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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 Previously, a "comprehensive evaluation" was required; this has been replaced by a "full and individualized" approach.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, psychologists, 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 would like to thank Adena Miller and Stephanie Lynch (Primary Editors and Project Coordinators), Senior Consultants to the Colorado Department of Education for the work they and the Primary Contributors did on the Colorado Recommended IEP and the IEP Manual. In an effort to be consistent with Colorado rules and regulations, we have borrowed heavily from the state manual when writing our Special Education Procedural Manual.

# **SJBOCES GOALS & MISSION STATEMENT**

## ***VISION***

Create a seamless support structure for member districts that eliminates barriers for improved learning outcomes for all students.

## ***MISSION***

Provide a cost effective collaborative core services framework for member school districts where student achievement is maximized. Core services may include areas such as Exceptional Student Services, Professional Development, Instructional Support, Data and Business Management Services, and other needs as identified by member districts.

## ***GOALS***

### **IMPROVE STUDENT ACHIEVEMENT**

- Participate in curricular/staff development training opportunities when appropriate.
- Make clear and consistent recommendations for addressing student accommodations/modifications.
- Make no special education placements without a detailed plan (IEP) of educational support.
- Help formulate appropriate educational goals and objectives for students with IEPs.
- Minimize staffing/meeting time by beginning on time, being prepared and organized.
- Establish and support parental partnerships when addressing the needs of students.

### **IMPROVE STUDENT SAFETY**

- Ensure behavioral contingencies prior to special education referrals.
- Closely monitor discipline of students with disabilities at your assigned sites.
- Advise and assist teachers with classroom management strategies.
- Support all school staff with student behavioral and integration concerns.

### **IMPROVE BOCES AS AN ADMINISTRATIVE UNIT**

- Give each school/district 100% effort.
- Consistently follow placement criteria throughout the BOCES.
- Closely monitor initial placements.
- Train all staff on forms and compliance issues.
- Effectively communicate with sites about activities and student concerns.
- Engage community stakeholders in addressing relevant educational issues.
- Retain and recruit qualified staff.
- Solve all relevant issues at the school level and if necessary address any unresolved concerns to the Director, not to your schools, staff or parents.
- Continually evaluate and address salary and caseload issues.



As students progress from Tier 1 to Tier 3, we expect to see instructional changes such as:

- Opportunities for Positive Instructional Interaction and successful student responses
- Increased differentiation of instruction
- Reinforcement of student progress increases
- Frequency of support or interventions increase
- Group size decreases
- Time duration of intervention increases
- Instruction is more explicit and systematic in nature (e.g., direct and strategic instruction)
- Efficacy of program implemented increases (e.g., instruction moves closer to mastery learning)
- Frequency of progress monitoring increases

Tier 1: Instructional strategies provided in the general classroom

*Tier 1 instruction includes:*

- High-quality, standards-driven, evidence-based core program of instruction, delivered with fidelity.
- Use of quality evidence-based instructional strategies to differentiate instruction.
- Use of frequent progress monitoring/assessment to determine when our instruction is working, and when it needs to be adjusted.
- Core instruction should also offer sufficient depth, breadth, and complexity to meet the needs of all students in a classroom.
- Universal supports, which are available to all students in academics and behavior.
- Use of a variety of supports as soon as a student begins to struggle in their classroom. For example, teachers' strategies may include small groups, differentiated instruction for application of skills and concept formation, re-teaching, enrichment, and/or additional practice. Teachers may change their method of instruction, provide the child with additional help, as well as provide accommodations or modifications.

*Tier 1: Assessment*

Assessment is an important component of Tier 1, as well. Assessment should include:

- Class, grade, and/or district-wide screening and progress monitoring.
- A process for routinely reviewing all students' progress through district and building-level universal screening in key academic areas - 3 times per year to identify those students who are struggling as well as those who are very advanced. Valid and reliable screening measures provide an initial indication of which students are entering the school year at-risk for academic difficulties because they are lagging in the development of critical academic skills or students who have exceeded benchmarks and need a challenge. Teachers differentiate their instruction based on what students already know and can do.
- Utilization of a systematic process of discussing screening and progress monitoring data so that effective adjustments to instruction can be made.

