



SAN JUAN BOARD OF  
COOPERATIVE EDUCATIONAL SERVICES

SPECIAL EDUCATION PROCEDURES

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# SJBOCES SPECIAL EDUCATION PROCEDURAL MANUAL

## Introduction

The Individuals with Disabilities Education Act (IDEA) and Colorado's Exceptional Children's Education Act (ECEA) have established the Individualized Education Program (IEP) as the structure for planning and implementing goals and objectives for children with disabilities. This manual outlines the specific contents required in the IEP as provided through the IDEA as well as Colorado's State Recommended IEP Forms.

IDEA and ECEA include significant changes related to the content of IEPs including content related to secondary transition, state and district assessments, IEPs for children with disabilities who transfer from one public agency to another public agency within the same school year, IEP meetings and participants in those meetings, and changes to IEPs following the annual IEP meeting. The reauthorized IDEA also includes significant changes related to parental consent for initial evaluations and reevaluations.

The evaluation process presents another substantive change in IEP development. Previously, a "comprehensive evaluation" was required; this has been replaced by a "full and individualized" approach. The evaluation must contain sufficient information to appropriately identify all of the child's special education and related services needs. The new evaluation process is intended to provide students with individualized evaluations that are instructionally and behaviorally relevant. Under these new procedures, school personnel will employ a more focused assessment process related to a student's area of suspected disability. This flexibility is designed not only to ensure that the educational needs of the child are recognized, but instructional implications are readily identified and implemented.

Highlights of the changes in the evaluation process are as follows:

- The Multidisciplinary Team is charged with the responsibility of reviewing existing educationally relevant data, and determining the specific assessments, if any, that are needed to evaluate the individual needs of the child.
- The composition of the Multidisciplinary Team will vary depending upon the nature of the child's present problems and other relevant factors.
- The evaluation process begins with a review of existing data related to the child's performance and results of any screening that is conducted as a part of the general education program.
- The evaluation must be sufficient to appropriately identify all of the child's special education and related services needs.
- The evaluation should include those areas not commonly linked to the disability category but identified as concerns.
- As a result of the new process, teams will be required to plan the evaluation needs deliberately and collaboratively.

The Special Education Procedural Manual is designed to facilitate the work of Special Education Teachers, School Psychologists, School Social Workers, Speech Clinicians, Physical and Occupational Therapists, and Administrators. This manual is a tool for implementing current Special Education procedures.

As the San Juan Board of Cooperative Educational Services (SJBOCES) grows and changes, it will be necessary to modify and update the handbook. It is hoped this will help teachers in their work of improving student achievement.

#### **SJBOCES MEMBER DISTRICTS**

Archuleta (Pagosa Springs), Bayfield, Dolores, Dolores County (Dove Creek) Durango, Ignacio, Mancos, Montezuma-Cortez, Silverton

#### **SJBOCES GOALS & MISSION STATEMENT**

##### ***VISION***

The SJBOCES in partnership with the districts will build capacity to ensure the personal success of all students.

##### ***MISSION***

The SJBOCES builds collaborative and cooperative regional education reform initiatives, by maximizing and leveraging regional resources to provide a continuum of quality services for all students and families.

## ***Initial Referral and Evaluation***

### ***Referral to Special Education***

The special education referral is the initial step of the special education eligibility determination process. Any student who needs or is believed to need special education or related services in order to receive reasonable benefit from regular education may be referred for an evaluation as a result of a building level screening and/or referral process.

A special education referral must be clearly distinguished from a building level referral or a referral for screening, both of which are general education processes.

A referral may be made when a parent or representative of the administrative unit believes that the student has or may have a disability that would cause the student to be eligible for special education services. Any other interested party who believes that a student is in need of an initial evaluation must collaborate with the parent or the SJBOCES.

A referral form must be completed and sent to the appropriate SJBOCES Scheduling Coordinator (Dolores or Durango office) with a signed *Prior Notice and Consent for Evaluation* when a student is referred for Initial Evaluation and consideration for special education eligibility.

Recommended Supplemental Form: ***SpEd Referral Form***

### ***Review Existing Data***

Once a referral is received the IEP team must review the referral and existing information regarding the student. Based on the review, the administrative unit must determine the appropriateness of the referral.

If the IEP team determines the referral is not appropriate, it must provide ***Prior Notice of Special Education Action*** stating the refusal to initiate the evaluation process.

If the IEP Team determines the referral is appropriate, then the IEP Team must review the existing data to determine whether additional evaluation data are needed.

### ***Prior Notice of Special Education Action***

Notice is required whenever the agency:

- Proposes to initiate or change the identification, evaluation, related services or educational placement of the child or the provision of a free appropriate public education to the child; or
- Refuses to initiate or change any of the above.

Complete this form by checking the appropriate action and completing the statements. Occasionally, an action will occur where no other options were considered or when no other factors are relevant. In this event, please mark the appropriate statements “not applicable”.

The ***Prior Notice of Special Education Action*** must be written in the primary language of the parents, unless it is not feasible to do so. In this case, translate the information orally and document this on the “Prior Notice of Special Education Action”.

When a ***Prior Notice of Special Education Action*** is done as a part of an IEP meeting, completing Section 15 of the IEP is sufficient to meet this requirement.

**A separate Prior Notice of Special Education Action should be written when:**

- Documentation is needed regarding parental decisions that impact the provision of Special Education services;
- Any situation occurs (outside of decisions made during an IEP meeting) that has an impact upon the provision of Special Education services for the student.
- See the section on [Prior Notice Explanation](#) for a chart documenting situations that require completion of a Prior Written Notice for a student.

**Procedural Safeguards**

Must be given to parents when their child is involved in the Eligibility process and/or at least once per year if the student has an active IEP, and upon request from parent. For students who have an IEP, Case Managers should provide a copy of the Procedural Safeguards to parents at the annual IEP meeting (the Annual Review or Triennial).

Procedural Safeguards can be downloaded using the following links:

[Click to download the Procedural Safeguards from SJBoces.org](#)

[Click to download the Procedural Safeguards from cde.state.co.us](#)

**Prior Notice & Consent for Evaluation**

This form is used to:

- Provide prior notice when a special evaluation is proposed;
- Obtain and document parent consent for an initial or special education evaluation;
- Obtain and document parent consent for reevaluation (the IEP team may proceed with the reevaluation if the parent does not respond **and** the IEP team can demonstrate that it has taken reasonable measures to obtain consent).

**Who Can Sign to Evaluate or Place Into Special Education**

The Colorado Rules for the Administration of the Exceptional Children’s Educational Act states that “Parent” shall mean:

- Biological or adoptive parent;
- A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
- An individual acting in the place of a biological or adoptive parent (including a grandparent, step-parent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare (including a foster parent); or
- An educational surrogate parent who has been assigned in accordance with ECEA Rules.

In the case that a “Parent” is unknown, cannot be located, or is unavailable, a trained Educational Surrogate Parent will be appointed. Please notify the SJBoces office of the circumstances that would warrant appointment of an Educational Surrogate Parent and notification of appointment will be submitted to the Colorado Department of Education.

Social services caseworkers (tribal or county) are not permitted to sign permission for assessment or placement under any circumstance. The Colorado Department of Education does not accept those signatures due to the possibility of conflict of interest. If social services has physical custody of the child, a signature would still need to be obtained from the biological parent, except in the circumstances noted in the preceding paragraph.



### **Prior Notice and Consent for Initial Provision of Special Education and Related Services**

If a parent selects the option “I refuse to give my permission for the special education placement as described above’ on the ***Prior Notice and Consent for Initial Provision of Special Education and Related Services*** at an Initial IEP Eligibility Meeting, the meeting is terminated at the completion of the eligibility determination. An IEP is **NOT** developed.

If the parent refuses placement on the ***Prior Notice and Consent for Initial Provision of Special Education and Related Services***, the School Psychologist must complete a ***Prior Notice of Special Education Action***. If parents change their mind at a later date and want to pursue special education eligibility for their child, a new referral and initial eligibility process would have to be initiated.

### ***Notice of Meeting***

This form is used to:

- Notify the parent, guardian, or surrogate parent of any meeting regarding the identification, evaluation, placement and/or provision of a free appropriate public education to their child;
- Invite the parent, guardian or surrogate parent to any meeting regarding the identification, evaluation, placement and/or provision of a free appropriate public education to their child; Notify parent in person if an emergency meeting is called and there is insufficient time for mailing the notice;
- Inform the parents that meeting attendance via teleconference or phone is allowed, both for the parents as well as other IEP team members, and that if the parent prefers that all team members be present in person, they should inform the Scheduling Coordinator of that preference.
- The student must be specifically invited to the meeting by name (address the Notice of Meeting to the parent(s) and student, using their names) if the student is in high school at the time of the IEP meeting, or if the student is not yet in high school but is 15 at the time of the IEP meeting.
- Document the district's attempts to involve the parent, guardian, or surrogate in meetings.

The Scheduling Coordinator will complete and mail out notices for all regularly scheduled meetings. In the event an emergency or last minute meeting is scheduled, where time for mailing is not available, the IEP Team will complete the Notice of Meeting in Alpine and hand it to the parent at the meeting, as well as submitting a copy to the BOCES office for compliance documentation purposes.

### ***Initial Eligibility Meeting and Eligibility Report***

When the IEP team has obtained parent signatures on a ***Prior Notice and Consent for Evaluation*** for an Initial Referral, the team has 60 calendar days to complete their evaluation and hold the Eligibility Meeting to determine eligibility for special education. For students who are found to be eligible for Special Education, the IEP team has 30 days after the date of the Eligibility meeting to develop the IEP.

The IEP team completes the ***Eligibility: Initial*** form on Alpine to document the evaluation results and the team decision. In addition, the relevant ***Determination of Eligibility*** forms are completed to indicate whether the student is eligible for Special Education.

#### **The Eligibility Report should include:**

- Review and discussion of the Developmental History that SJBOCES requires for all Initial Evaluations for Special Education.

- When the Response to Intervention (RtI) process is a part of the eligibility determination, be sure to include a summary of the relevant parts of the process, including a description of the intervention(s), progress monitoring, and overall response, in the Eligibility Report.
- A direct observation of the child in his/her learning environment, made prior to or after the ***Prior Notice and Consent for Evaluation*** has been signed, is required when considering eligibility for Specific Learning Disability (SLD), but may also be done as a part of any evaluation. Document the observation in the Eligibility Report (e.g., the date(s) of the observation, who observed, summary of relevant data, etc.), and list the observation in the ‘Assessment Strategy or Tool’ section as well.
- Interventions implemented as a part of the RtI and/or evaluation process must also be listed in the ‘Assessment Strategy or Tool’ section, and discussed in the Eligibility Report narrative (including progress monitoring data and growth seen).
- As the IEP team is required to determine all of the child’s special education and related services needs, the Eligibility report narrative should summarize the data leading to this determination (discussing both the needs identified as well as areas that were determined not to be needs).
- The Eligibility Report should stand alone and contain all relevant and necessary data, including a summary of the interventions implemented, progress monitoring data, and rates of improvement/growth (ROI) shown by the student (when SLD is suspected). It is not sufficient to refer to the RtI Plan for this information; RtI results must be summarized in the Eligibility Report narrative.
- The Eligibility Report should not contain statements of predetermination of eligibility. Determination of Eligibility is a team decision, and a statement should be included indicating that the IEP team, which includes the parents, will review the information at the Eligibility Meeting and make the eligibility decision. This may also be documented in the Eligibility Report after such a team decision is made, using clear language (e.g., “On <date of Eligibility Meeting>, the IEP team reviewed all available data and determined that the student is eligible for SpEd Services...”).

**The following should be assured for all SLD Eligibility Reports:**

- Must include documentation that a variety of assessment tools and strategies (including RtI information) were used to identify all the relevant information about the child.
- List observation(s) of the child in relevant general education setting(s) in the Assessment Strategy or Tool section (conducted prior to or following the referral for evaluation) – at least one observation is required for SLD evaluations.
- List Interventions conducted during RtI in the Strategy or Tool section.
- For SLD eligibility, there should be academic assessments or strategies beyond the RtI Interventions conducted and discussed (may include diagnostic assessments, prescriptive analysis of child’s classroom work, results of classroom/district/state assessments, etc.).
- For establishing academic deficit, at least one of the measures used must be norm-referenced.
- For establishing insufficient progress, the intervention and progress monitoring tool must be linked to the area(s) of suspected disability (the eight areas of SLD).
- Assure that the measure used to establish the academic deficit (at or below 10%ile) is different from the measure used to address progress made in interventions (ROI). For example, if DIBELS Next is used for progress monitoring to determine the student’s response to the intervention, you may not use only DIBELS Next benchmark scores to establish the academic deficit (for SJBoces, scores that place the student’s skills in the bottom 10%ile compared with peers).
- Review these results in the Eligibility Report narrative.

- The Eligibility Report must provide sufficient data and information to identify all of the child’s special education and related services needs.
- Assure that any of the main areas of SLD that are checked on the Disability form have the necessary documentation for eligibility, including:
  - Interventions implemented and progress monitored
  - Academic deficit documented
  - Insufficient Progress documented
- Do NOT check an area of SLD if there is insufficient documentation for that content area. However, if an intervention was conducted that addressed more than one area of SLD (such as reading fluency and reading comprehension), data from that intervention may be used to document eligibility in both SLD categories, provided both academic deficit and lack of progress were documented in the relevant areas of SLD.
- For SLD, documentation that the learning problems in the areas of SLD identified are not primarily due to vision, hearing, or orthopedic impairment; significant emotional disability; intellectual disability; cultural factors, environmental or economic disadvantage; or limited English proficiency.
- Review results of the observation(s), including date(s) observed, instructional activities occurring or specific student behaviors observed and a summary of implications; include a description of child’s relevant behavior in the general education learning environment and academic performance in the area(s) of suspected or documented disability.
- Review any educationally relevant medical findings.

Eligibility Reports must NOT include statements suggesting pre-determination for eligibility:

- Do NOT include statements in any Eligibility Report that imply predetermination, such as ‘Child has met eligibility criteria for XX disability’.
- DO include a statement that the IEP Team will review all information and make the final eligibility determination.

