers information about how families and schools can resolve disputes through mediation, alternative dispute resolution, and due process.

- Offer to schedule a time to thoroughly go over questions or the information listed in the Notice of Procedural Safeguards
- Ask parents to provide signatures on the top page of the Notice of Procedural Safeguards to indicate that they have received it. Have parents date their signature then photocopy the top page and place it in the student’s cumulative file and/or IEP file
  - Note that signatures are required each and every time Procedural Rights are presented to parents.

B. COMMUNICATION LOGS

What’s Required? / What to do?
In order to ensure that good faith effort has been made to gain parent participation in an Individualized Education Meeting (IEP) or gain consent, it is SFUSD’s best practice for IEP teams to maintain a Communication Log of all attempts to contact parents and the outcome of these attempts.

Reference the Educator Resources website to access the Communication Log Template.

C. SCHOOL VISITS

What’s Required?
While community involvement in our schools is encouraged, the SFUSD principals must balance this interest with the need to maintain a safe environment for students, minimize interruptions to the instructional program, and to avoid disruptions that will interfere with the normal activities of the school.

What to do?
Reasonable Restrictions on Visitors: A principal or designee may impose reasonable restrictions on visitors in order to protect student safety, minimize classroom interruptions, or to protect staff safety or SFUSD property. Such restrictions should include, but are not limited to:

- Requiring visitors to register or “sign in” at the main office
- Requiring visitors to wear a name-tag or other visible identifier
- Requiring visitors to be accompanied by a staff person while they are on school grounds
- Limiting/restricting access to classrooms that are in session
- Requiring prior appointments to meet with teachers or staff
**Denying Access or Directing a Visitor to Leave:** SFUSD principals have a duty to prevent the occurrence of disturbances at school. Therefore, principal or their designees may deny access or direct a visitor to leave if it reasonably appears that the person is committing an act likely to interfere with the peaceful conduct of the activities of the campus, or has entered the campus for the purpose of committing any such act. *(Penal Code Section 626.7)*

**Independent Educational Evaluations (IEEs) and Parents’ Experts:** If SFUSD observed the student during its assessment, or if its assessment procedures allow in-class observation of a student, observation of the student in his/her current educational placement and setting shall also be allowed in an IEE assessment. This is true regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding. *(Ed. Code, § 56329.)*

Consistent with the right to an equivalent opportunity to observe, SFUSD defines the nature and scope of an IEE evaluator’s in-class observations in order to prevent disruption to the classroom and to protect the privacy interests of other students, as follows:

- Parents must provide advance notice to the school site administrator and when having someone observe a classroom on their behalf
  - Parents must identify who their visitors will be and the purpose of their observation
  - Attempts should be made to arrange for a visit at a mutually agreed upon time within **10 school days** of the parent’s request
- Any visit without having scheduled a prior appointment will be denied
- Any visit or observation will be for a maximum of one hour
- Interaction with classroom teacher and other students is prohibited without prior permission
- Under no circumstances are lawyers or advocates representing students and parents permitted to visit and observe classrooms, unless an SFUSD attorney has given prior approval and is present during the visit or observation
XI: RECORDS AND CONFIDENTIALITY

A. DEFINITION OF EDUCATION RECORD

What’s Required? / What to do?
Education records are records that are directly related to a student and maintained by SFUSD. Education records may include:

- The name of the student, the student’s parent or other family member(s)
- The address of the student
- A personal identifier such as the student’s state identification number, student number, or court file number
- A list of personal characteristics or other information that would make it possible to identify the student with a reasonable certainty
- Any item of information directly related to an identifiable student, other than directory information, which is maintained by SFUSD or required to be maintained by an employee in the performance of duties whether recorded by handwriting, print, tapes, film, microfilm, and computer or by other means

Examples of student records include but are not limited to:

- Special Education Pupil Service Folder (Brown File)
- Cumulative File
- Test Protocols
- Related Service Providers’ Logs
- Discipline Records
- Nurses’/Health Records

If educational records contain information about more than one student, parents can have access only to that portion of the record pertaining to his/her child.