For 10% to 15% of students, focused instruction within the regular classroom setting isn't enough. These students require supplemental instruction in addition to the standard classroom instruction, and will need Tier 2 or 3 support.

## Tier 2: Offer targeted supplemental instructional strategies and intervention

Tier 2 offers additional instruction, strategies and interventions for the 10% to 15% of students for whom core instruction and Tier 1 supports are not sufficient to support adequate progress toward standards.

### *Tier 2 curriculum and instruction has a two-fold purpose:*

- To remediate specific skill or concept deficits of students who are not making adequate academic gains or have mild to moderate difficulties in the area of social competence. This Tier 2 instruction is explicit, systematic, and aligned with Tier 1 curriculum and instruction. Instructional interventions are differentiated, scaffolded, and targeted based on the needs of individual students as determined by assessment data.
- To enrich and enhance the education of students who have demonstrated proficiency in the benchmarks of the standards for a given discipline. This Tier 2 instruction should contain sufficient depth, breadth, and complexity to increase individual student skills and concept formation in a determined course of study.

In Tier 2, the interventionist may be the classroom teacher, a specialized teacher, or an external interventionist specifically trained for Tier 2 supplemental instruction.

The amount of assistance and the intervention used are planned according to progress monitoring data.

Struggling students who progress to grade level are exited from the Tier 2 intervention process and their progress is monitored to assure continued grade-level performance. For students who are on target to progress to grade level, successful interventions or strategies are maintained within general education until they can be exited from Tier 2. Those who are not on target to make sufficient progress in Tier 2 in a timely manner move to Tier 3. Any student, advanced or struggling may be maintained in Tier 2 if interventions are meeting their needs.

### *Tier 2 support should include:*

- Additional, evidence-based, individualized instruction, small group instruction, and/or technology-assisted instruction.
- Supplemental instruction in key skills in conjunction with general education instruction to support and reinforce skills being taught by the classroom teacher.
- Instruction that is more explicit, more intensive, and specifically designed to meet individual needs.
- Mastery requirements of content.
- Frequent progress monitoring is recommended weekly for elementary school students, with interventions adjusted based upon student progress data.
- Middle school students who are receiving interventions in basic skills instruction (e.g., reading, math, etc.) should be PM at least every other week. Content area PM should be every two to three weeks.
- For HS students who are being progress monitored in content strategies, PM may be less frequent, perhaps every 2 to 3 weeks.

- Instruction is often provided to same-ability small groups of up to six students.
- Increased frequency of instruction - typically provided 3 to 4 times per week for 30 – 60+ minutes per session.
- Duration of the intervention should be determined based upon recommendations of the program or strategy and the research on it; repeat as needed. Note: 67% of students should respond well given more time in the area of need. Guidelines for increased time are: If a student is more than two years behind peers/expectations, the instructional time (core instruction plus supplemental) should double. Students who are less than two years behind should receive 50% more time per day, in addition to core.
- If progress is being made, but is not sufficient to achieve expectations in a reasonable time, consider decreasing group size, increasing frequency, perhaps changing strategy or program or, if progress is adequate, continuing intervention as appropriate. This would continue to be a Tier 2 intervention.
- It would not be unusual to see a successful Tier 2 intervention continue for 10 to 30 weeks.
- Interventionist collaborates with general education teacher to provide specifically tailored supplemental/instructional activities embedded in Tier 1.

### *Tier 2: Assessment*

#### **Assessment is more intense and focused in Tier 2. Assessment at Tier 2 includes:**

- Assessments which are selected based on specific skill need, and the results of the assessment should lead directly to intervention. When selecting assessments at Tier 2, the focus should be on identifying the specific skills that need additional work and how best to meet the academic or behavior needs.
- If the academic or behavior need is difficult to identify, a diagnostic assessment (whether formal or informal) may be necessary to determine the focus of the intervention.
- Once an intervention is in place, the response to the intervention needs to be monitored on a regular basis (i.e., every other week, at least).
- Discussions about student progress in Tier 2 will take place formally in problem-solving team meetings; however, informal discussions should take place on a weekly basis with the progress monitor and interventionist.