**Specific to evaluations for students whose native language is other than English:**

Evaluations and the Eligibility Report must include a full body of evidence (BOE) and triangulation of data to rule out English language acquisition as a primary cause of the child’s learning problems.

The BOE for ELL must include info from:

- Home Language Questionnaire (HLQ)
- CELA Placement, WIDA or equivalent test information
- Multiple points of progress monitoring data from interventions implemented within the framework for RtI if SLD is suspected
- Any additional data to support the eligibility team’s determination, including information gathered from the student’s parents

Include the following information, as appropriate and available:

- Discuss the required information (see list on left, to include CELA, HLQ and progress monitoring)
- Discuss proficiency on CSAP/TCAP and district summative assessments
- Identify any patterns seen across languages and/or academic subjects
- Observations in ELL program and general education classes is helpful; discuss findings (may use formal observational protocols)

The Eligibility Report must include discussion of evidence that includes HLQ and CELA data, progress data on English Language Acquisition as well as progress monitoring data on interventions conducted in

the academic areas of concern, and address how language was ruled out as the primary reason for the learning problems.

- Include discussion of how the team ruled out language as the primary reason for child's learning problems (may include information on progress seen with peers in similar interventions, learning deficits demonstrated across both languages, progress monitoring of effectiveness of interventions for English Language Acquisition, etc.)

The discussion of BOE for ELL students may draw upon the following:

- What is the student's primary home language?
- If primary home language is other than English, what are the results of the CELApro Place Assessment (Colorado English Language Acquisition Proficiency Assessment) or WIDA's W-APT (WIDA-ACCESS Placement Test)?
- Does evidence exist that a student's achievement and/or behavior differ significantly from that of other students with similar demographic characteristics? It is important to compare to students with similar cultural background, language, age and/or stage of English language acquisition.
- Has progress in response to instruction/intervention been monitored and compared with the progress of a comparable group of learners?
- Is the achievement gap with grade-level peers closing?
- Is the student, if an English language learner (ELL), receiving targeted academic interventions in addition to English language acquisition (ELA) services?
- If student is ELL, is there evidence that the student has deficits in both languages and across various settings?
- Use informal measures to supplement standardized test scores, including assessments that are dynamic in nature (incorporate the teaching-learning cycle)
- Ascertain whether errors are typical of other students with similar backgrounds or level of English proficiency
- May include in the evaluation and eligibility meeting documentation reference to the impact of cultural diversity or English language proficiency on the student's learning and on the final determination of disability. (For example, the rationale for a determination that a student's learning difficulties are not due his level of English language acquisition, but are due to a Specific Learning Disability might include a statement such as: "The student's rate of progress in response to intensive intervention is much slower than that of other struggling students who are receiving the same intervention and who are at the same level of language acquisition."); include actual ROI or data on rate of progress.

### **The Student is Determined to Be Not Eligible for Special Education**

If the student is found to be NOT eligible for Special Education, complete a ***Prior Notice of Special Education Action*** to inform the parents of the team decision. Do NOT write an IEP for the student.

### **The Student is Determined to be Eligible for Special Education**

If the student IS found to be eligible for Special Education, complete the ***Prior Notice and Consent for Initial Provision of Special Education and Related Services*** form. Present the completed form to the parents for their written consent. The ***Prior Notice and Consent for Initial Provision of Special Education and Related Services*** must be dated after the initial eligibility has been determined (the date of the form must NOT be prior to the date of the Eligibility meeting, but may be the same date as the Eligibility meeting.)

After written consent is received on the *Prior Notice and Consent for Initial Provision of Special Education and Related Services*, the team has 30 days from the date of the Initial Eligibility meeting to write the IEP.

**NOTE: Complete the IEP only after you have received written consent from the parents for the provision of services.** If they refuse to give consent for placement/ services, do not write the IEP, but do complete a *Prior Notice of Special Education Action* to inform parents that an IEP will not be developed, that Due Process Rights are not in force, and that SJBOCES stands ready to reconsider eligibility again at a future date.

In most circumstances, the parents will give consent for placement on the *Prior Notice and Consent for Initial Provision of Special Education and Related Services* form at the Eligibility meeting, and the team can write the IEP at that time. Typically, Initial Eligibility/IEP Meetings will be scheduled to take place at the same time. Unless the School Psychologist indicates to the Scheduling Coordinator early in the evaluation phase that two separate meetings will be needed, both purposes will be indicated in the Notice of Meeting. If there is not time remaining to develop the Initial IEP in the initial meeting, or the team determines that another meeting is necessary, a separate meeting can be scheduled for that purpose. In any case, be certain the IEP meeting is held and the IEP is completed within 30 calendar days of the Eligibility Determination Meeting. Please establish the date and time for the IEP Development Meeting before the Eligibility Determination Meeting is adjourned. The same participants will need to attend both meetings.

### ***Triennial or Re-evaluation to Determine Continued Eligibility***

The question to be addressed to determine continued eligibility for SpEd is different from the documentation required to establish initial eligibility. Once the student has been found eligible, the student's continued eligibility is determined by that student's progress related to grade level standards, whether IEP goals have been met, and whether the student can now access the general education curriculum and achieve FAPE without the support of Special Education.

In the Triennial or Re-Evaluation Eligibility Report, address the following areas in determining continued eligibility and need for special education (you can then rewrite this narrative for the Section 6: Present Levels of Educational Performance section in the IEP):

1. Review the most recent assessment results and if not an Initial, Triennial IEP or an IEP related to an Additional Eligibility meeting, reflect upon most recent assessment and how student has progressed since then in academic and functional performance.
2. Review the student's most recent NWEA, STAR, DIBELS Next, etc. assessment results.
3. Discuss any other assessments completed, including any progress monitoring data.
4. Discuss the student's progress in general education (and/or in any educational settings in which the student spends significant time).
5. Review student's progress on IEP goals.

The appropriate Disability Eligibility forms must be completed at any Triennial or Additional Re-evaluation, even though the criterion for continued eligibility is different.

For SLD re-eligibility, it is acceptable for the IEP Team to answer only the first two boxes on the SLD Eligibility Determination page.

## ***Eligibility Information Specific to SJBOCES***

### ***SJBOCES Criteria for Identification for Specific Learning Disability (SLD)***

To receive special education or related services for a Specific Learning Disability in the academic area(s) of: Basic Reading, Reading Fluency, Reading Comprehension, Math Calculation, Math Reasoning, Written Expression, Oral Expression, and/or Listening Comprehension, a student must meet all of the SJBOCES adopted eligibility criteria below based upon state and federal Response to Intervention (RtI) regulations. Each section must be verified and the box checked.

- 1. Significant underachievement will be observed in the student's level of academic functioning compared to grade-level expectations on appropriate curriculum based measurement (CBM) assessments. Dual Discrepancy must be denoted by having a significant difference in both the student's level of achievement AND growth (slope) measured against those of grade level students.
  - This will be demonstrated by skills in the bottom 10%ile compared with grade-level peers on both national norms and local school norms (when available) on a Survey Level Assessment in the appropriate academic measure(s) using *AIMSweb CBM*; and
  - The slope or Rate of Improvement (ROI) on AIMSweb should be less than the expected rate of improvement for a student at the 50%ile in the grade in which the student is being progress monitored. \*\*
- 2. The student will also show scores at or below the 10<sup>th</sup>%ile on at least one additional district-level assessment that measures Colorado State Standards, such as the Grade, Gates, Bear, NWEA, etc. or individually administered standardized assessment. The convergence of evidence must indicate academic functioning in the bottom 10%ile and a need for intense and frequent specialized instruction to receive FAPE (see Criteria #6).
- 3. Standards-based achievement results are both below the average range and support the Dual Discrepancy in the area(s) of concern. Relevant scores on CSAP/TCAP (when available) must be in the bottom four twelfths (a Proficiency Score of Unsatisfactory or the bottom third/Low end of Partially Proficient range).
- 4. The student has been provided an evidence-based core curriculum in general education as well as appropriate targeted evidence-based intervention(s) implemented in the area of concern which were provided with sufficient duration, intensity and fidelity by qualified personnel. A Tier 3 intervention was conducted by, or with involvement from, the Special Education teacher. At least 6 to 8 data points must have been collected on each intervention conducted.
- 5. Learning difficulties are not the result of lack of appropriate instruction in reading, lack of appropriate instruction in math, limited English proficiency, visual, hearing, or motor disability, intellectual disability, emotional disturbance, cultural factors, or environmental or economic disadvantage.
- 6. Student demonstrates a need for intense and frequent specialized instruction in order to receive a Free Appropriate Public Education (FAPE).

\*\* Students who are significantly below their peers in achievement (bottom 10%ile) but are now making better-than-average growth in an intensive intervention are considered to have met Eligibility Criteria 1 if their ROI using grade of enrollment level probes indicates that it will take more than one year at their rate of accelerated growth for them to show average grade-level achievement.

\*\* Students who are being progress monitored on non-CBM measures will need to show a Gap of 2 or greater in both achievement and ROI to be considered to have met Eligibility Criteria 1.

### ***Determining SLD Eligibility for Parentally-placed Students in Private Schools***

When the private or parochial school in which the student is enrolled is using the Response to Intervention process and doing frequent progress monitoring, sufficient data should be available to utilize the SJBoces SLD Eligibility Criteria as written.

When a private or parochial school is not using the Response to Intervention approach and systemic and progress monitoring data is not available, staff will try to determine what instruction or intervention has been provided and what evidence of the student's learning is available. The team will consider available measures of progress, classroom-based assessments, observations, etc. SJBoces and district staff may also consult with the private or parochial school about ways to monitor progress if they choose to implement frequent progress monitoring.

Limited interventions might also be provided or the student might be included in interventions in the public school during the evaluation period, and progress monitoring data can be collected there.

### **Determination of Eligibility forms**

These forms are used to determine if a student has a disability and is eligible for special education. Individual Eligibility forms exist for the following eligibility classifications:

- Specific Learning Disability (SLD)
- Serious Emotional Disability (SED)
- Autism Spectrum Disorder (ASD)
- Hearing Impairment, Including Deafness (HID)
- Multiple Disabilities (MD)
- Orthopedic Impairment (OI)
- Developmental Delay (DD)
- Intellectual Disability (ID)
- Speech or Language Impairment (SLI)
- Traumatic Brain Injury (TBI)
- Visual Impairment, Including Blindness (VIB)
- Deaf-Blindness (D-B)
- Other Health Impaired (OHI)

In order for the student to be eligible to receive special education services, the IEP team must determine that the identified disability severely impacts the student's educational functioning.

### **Medical Documentation**

In addition, Medical Documentation must be submitted for all Initial Eligibility, Triennials and/or Re-Evaluations for any of the following disabilities.

- Traumatic Brain Injury (TBI) – Credible History is allowed to be substituted for medical documentation at the IEP team's discretion.
- Other Health Impaired (OHI) (any of a number of physiological conditions, including ADD/ADHD)
- Orthopedic Impairment (OI)

## **Prior Notice and Consent for Initial Provision of Special Education and Related Services**

This form is used to:

- Provide prior notice when initial placement into special education is proposed;
- Obtain and document parent consent (or refusal of placement) for initial provision of special education and related services, upon the team's determination of eligibility. This form must be completed and the parent must have given written consent for placement/services before the IEP is written.

Parents give their written consent for the Initial Provision of Special Education and Related Services only at the Initial Eligibility meeting; this form is not used at Triennial Evaluations or Additional Eligibility meetings.

In addition to presenting this form at an Initial Eligibility meeting for an eligible student, this form is also used when a student transfers into SJBOCES with an active IEP, in order to document parental consent for services for our records.

### ***The IEP***

Complete the appropriate IEP for the student. Most sections of the IEP should be completed in DRAFT form prior to the IEP meeting, to allow the parents to review the proposed IEP prior to the IEP meeting, if they choose to do so.

When choosing an IEP option to print from Alpine, follow these guidelines:

- For students with an IEP who are 5 years of age when they begin Kindergarten, and who do not turn 6 before December 1, print the IEP (Age Birth-5) rather than the IEP (Gr K-1).
- For students in Kindergarten through 1<sup>st</sup> grade, print the IEP (Gr K-1).
- For students in 2<sup>nd</sup> grade through age 13, print the IEP (Gr2-Age13).
- For students of Transition age (an IEP completed no later than when the student is 15 or in 9<sup>th</sup> grade), select the Transition (14+) IEP.

At the end of the IEP meeting, print the IEP and give the parents a copy (clearly marked 'DRAFT'). Mark the IEP 'Active - No' or leave it blank when a new IEP is copied or initiated. The Records Coordinator will change the IEP to 'Active - Yes' when the IEP is finalized.

The Case Manager will notify the Records Coordinator by email when the IEP is complete and ready to be finalized, and will copy the School Psychologist on this email. This should take place within 5 days of the IEP meeting.

When the IEP is finalized, the Records Coordinator will send a copy of the final IEP to the parents.

### ***Completing the IEP***

SJBOCES generally follows the CDE IEP manual for the completion of the IEP and its related fields. There are a few exceptions where SJBOCES has slight modifications or more specific requirements, or where SJBOCES has instructions for completion that are unique given our use of AlpineAchievement for our IEPs. Those specific areas that may need special instruction are documented below.

For many of the sections of the IEP, there is additional guidance specific to SJBOCES in the popups for that text box. Popups are available if the item's name is in blue, clickable text. Guidance specific to SJBOCES will be indicated as such.



Students who are eligible for IEPs are assigned Case Managers. Case Managers must be special educators who hold an appropriate CDE license and are hired as a special educator. Case Managers are generally the main service provider for a student, such as the ESS/Resource teacher, Life Skills teacher, Affective Ed teacher, Center-Based teacher, Teacher of the Deaf/HOH, Teacher of the Visually Impaired, or a Speech/Language Pathologist (if the student is identified as SLI only). In some instances the IEP team may determine that the appropriate Case Manager for a student might be a School Psychologist, School Social Worker or other licensed special educator.