B. ACCESS TO RECORDS

What’s Required?
The following persons or agencies have mandatory access to student records:

- Natural parents, adoptive parents, legal guardians (unless the school has been advised that the individual does not have authority under applicable State law governing matters such as guardianship, separation, and divorce)
- Students aged 18 or older
- Parent/guardian of a student over 18 if the student is a dependent adult
- School officials and employees for legitimate educational purposes
- School attendance and review board members (SARB)
Other public schools in California where the student has enrolled or intends to enroll (parent/student notification required)
Private schools or out-of-state schools of anticipated or new enrollment (parent/student notification required)
Federal, State, and county officials for program audit and compliance purposes
Agencies specified by law (for example, an agency investigating child abuse)
Those authorized by court order to have educational rights for the student (notification to parent/eligible student is required to release information)

For each disabled student, SFUSD must maintain a current listing of names and positions of employees who have routine access to confidential records (34CFR 300.623(d)).

The following persons or agencies may have access to student records:
- Appropriate persons in an emergency
- Agencies or organizations in connection with an emergency
- Accrediting associations
- Organizations conducting studies on behalf of SFUSD
- Persons or agencies authorized by the parent, guardian or the student (if over 18 and educational rights have been transferred to the student)
- Member of a hearing panel (an Assistant Superintendent or Board of Education may, with written consent of the parent, convene a hearing panel to assist in a parent’s appeal of a local school administrator’s decision regarding the content of the student’s records)

Any individual or agency authorized to have access to a student’s records must maintain the confidentiality of the records and is prohibited from releasing any of the information without the written consent of the parent/guardian or the student if the right of consent has transferred to the student.

What to do?
If an individual or agency not included in the above lists requests access to a student’s record, access can only be granted by the school principal who is the authorized custodian of the records. Permission must be given in writing and documented on the access log (34 CFR 300.614).

Parental Access. In order to assist a parent/guardian in making informed decisions, parents/guardians have the right to examine educational records pertaining to their child. SFUSD must document and maintain a parent’s written request to review records at each school.

The parent/guardian has the right to:
- Inspect and review all educational records of their child and to receive copies, as requested, within five business days after the request is made by the parent
- Request an explanation and interpretation of their child's records
Request (orally or in writing) copies of their child’s records and receive the requested records within **five** days of the date that the request was made.

- Have a representative inspect their child’s records.
- Request qualified certificated personnel to interpret the records in the primary language of the parent or request assistance in securing an interpreter.
- If an educational record includes information on more than one student, parents/guardians have the right to inspect and review only the information relating to their child.
- The school must make available to a parent/guardian, upon request, a listing of the types and locations of educational records.
- The school may charge a fee for copying educational records, but the charges must not exceed the actual cost of reproducing such records. However, if the fee would prohibit a parent/guardian from exercising the right to inspect and review records, the records must be reproduced at no cost to the parent. A fee may not be charged for the search or retrieval of the requested records.

**Record of Access.** A student’s IEP case manager must keep a record of parties obtaining access to education records collected, maintained, or used under IDEA, including:

- The name of the party
- The date access was given
- The purpose for which the party is authorized to use the records

SFUSD must maintain a **Record of Access Form** in the front left side of each Pupil Service Record. Reference the [Educator Resources site](#) for **Record of Access Form**.

**Records Requests.** Within **five** business days from a parent’s written or oral request for records, the student’s case manager or a designated staff member must take the following actions:

- If the request is oral, document the request and the date of the request in writing.
- Determine the due date for providing the records.
- Notify appropriate staff that a request has been received, including the due date for submission.
- Copy the contents of the student’s special education pupil service file and the cumulative record file.

### C. AMENDMENT OF RECORDS

**What’s Required? / What to do?**

A parent who believes that the information in his/her child's records is inaccurate, misleading, or violates the student’s privacy or other rights, may request that the school administrator amend the information. IEP teams that receive such request should contact their appropriate Special Education Coordinator/Supervisor for assistance.
D. RELEASE OF CONFIDENTIAL INFORMATION

What’s Required?/What to do?
Transmittal of Records. To facilitate the transition for a transfer student:

- The case manager must ensure that the designated individual takes reasonable steps to promptly obtain the student’s records, including the assessment report, IEP and supporting documents, and any other records relating to the provision of special education or related services to the student from the student’s previous school district.
- Whenever SFUSD receives such a request from a student’s new school district, staff must send the records or a copy within five business days.

Note that district-to-district record transfer does not have to be in writing.

Written Consent to Release Records. Written consent must specify the records to be released, identify the party or class of parties to whom records may be released, state the purpose(s) of the disclosure, and be signed and dated by the parent of eligible student.

Information may be shared with other persons within the educational institution obtaining access, as long as such persons have a legitimate interest in the information.

XII: INFORMAL DISPUTE RESOLUTION

***Section Pending; Currently Under Construction***