If a student's response to the implemented interventions is such that the need for an IEP is being considered, the team should determine the need for a Problem Analysis (determine whether root cause of difficulty is known). If needed, the Problem Analysis should be completed (or reviewed, if done already) and an intervention should be designed and implemented within the special education program after parental permission for evaluation is received. The intervention may be a new intervention, a continuation of the Tier 2 intervention but with increased frequency and/or duration, or a Tier 3 intervention implemented by (or in close consultation with) the special education teacher. The purpose of this Tier 3 intervention within special education is to:

- Allow the special education teacher to have or observe direct instructional time with the student to observe that student's specific learning needs.
- Allow the special education teacher to direct or conduct dynamic assessments of the student's learning using specific relevant curricular or program materials and strategies.
- Allow the special education teacher to determine whether the student requires instruction which is so frequent and specialized that it cannot be carried out within general education in order to make sufficient progress toward Colorado standards.

### Tier 3: Increased frequency & intensity of intervention

Tier 3 intensive supports are intended for approximately 5% to 7% of students with significant and/or chronic deficits as well as for students with significant underachievement. These students are those with intensive need who demonstrate sustained lack of adequate progress when provided with high quality interventions in Tier 1 and 2. Moving to a Tier 3 intervention is determined by the problem-solving team after several individualized interventions have resulted in limited progress, based on the achievement gap between the student's progress and the expected benchmark.

#### **Therefore, Tier 3 curriculum and instruction (academic and/or behavior) serve many purposes:**

- To provide interventions for students who have not responded adequately to one or more rounds of Tier 2 supplemental, evidence-based curriculum and targeted instruction. This small percentage of students usually demonstrate more severe deficits and require curriculum and instruction that is more explicit, more intense, and specifically designed to meet individual needs.
- To provide enrichment and/or advancement in a specific area of study for individual students who have demonstrated exceptional knowledge and skills in a given course of study based on performance and assessment data or who have demonstrated an extraordinary capacity for learning.
- To provide training on student-specific learning needs such as mastering Braille code, auditory training, assistive technology, behavior, etc.

The interventions in Tier 3 are skill specific interventions that can be delivered by the special education teacher or a specialist. The interventions increase in intensity and often require one-on-one or small group instruction (e.g., 2-3 students). The specific nature of the interventions is based on progress-monitoring data and/or diagnostic assessment information. Interventions are more likely to occur outside the general classroom than at the two previous levels. It may even require that students have a separate curriculum that is focused on accelerating learning.

#### *Tier 3 support includes:*

- Research-based instruction.
- Instruction that is more explicit, more intensive, and specifically designed to meet individual needs and specifically target skill deficits.
- Individualized or small group research-based instruction that may supplement, but often replaces core curriculum.
- Specific skill intervention.
- Specific technology-assisted instruction.
- Instruction that is more explicit, more intensive, and specifically designed to meet individual needs.
- Mastery requirements of content
- Frequent progress monitoring at least weekly, with interventions adjusted based upon student progress data.
- When a student moves from receiving instruction in Tier 2 to Tier 3, we expect to see decreasing group size, increasing frequency, or perhaps a change in the strategy or program when compared with Tier 2 interventions.
- Increased frequency with which the intervention is delivered– typically 4 to 5 days a week

- Duration of the intervention should be determined based upon recommendations of the program or strategy and the research on it; repeat as needed.
- Students receiving Tier 3 interventions are typically two or more years behind in academic skills, and therefore the instructional time (core instruction plus supplemental intervention) should double.
- Interventionist actively collaborates with general education teacher to provide specifically tailored supplemental/instructional activities embedded in Tier 1.
- Exit criteria

### *Tier 3: Assessment*

The intensity of assessment also increases in Tier 3. Because of the urgency at this level, the response to intervention in Tier 3, needs to be monitored more frequently. Diagnostic assessments may be given to get a comprehensive look at the student's strengths and areas of need. However, the major purpose of assessment in Tier 3 to provide information on how to meet the student's instructional need.