Case Managers have the responsibility of providing and explaining the Procedural Safeguards to parents, getting appropriate parent signatures (except for Initial referrals and evaluations), managing the drafting and completion of the IEP and facilitating IEP meetings. For a complete description of Case Manager duties, refer to the *SJBOCES Roles & Responsibilities for IEPs* document.

### **Initial Screen – General Information:**

- Indicate the correct date of the meeting to be held. In the event that the meeting has to be rescheduled, be sure to remember to return to this page and update the Date of Meeting.
- The selections made on this screen bring up the appropriate IEP sections to be completed.

### **Section 1: Type of Meeting**

Indicate the type of meeting. For additional meetings such as Extended School Year (ESY), select the appropriate listed meeting type from the dropdown box.

For Additional Meetings whose type is not listed in the dropdown box, select ***Additional Meeting***, and when you move to the full IEP screen, enter the reason for the additional meeting in Section 1: Reason for Additional Meeting.

***Building Level Advancement*** (BLA) meetings would be indicated as such in Section 1: Reason for Additional Meeting.

### **Section 2: Important Dates**

This section documents critical dates for the student, and many of them are included in the required End of Year Report for CDE, so it is essential that these dates be entered correctly.

#### **Initial Eligibility & IEP Meeting:**

Date of Next Eligibility Meeting (on or before) – 3 years from Eligibility meeting date

Date of Next IEP Review Meeting (on or before) – 1 year from IEP date

Date of Initial Consent for Evaluation – date signed form is received by SJBOCES – never changes

Date Initial Evaluation Completed – date evaluation documented as completed on IEP – usually date of Eligibility Meeting – doesn't change until TRI or next evaluation

Date of Initial Eligibility Determination – date of eligibility meeting – never changes

Date Initial Consent for Services – date parent signed consent for services – never changes

#### **Triennial Eligibility & IEP Meeting:**

Date of Next Eligibility Meeting (on or before) – 3 years from TRI eligibility meeting date

Date of Next IEP Review Meeting (on or before) – 1 year from current IEP date

Date of Initial Consent for Evaluation – carry forward from Initial

Date Initial Evaluation Completed – carry forward from Initial

Date of Initial Eligibility Determination – carry forward from Initial  
Date Initial Consent for Services – carry forward from initial

**Additional Eligibility (Re-Eval) and IEP Meeting:**

Date of Next Eligibility Meeting (on or before) – 3 years from THIS current eligibility meeting date (a Re-Evaluation resets the TRI date to the date of Re-Evaluation)  
Date of Next IEP Review Meeting (on or before) – 1 year from current IEP date  
Date of Initial Consent for Evaluation – carry forward from Initial  
Date Initial Evaluation Completed – carry forward from Initial  
Date of Initial Eligibility Determination – carry forward from Initial  
Date Initial Consent for Services – carry forward from initial

**Annual Review IEP Meeting:**

Date of Next Eligibility Meeting (on or before) – carry forward from most recent TRI or Re-eval eligibility meeting date  
Date of Next IEP Review Meeting (on or before) – 1 year from date of this AR meeting (shifts forward each year based on IEP date)  
Date of Initial Consent for Evaluation - carry forward from Initial IEP  
Date Initial Evaluation Completed - carry forward from Initial IEP  
Date of Initial Eligibility Determination - carry forward from Initial IEP  
Date Initial Consent for Services - carry forward from Initial IEP

**Additional IEP Meeting (e.g, BLA, ESY, etc.):**

Date of Next Eligibility Meeting (on or before) – carry forward from previous IEP  
Date of Next IEP Review Meeting (on or before) – carry forward from previous IEP  
Date of Initial Consent for Evaluation – carry forward from Initial IEP  
Date Initial Evaluation Completed - carry forward from Initial IEP  
Date of Initial Eligibility Determination - carry forward from Initial IEP  
Date Initial Consent for Services - carry forward from Initial IEP

**Section 3: Student and Family Information**

When a student moves into a SJBOCES school and the team is having an IEP meeting to update the IEP and enter it into the Alpine records, for the ‘Prior to Meeting’ ***District of Residence, Home School and School of Attendance***, enter the name of the district and school in which the student was previously enrolled (if within CO), or select ‘out of state’ as the option if they were enrolled outside of Colorado prior to moving into a SJBOCES district.

For Preschool IEPs, the Home School and School of Residence should be the name of the preschool the child is or will be attending.

For Initial IEPs, the ***Primary Disability Prior to Meeting*** should be None, even if the Eligibility Meeting was held on a date separate from the Initial IEP. For Initial Eligibility Meetings and Initial IEPs, the Primary Disability Prior to Meeting should always be None.

Here is a quick update, using Alpine’s data entry screen as a guide, on completing the Ethnicity and Race, ELL and Interpreter text boxes.

Federal Race/Ethnicity Reporting Category <i>Required</i>	Hispanic <b>3<sup>rd</sup></b>
Ethnicity: Hispanic/Latino	Yes <b>1<sup>st</sup></b>
Race: American Indian / Alaska Native	No
Race: Asian	No
Race: Black / African American	No
Race: White	Yes <b>2<sup>nd</sup></b>
Race: Native Hawaiian / Pac. Islander	No
Race: Two or more races	No
Primary Language Spoken in the Home <i>Required</i>	Spanish
Student's Primary Language <i>Required</i>	Spanish
Does the student have Limited English Proficiency? <i>Required</i>	Yes ←
Is an interpreter needed for meetings? <i>Required</i>	No ←

1. Complete the ***Ethnicity: Hispanic/Latino*** dropdown. If the student is reported as being Hispanic/Latino, this should be Yes. If the student is not Hispanic/Latino, choose No.
2. Next answer each of the six Race dropdowns to indicate whether the students is reported as being any of these races.
  - a. If the student is Hispanic/Latino and none of the reported Races, you must also select ***Race: White*** for this student (dropdown should be Yes).
  - b. ***Race: Two or more races*** should only be Yes if more than one of the five Race options is selected. Hispanic/Latino is an ethnicity, not a race, so students who are Hispanic/Latino and one race should NOT have ***Race: Two or more races*** as a Yes.
3. Complete the ***Federal Race/Ethnicity Reporting Category***.
  - a. If a student is Yes for ***Ethnicity: Hispanic/Latino***, then the choice for ***Federal Race/Ethnicity*** is always **Hispanic**.
  - b. For students who are not Hispanic/Latino, select the appropriate race or two more races option.

If a student has Limited English Proficiency, be sure to indicate Yes in this section. If Yes is selected, then the Eligibility Report and IEP must address the student's Limited English Proficiency needs.

If the parents/guardians require an Interpreter for the meeting, indicate Yes in this section, and include the Interpreter in the Notice of Meeting (NOM). For an Initial Eligibility or IEP meeting, this information must be obtained at the time of Evaluation Consent or before, so that the appropriate Interpreter might be included in the Notice of Meeting and at the meeting(s).

#### **Section 4: Procedural Safeguards**

Procedural safeguards are given to the parents when obtaining consent for the Initial Evaluation, and at the student's annual IEP meeting. Case Managers should bring a copy of the current Procedural Safeguards to each IEP meeting. They are also available on the SJBOCES and CDE websites as well as being provided to parents upon request, or if a complaint is filed.

Indicate whether the parent has received Procedural Safeguards, and provide an additional copy if requested. Parents do not sign in this section to indicate that they have received a copy of their Procedural Safeguards.

## ***Parental Revocation of Consent***

Parents have the right to revoke consent for evaluation or special education services at any time by informing SJBOCES of this revocation in writing.

After receipt of a letter from the parents revoking consent, the School Psychologist will send a ***Prior Notice of Revocation of Consent for Special Education and Related Services*** to the parents. This form will detail the understanding that consent was revoked, the anticipated impact of such a revocation on the child's education, and the fact that all parental due process rights are removed by such a revocation, and will state that should the parent once again desire special education services for the child, an Initial Evaluation will need to be conducted to determine eligibility.

Recommended Supplemental Form: ***Prior Notice of Revocation of Consent for Special Education and Related Services***

## ***Allocation of Special Education Resources***

Whenever resources (typically special education services) are to be initially allocated or significantly increased on an IEP, the Special Education Director or School Psychologist must be present at the IEP meeting.

## ***Attendance at IEP Meetings***

### **Section 5: IEP Meeting Participants**

Indicate only the people present at the meeting in this section. If a participant, including the parent, attends the meeting via technology, indicate this in parentheses after their name.

For Additional Attendees, remember to include their role after their names.

If a required participant is not present, the ***Team Member Excusal Form*** must have been completed and signed by the parent prior to the meeting. If a non-required participant was listed on the Notice of Meeting but is not present at the IEP, indicate in the Meeting Notes that the parent (or team, if the parent is not present) gave permission for the meeting to be held without that person present.

If an additional team member is present at the meeting who was not listed on the Notice of Meeting, the parent (or team, if the parent was not present) must give permission for that person to attend the meeting. Note that permission was given in parentheses after that person's name.

For a more detailed description of documenting IEP and meeting attendance, [Click Here](#) to go to the section on **[Attendance at IEP Meetings](#)**.

### **Section 6: Present Levels of Academic Achievement and Functional Performance**

Assessment Scores and Information from Other Plans: Click the 'Click Here to Add/Edit' link to include scores or report summaries in the IEP. The selected information is added to the final page of the IEP.

The ***Student Strengths, Preferences and Interests*** section should include information about student strengths, preferences and interests. This information can be obtained from the student, the student's parents/guardians, teacher and staff observation and assessment data.

The ***Present Levels of Educational Performance Summary*** section must address the following areas:

1. Review the most recent assessment results and if not an Initial, Triennial IEP or an IEP related to an Additional Eligibility meeting, reflect upon most recent assessment and how student has progressed since then in academic and functional performance.
2. Review the student's most recent NWEA, STAR, DIBELS Next, etc. assessment results.
3. Discuss any other assessments completed, including any progress monitoring data.
4. Discuss the student's progress in general education (and/or in any educational settings in which the student spends significant time).
5. Review student's progress on IEP goals.

The ***Student Needs and Impact of Disability*** section must address how the child's disability affects the child's involvement and progress in the gen ed curriculum (or appropriate activities, if child is a preschooler).

1. State the student's disability (e.g., The student has a Specific Learning Disability in the area of Reading Fluency).
2. Fully discuss how the student's disability impacts his or her involvement and progress in the general education curriculum and/or general education environment.
3. Review the student needs that flow from that impact (e.g., because of this, the student needs), such as areas of service, accommodations or modifications.

The ***Parent/Student Input*** section should record information provided by the parents/guardians and the student. This section might include concerns, preferences, suggestions, or general comments. The input may be provided prior to or during the IEP meeting; please make sure the parent/guardian/student knows that this input is going to be recorded in the IEP.

In addition, for ELL students, the IEP must reflect consideration of the language needs of the child as those needs relate to the IEP. Be sure to include this discussion in the PLEP and Impact of Disability sections as well as other parts of the IEP as appropriate.

- Discuss how the student's language needs will be addressed in addition to the identified sped and related needs.
- If the student is also being served through an ELL program, describe this program and discuss the collaboration between the SpEd teacher(s), ELL staff and general ed.
- If there are no continued ELL services, describe how the student's language needs will be addressed.

### **Section 7: Consideration of Special Factors**

A Behavior Intervention Plan (BIP) is required for students with Serious Emotional Disabilities, and may also be appropriate for students with other disabilities who are exhibiting behaviors that require a BIP.

If a student has a Behavior Intervention Plan, it should be reviewed during the IEP meeting. BIPs are not considered to be a part of the IEP, however, to allow for greater flexibility in making changes or revisions as interventions are adjusted and revised without requiring a formal IEP meeting. Be sure to indicate the dates on which revisions are made to the BIP, since they may occur outside of a formal IEP meeting.

### **Section 9: Annual Goals and/or Objectives**

Goals should be written for each identified area of disability, including each area of learning disability identified (e.g., reading fluency, math computation, etc.). In the event that a goal is not written for an area of identified disability or area of SLD, explain why in the Services Description narrative text box (e.g., "Although the student is eligible in Math, she has met the math requirements for graduation in HS and is no longer taking math classes, so the focus of her IEP is now on reading.").

Objectives are written for students who take the Co-Alt assessment (the alternate state assessment), and are generally not written for students taking the regular state assessment (TCAP, etc.).

Services should be tied to a student's goals. In some cases, Related Service Providers such as OT, PT and SLP will not write their own goals, but will provide services in support of other IEP goals. This should be noted in the Service Delivery Statement narrative text box, and service times should be documented in the Service Delivery Box.

### ***Creating a Progress Report for Updating Student Progress toward IEP Goals***

Do not update student progress on the goals within the IEP itself – instead, you will use a Progress Report for updating student progress. Progress should be updated at least as frequently as the school provides major progress/grade updates to parents (semester, trimester, etc.).

Only one Progress Report should be created from the student's annual IEP meeting, unless an additional IEP meeting was held that added goals for the IEP. Use this one Progress Report to record all of the progress information (often completed quarterly) for the student until the next annual IEP is held, and/or new goals are written. Do not create a new Progress Report for each progress period unless new goals are written, unless it is the annual IEP or new goals were written.

When the IEP is finalized at the SJBOCES office, the Records Coordinator will create the Progress Report to be used for updating student progress toward IEP goals. Staff should edit this Progress Report and enter new progress data as appropriate.

If you have an additional IEP meeting for a student during which new goals were written, or existing goals were deleted or changed, please notify the Records Coordinator that a new Progress Report should be created. The Records Coordinator will finalize the 'old' progress report when a new one is created, to assure that further progress updates are entered onto the appropriate Progress Report.

It is important that a discussion regarding the student's course of study, curriculum modifications and grading criteria take place at each annual review IEP conference. Parents and students (when the student is in high school at the time of the IEP meeting, or is age 15 or older but not yet in high school at the time of the IEP meeting) must be involved in determining the modifications to the curriculum and the potential effects of these decisions on the student's post-school goals.

