

## GUIDELINES FOR RECEIVING A TRANSFER STUDENT

1. Office staff sends notification to special education teacher that a special education student has registered.
2. If special education teacher is unable to speak with parent at the time of registration, set up an appointment as soon as possible.
  - If the parent has a copy of the student's IEP, use that information for servicing the student until you are able to get the student's special education records.
  - If the parent does not have a copy of the IEP, call the sending school immediately to get an idea of the services the student was previously receiving and complete a 30-day interim IEP.
3. Send for special education records (do not wait—this should be the day they arrive!)
  - If the student is from a Utah school: No release of records is necessary (schools have reciprocity with no release).
  - If the student is from outside of Utah: Have the parents sign a release of confidential information form authorizing the prior school to send all special education records.
4. Be persistent! It may take several phone calls after you have sent for records to actually get them! Remember you have 30 days on an interim IEP; then you will be out of compliance.
5. When the records arrive, set up an IEP folder and convene an IEP meeting to develop a new IEP. Make sure classification and IEP are current.

## FILE STORAGE

All special education student files, Pre-K through Grade 12, are to remain in the school where the student was last served.

At this time, please continue to store files of students who have been exited for any reason at the school site, **including self-contained and resource files.**

## FILE REQUESTS

### SELF-CONTAINED TEACHERS:

Files requested by other schools/agencies are to be sent to Liliana Arredondo in the Special Education office. Please include the *complete* information on where the file is to be sent (i.e., name of person requesting, school/agency and address).

### RESOURCE TEACHERS:

Your files **DO NOT** need to come through the district office. They should be mailed out directly from sending to receiving school/agency.

## **DESTRUCTION OF FILES 2006-2007**

Files of students who have not received services for **FOUR** complete school years can be destroyed after Dec. 1<sup>st</sup>.

*At the school, the special education staff will:*

1. Identify all files of students no longer receiving services past **JUNE 2002**.
2. List files to be destroyed on the tracking sheet that will be provided to the school's special education staff in late Fall with student names, exit dates, disability, school and server name, etc.
3. Destroy files anytime between December 1<sup>st</sup> and January 1<sup>st</sup> of the current school year unless a request for the file has been made by the family.
4. Send a copy of the tracking sheet to Lilianna Arredondo at the district office and keep a copy on file at the school.

*At the district office, the Special Ed. Department will:*

1. Provide public notice to parents of pending file destruction. Parents will be informed to contact either the school or the district office to request files. This will be done prior to Nov. 1<sup>st</sup> of each school year.
2. Send a reminder memo to each teacher/department in November.

## PRE-REFERRAL PROCESS GUIDELINES

1. If the student is experiencing difficulties (academic or behavioral), student is brought to school student services committee for discussion.
  - Have efforts been made to identify the source of academic or behavioral difficulty?
  - Have alternative programs (e.g., ESL, Level 2 interventions, booster groups, reading recovery, etc.) been tried? For how long? What have been the results?
2. In conjunction with classroom teacher, school SSC identifies additional pre-referral interventions to attempt with student. Interventions are implemented. Front page of At-Risk Intervention Documentation form is filled out.
3. If student continues to experience difficulties after implementation of interventions, student is brought to school services committee for discussion.
  - Have pre-referral interventions (at least two interventions) been tried to address the areas of concern?
  - For how long have the interventions been implemented? What have been the results?
  - What data are included to document the interventions implemented?
4. SSC determines next action. Principal or designee signs the At-Risk Intervention Documentation form.
  - No further action needed
  - 504 evaluation
  - Alternative language program
  - Special Education consideration
  - Further interventions to be implemented
  - Other
5. If Special Education consideration is determined, a Referral for Special Education form is completed.
6. Parents are contacted, if not previously contacted, and a written Permission to Evaluate is obtained from parents.

**Note: An evaluation for special education cannot be started without a signed Permission to Evaluate. The evaluation must be completed within 60 CALENDAR DAYS of signed Permission to Evaluate.**

## GENERAL GUIDELINES FOR EVALUATIONS AND RE-EVALUATIONS

1. Eligibility for special education and related services is determined by considering three-prongs:
  - a. Does the student have a disability as defined by one of the categories under the Individuals with Disabilities Education Act? If YES, proceed to the second prong.
  - b. Does the disability adversely affect the student's educational performance? If YES, proceed to the third prong.
  - c. Does the student require specialized instruction? If YES, the student is eligible for special education and related services.