Assessments completed for the purpose of selecting or modifying instruction or interventions do not require parent permission.

### *Tier 3: Assessment for Special Education Eligibility Determination in SLD (Specific Learning Disabilities)*

#### **Questions the team should consider around making a referral to special education for SLD:**

- Consider the standard 'rule outs': these include significantly low cognitive ability, cultural and language differences, missing of significant amounts of instruction in the area of difficulty, etc. (see SLD Eligibility Criteria for full list). Review data to determine if the student should be considered for eligibility for special education under a different eligibility category.
- Intervention integrity: it is essential that there is documentation of the integrity and fidelity of the intervention(s) implemented in the eligibility determination process. Consider including data on the progress made by other students in the intervention group to confirm intervention integrity.
- Eligibility Criteria: the team should have strong indicators that there is sufficient data or likelihood that the student will be found eligible during the RtI process. If there are data that indicate that the student will NOT be found eligible (refer to SLD Eligibility Criteria), formal referral for assessment for consideration for SLD eligibility is not indicated at this time. Continue with Tier 2 and 3 interventions. The team may consider doing targeted assessment in the area of difficulty to inform interventions and instruction as a part of the RtI process.

#### **RtI: Frequently asked questions**

##### **Who provides the interventions?**

A variety of people may provide interventions in the problem-solving process. In Tier I, classroom teachers should be the primary provider of interventions and strategies. At the Tier II level, classroom teachers, paraprofessionals, reading teachers, special education teachers, school psychologists, school counselors, etc. can provide interventions. Tier III interventions are typically provided by special education teachers and specialists which may include reading teachers, school psychologists, etc.

The interventionist should be selected based on intensity of intervention, skill level of interventionist, and training required to deliver the intervention. Furthermore, each school needs to determine individuals available in the building to provide interventions, what training each individual has had, and the individual's time availability who will be providing interventions.

**Do parents need to give written consent for assessments that inform instruction (if the child is not being considered for special education eligibility) during the RtI process, but are not part of the eligibility determination?**

Schools are strongly encouraged to include parents throughout the RtI process. The schools and RtI teams do not need to obtain written permission for assessments that occur during the RtI process that are used to determine the need for intervention (such as benchmark assessments conducted with all students, etc.), the type of intervention to be implemented, or the progress the student makes as a result of that intervention.

Informed written consent must be obtained at the time the team, which includes the child's parents, determines that the student should be considered for eligibility for special education, by getting parent signature(s) on the 'Prior Notice and Consent for Evaluation' form.

In addition, if any behavioral assessment is conducted within general education (not done as a part of the eligibility determination process), written consent must be obtained from the student's parents prior to this assessment. This consent does not constitute Prior Notice and Consent for Evaluation, and does not confer Due Process Rights, and this should be explained to the parents at the time teachers obtain the written consent.

**What is the criterion for a successful intervention?**

An intervention is successful if the achievement gap between the performance of the student at-risk and the expected benchmark has decreased based on the data collected through progress monitoring. Problem-solving teams must collect a body of evidence to determine whether the gap has closed utilizing progress monitoring instruments, such as Curriculum-Based Measurements (CBM), that monitor specific skills and demonstrate incremental change. A CBM is any set of measurement procedures that uses direct observation and recording of performance within a given curriculum, or independent of a particular curriculum, as a basis for gathering information to make instructional decisions. Curriculum-based measurements assess specific skills presently being taught in the classroom, usually in basic skills.