### ***Section 10 and 12: Instructional and Assessment Accommodations & Modifications***

**Accommodations** involve adapting instructional strategies (materials, manner of presentation, grouping, format), and/or the classroom environment (seating arrangements, lighting, sound, etc.) for students with special needs. Classroom accommodations can be made across educational settings, such as the general education classroom, resource or special class. Accommodations typically change HOW the student learns the material that is being presented for all students.

**Modification** means changing the program/curriculum when reasonable accommodations will not be effective in allowing the student to participate in the general education classroom. Modifications are greater or more extensive changes that significantly alter the scope or content of the general education curriculum and are based on the student's need for such changes. Modifications typically change WHAT the student is taught, so that expectations for material learned are different from expectations for all students.

### **Section 11: Extended School Year Determination (ESY)**

Extended school year eligibility and services should be addressed at the first formal IEP meeting of each school year (e.g., Initial, TRI or Annual Review). If a student is determined to be eligible for ESY services, develop the ESY IEP at that time rather than plan to hold a separate IEP meeting to develop the ESY IEP.

To develop the ESY IEP during an Annual Review or other IEP meeting, after the regular IEP meeting is completed, the IEP should be copied and the ESY meeting type should be selected in the General Information section. This will pull only the ESY-related IEP fields into the ESY IEP, and will allow those fields to be edited and ESY services to be documented.

Do not select 'To be determined' for 'Decision: Is the student eligible for Extended School Year Services?', as this locks the team into having an additional IEP meeting before the end of the school year to address ESY eligibility, regardless of student need. Should it appear that a student might be eligible for ESY but the team selected 'No' at the last IEP meeting because they did not have the documentation needed to find the student eligible at that time, an Additional IEP meeting should be scheduled to determine ESY eligibility and write the ESY IEP, if the student is found eligible.

### **Section 12: State/District Assessments**

Answer the questions regarding whether the student will take the Regular or Alternate assessment as though there is an assessment for that content area for that grade level, even if the subject is not currently assessed at this grade level.

Do not select 'Not assessed at this grade level' from the dropdown box for K-12 IEPs; the goal is to indicate whether the student would take the Regular or Alternate assessment if such an assessment were given.

To be eligible to take the Alternate assessment, the student must have a documented Significant Cognitive Disability that has a severe and pervasive impact on academic progress. The student's IEP must include measurable goals and objectives based on the Extended Evidence Outcomes for the tested academic areas. CDE guidance on state assessment accommodations, modifications and CoAlt eligibility can change from year to year, so always refer to the most up-to-date guidance from CDE and SJBOCES.

Allowed assessment accommodations for the state assessment are listed in the popup box if you click the appropriate text links (Identify all Standard Accommodations to be used in the TCAP or ACT Administration).

For Preschool IEPs, complete the District Assessments section by selecting 'Not assessed at this grade level' for Reading, Math and Science. Then for 'District Assessment – Other1,' select 'Regular' and type 'Teaching Strategies GOLD Checkpoints' into the 'Name of Other District Assessment – 1' text box.

### **Section 13: Special Education and Related Services in the Least Restrictive Environment**

- For an Initial IEP, make certain that the Services start dates begin AFTER the date the parents signed the *Prior Notice and Consent for Initial Provision of Special Education and Related Services*, and that service logs should reflect that services began after the signature was received. Assure that the Services Start dates accurately reflect when the services will begin, generally the next school day.

- For Annual Reviews and Additional IEPs after the Initial IEP, Services Start dates should accurately reflect continuation of services or the initiation of new services as provided by the IEP.
- Service Start dates should reflect the date services will actually begin, and not default to the date of the IEP meeting. The start dates for all services should generally be the same.
- If there is a delay of more than a few days between the IEP meeting and the start of services, use the Meeting Notes section of the IEP and the PWN to explain the reason for the delay.

### ***Procedure to Add or Discontinue a Related Service Between Eligibility Review Meetings***

To add or discontinue a related service between eligibility review meetings:

- Discuss the possibility of and reason for adding or discontinuing the related service with the Building Team and the parent.
- Complete a ***Prior Notice of Special Education Action*** to document the proposal to initiate or discontinue the related service at the upcoming meeting and send this document to the parents prior to the IEP meeting (or include it in the Notice of Meeting mailing).
- On the Notice of Meeting, add “Discontinue/Initiate \_\_\_\_\_ (Speech Therapy, OT, etc.)” in the “Other” blank for purpose of meeting, in addition to the annual, additional, etc. original purpose of the meeting.
- If you are adding a Related Service, do not begin to provide those services until after the IEP meeting. If you are discontinuing a Related Service, continue to provide the related service until the upcoming IEP meeting.
- Add or remove the related service from the IEP at the next IEP meeting.
- Complete Section 15 to include the documentation of the initiation or discontinuation of the related service.

### ***Documenting Preschool Hours on Preschool IEPs (3 – 5 year olds)***

- In Hours per Week of General Education Services (age 3-5), list the total number of hours per week the student is attending preschool.
- Note the amount of time recommended by the IEP team to fulfill IEP goals (using the SJBOCES Preschool Rubric as a guide) in the Section 14 ‘Summary of Discussion regarding Placement Option(s)’ narrative text box.
- Select the appropriate and corresponding Recommended Placement in the Least Restrictive Environment option.
  - NOTE: If a student is 5 years old in Kindergarten at the time of the IEP meeting, and will not turn 6 before December 1, choose a setting code from the 3-5 year old options (e.g., Regular early childhood program...), even though they reference early childhood programs and not Kindergarten programs.

### ***Documenting Direct and Indirect Time on the IEP***

For all IEPs, services will be provided in accordance with the school calendar. Services missed due to school closure, student absences, district/state assessment windows or student participation in school events will not be made up. A statement to this effect should be included in the Service Delivery Statement narratives on all IEPs.

Services provided through ESY will be provided in accordance with the times and dates specified on the ESY IEP.

**Direct Services:** Direct special education and/or related services are those services provided directly to the student by:



- An appropriately CDE-licensed and endorsed special education teacher or special education related services provider;
- A paraprofessional under the supervision of an appropriately licensed and endorsed special education teacher or related services provider. If services are provided by a special education paraprofessional, the paraprofessional must meet the qualifications and competencies established by the administrative unit, state-operated program or approved facility school (ECEA Rule 3.04(1) (e));
- A speech language pathology assistant (SLPA) under the supervision of a CDE-licensed speech language pathologist who holds a national certification. SLPAs must possess a credentialing authorization from the CDE.
- A Certified Occupational Therapy Assistant (COTA) under the supervision of a CDE-licensed Occupational Therapist.

Direct services may be provided: one-to-one, in a small group setting, or in a large group setting. Direct services are location independent, and may be provided in a resource or center-based setting, in the general education classroom, or in an alternate setting such as a homebound placement.

For students who have IEPs and/or Behavior Support/Intervention Plans that include more flexible movement between general ed and special ed environments (e.g., students on Levels programs where they work toward increasing amounts of time in gen ed, students whose sped support needs change frequently based on health or behavioral criteria, etc.), document the generally expected service delivery times and LRE in the **Special Education and Related Services in the Least Restrictive Environment**. In the **Service Delivery Statement** narrative, explain the circumstances under which service times might fluctuate and attach any related Levels program or behavior plan to the IEP in the Special Education attachments section.

**Indirect Services-** Special education and/or related services provided on behalf of a student (but not directly to a student) to educators (who are appropriately licensed, endorsed or authorized), to parents, and to other agencies by an appropriately licensed and endorsed special education teacher or related services provider. Consultative services are indirect services.

Another form of indirect service may be the time needed by brailist or TVI paraprofessional to prepare Braille-tactile materials for a student who is blind or visually impaired.

Program para time provided directly to a student with an IEP will be included in the direct service time documented for the supervising Special Education teacher. The service provision details will be included in the Service Delivery Statement narrative text box. Program para time is not listed separately in the **Special Education and Related Services in the Least Restrictive Environment** section.

#### 1:1 Para Services

- When a 1:1 para has been approved for a student, those hours are documented in the **Special Education and Related Services in the Least Restrictive Environment** section under ‘Teaching Assistant – Sped’ as Direct time. (1:1 para time is NOT included in the time allocated to the SpEd teacher, but is listed as additional time in the Service Delivery box).
- Services and supports provided by the 1:1 para should also be further explained in the Service Delivery Statement narrative text box. Include the following information, as appropriate:
  - Medical necessity of personal care services must be mentioned (as applicable to the student)
  - Scope must be detailed: describe the service(s) to be provided, and include the reason or medical necessity for these services

- Duration and Frequency must be explained:
  - Duration – how long the task will take (e.g., toileting that typically takes 15 minutes each time)
  - Frequency – how often the task needs to be provided (e.g., 3X a day)
- 1:1 paras need to be approved by the SJBOCES Executive Director and/or SpEd Director prior to being initially included on an IEP. They must also be formally approved at each Triennial IEP, and reviewed at each IEP meeting. Documentation forms and procedures are more fully addressed in the [1:1 Paraprofessional section](#).
- 1:1 paras for students in CB/AE/SLS programs must be approved prior to being written into the IEP.

LRE Selection:

- Select the LRE option that best describes the amount of time the student will be spending in general education environments.

***Students in Kindergarten with an IEP Who Are 5 Years Old at the Time of the IEP***

- When a Kindergarten student with an IEP is still 5 years old at the time of the IEP meeting, and will not turn 5 before December 1, choose an LRE setting code from the 3-5 year old setting code options, not from the K-21 year old settings, even though they appear to reference an early childhood program instead of a Kindergarten program.
- When printing an IEP for a student in Kindergarten who was 5 at the time of the IEP meeting, select the ‘Birth – 5’ IEP option rather than the ‘Gr K-1’ IEP option, so that the appropriate 3-5 setting codes will be included on the IEP.

***Center-Based, AE or SLS Programs:***

- Students placed in Center-Based (CB), Affective Education (AE) or Student Learning Supports (SLS) programs will have their service times and LRE documented as provided.
- Details about the student’s program, including program placement, services and supports provided should be described in the Service Delivery Statement narrative text box.
- Program para time providing direct support to a student will be included in the Direct Service time documented for the supervising Special Education teacher and explained in the Service Delivery Statement narrative. Program paras do not have time listed separately in the **Special Education and Related Services in the Least Restrictive Environment** section of the IEP.

LRE Selection for students placed in CB/AE/SLS programs:

- Select the LRE option that best describes the amount of time the student will be spending in general education environments.
- Explain the team’s rationale for the CB/AE/SLS program placement as well as the time in general education in Section 15.
- For students who have IEPs and/or Behavior Support/Intervention Plans that include more flexible movement between general ed and special ed environments (e.g., students on Levels programs where they work toward increasing amounts of time in gen ed, students whose sped support needs change frequently based on health or behavioral criteria, etc.), document the generally expected service delivery times and LRE in the **Special Education and Related Services in the Least Restrictive Environment**. In the **Service Delivery Statement** narrative, explain the circumstances under which service times might fluctuate and attach any related Levels program or behavior plan to the IEP in the Special Education attachments section.

### **Section 15: Prior Notice of Special Education Action**

This section should include a discussion of actions taken at the IEP meeting.

### **Meeting Notes**

Use the Meeting Notes section to capture discussions and other topics addressed at the meeting. This section can also be used to document parent (or team) approval for a non-required meeting participant to be absent from the meeting, or to document the review of the meeting with parents who did not attend.

### **Plan Status**

Choose 'No' to answer the question 'Is this an active plan?' The Records Specialist will change the plan to Active when the IEP is finalized.

### **IEP Amendment**

**The IEP** Amendment is used to avoid having to hold additional IEP meetings in circumstances such as:

- Lack of progress toward annual goals; to add or adjust goals
- To adjust service times that do not change the student's LRE (if a change is made to the LRE as a result, an IEP meeting must be held)
- New information about the child provided to or by the parents
- Reconsideration of decisions previously made regarding grading, promotion and assessment
- Revision or consideration of transportation services
- The need to eliminate or add curriculum modifications or accommodations such as classroom or individual aids
- The need to identify alternative strategies to meet the transition objectives if those set forth in the IEP are not being provided

IEP amendments should not change the student's LRE, eligibility for special education or substantially change the student's special education services.

The following procedures should be followed when using the IEP Amendment:

- Parent signatures and the signature of the School Psychologist (as SpEd Director Designee) are required on the IEP Amendment form.
- In addition to the Amendment Form, the IEP should be copied (meeting type: amendment) and the changes documented in the IEP Amendment form should be made on the copied IEP.
- The date of the IEP form should be the date that the amendment changes are to take place (but not before the date the parent and Director/Designee signatures were received).
- The Amendment does not change the Important Dates in Section 2 (e.g., the date of the next IEP Review meeting stays the same as it was before the Amendment).
- If changes were made to service times, the dates in the service time boxes in Section 13 should also be adjusted to reflect the date the new service times take effect, but the end date should not be changed (it should be the same as the previous/copied IEP).
- The School Psych or Case Manager will notify the Records Administrators to let them know that they should freeze the new amended IEP, and change it to Active and deactivate the previous IEP.