### ALL THREE PRONGS MUST BE MET IN ORDER FOR THE STUDENT TO BE DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.

*Note:* A student may have a disability but may not require specialized instruction. However, the student may need accommodations in regular education classes. At that point, the school and parents could consider the appropriateness of developing a 504 plan.

2. Parents must give written consent before a student can be evaluated (Prior Notice and Consent for Evaluation/Re-Evaluation).
  - If a parent refuses to have their child evaluated, the school team cannot proceed with the evaluation. A copy of Procedural Safeguards should be included with the Prior Notice and Consent for Evaluation/Reevaluation form.
  - Once parents give written consent, the evaluation and an IEP meeting to determination of eligibility **must be completed within 60 CALENDAR DAYS of the signed consent.**
3. Determination of eligibility and continued eligibility for special education is an IEP team decision.
4. Parental input regarding the student's educational performance must be considered by the IEP team.
5. Regular education teacher(s)'s input and the student's progress in the general curriculum **must be considered by the IEP team**. This includes information about the student's progress or expected progress (academically and behaviorally) in class and performance on CRTs.
6. For initial evaluations: Students should be evaluated in all areas of a suspected disability for initial evaluations. The Summary of Areas to be Measured to Determine Eligibility under IDEA (see following pages) provides guidelines of required areas to be assessed for each IDEA disability category based on current *Utah State Special Education Rules*.
7. For re-evaluations: Begin with a Re-Evaluation Data Review. School teams should gather data that include student work samples/portfolios, classroom-based assessments (including DIBELS progress monitoring data), observations, progress on IEP goals, anecdotal information regarding the student's performance, regular education teacher's progress reports, tracking sheets, and CRT results to share with the team.
8. For review of evaluation results and re-evaluation data reviews to consider a student's eligibility/continued eligibility, it is best practice to document parental input, regular education input, and progress in the general curriculum as part of the evaluation process. This can be done by using the Special Education Evaluation Summary form (see Special Ed. Forms section).
9. Parents are entitled to receive a copy of the evaluation results. This can be accomplished by providing parents a copy of the **Special Education Evaluation Summary** form and/or evaluation reports.
10. Parents should not be given copies of complete protocols. They may be given copies of the front page of the protocol where results are summarized.

## GENERAL GUIDELINES FOR IEP TEAM MEETINGS

1. IEP teams make decisions regarding:
  - a. Initial evaluation review and determination of eligibility
  - b. Development, revision, and review of IEPs (provision of FAPE), including transition planning
  - c. Re-evaluation and determination of continued eligibility
  - d. Initial or change of placement
2. A Notice of Meeting must be sent to parents for any of the above meetings and to the student for purposes of transition planning. If there is more than one purpose for the meeting, multiple boxes can be checked. Always check "Consider Placement", since this is always considered in an IEP meeting.
3. Parental input regarding each of the above decisions must be considered by the IEP team. If parents invite other individuals knowledgeable about the student's needs to the meeting (i.e., other agencies), their input must be considered by the IEP team in relation to how the information impacts the student's special education program.
4. If the primary home language is other than English, arrangements for an interpreter to attend the meeting must be made.
5. Regular education teacher(s)'s input and the student's progress in the general curriculum must be considered by the IEP team. This includes information about appropriate accommodations in regular education, participation in UPASS assessments, and the impact of modifications (i.e., substituting classes) on the student's progress toward graduation.
6. If an invited school member of the IEP team cannot attend, the Consent for IEP Team Member Absence/Excusal form must be completed prior to the IEP meeting. Both the LEA and parent need to agree and sign the absence/excusal form, and written input from the excused team member must be provided at the meeting for consideration. Attach the completed excusal/absence form to the IEP as documentation that the team member was excused.
7. It is best practice to document school personnel input, parental input, regular educator input, items considered by the team, and items rejected by the team. This can be done by using the Special Education Meeting Summary Form. Attach meeting summary form to Notice of Meeting.
8. If parents are requesting services and programs that the school IEP team is not comfortable in committing resources for, it is appropriate to end the meeting and reconvene at a later time. Contact the Special Education Consultant assigned to your school.
9. If parent(s) refuse to sign an IEP, the rest of the IEP team members should sign the IEP. This serves as SLC School District's offer of FAPE for the student. Contact the Special Education Consultant assigned to your school.
10. Parents may tape record IEP meetings. However, if parents tape the meeting, the school should also separately tape the meeting.
11. If parents inform the school that they intend to bring an attorney to an IEP meeting, the school IEP team should also have district representation. Contact the Special Education Consultant assigned to your school. If the parents did not inform the school prior to the meeting that an attorney would be attending, re-schedule the meeting at a time when the school IEP team can have district representation.