## ***Special Procedures for Students Transferring into SJBOCES with an Active IEP***

When a student transfers into a SJBOCES district with an active IEP, the following should take place:

- The school team should immediately notify the School Psychologist and the SJBOCES office of the student's transfer, and send a copy of any IEP documents to the SJBOCES office. In addition, a New Student form should be completed and sent to the BOCES office with current contact information for the student and the student's parents.
- Make every effort to obtain the current IEP records for the student as soon as possible, if they are not already available.
- Complete a ***Prior Notice and Consent for Initial Provision of Special Education and Related Services*** form indicating to the parents that we have a current IEP with a Primary Disability noted, and we are proposing moving forward with services according to that IEP, and will be scheduling an IEP meeting to review the student's program. Parents should sign permission for services, either at time of enrollment or at the IEP meeting.
- The School Psychologist should notify the SJBOCES office that a new student has moved in with an IEP by contacting the SJBOCES scheduling coordinator to schedule an Additional IEP Meeting for the student (if the annual IEP is within a few weeks of this date, schedule the appropriate meeting instead of an Additional IEP Meeting).
- District Student Management System (SMS) and SJBOCES notification:
  - The school Administrative Assistant who updates the district SMS and the Records Office for SJBOCES must both be notified immediately when the following occur:
    1. A student with an IEP transfers into a SJBOCES district
    2. A student with an IEP transfers out of a SJBOCES district
  - The School Administrative Assistant must also be notified when the following occurs:
    1. A student is found newly eligible for SpEd (Initial IEP)
    2. A student is dismissed from SpEd
    3. A student's disability within SpEd changes
    4. A student with an IEP has a change in his or her CSAP-A status
  - The Special Education teacher (Resource, SLS, Affective Ed, SLP, etc.) who is the primary service provider/case manager for an incoming or outgoing student with an IEP is responsible for completing the SMS IEP Updates form and getting it to the Administrative Assistant so that the SMS can be updated in a timely manner.
  - The Special Education teacher will also give a copy of this form to the School Psychologist serving that school, so that the School Psych can inform the SJBOCES Records office.
- A student transferring into a SJBOCES district with an IEP will have an Additional IEP meeting scheduled as quickly as possible in order to review the existing IEP, make any necessary updates, and assure that the IEP is entered into AlpineAchievement.
- At the IEP meeting, have the parents sign the ***Prior Notice and Consent for Initial Provision of Special Education and Related Services*** form to document their permission for such services, if they have not done so previously.
- If the student is transferring to a SJBOCES school district from out of state, the IEP team has the option of rejecting the eligibility determination provided by the previous state. If the IEP team questions whether the student would be found eligible for special education eligibility in Colorado, they would get parental ***PN and Consent for Evaluation*** for an Initial Eligibility Determination, and would provide services (or comparable services) from the students out-of-state IEP until the Eligibility Determination meeting.
  - If the student is found to be eligible in Colorado, the appropriate Initial eligibility and Initial IEP paperwork is completed, including the ***Prior Notice and Consent for Initial Provision of Special Education and Related Services*** form.
  - If the student is found not to be eligible in Colorado, an appropriate ***Prior Notice of Special Education Action*** is completed and no IEP is written.

## ***Additional Information re: Special Education Procedures***

### ***Allocation of Special Education Resources***

Whenever resources (typically special education services) are to be initially allocated or significantly increased on an IEP, the Special Education Director or School Psychologist must be present at the IEP meeting.

### ***Parental Revocation of Consent***

Parents have the right to revoke consent for evaluation or special education services at any time by informing SJBoces of this revocation in writing. The School Psychologist and Case Manager should be informed immediately upon receipt of such a letter from a parent.

After receipt of a letter from the parents revoking consent, the School Psychologist will send a ***Prior Notice of Revocation of Consent for Special Education and Related Services*** to the parents. This form will detail the understanding that consent was revoked, the anticipated impact of such a revocation on the child's education, and the fact that all parental due process rights are removed by such a revocation, and will state that should the parent once again desire special education services for the child, an Initial Evaluation will need to be conducted to determine eligibility.

Recommended Supplemental Form: ***Prior Notice of Revocation of Consent for Special Education and Related Services***

### ***Attendance at IEP Meetings***

#### **Notice of Meeting:**

A Notice of Meeting (NOM) is provided to parents (and students as appropriate) prior to an IEP meeting. The Notice of Meeting will inform the parents/student as to the purpose of the meeting, the date, time and place of the meeting, and the people who will be in attendance at the meeting.

People required to be in attendance at the IEP meeting include:

- Parent (may choose not to attend)
- SpEd Director or Director Designee (may not be excused)
- General Education Teacher
- Special Education Teacher/Provider
- Related Service Providers who serve the student

The School Psychologist acts as the Special Education Director Designee when the SpEd Director is not in attendance at the meeting, and has the authority to commit special education resources. The Case Manager (District SpEd teacher, SLP or ECSE) may act as Designee when the SpEd Director and School Psychologist are not in attendance at the meeting. If there is to be a change in the commitment of special education resources for a student, then the SpEd Director or School Psychologist must be in attendance as SpEd Director or Designee. The SpEd Director Designee must be a special education staff person (e.g., Principals, Counselors or other General Education staff may not act as SpEd Director Designee).

When a required team member or a service provider whose area of service or curriculum is being discussed asks to be excused from an IEP meeting, a ***Team Member Excusal*** form must be completed and provided to the parent prior to the IEP meeting. If the parent and the Special Ed Director/Designee approve the absence (by signing the ***Team Member Excusal*** form), the IEP meeting may be held

without that team member present; otherwise the team member must be present or the IEP meeting should be rescheduled to allow that team member to attend.

Approximately a month prior to the IEP meeting, the IEP team should confer to determine whom to invite to the upcoming meeting, and should inform the Scheduling Coordinator so that the appropriate team member roles are checked on the Notice of Meeting.

Additional people invited by the Administrative Unit (AU) who will attend the IEP meeting must also have their roles listed on the Notice of Meeting (e.g., SLP, OT, PT, Transition Coordinator, School Psychologist, Interpreter, agency representative, etc.).

It is recommended that the Case Manager call the parents a few days before the scheduled IEP meeting to remind them of the upcoming meeting. Let the parents know that the IEP team will hold the meeting on that date unless they call the Scheduling Coordinator and request that the IEP be rescheduled. Also let them know that if something should come up for them that keeps them from attending in person, they can attend via phone; or if they cannot attend, the Case Manager will review the IEP with them after the meeting. Document this call and the parents' response in the PWN.

### ***Documenting IEP Attendance***

List the name of each person in attendance in Section 5 (IEP Meeting Participants). Only people who are in attendance should be listed. People attending via teleconference or phone should have that noted after their names.

If a person fills more than one required attendee position, please note that person's name in both sections (such as SpEd Provider and SpEd Director/Designee). If one person fills more than one role, list that person's name in each area (the person's name should show up on the list for as many roles as the person is filling).

In some cases the parent is not in attendance either in person or by phone. In this case the IEP team may hold the IEP meeting, but must state in the PWN that the IEP meeting can be reconvened if the parent so chooses, so that the parent may attend.

Whenever the parent is not in attendance at the IEP meeting, the PWN should document who will meet with the parent and explain the IEP document and review the IEP meeting.

If a required team member was invited and listed on the Notice of Meeting but does not attend the meeting and cannot attend via technology, a Team Member Excusal Form must be signed by parent and the Special Education Director or Designee.

If that team member's area of service is being discussed at the meeting, written documentation of student progress and goals should be included on the Meeting Excusal form and whenever possible, discussed with the parent(s) prior to the meeting. It is always preferable to attend via technology in lieu of being excused from the meeting whenever in-person attendance is not possible.

If a team member who is NOT a required participant is unable to attend (but was listed on the Notice of Meeting), it is sufficient to ask the parent if the absence is okay. If the parent is okay with that team member not attending, document this in the Meeting Notes and PWN. If the parent is not okay with the team member being absent, they have the right to request that the IEP meeting be rescheduled.

### ***Attending the IEP Meeting Via Technology***

The Notice of Meeting informs parents that it is acceptable to attend the IEP meeting by conference call or other electronic method, and that if they choose to attend via technology, they may do so. Also, it informs parents that IEP team members may also attend via technology, and if they do not agree to that form of participation, they should contact the Scheduling Coordinator and let that person know that they wish all IEP team members to attend in person.

### ***Rescheduling IEP Meetings***

IEP meetings will be rescheduled if a parent makes that request before the IEP meeting, but any requests for rescheduling must take into account that the IEP meeting should be held before the required annual review date.

The Case Manager should call the parent(s) about a week prior to the IEP meeting to remind them of the meeting, and that they can attend via the phone or technology. The Case Manager will inform the parent that if something should come up for the parent that keeps them from attending the meeting, the IEP team will hold the meeting as scheduled, and a designated team member will meet with the parent after the meeting to review the IEP.

In some cases the parent had planned to attend but is not in attendance either in person or by phone. In this case, the IEP team may hold the IEP meeting as scheduled.

In any case that the parent is not in attendance at the meeting, the PWN (Section 15) must state that the IEP meeting can be reconvened if the parent so chooses, so that the parent may attend.

### ***Interpreters for Non-English Speakers at IEP Meetings***

When a parent or student does not speak English fluently, an Interpreter who speaks the native/preferred language of the parent/student is required to be present at the IEP meeting to interpret the meeting and facilitate participation in the IEP meeting, unless it is clearly not feasible to do so.

The name of the Interpreter should be listed in the IEP meeting attendees, with a notation that the person is there to interpret for the parent(s).

If the parent is not present at the IEP meeting, the Interpreter and Special Education teacher/Case Manager should meet with the parent to interpret the IEP document to the parent, and this should be documented in the Meeting Notes and PWN.

### ***IEP Team Member Excusal***

List the meeting attendees/participants in Section 5 of the IEP document and on the Disability Form of the Eligibility Report. Those in attendance should be the same people whose roles were included as Attendees on the Notice of Meeting that was sent to the parents. If a required meeting participant cannot attend, the IEP ***Team Member Excusal*** document must be completed and signed approval must be given by the parent and the Special Education Director/Designee, prior to the IEP meeting.

### ***Process for Moving Students into Center-Based/SLS Programs***

- The sending school team meets to discuss the concerns and needs of a specific student. That meeting may produce additional interventions, supports, program changes or a professional recommendation for a Center-Based placement.
- The School Psych would then get approval for that recommendation from the appropriate Special Education Director or Executive Director to discuss Center-Based criteria, student's

current placement and supports, and allow time for any required resource reallocation within the Center-Based Program and gathering of other relevant information.

- For Durango and Cortez, if the student who is being moved to a Center-Based classroom lives in the district where the Center-Based program is located, approval is given by that district's Special Education Director.
- For all other districts, or when a student is being considered for placement in a Center-Based program in another district, the Executive Director needs to approve the placement.
- If approved, the School Psych will set a formal staffing with the team and the parents at the student's home school. At the same time, the sending School Psych will contact the receiving School Psych to give an update of the student and provide information. The receiving School Psych will meet with their school's team and update them on the possible placement.
- If the sending school team formally decides, through development of a Re-Evaluation IEP, that the Center-Based Program is the appropriate placement, then an informal meeting (or a formal IEP meeting for change of placement, if that was not done as a part of the Re-Evaluation) is scheduled with the receiving school to facilitate the transition. The School Social Worker facilitates the transition of the parent and child to the new school community.
  - At no time does the receiving team have any say in whether a Center-Based placement is appropriate for a student. A team of professionals who work with this child and the parents have already decided the appropriate placement.
- The student starts receiving services in the Center-Based Program.

\*\*\* A note to keep in mind. If after working with a student for an appropriate amount of time and demonstrating that services can be provided to the student in a less restrictive setting, the team has the obligation to reevaluate the Center-Based placement and return the child to their home school of residence.

Team members may disagree with another school team's decision around student needs; however, the determination of those needs is made by the teams in the current school of attendance.

### ***Building Level Advancement Meetings (BLA)***

BLA meetings are formal IEP meetings which are held in the spring when a student will be moving between buildings as a part of his or her regular advancement through the grades, such as moving from the Elementary School to the Middle School.

A formal BLA meeting will be held according to the following criteria:

- The advancement of the student to the next grade/school requires a change in the LRE for that student.
- The services to be provided to the student in the new school are different from those being provided in the current school; this should be a rare occurrence, as student needs and services provided do not often change as a result of grade advancement. For example, if OT were to be discontinued in the new school, a BLA should be held.
- A BLA meeting should not be held if a student is moving to a new district or to a private school.
- A BLA meeting should not be scheduled to make changes in service times that do not involve a change in the LRE for the student.

If a formal BLA meeting is not required, the current IEP team is encouraged to meet informally with the IEP team from the receiving school to discuss the IEP and assure a smooth transition between schools and introduce the parents and student to the new school and staff. It is recommended that parents and the student be invited to these informal discussions (this informal meeting should not be scheduled using a



Notice of Meeting or by the BOCES Scheduling Coordinator). All meeting arrangements and invitations for informal transition meetings will be handled by the sending and receiving school representatives.

### **Formal Building Level Advancement Process**

#### **Site of the Building Level Advancement Meeting**

Formal BLA meetings are generally held at the sending school, although individual districts may make arrangements that best meet their needs and the needs of their staff and parents.

#### **Procedures**

The purpose of a formal BLA meeting is to develop a special education plan for a student with special needs as he/she transitions from one school level to another when significant LRE or service changes are anticipated due to the change in school. Specific educational information is shared with the receiving special education teacher to assure a seamless transition for the student and for the development of an appropriate IEP.

#### **Participants**

The following participants will be present at all formal BLA meetings:

- Sending School: Special Education Teacher, and a Regular Education Teacher
- Receiving School: Special Education Teacher and a Counselor or Administrator
- School Psychologist
- Parent or Legal Guardian
- It is optional for the student to attend

Related service providers only need to attend if they anticipate discontinuing or modifying their related service.

#### **School Actions Required**

Each school will need to decide on schedules for the formal BLA meetings and send the meeting information to the Scheduling Coordinator in March. Whenever possible, formal BLA meetings are encouraged to be combined with annual review meetings or triennials.

1. Special Education teachers will communicate between schools, and with the parents, to determine the best date for the BLA meeting.
2. The BLA meeting will need to be scheduled to take place in March, April or May.
3. After a date is agreed upon, the Special Education Teacher will contact the San Juan BOCES Scheduling Coordinator to schedule the meetings.
4. The Scheduling Coordinator will then send a Notice of Meeting to all participants at least three weeks prior to the date of the meeting.
5. All paperwork, including new IEPs, will be completed by the sending school.

The BLA meeting will only be rescheduled in accordance with procedures for rescheduling all formal IEP meetings.

### **SJBOCES Child Find Procedures**

SJBOCES conducts regular Child Find activities to identify students with disabilities aged birth through 21. SJBOCES collaborates with a number of local agencies in its Child Find efforts, including the local Part C agencies, Social Services (CAPTA), Pediatricians' offices, local public and private/parochial schools. In addition to presentations and Child Find activities in local schools, informational presentations are made at regional events that parents are likely to attend, such as the Week of the Young Child fair.