## **SAMPLE AGENDA: INITIAL EVALUATION/IEP/PLACEMENT**

1. Introductions of all in attendance.
2. Review Evaluation Data. Note information on Evaluation Summary Form.
  - Assessment results shared by professional knowledgeable about the results (school psychologist, special education teacher, etc.). Note summary of information in each appropriate section of the summary form.
  - Parent input regarding student's educational needs obtained and noted on form.
  - Regular education teachers student's progress in general curriculum obtained and noted on form.
  - Additional factors that could impact student's educational progress discussed and noted on form.
3. Complete Prior Notice for Identification and Determination of Eligibility Form.
  - Use three-prong test to determine if student is eligible. (Note: the team must answer "yes" to all three prongs).
    - a. Does the student have a disability under the Individuals with Disabilities Education Act (IDEA)?
    - b. Does the disability adversely affect the student's educational performance?
    - c. Does the student need specialized instruction and/or related services?
  - Have all IEP team members sign eligibility form.
  - If student is not eligible, STOP HERE. Give parent's copy of Procedural Safeguards.
4. If student is eligible, develop an initial IEP.
  - Complete PLEP, Goals and Objective Page(s)
    - a. Discuss/Review Present Levels of Educational Performance.
    - b. Write measurable annual goals and short-term objectives.
    - c. Determine how progress will be measured and reported to parents and noted on Goals and Objective page.

- Complete Addendum for Participation in Utah Statewide Assessment Programs
    - a. Determine student's participation in state- and district-level testing and complete IEP Assessment page, including any accommodations.
    - b. If student will not participate, discuss Utah Alternate Assessment procedures.
  - Complete Services Page of IEP
    - a. Determine amount of time that student will receive special education and related services and note on the IEP.
    - b. Note program modifications, supports, or supplementary aids and services in regular education programs. (Note: These should correspond with accommodations noted for student's participation in state- and district-level testing.)
    - c. If the district will provide transportation, it is noted on the IEP.
    - d. Identify any special factors (behavioral strategies, language needs, Braille instruction, communication for deaf and hard of hearing, and assistive technology) that apply to the student.
  - Complete Signature Page of IEP
    - a. Review Extended School Year programming and procedures. Have parents initial.
    - b. Have all IEP team members sign the new IEP. (Reminder: If parent(s) refuse to sign IEP, all school team members sign. This serves as the district's offer of FAPE).
5. Complete Prior Notice and Consent for Initial Placement in Special Education
- Discuss least restrictive environment where IEP can be implemented.
  - Obtain signatures of IEP team members.
6. Give parents a copy of:
- Completed Evaluation Summary Form and/or supporting evaluation reports;
  - Copy of the Special Education Summary Form, if used;
  - Prior Notice for Identification and Determination of Eligibility;
  - IEP and Prior Notice and Consent for Initial Placement in Special Education, if student is determined eligible for special education and/or related services; and
  - Procedural Safeguards.
7. Special Education teacher thanks everyone for attending.