A Child Find brochure and posters have been created and are distributed in local communities in pediatricians' offices, to Mental Health and Social Services offices, and through local churches and organizations.

Child Find staff members also attend local Tri-County Early Childhood Council meetings and sit on regional boards such as Colorado Preschool Program, San Juan Kids, Headstart to facilitate ongoing collaboration around Child Find activities.

For students who were attending school but have discontinued or dropped out, outreach will be provided to offer re-enrollment opportunities as well as information about alternative education opportunities, including the Southwest Colorado eSchool for students of high school age.

Regular notices of formal Child Find activities and ongoing efforts (including the contact information for the Child Find Coordinator) will be published in local newspapers and other media that serve the population of SJBOCES.

### ***Child Find Responsibilities***

- It is the responsibility of the district of attendance to conduct Child Find activities for all children attending public, private or parochial school within their attendance area.
- For homeschooled students or preschoolers not attending a public or private preschool, the district of residence is responsible for Child Find.
- For students attending online schools:
  - If the online school is not associated with a member district or the SJBOCES, student's district of residence is responsible for Child Find.
  - If the online school is associated with a district, then a team from an appropriate grade-level school is responsible for Child Find activities.
  - For students enrolled in the Southwest Colorado eSchool (an online school managed by the SJBOCES), a team from an appropriate grade-level school within the student's district of residence will be responsible for Child Find.

### ***Child Find for Children Birth through 3 Years of Age (Part C)***

- Referrals are made to the Child Find Coordinator when a child is suspected of having a disability. These referrals may be made by a child's parents, other relatives, preschool teacher, day care provider, physician, or concerned friend.
- A referral may also be triggered during Child Find screenings conducted in the community.
- Any Referral Information/Screening Form received by SJBOCES is sent directly to the Part C Service Coordinator for follow-up.
- Formal Requests for Evaluation are generated by the Part C Service Coordinator, and sent to the SJBOCES Child Find Coordinator.
- The SJBOCES Child Find Coordinator and Part C Coordinator collaboratively work to schedule the evaluation at a time and place convenient for the family, and determine the appropriate team members who will be involved in the evaluation.
- Parental permission is obtained for the evaluation.
- The evaluation is conducted by the appropriate team members
- An IFSP meeting is held, including the child's parents, the evaluation team members, the Child Find Coordinator (if appropriate), and the Part C Coordinator (as appropriate). If the student is determined to have a disability, and IFSP is written.

### ***Child Find Timelines***

- Upon receiving a referral for a child with a suspected disability, the Early Intervention Colorado (EIC) Services Coordinator will contact the parents of the child within 48 hours, and will notify the SJBoces (LEA) Child Find Coordinator within 72 hours of receiving the referral.
- The initial referral date (the date the EIC Services Coordinator is contacted with a request for a screening or multidisciplinary evaluation) is the start date for the 45 calendar day timeline before which the evaluations must be completed and an Individualized Family Service Plan (IFSP) meeting held. If the child is eligible, the IFSP must also be developed within that 45 calendar day period.
- A Transition IEP meeting must be held when the child with a disability is no older than 2 years 9 months to transition the student to Part B services.

### **Children Age 3 through 21 (Part B)**

- Referrals for students with suspected disability, and who are not currently attending public school, are made to the SJBoces Child Find Coordinator. These referrals may be made by a child's parents, other relatives, private or parochial school teacher, physician, or concerned friend.

### ***Parentally Placed Children with Disabilities in Private and Parochial Schools***

The Child Find activities outlined earlier apply to all children residing in or attending school within the boundaries of the school districts that make up SJBoces.

### **Timely and Meaningful Consultation**

SJBoces will initiate and maintain timely and meaningful consultation by doing the following:

- Maintain an updated contact list of all private and parochial schools, including phone numbers and email addresses.
- Hold meetings at least once during each school year in regionally local areas and invite all private and parochial school administrators and/or staff and parents of students in private and parochial schools. Meetings will be publicized in local newspapers and media, and public and parochial schools will be invited individually via phone call, email and/or letter. During the meeting, participants will discuss:
  - The child find process, including how resident and non-resident parentally-placed private school students suspected of having a disability can participate equitably. A discussion of child find includes how evaluations, eligibility determination and reevaluations will be conducted.
  - How, where and by whom parents, teachers and private school officials will be informed of the child find process.
  - The determination of the proportionate amount of federal funds to be expended and how the proportionate share was calculated.
  - The consultation process and how it will operate through the year to ensure that students identified through the child find process can meaningfully participate in special education and related services.
  - How special education and related services will be provided, including a discussion of types of services and service delivery mechanisms.
  - How such services will be apportioned if funds are insufficient to serve all students, and how and when these decisions will be made.

- If the district disagrees with the views of the private school officials on the provision of services or the types of services, how the district will provide a written explanation of the reasons why services will not be provided.
- Administration and school staff of private and parochial schools will be invited to attend local inservices and trainings (when allowed, and there is space available), such as DIBELS Next, progress monitoring, Response to Intervention, collaborative inquiry, targeted interventions, etc. whenever possible.
- The SJBOCES Child Find Coordinator will be available for ongoing general questions and consultation, and the contact information will be made available to the private and parochial school.
- The appropriate school and SJBOCES staff will be available for ongoing consultation related to individual students' Individual Service Plans on a regular and ongoing basis, as described in each ISP.

### **Equitable Services and Proportionate Share**

- SJBOCES spends at least its proportionate share of Part B funds on services for parentally placed private school children with disabilities.
- SJBOCES has the responsibility to provide the group of parentally-placed private school students with equitable participation in the services funded with federal IDEA funds. However, parentally-placed private school students have no individual entitlement to receive some or all of the special education and related services they would receive if they were attending a public school.
- The proportionate share is calculated by dividing the amount of federal Part B funds received by the AU by the total number of eligible children with disabilities (both public and private school students), and then multiplying the per-pupil figure by the number of private school students with disabilities in the AU (regardless of whether the student or their parents reside within the AU). The count must be of private school students with disabilities and is conducted between October 1 and December 1 of each school year.
  - Count all students who have been determined to be eligible whether or not they are receiving services through an IEP or ISP. The key is their eligibility as having been determined to have a disability, not whether they are receiving services.
- Expenses for Child Find activities are not counted toward the proportionate share of funds that will be spent on consultation and services for parentally-placed private and parochial school students.
- Students who are home-schooled and not enrolled in a public, private or parochial school are entitled to Child Find services only; they are not entitled to equitable services, and do not receive an ISP.

### **Types of Services Typically Provided to Parentally-placed Private and Parochial School Students with Disabilities**

- Although SJBOCES conducts timely and meaningful consultation with private school representatives and parents about the development and design of special education and related services, SJBOCES makes the final decisions about all aspects of the services to be provided.
- Generally the services provided include consultation provided to the teachers, administration and parents around instruction and interventions that are evidence-based to address the area of disability.
- While direct services are seldom provided through an ISP to parentally-placed private and parochial school students with disabilities, students who are enrolled in the public school as 'shared school students' may join an existing direct service group such as speech/language,

motor or resource services in the public school as a guest, so long as there is room in the public school direct services group, and their inclusion does not negatively impact the education of students with IEPs. Individual districts and schools within SJBOCES may handle these 'guest' situations differently. Services offered and provided through this 'guest' arrangement are not documented on the ISP.

### **Identification, Eligibility and Individual Services Plan (ISP) Process for Students with Suspected Disabilities Who Are Parentally-Placed in Private Schools**

- Students are referred to the Child Find Coordinator for evaluation for determination of disability.
- The Child Find Coordinator will contact the parents of the child to discuss the referral and explain the Child Find process, and obtains basic information about the referral, prior evaluation information (if any), and contact information for the parents, including district of residence and plans for attendance at a private or parochial school. An SJBOCES Child Find Data Summary Form is completed by the Child Find Coordinator.
- The Child Find Coordinator will send the Summary Form to the School Psychologist serving the appropriate grade-level public school that is geographically closest to the private or parochial school attended by the student and to the Records office. If the student is home-schooled, the Summary Form will be sent to the School Psychologist serving the appropriate grade-level public school in the student's district of residence.
- The School Psychologist will contact the parents to schedule a team meeting with the private or parochial school staff and appropriate public school team to discuss the referral and determine appropriate next steps. The team meeting is typically held at the closest public school, but can be arranged as best meets the needs of both teams and the parents. The School Psychologist will provide the parents with a copy of the Procedural Safeguards, and will get the formal **Prior Notice and Consent for Evaluation** signed by the parents. The School Psychologist will also get a signed Release of Information to request the results of any evaluations or other information from other agencies, as well as from the student's district of residence.
- The School Psychologist will notify the Child Find Coordinator of the outcome of the meeting (e.g., was Consent for Evaluation signed, etc.) by completing the Summary Form and returning it to the Child Find Coordinator.
- The team meeting should include the parents, the student (if appropriate), at least one representative of the private or parochial school (often the student's teacher and the Principal), the School Psychologist, and appropriate district and SJBOCES special education staff who serve in the areas of suspected disability.
- In accordance with the IDEA, the evaluation must be completed and an eligibility meeting scheduled within 60 calendar days of the date the parents signed the Permission for Evaluation.

### **Eligibility and IEP/ISP Meetings for Parentally-Placed Private School Students**

- An initial team meeting is held at the private school to review the referral concern and determine whether to go to formal evaluation. Team members should include representatives of the private school, the parents, the student (if appropriate), the SJBOCES and district special education staff (including the School Psychologist) who would be involved in the evaluation.
- Parents receive a copy of the Procedural Safeguards, and are given the opportunity to sign permission for the evaluation on the Written Notice for Evaluation for Special Education, and if appropriate, to sign a Release of Information for other evaluation results they would like the team to consider.

- The evaluation is conducted and an Eligibility Meeting is held within 60 days of the signed permission. The meeting attendees should reflect those who would be in attendance if the student were attending public school (as specified in IDEA).
- The appropriate Eligibility: Initial and Disability forms are completed on AlpineAchievement (the student is entered into the database within the SJBOCES district, within the Private School they are attending).
- If the student is found NOT to be eligible for special education (not to have a disability), a ***Prior Notice of Special Education Action*** form is completed to summarize the eligibility process and the fact that the student was not eligible.
- If the student IS eligible for special education (found to have a disability):
  - Present the ***Prior Notice and Consent for Initial Provision of Special Education and Related Services*** for the parents to sign.
  - The team will inform the parents of the types of services that would be available to their child if they enroll their child in public school.
  - The team will not attempt to persuade the parents to move their child to public school; this is simply fully disclosing the services to which their child is entitled within the public schools.
  - If the parents indicate their intention to continue with private school placement for their child, complete a ***Prior Notice of Special Education Action*** to explain that no IEP will be developed for the student, but that we stand ready to do so should the parents enroll the student in public school.
- For students who are eligible and will continue in private school, parents are offered the option of an Individual Services Plan (ISP).
  - If the parents elect NOT to have an ISP developed for their child, complete a ***Prior Notice of Special Education Action*** form on Alpine to document the discussion, the options presented, and the fact that the parents did not choose to have an ISP. Also make note of the fact that the team remains ready, willing and able to provide the ISP at any time that the parents determine that they want such services, and what steps the parents should take in that case.
  - If parents agree to an ISP, the team then writes the ISP to document the consultation and services that will be provided to the student.
- A copy of the ISP is given to the parents and the school, and is also filed in the SJBOCES office.
- The student is entered into the SJBOCES data system as a student with an ISP, and the anniversary dates for the ISP reviews will be generated for the appropriate School Psychologists at least once a year (at the beginning of the school year), allowing for timely reviews of the ISPs.
- The ISP will be reviewed annually, prior to the ISP anniversary date, following the procedures outlined in IDEA.
- A re-evaluation will be conducted every three years, following the procedures outlined in IDEA.

### ***Procedures for Students with Disabilities Transferring Between Private and Public Schools***

#### ***Students with an IEP who transfer from a public to a private school***

- The School Psychologist completes a ***Prior Notice of Special Education Action*** to document the suspension of the IEP and documents the services that will no longer be offered to the student. The PN should also indicate that the district/SJBOCES remains ready, willing and

able to provide the IEP at any time that the student should return to the public school, and what steps the parents should take in that case.

- A team meeting should be held in the private school to write an ISP for the student.
- A parent can choose that an ISP not be written for the student in private school. Should a parent not want an ISP, the School Psychologist should complete a Prior Notice of Special Education Action documenting this fact.
- The ISP should be reviewed annually and a re-evaluation should be done every three years; use the IEP dates to determine where in the review cycle the ISP is considered to be (e.g., if the IEP was written a year ago and an Annual Review is coming due, use that date for a review of the ISP; if it is three months from the Triennial Review, then consider that you are three months from a re-evaluation of the ISP).

**Students with an ISP who transfer from a private to a public school without ever having had an IEP developed in a public school setting**

- Although a student who has an ISP has already been determined to be eligible (to have a disability) while in private school, an Initial IEP was not written for that student. In order to complete the required processes within allowed timelines for the IDEA, the public school and SJBOCES team begin again at determination of Initial Eligibility, in order to have an Initial IEP documented.
  - Provide the parents a copy of the Procedural Safeguards, and have the parents sign a Prior Notice and Consent for Evaluation, explaining in the paperwork that there is an earlier such notice signed that resulted in an ISP, and that this is to bring the paperwork and process into compliance.
  - If you have existing data you can use for eligibility (prior evaluation data, progress monitoring data, etc.), you may include that data in determining eligibility. It is not necessary to start again from scratch in determining eligibility, but should supplement your data with information from the current public school setting.
  - Complete the appropriate Initial Eligibility Determination forms again.
  - Have one or both parents sign that they give permission for placement/services on the ***Prior Notice and Consent for Initial Provision of Special Education and Related Services***.
  - Develop an IEP for the student.
- Complete all forms and the IEP on Alpine Achievement.
- Follow the IEP procedures documented elsewhere.