## **SAMPLE AGENDA: ANNUAL IEP REVIEW AND DEVELOPMENT OF NEW IEP**

1. Introductions of all in attendance
2. Review of student's current IEP
  - Signatures obtained by IEP team members
  - Review of student's progress toward graduation, if appropriate
3. Input regarding student's progress and current educational needs
  - Parental and student (if appropriate) input obtained regarding student's educational needs.
  - Regular education teacher(s) input shared/reported.
4. Complete Present Levels of Education Performance and Goals and Objectives page(s)
  - If appropriate, develop a Transition Plan (for students 14 years of age or older)
  - Discuss/Review Present Levels of Educational Performance
  - Write measurable annual goals and short-term objectives, if student has functional goals
  - Determine how progress will be measured and reported to parents and note on Goals and Objective page
5. Complete Addendum for Participation in Utah Statewide Assessment Programs
  - Determine student's participation in state- and district-level testing is determined and noted on the IEP, including any accommodations. If student will not participate, the Utah Alternate Assessment is discussed.
6. Complete Front Page of IEP
  - Determine amount of time and services that student will receive and note on the IEP.
  - Note program modifications, supports, or supplementary aids and services in regular education programs. Note: These should correspond with accommodations noted for student's participation in state- and district-level testing.
  - If the district will provide transportation, note it on the IEP
  - Identify any special factors (behavioral strategies, language needs, Braille instruction, communication for deaf and hard of hearing, and assistive technology) that apply to the student.
7. Complete last page, including:
  - Review Extended School Year programming and procedures. Have parents initial.
  - Review and discuss student's placement **only** after the IEP is developed.
  - Have all IEP team members sign the new IEP. (Reminder: If parent(s) refuse to sign IEP, all school team members sign. This serves as the district's offer of FAPE).
8. Give parents a copy the new IEP, Special Education Meeting Summary Form (if used) and Procedural Safeguards.
9. Special Education teacher thanks everyone for attending.

**SAMPLE AGENDA:  
IEP REVIEW OF PROGRESS**

(including review of progress toward annual goals and short-term objectives/benchmarks and progress in general curriculum)

1. Introductions of all in attendance.
2. Review of student's progress in general curriculum.
  - Regular education teacher(s) input shared/reported
  - Progress on IEP goals and objectives (if on the IEP) reviewed, including data to support the progress
  - Review of student's progress toward graduation, if appropriate
  - Parental and student (if appropriate) input obtained regarding student's educational needs.
3. Review of student's current IEP annual goals and short-term objectives Review data collected of student's progress on each annual goal and short-term objective (Note: Include data results from methods selected by IEP team to report progress to parents when IEP was originally developed.)
4. If needed, revise sections of IEP that IEP team feels need to be adjusted and complete IEP Addendum form..
  - Have all team members date and sign the IEP Addendum and attach it to the IEP.
  - Give parents a copy the IEP Addendum, Special Education Summary Form (if used).
5. Special Education teacher thanks everyone for attending.

## **SAMPLE AGENDA: CHANGE OF PLACEMENT**

1. Introductions of all in attendance.
2. Review of student's progress in current placement.
  - Regular education teacher(s) input shared/reported.
  - Review of student's current IEP annual goals and short-term objectives and Transition Plan), if 16 years of age or older.
    - a. Review data collected on student's progress for each annual goal and short-term objective (Note: Include data results from methods selected by IEP team to report progress to parents when IEP was originally developed.)
    - b. Consider other factors that might be important in discussing a change of placement.
3. Discuss program options for student to be placed in a lesser or more restrictive environment.
  - Parental and student (if appropriate) input obtained regarding student's educational needs.
  - School input regarding current placement, the proposed new placement, the program options and how the program would meet the student's educational needs.
  - Team decision regarding student's new placement.
    - a. Complete Prior Notice for Change of Placement in Special Education form if team decides upon a change of placement.
    - b. Give parent(s) a copy the Prior Notice for Change of Placement in Special Education form, Special Education Meeting Summary form (if used), and Procedural Safeguards.
    - c. Inform parent(s) and student that the Special Education Consultant will contact them when the new placement will begin (to allow time for new teacher to arrange for student's placement and to arrange transportation, if student is being placed in a self-contained class or special school/program).
4. Special Education teacher thanks everyone for attending.