**Students with an ISP who transfer from a private to a public school who have had an IEP developed in a public school setting**

- Please note that the Initial Eligibility process is completed again ONLY when the student had an initial eligibility determination while they were in private school, have an ISP, and we have no Initial IEP on file. If the student was identified while in public school and had an IEP, and then transferred to private school where the student received an ISP, and again returned to the public school, pick up the IEP process where it was left off. If it is time for a Triennial, conduct a Triennial. If the time for a Triennial has long passed, request an Additional Evaluation. If it is more than a year since the student has been in public school, the team should get parental consent and conduct a re-evaluation to determine current skills and needs in order to write an appropriate IEP.

**Students with an ISP who transfer from a private to a public school and parents do not want their child considered for an IEP in the public school setting**

- Ask the parents if they would like to have their eligible child receive an IEP. If they choose not to have an IEP, the following should occur.
  - If initial eligibility was determined in a public school setting, and the student has had an IEP in the past, the parents should write a letter revoking their consent for special education services/placement.
  - If initial eligibility was determined when the child was NOT attending a public school so no IEP was developed, a ***Prior Notice and Consent for Evaluation*** form should be presented, and the parents should deny consent for evaluation. In addition, they should write a letter revoking consent for special education services.
- In both cases, the School Psychologist should complete a ***Prior Notice of Revocation of Consent for Special Education and Related Services*** describing the impact of such a decision, and the fact that, should the parents change their mind and desire an IEP for their child, the child would have to go through the Initial Eligibility process and be determined to be eligible again.

***Procedures for Students with an IEP Transferring to Homeschool***

**Students with an IEP who transfer from public to homeschool**

- The School Psychologist from the previous school of enrollment will complete a ***Prior Notice of Special Ed Action*** form to inform the student's parents that:
  - the IEP will no longer be in force
  - due process rights are terminated
  - the student is no longer eligible to receive services while homeschooled
- If the student who had an active IEP and later was homeschooled again enrolls in a public school, the IEP will again be in force for that student, and an IEP meeting will be held to update the IEP, re-establish services for the student, and bring the IEP into compliance with special education timelines.

***Procedures for Students Enrolled in the Gateway to College Program***

A number of our member districts offer the Gateway to College (GTC) program for students in high school in conjunction with Pueblo Community College (PCC). Students continue their enrollment in their high school while attending GTC, even though they take no classes at their high school. Instead they take all classes at PCC, and these classes also count as credit toward a diploma through the high school in which they are enrolled.

When a student with an active IEP enrolls in the Gateway to College program, the following should occur:

- The student's current Case Manager will notify the District of Enrollment (and the District of Residence, if different from District of Enrollment) that the student is now attending Gateway to College.
- The Case Manager will also notify the School Psychologist who serves their school and the SJBOCES administration office that the student is now attending Gateway to College.
- The student should be enrolled in their District of Residence as a high school student.
- An IEP meeting should be held, and the student's IEP should be updated. In Section 3 of the IEP, the 'District of Residence', 'Home School' and 'School of Attendance' fields should be list the students' District of Residence and the associated high school (not Pueblo Community College or Gateway to College). The LRE should be greater than 80% of the time in general education.



- The annual IEP meetings and re-evaluations will be facilitated by the Case Manager from the high school IEP team from the student's District of Residence.

The following IEP sections will need to be updated to reflect the student's and parent(s)' decision to have the student participate in the GTC program:

- Section 6: Present Level of Academic Achievement and Functional Performance Including Input From Parent And Student
  - Present Levels of Performance Summary – document that the student is now attending PCC through the GTC program and taking classes there, with consultative support from an ESS teacher and through the accommodations documented in the IEP.
  - Parent/Student Input – document the parent and student's decision to participate in the Gateway to College program and take all of his/her classes at Pueblo Community College, as well as other relevant input.
  - Measurable Post-School Goals – update as usual, and include Gateway to College in the Education/Training Goal.
- Section 7: Consideration of Special Factors
- Assistive Technology – list only the assistive technology that the student will be using at PCC.
- Special Transportation – if the student requires special transportation to PCC, the district is responsible for providing this transportation.
- Section 8: Post High School Considerations
  - Projected type of completion document – continues to be a diploma
  - Education/Training Goal:
    - Planned Course of Study – document classes the student will take at PCC through the GTC program
- Section 9: Annual Goals And/Or Objectives
  - The IEP team can continue the student's goals, and rewrite them a bit to fit a consultative model. The IEP team may find it needs to update, add or remove certain goals, based upon the new educational setting (GTC).
- Section 10: Accommodations and Modifications
  - Accommodations – GTC will implement the accommodations listed in the IEP, so be sure they are updated, relevant, and useful to the student.
- Section 13: Service Delivery Statement
  - Narrative – include information that the students and parent(s) made a decision that the student would attend the GTC program in this section. Note that Resource/SLP services would be provided via consultation while the student is a participant in the GTC program.
  - Service Times and Dates – The main service under the student's disability (generally Resource/ESS, unless this is a SLI only student) will continue services on a consultative basis. Unless there is a need for consultation services to PCC staff, related services should be discontinued at this IEP meeting, and a stand-alone PWN should be written to document this change. For most IEPs for students enrolled in the GTC program, their services will be Resource/ESS services, and those will be consultation only.
- Section 14: Recommended Placement in the Least Restrictive Environment
  - Select 'General education at least 80% of the time.'
- Section 15: Prior Written Notice
  - Select 'Proposal to change the provision of a free, appropriate public education' from the 'This notice is a...' dropdown box. The change to the GTC program was not an IEP decision or IEP placement; it was a decision made by the parent(s) and student, and the IEP team is writing an IEP that is appropriate to that new educational environment in order to provide FAPE. The PWN section should reflect discussions and decisions from the IEP meeting.

- Through the following actions: Review student progress and update IEP in light of the student's new educational environment (PCC).
- This action is proposed/refused because: proposed because the student and parent(s) have determined that the student will attend PCC through the Gateway to College program.
- This action/refusal is based on the following evaluation procedures, tests, records or reports: parent/student decision to take part in the GTC program, file review, teacher reports, etc. (include as appropriate to the situation)
- Other options we considered were: since the IEP team did not make this placement, other options should reflect discussion at the IEP meeting. Be clear that the parent and student made the decision to attend PCC through the GTC program.
- We reject these options because: parent and student have decided that the student will attend PCC through the GTC program.
- Other factors considered by the team: document other factors that were discussed, keeping it very clear that the decision to attend GTC/PCC was made by the parent and student, and was not a placement decision made by the IEP team.
- Meeting Notes:
  - Document any other information from the meeting, including the fact that the student and parent(s) have decided the student will attend PCC through the GTC program.

### ***Ethnicity/Race Documentation Guidance***

All Ethnicity/Race determinations are to be made at the District level, by parents completing the district questionnaire. When available, the determination made by the district can be accessed through the student demographic dropdown box in Alpine. If the parent wishes to change the selection they made at the district-level, to indicate a different selection on the IEP, they may do so, but you must instruct the parent to also make the same change at the building administration office. In cases where the district does not make the questionnaire available to the parents, i.e. preschoolers, please provide the San Juan BOCES form to the parents and ask them to complete the Ethnicity/Race documentation before proceeding with the IEP meeting.

On the IEP, assure the following is done re: documentation of Ethnicity and Race:

1. Check the dropdown box under the student's name in Alpine to see what the district record indicates
2. Ask parent to verify ethnicity and race at the meeting; document what parent reports on the form, even if different from the information the district has entered into Alpine

On the Alpine sped document:

1. First indicate 'Ethnicity: Hispanic/Latino (choose yes or no)
  2. Next indicate race:
    - a. Regardless whether the child is Hispanic ethnicity, you must select at least one race from the list.
    - b. If child is Hispanic ethnicity and no other race, then choose 'White' from the Race options.
    - c. If child is more than one race, indicate 'Yes' for each race reported, and then also select Yes for 'Two or more races.'
  3. Last, determine Federal Race/Ethnicity reporting category:
    - a. If Ethnicity was Yes for Hispanic/Latino, report Hispanic
    - b. If Ethnicity was No for Hispanic/Latino and one Race was checked, report that race
- If Ethnicity was No for Hispanic and more than one Race was checked, report 'Two or more races'

### ***Guidance on Extended School Year (ESY) Programming***

#### **Guidelines to Determine Student Need for Extended School Year Service**

Extended School Year (ESY) services are special education and related services provided to students with disabilities beyond the normal school year. ESY services are necessary only when the Individualized Education Program (IEP) team determines, on an individual basis, that these services are required for the student to receive a free appropriate public education (FAPE).

ESY services are required to provide a student with FAPE if based on an analysis of regression, recoupment and predictive factors data. Using current data, the IEP team must determine that the educational benefits gained by a student during the regular school year will be *significantly* jeopardized without extended educational programming in the summer.

As a staffing team develops an IEP, thoughtful discussion about the need for ESY services must take place for every student at every annual IEP meeting.

### **EXTENDED SCHOOL YEAR IS:**

- Based only on the individual student's specific skills that are critical to his/her overall educational progress as determined by the IEP goals.
- Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year
- Designed to maintain reasonable readiness to begin the next year
- Considered as a strategy for minimizing the regression of skills, thus shortening the time needed to gain back the same level of skill proficiency that existed at the end of the school year
- Deliverable in a variety of environments
- ESY Services are provided in the least restrictive environment (LRE). ESY Services are not required to be provided in integrated settings if the public agency does not provide services at that time for its non-disabled children.

### **EXTENDED SCHOOL YEAR IS NOT:**

- Required or intended to maximize educational opportunities for any student with disabilities
- Designed to continue instruction on all of the IEP goals
- Considered to help students with disabilities advance in relation to their peers
- For students who exhibit regression related to temporary or transitional life situations
- Automatically provided because the student received service the prior summer or at any other time in the past
- Required solely when a child fails to achieve IEP goals and objectives during the regular school year
- To provide a child with education beyond that prescribed in his/her IEP goals and objectives
- Based solely on the category and or severity of a students' disability or medical diagnosis
- To provide compensatory education (i.e. making up for missed or inadequate services)

### **Regression & Recoupment**

Virtually all students experience some regression over the summer months. Non-disabled students and many students with disabilities receiving minimal special education services may recoup skills in a short period of time, usually about one to three months after a summer break. The question is, "Will this special education student regress during the summer break to the extent that she/he will take significantly longer than that to recoup skills?"

Regression and recoupment data provide the information needed to make an ESY determination.

- Regression refers to a decline in knowledge and skills that result from an interruption in education.

- Recoupment is the amount of time it takes to regain the prior level of functioning.

An IEP team must analyze whether the benefits derived by the child during the regular school year will be significantly jeopardized if not provided an educational program during the summer months by reviewing regression and recoupment data related to the students learning based on IEP goals and objectives.

### **Analyzing Regression and Recoupment Data**

To help determine whether or not a student qualifies for ESY the case manager, teacher, or service provider must collect regression and recoupment data on the Regression and Recoupment of SJBOCES Regression/Recoupment Data form. Data for determining regression should be collected following a lengthy absence from school, according to the schedule explained below.

The Regression and Recoupment of Specific IEP Goals data collection form is a simple record-keeping document that provides a method of collecting data which can substantiate an ESY services decision.

The following steps outline how to gather data on this form:

- Identify the goals on the IEP on which the student demonstrates significant regression and limited recoupment on or which the team has reason to suspect this may be the case. Collect progress data for these goals.
- Data pertaining to the progress of selected goals and objectives need to be collected before and after a scheduled break from the regular academic year. Three-day weekends, holidays, and vacation breaks including summer are ideal times to collect data.
- Baseline skill mastery is determined prior to the break. Skills measured must relate to the IEP goals and objectives. (Pre-test)
- After the break, the same skill is re-measured. (Post-test 1)
  - Post-test 1 measures regression
- When regression is documented, it is necessary to determine the amount of time needed to recoup the pre-break skill level.
- Re-teach the skill to the student.
- After re-teaching the skill, re-test the student on that skill. (Post-test 2)
  - Post-test 2 measures recoupment

Regression/Recoupment data should be regularly collected at the following times:

#### **Fall Break (usually over Thanksgiving break)**

- Pre-test (baseline) measurements should be taken at least twice during the week before the break.
- Post-test measurements should be taken at least twice during the week after the break. Post-test scores are considered to be the regression measures. If the student shows regression on the first post-test, begin re-teaching immediately.
- Continue weekly measurements until the student has returned to Baseline (pre-test) skill levels.
- If the time needed to regain pre-break skills levels is longer than 3 weeks after the student's return to school (including 2 weeks of re-teaching), consider eligibility for ESY services.

#### **Winter Break**

- Pre-test (baseline) measurements should be taken at least twice during the week before the break.
- Post-test measurements should be taken at least twice during the week after the break. Post-test scores are considered to be the regression measures. If the student shows regression on the first post-test, begin re-teaching immediately.
- Continue weekly measurements until the student has returned to Baseline (pre-test) skill levels.
- If the time needed to regain pre-break skills levels is longer than 5 weeks after the student's return to school (including 4 weeks of re-teaching), consider eligibility for ESY services.

## Spring Break

- Pre-test (baseline) measurements should be taken at least twice during the week before the break.
- Post-test measurements should be taken at least twice during the week after the break. Post-test scores are considered to be the regression measures. If the student shows regression on the first post-test, begin re-teaching immediately.
- Continue weekly measurements until the student has returned to Baseline (pre-test) skill levels.
- If the time needed to regain pre-break skills levels is longer than 3 weeks after the student's return to school (including 2 weeks of re-teaching), consider eligibility for ESY services.

## Summer Break

- Pre-test (baseline) measurements should be taken at least twice during the week before the break.
- Post-test measurements should be taken at least twice during the week after the break. Post-test scores are considered to be the regression measures. If the student shows regression on the first post-test, begin re-teaching immediately.
- Continue weekly measurements until the student has returned to Baseline (pre-test) skill levels.
- If the time needed to regain pre-break skills levels is longer than 17 weeks after the student's return to school (including 16 weeks of re-teaching), consider eligibility for ESY services.

After reviewing the regression / recoupment and other pertinent data, discuss how serious the student's loss of functioning might be: What skills could be lost? Does it affect mastery of a skill(s) crucial to increasing the student's "self-sufficiency" and "independence"? If data shows the likelihood of severe or substantial regression and recoupment of the student's goals and objectives, then ESY should be strongly considered.

If the data shows little to no regression and or the recoupment time is minimal the team can discuss alternative opportunities and or activities for the student during the summer months

**Regression and Recoupment** is *significant* when the recoupment period is longer than twice the length of the break in instruction. Targeted re-teaching of the skills that regressed and weekly measurement is required when looking at recoupment time. Re-teaching and weekly measurement should be continued until skills are again at pre-break, pre-test (baseline) levels.

- **EXAMPLE:**

To be considered significant, the time needed to recoup/ relearn a skill in the fall would need to be greater than 4 months. (twice the length of the summer break)

If the Winter/December break is 2 weeks it should take the student approximately 2 to 4 weeks to recoup the skill after re-teaching has occurred. In this case, after re-teaching the skill, if it takes the student longer than 4 weeks to recoup the skill, the student may qualify for ESY services.

## Sources of data and techniques for documenting regression and recoupment periods and predictive factors may include:

- Progress monitoring of goals and objectives (must be written to be measurable)
- Progress reports maintained by educators, specialists, and others having direct contact with the student before and after interruptions in the education program
- Medical and other agency reports indicating degenerative type difficulties which become exacerbated during breaks in educational services.
- Results of criterion referenced tests
- Daily/ weekly progress monitoring data
- Analysis of daily or weekly notes/logs
- Behavior checklists

- Professional assessments
- Documented observations of the student
- Comparison of relevant test results and/or functional assessments of skill levels during the beginning of the current year with skill levels at the end of the preceding school year.

### **Determining Eligibility for ESY**

In order to consider a student for ESY, that student’s IEP service providers must collect Regression/Recoupment data based upon the student’s current IEP Goals and Objectives. When a student’s Regression/Recoupment data meets the criteria for consideration for ESY, the student’s IEP team can move directly to determining ESY eligibility and writing an IEP for ESY. There may be a few instances where the student’s Regression/Recoupment data did not meet the criteria for consideration for ESY, but the team feels strongly that the student needs to have ESY services. In these cases, the IEP team should consider eligibility for ESY based upon Emerging Skills and Vocational Needs.

If the IEP team is considering eligibility for ESY based on either of these (Emerging Skills or Vocational Needs), the team must provide data and rationale supporting this decision.

### **Emerging Skills and Vocational Needs**

#### **Emerging Skills**

- Is the student demonstrating emerging skill acquisition (“window of opportunity”) that will be lost without the provision of an educational program during extended breaks from instruction?

#### **Vocational needs**

- Does the student need ongoing vocational instruction in order to avoid significant jeopardy to *learned skills* during extended breaks?

### **Summary of Determination**

After the staffing team has analyzed and thoroughly discussed regression, recoupment, and predictive factors data the team should collectively answer the following question:

- **Based on the body of evidence, without continued supports and services, will the student experience a severe loss of skill(s) or knowledge that will significantly jeopardize the educational benefits accrued to the student during the regular school year?**
  - Yes (the student is eligible for ESY services)
  - No (the student is not eligible for ESY services)

### NEXT STEPS

When a determination is made that the student does require extended school year (ESY) programming, the IEP team should do the following:

- Complete the ESY IEP, including updating the relevant goals to be appropriate for an ESY program.
- Provide additional documentation as appropriate, including:
  - SJBOCES ESY Eligibility Data form
  - Health Care Plan
  - Transportation Form
  - Behavior Support Plan
  - Communication Plan (for students with hearing impairments or are deaf-blind)

- Learning Media Plan (for students with visual impairments or are deaf-blind)
- Provide a list of materials needed by the student and a copy of any curriculum materials the ESY teachers will need during the ESY program.
- By March 31, notify the ESY Coordinator(s) that the student will be attending ESY and submit as many of the previously mentioned documents as are available.
- In those few cases where ESY determination has not been made by March 31, but the team suspects the student may be eligible, inform the ESY Coordinators of the situation. Make every effort to complete the ESY eligibility determination as soon as possible, and if the student is eligible, complete the required documentation as soon as possible.

## SJBOCES ESY Eligibility Data

**Student:**

**Grade:**

**School:**

### Regression/Recoupment Data

**IEP Goal:**

Data Taken (circle): Fall Break

Winter Break

Spring Break

Other

	Pre-test	Post-test	Weekly measurement during re-teaching														
Date																	
Data																	

Were ESY Regression/Recoupment criteria met for this goal for this time period? Yes No

**IEP Goal:**

Data Taken (circle): Fall Break

Winter Break

Spring Break

Other

	Pre-test	Post-test	Weekly measurement during re-teaching														
Date																	
Data																	

Were ESY Regression/Recoupment criteria met for this goal for this time period? Yes No

### Emerging Skills and/or Vocational Need

**Emerging Skill**

Identify the emerging skill that would be jeopardized if the student did not receive ESY:

Identify the IEP Goal impacted by this emerging skill:

Provide justification supporting the team decision:

Did the IEP team find the student eligible for ESY under Emerging Skill? Yes No

**Vocational Need (may include Post-School Goals)**

Identify the vocational need that would be jeopardized if the student did not receive ESY:

Identify the IEP Goal impacted by this vocational need:

Provide justification supporting the team decision:

Did the IEP team find the student eligible for ESY under Vocational Need? Yes No

### ESY Eligibility

Based on the body of evidence, without continued supports and services, will the student experience a severe loss of skill(s) or knowledge that will significantly jeopardize the educational benefits accrued to the student during the regular school year?



Yes (The student is eligible for ESY services.)

No (The student is not eligible for ESY services.)

List the IEP team members participating in the ESY determination:

### ***Independent Educational Evaluation (IEE) Criteria Letter***

A parent may request an Independent Educational Evaluation (IEE), if they disagree with the evaluation that has been conducted by the Administrative Unit (AU). An IEE is conducted by a qualified examiner who is not employed by the AU responsible for the education of the student. When an evaluator has been selected, who meets the AU criteria for a qualified examiner, a letter is sent to the evaluator to confirm credentials and inform them that they are required to use our procedures and criteria, and to request a plan of evaluation.

Please contact your Special Education Director immediately when a parent has requested an IEE.

Recommended Supplemental Form: ***IEE Criteria Sample Letter***

### ***Manifestation Determination***

Manifestation Determination meetings are held any time a student with an IEP (or who is suspected of having a disability) has been removed from school for a period of 10 days during a school year. To be certain that we meet the 10 school day limit, it is recommended that a Manifestation Determination meeting be held when a student has had 8 days of out of school suspension, or prior to a removal of 8 days or more.

A Manifestation Determination Review (MDR) must be held whenever a decision is made (a) to recommend that a student with a disability be expelled or (b) to suspend the student for a length of time exceeding ten consecutive school days, or (c) to suspend the student for a length of time that will result in more than ten cumulative school days of suspension in the current school year. The purpose of the MDR is to determine whether the specific conduct that has resulted in the decision to take disciplinary action is caused by or is a manifestation of the student's disability. Below are a few key points to make sure we maintain procedural compliance throughout the MDR process:

- The district must send the parents a prior written notice (PWN) and an invitation to the MDR meeting, along with the suspension/expulsion notice. The PWN and invitation should be sent to the parent on the same day that the decision is made to take the disciplinary action.
- The MDR meeting must be conducted within ten calendar days from the date the decision was made to expel or suspend for more than ten school days. The parent has the right to request a different date for the meeting if our proposed date doesn't work for them, however, it must be held within ten days of the decision to take disciplinary action. If the parent cannot attend on any date within that time period, you have to hold the MDR meeting anyway, making arrangements for the parent to participate by telephone if they can.
- The MDR will be completed prior to holding an expulsion hearing – so that the district administration has the MDR results and placement options when trying to determine an appropriate course of action.

- The MDR must be held with the parents and “relevant” IEP team members. This should be determined between the school and parent. You should propose to the parent the individuals you believe are relevant and then modify the team from there based on the parents’ input. At a minimum, in addition to the parents, the team would include the special education case manager and the school psychologist who may also serve as the BOCES administrative representative. A building administrator also would usually attend, and other district and BOCES staff as appropriate. The parents may bring anyone they wish to the MDR meeting.

Recommended Supplemental Forms:

***SJBOCES Manifestation Determination Form***  
***SJBOCES Manifestation Determination Cover Sheet***  
***SJBOCES Manifestation Determination Directions***

### ***Notice of Special Education Evaluation***

Please place a copy of this notice, copied on bright pink paper, in the cumulative folder of every special education student. Records being forwarded to a new school, from the current school, will contain this notification and staff at the new school will be aware that they need to ask for additional documentation that was not available in the cumulative folder, due to confidentiality requirements.

### ***1:1 Paraprofessional Requests for Individual Students***

It is not often that a student requires a paraprofessional assigned to supervise that student on a 1:1 basis, but there are times when it is necessary and appropriate to provide such assistance.

Should the IEP team suspect that a student may need significant assistance through 1:1 adult supervision, the School Psychologist should be contacted to complete the appropriate documentation and request forms.

In no case should an IEP team recommend the initiation of services from a 1:1 para or document the need for such a para on the IEP prior to having received approval from the SJBOCES Director of Exceptional Services.

The following forms should be completed by the team and submitted to the SJBOCES Director of Exceptional Services for consideration:

- Review of the student's Behavior Improvement Plan and/or Individual Behavioral Plan (all students who are suspected of requiring a 1:1 para must have a BIP or IBP)
- Special Circumstances Instructional Rubric
- Request for Special Educational Instructional Assistance

If the 1:1 paraprofessional request is approved, it is to be documented on the IEP as follows:

- Teaching Assistant – Special Education (416)
- Indicate the time provided as “Direct” in the Service Delivery documentation
- In the Narrative Section, indicate that the student requires full-time 1:1 adult supervision and/or support, and document the reason for this requirement.

Recommended Supplemental Forms:

***Review of BIP***  
***Special Circumstances Instructional Rubric***

## ***Request for Special Educational Instructional Assistance***

### ***Prior Notice of Special Education Action***

The Prior Notice is a vital component of the procedural safeguards that schools make available to special education students and their parents. Providing a timely and correct Prior Notice is essential to protecting the rights of special education students and their parents.

If completed accurately, the Prior Notice provides a clear record for the student, parent, and school of the decisions that have been made; the basis for those decisions; and the actions that will or will not be taken. This record may be referred to in any number of circumstances, such as subsequent meetings or dispute resolution situations, or as a clarification and reminder to all parties of commitments made. The Prior Notice documents any proposals or refusals with regard to special education matters.

The basic components serve as additional reminders of the importance of the Prior Notice in informing parents of decisions that have been made. It must provide:

- A description of the school's action(s), proposed or refused
- An explanation of why the school proposes or refuses to act
- A description of other options the school considered and why they were rejected
- A description of evaluations, tests, records, or reports the school used as a basis for the action proposed or refused
- A description of other factors relevant to the school's proposal or refusal
- A statement that procedural safeguards are available to the parents and how to get a description of them
- A statement of whom the parents of a child with a disability may contact to get help in understanding their rights and the rights of their child afforded under the protection of the Individuals with Disabilities Education Act of 2004 (IDEA '04).

### ***When Should the Prior Notice Be Provided?***

Prior notice that meets the requirements under section 300.503 (b) must be given to the parents of a child with a disability a reasonable time before the public agency—

- Proposes to initiate or change identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- Refuses to initiate change identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

### ***Eight Times a Public Agency Must Provide Section §300.503 Notice:***

- 1) When the public agency proposes to initiate or change identification of a student.
- 2) When the public agency proposes to initiate or change the evaluation of a student.
- 3) When the public agency proposes to initiate or change the educational placement of a student.
- 4) When the public agency proposes to initiate or change the provision of free, appropriate public education (FAPE) to a student.
- 5) When the public agency refuses to initiate or change identification of a student.
- 6) When the public agency refuses to initiate or change the evaluation of a student.
- 7) When the public agency refuses to initiate or change the educational placement of a student.
- 8) When the public agency refuses to initiate or change the provision of FAPE to a student.

### **What Content Should the Prior Notice Include?**

Seven Items the Prior Notice Must Contain:

- 1) A description of the action proposed or refused by the agency;
- 2) An explanation of why the agency proposed or refused to take the action;
- 3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- 4) A statement that the parents of the child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- 5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- 6) A description of any other options that the IEP Team considered and the reasons why those options were rejected;
- 7) A description of the other factors relevant to the agency's proposal or refusal.

NOTE:

The notice must be written in language understandable to the general public; and provided in the native language of the parents or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language/mode of communication of the parent is not a written language, steps must be taken to translate the notice orally or by other means to the parent in their native language/mode of communication, ensuring that the parent understands the notice. Written evidence documenting these requirements must be maintained by the public education agency.

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy must also be given to the parents: upon initial referral or parent request for evaluation; upon receipt of the first State complaint and upon receipt of the first due process complaint in a school year; in accordance with the discipline procedures, and upon request by a parent.

### ***Recommended Supplemental Forms***

These supplemental forms can be downloaded from within the IEP section of Alpine Achievement, under the SJBOCES forms section. To find these forms, log in to Alpine and go to:

Student Plans > SpEd IEP > Support Resources (at the bottom right section of SpEd IEP Home Page) > SJBOCES forms

- SpEd Referral Form
- Independent Educational Evaluation Criteria (IEE) Sample Letter
- Manifestation Determination Forms
- Medical Certification
- Paraprofessional 1:1 Request for Individual Student Forms
- Prior Notice of Revocation of Consent for SpEd and Related Services
- Specialized Transportation Request
- Individual Services Plan (ISP – for Parentally Placed Private School Students with Disabilities)