## **GUIDELINES FOR EVALUATING ELL STUDENTS FOR SPECIAL EDUCATION ELIGIBILITY**

1. English language learners (ELL) can struggle in the regular classroom for a number of reasons. Determining whether or not an ELL student's difficulties in the classroom are the result of a disability rather than a result of challenges typical of second language acquisition is not an easy task. The following factors may explain the student's difficulty in progressing in the curriculum and should be considered.:
  - Level/length of formal schooling: ELL students with little or no formal school will take longer to acquire English competency in comparison to ELL students who come with extensive formal school experiences
  - Literacy level in primary language: ELL students with little or no literacy skills will struggle to acquire literacy in English or ELL students whose written primary language is different from the English alphabet will take longer to acquire English competency
  - Number of years in U.S. schools: ELL students who have been in U.S. schools for three years or less will not necessarily function at grade level in English
  - Amount/consistency of direct English language development services the ELL student has received: ELL students who have received no or inconsistent bilingual/ESL services will tend to struggle academically.
2. In the absence of tools that can accurately detect a disability, the most reasonable approach is considering the above factors and eliminating them as probable explanations for the student's difficulty.
3. In order to ensure proper consideration of factors associated with second language acquisition on the ELL student's learning and to prevent over-identification (or under-identification) of ELL students, a number of procedures are required prior to evaluating an ELL student for special education.
4. The purpose of the procedures is to ensure that the right balance is struck between our duty to locate and serve students with disabilities and our duty to ensure ELL students are not evaluated and classified as disabled when factors associated with second language acquisition may be the cause of the difficulty.
5. Preliminary actions: As a part of the classroom teacher's efforts to assist an ELL student who is not progressing satisfactorily in the curriculum, a number of actions would have already occurred. These actions occur in coordination with the ALS Department. Such actions include:
  - IPT/UALPA administered (results should be no more than 1 year old)
  - Language assessment of student's academic language in native language (L1) if student has had formal education/schooling in previous country
  - Gather information using the Parent Interview form regarding the student's education history and background

**Note: Use caution gathering this information as it may be sensitive. Remember to keep this information as well as other information confidential.**

  - Discuss possible interventions/services with the school ALS coordinator. If the school ALS coordinator is not an ESL-endorsed teacher, involve the ALS Department teacher on special assignment.
  - Collect data to evaluate the student's performance in the general curriculum and use data to track progress
  - Attempt instructional strategies and modifications for an appropriate length of time, including parent contact to discuss concerns and determine strategies to be implemented

6. Data gathering: To document the above actions and to prepare for meeting with the SSC team, the classroom teacher should assemble the following information using the checklist in Section 1 of the ALS Summary Form:
- Cumulative Folder including Registration Form
  - IPT/UALPA results
  - Copies of language assessment of student's academic language in native language (L1) if student had formal school/education in previous country
  - Parent Interview (attach copy to ALS Summary form)
  - Instructional strategies and modifications documented on the At Risk Intervention Form (attach copy to ALS Summary form)
  - Data used to track student's performance in general curriculum (attach copy to ALS Summary form)

**Note: If any of the above are not available, complete any missing items before proceeding.**

7. Parent informed of referral to SSC: Prior to discussing the student with the SSC, the classroom teacher should contact the parent(s) in their primary language to review the information gathered above and determine if other strategies are needed. If not, the parents should be informed that the student will be referred to the SSC.
8. SSC team review: The classroom teacher meets with the SSC and reviews the information gathered above.

**Note: Additional members of the SSC must include a teacher endorsed in ESL or Bilingual Education or teacher on special assignment from the district ALS Department.**

The SSC team should discuss the student and determine recommended actions, such as:

- Implementation of additional interventions
  - Additional information gathered
  - Interventions are effective
  - Referral for Special Education evaluation
9. The classroom teacher should inform the parent(s) of SSC recommendation.
10. If a Referral for Special Education Evaluation is recommended by the SSC, the following steps **must be followed in order to ensure the evaluation process occurs in a way that properly considers the influence of second language acquisition and cultural differences.**
11. Step 1: Notify parent and obtain written consent for evaluation
- Prior to contacting the parent, the special education teacher should contact the school psychologist and review the pre-referral data and information that has been gathered. The school psychologist reviews the packet and determines which areas should be evaluated and who will be responsible for administering the selected tests. The Prior Notice and Consent for Evaluation is filled out.
  - The Prior Notice and Consent for Evaluation Form should be provided in the parent's native language (if other than English).
  - If the Prior Notice and Consent for Evaluation form is not available in the parent's language, an interpreter should be used to convey the information on the form to the parent. In addition to the parent, the interpreter would then sign the English version of the form.
  - If the parent refuses to give written consent, the student should be referred back to SSC to develop a plan to best meet the student's needs.

**Note: The evaluation must be completed with 60 CALENDAR DAYS of receiving written consent.**

12. Step 2: Evaluation conducted

- Upon receiving written Consent for Evaluation, the special education teacher should contact the school psychologist to begin the evaluation process.
- The ELL student must be evaluated by qualified staff. The term “qualified” means in order of preference:
  - Certified bilingual evaluators
  - Evaluators who have proficiency in another language and training on assessing PHLOTE/LEP students
  - Evaluators who are trained to administer non-verbal tests and who use caution in interpreting assessment results
  - Evaluators who are assisted by translators trained in special education assessments and proficient in English and the other language and who use caution in interpreting the results

13. Step 3: Assessment data summarized and reviewed

- When all data have been gathered and the evaluation is complete, an assessment summary is written.
- The summary includes documentation of:
  - a. An analysis of the effect of the linguistic and cultural factors on educational history, learning and performance,
  - b. The use of translation or interpretation in the administration of diagnostic instruments or procedures and the effect on validity and reliability,
  - c. An explanation of the validity and reliability of test results given the student's language proficiency and culture, and
  - d. An explanation of any modifications or normed testing procedures (including languages used during testing or evaluation).

14. Step 4: Meeting to review assessment summary and determine eligibility

- Upon completion of the evaluation, the parent(s) should be invited to attend a meeting to discuss the results of the evaluation and determine whether or not the student is eligible for special education services
- The parent(s) should receive a Notice of Meeting form translated in their native language
- The meeting should be conducted with an interpreter, if the native language of the parent(s) is other than English
- At the eligibility determination meeting, the parent(s) should be provided written notice in their native language if their child is eligible or not eligible for special education services.
- The Prior Written Notice of Eligibility form given to the parent(s) should be translated into the parent(s) native language.

15. Step 5: IEP meeting

- If the ELL student is found to be eligible for special education services, the parent(s) are invited in their native language to attend a meeting to develop an IEP for their child. The meeting may be held as a continuation of the eligibility meeting.
- The IEP meeting should include input from the parent(s) about their child's educational needs using an interpreter for the parent(s), if their language is other than English.
- The parent(s) should sign the IEP. The interpreter should sign the IEP as being present and interpreting during the meeting.
- The Guidelines for Translation of IEPs should be followed to ensure that the parent(s) receive the IEP document in their native language and the parent(s) should receive a translated copy of the IEP Summary form unless a translated copy of the complete IEP is requested.

16. Step 6: Placement and Services

- The parent(s) must give written consent for initial placement in special education prior to beginning of services. Placement should be in the least restrictive environment.
- A copy of the Prior Written Notice and Permission to Place form should be provided to the parent(s) in their native language, if their language is other than English.
- The services provided to the ELL student with disabilities should include both ESL instruction and special education services, unless it is inappropriate to provide dual services due to the nature of the student's disabilities.

## EXTENDED SCHOOL YEAR (ESY) ELIGIBILITY INFORMATION

1. The purpose of Extended School Year (ESY) is to support student's IEP goals that, without ESY services, the educational program would be of little or no benefit to the child. All students experience some regression of skills. The question is not whether regression will occur over the summer but whether the student will experience significant regression of previously learned skills related to IEP goals.

**Note: Extended School Year IS NOT to teach new skills.**

2. The district shall provide special education or special education and related services to eligible children if the data reviewed by IEP committee determines that a child will experience significant regression of previously learned skills related to IEP goals.
3. Without the provision of such services, the educational program would be of little or no benefit to the child.
4. All students experience some regression of acquired skills.
5. The question is not whether regression will occur: but rather **without ESY services, the educational program would be of little or no benefit to the child.**
6. ESY services are to maintain acquired skills related to IEP goals, not to teach new skills.
7. The ESY service pattern is based on the needs of the individual.

## DATA COLLECTION FOR ESY ELIGIBILITY

Suggested times for data collection for **Year Round** schools:

- The end of the school-year and the first week of school after summer recess.
- The week before and following Fall Interim.
- The week before and following Winter Interim.
- The week before and following Spring Interim.
- Any time a student is absent for an extended period of time.

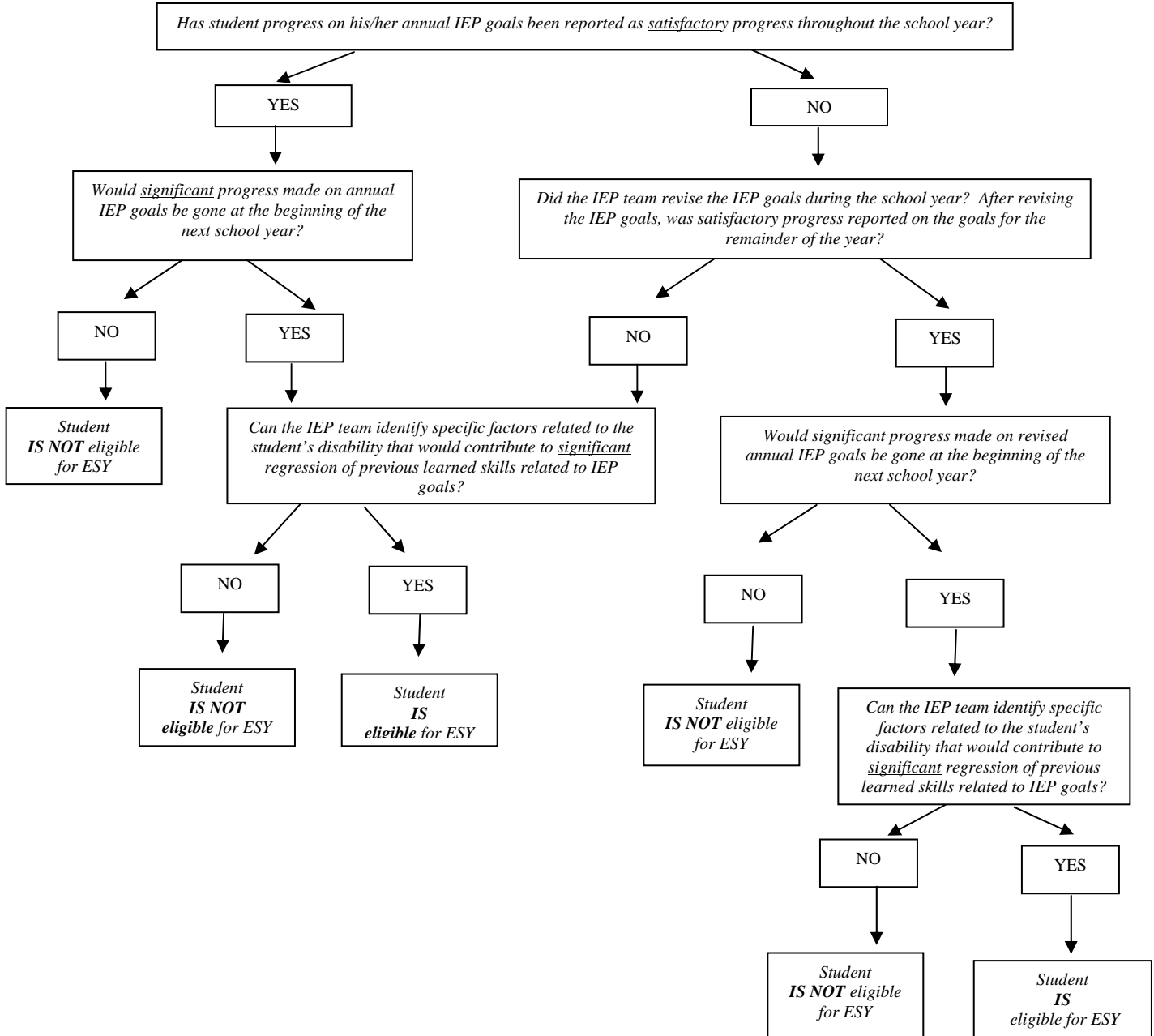
Suggested times for data collection for **Traditional** schools:

- The end of the school-year and the first week of school after summer recess.
- The week before and after UEA break.
- The week before and after Thanksgiving Recess.
- The week before and after Winter Recess.
- Any time a student is absent for an extended period of time.

**NOTE: Because we know that all students regress after breaks in instruction, the purpose of the data collection is to track the amount of time it takes the student to recoup the skills they lost over the break. The length of time it takes the student to recoup the skills must be so significant that he/she makes minimal or no progress on their IEP goals.**

## ESY ELIGIBILITY DETERMINATION DECISION MAKING FLOWCHART

In referring students for ESY, the following is to guide decision making as data collected on IEP goals are reviewed.



## **LEAST RESTRICTIVE BEHAVIORAL INTERVENTIONS (LRBI) GUIDELINES**

1. Behavioral interventions are not the same thing as discipline (in the traditional use of the term). Discipline (school policies governing student conduct) is determined and invoked by school administrators, not the IEP team.
2. The purpose of LRBI procedures is to enable IEP teams to effectively address challenging behaviors which interfere with learning of students in preschool through high school by designing supports and interventions based on research-validated strategies.
3. LRBI is part of the current Utah Special Education Rules and the procedures in the LRBI Manual must be followed. If you need a copy of the LRBI Manual, it can be downloaded at <http://www.usoe.k12.ut.us/sars/RulesRegs.htm> or you can call Lisa Hanson, Special Education Department, 578-8203.

The LRBI procedures assign decisions about behavior interventions to the Individual Education Program (IEP) team. The specific procedures are defined, with examples of their application to preschool, elementary, and secondary students.

4. The hierarchy of intervention procedures contains five levels, arranged from least to most intrusive.

**PRELIMINARY STRATEGIES:** Effective classroom practices and positive behavioral supports for all students, as individuals and in groups.

LEVEL 1: Positive Intervention Procedures

LEVEL 2: Mildly Intrusive Contingent Procedures

LEVEL 3: Moderately Intrusive Contingent Procedures

LEVEL 4: Highly Intrusive Contingent Procedures

**Note: The IEP team must include a recognized behavior expert when it considers any Level III or IV intervention strategy.**

5. An annual report of number of Level III and Level IV interventions must be submitted to the USOE annually. Each special education teacher is responsible for keeping records of which students have Level III or Level IV interventions and submitting the report to Frankie McCandless, Special Education Dept. A copy of the report is provided to all special education teachers at the beginning of the school year.
6. If any emergency situation occurs that requires immediate use of intrusive behavior interventions (those that require parental consent and for which the parent consent has not been obtained) to protect the students or others from harm, the staff must notify the student's parents within 24 hours and complete the Emergency Contact Form. A copy of the Emergency Contact Form signed by the LEA must be submitted to Randy Schelble at the district office within 24 hours of the use of emergency procedures for each emergency occurrence. The Emergency Contact Form is in the LRBI Manual on pages 12-13.

Emergency procedures must only be used by staff trained and competent in their use.

7. If behavior requiring emergency procedures occurs more than once a week, two times in a month, or a total of four times in a year, a behavior intervention program (BIP) must be designed to address the problem behavior. In this event, the behavior must no longer be considered a crisis and must be addressed in the IEP.

8. As intervention procedures are considered and selected by the IEP teams, careful consideration of the following factors can help the team make appropriate decisions about behavioral intervention procedures:

First, the IEP team should consider the appropriateness of the various interventions. The team must evaluate which strategies to select with the student's developmental level, motor ability, communication mode, and other factors relevant to the student and the disability in mind.

Second, in almost every case, preliminary strategies for positive behavioral supports and effective educational practices must be in place prior to and during consideration and use of individual interventions. The only exceptions are when the nature or severity of the student's behavior warrants the IEP team's selection of a more intrusive intervention procedure.

Third, informal or formal individual functional behavioral assessment will assist the IEP team in selecting interventions to be considered for a particular student and a particular behavior.

Fourth, the IEP should select judiciously the use of intrusive behavioral intervention procedures in specific individual cases where severe behavior threatens the safety of the student or others.

9. When a Level III or Level IV intervention is selected and included in the IEP goals and objectives on in a Behavior Intervention Plan (BIP), the IEP team will submit to the District LRBI Committee a copy of the documentation of previous less intrusive interventions and the plan for more intrusive interventions. The District LRBI Committee will review the documentation, determine training needs, and collect summary information regarding use of Level III and IV interventions in the district. For additional information, contact Frankie McCandless, 578-8200.
10. Parent participation in the IEP team decision-making process leading up to the selection of specific behavioral intervention procedures is critical. Every effort must be made to ensure that the parents are informed and understand the proposed behavioral intervention procedures and their potential side effects.

The responsibility of the parent is to understand the proposed behavioral intervention procedures and their potential side effects before giving consent to a Level III or Level IV intervention procedures.
11. At least three documented attempts must be made to obtain written parental consent before a Level III or Level IV intervention is included in the student's IEP. In the event the parent does not participate in the IEP meeting, written prior notice to the parents must be completed before a Level III or Level IV intervention is implemented.
12. If school teams need clarification of LRBI procedures, contact their Special Education Consultant.