**How about students who are Limited English Proficient?**

The RtI and Child Study processes must take into account the language and cultural background of the student and family and the impact of the language and cultural differences on the student's learning. Specifically, the following must be ensured:

1. That notices are provided in the parents' preferred language of communication. All IEP and related forms should be provided in the preferred language of communication, or documentation should be made that the information was interpreted for the parents (by whom and when).
2. Certified staff who have a background in second language acquisition (such as ESL or BE endorsed) participate in all meetings for limited-English proficient (LEP) students (including RtI, Child Study, referral, evaluation, Eligibility Determination, Annuals and Triennials.)
3. Evaluations for LEP students with disabilities are administered by qualified staff (this may include bilingual staff, the use of non-verbal instruments, or assistance by a translator trained in special education assessments and proficient in English and the other language.)
4. Disability-related diagnostic and evaluation reports for LEP should include the following:
  - a. Analysis of the effect of linguistic and cultural factors on educational history and learning;

- b. Whether diagnostic instruments (if used) or procedures were altered for the student;
  - c. Documentation of the use of translation or interpretation in the administration of diagnostic instruments (if used) or procedures, and the effect on the validity and reliability of the results;
  - d. Evaluation of the validity and reliability of test results, considering the effect of differences in criteria related to language proficiency;
  - e. Cross-validation of formal diagnostic measures that may have been used with other data available about the student.
5. Parental rights and procedural safeguards are provided in the parents' preferred language of communication, or that the information was interpreted for the parents (by whom and when).
  6. LEP students with disabilities will participate in both ALP instruction and special education or related aids and services, unless it is inappropriate to provide dual services due to the documented nature of the student's disability.

When a student is determined to have Limited English Proficiency, the RtI process should focus on the English language acquisition issues first. Generally, a student must have sufficient English to benefit from instruction in the classroom before that student can be considered for special education eligibility in SLD (with the understanding that certain cases will warrant special consideration and evaluation). In all cases of eligibility determination for students with LEP, data must be provided that demonstrates the appropriateness and effectiveness of the intervention(s) implemented.

### Under 'Evaluate the Response to Intervention'

If an intervention is not producing the desired results, a first step is to evaluate whether the intervention is being implemented as designed. If not, adjustments should be made to ensure intervention integrity and fidelity. Teams should also consider whether the intensity of an intervention needs to be increased by either; 1) reducing the size of the group; 2) increasing the amount of time/frequency that the intervention is delivered or 3) narrowing the focus of the instruction.

### Parent Involvement

Every effort should be made to fully inform and involve parents in the RtI and special education eligibility process. In particular, the following should be done:

- Parents should be informed when their child is considered to be at risk (either struggling or advanced), and an intervention is going to be implemented to support their child.
- Parents should receive progress monitoring data on a regular basis, so that they can fully participate in an informed manner in supporting their child's education.
- Parents should be invited to meetings in the school at which their child's educational progress is discussed, including (but not limited to) SIT Team (Student Intervention Team) meetings, RtI meetings, Child Study Meetings, Problem Analysis meetings, and of course, Eligibility and other IEP meetings.
- If the parents do not attend the meetings, they should be informed of the discussion and outcome of the meetings.
- Parents have special rights once their child has entered the eligibility process for special education. These rights are documented in the Procedural Safeguards and Education Rights of Parents documents.

[Click Here to Open the Procedural Safeguards.](#)

## Interventionist

When a student is referred to the problem-solving team for a targeted intervention, an intervention plan is established. The intervention to be put in place and the individual providing the intervention are central to the plan. The interventionist may be a variety of individuals in the system, including the classroom teacher, special education teacher, Title I teacher, Gifted and Talented specialist, paraprofessional, school counselor, school psychologist, school social worker, etc.

Although speech therapists, occupational therapists, physical therapist, hearing and vision teachers, nurses, etc. should be consulted when developing interventions in select cases, their role in providing the intervention as part of their case load should only be considered in the most significant cases and only with the specialist's input. Interventionists should be adequately trained to provide the intervention selected, should have the resources including time and materials, and should be expected to implement the intervention with fidelity. Also key to an interventionist's role is to communicate on a regular basis with the classroom teacher and the case manager/designated consultant/coach as well as the RtI Coordinator, as necessary.

Although instructional strategies and interventions may look different from tier to tier in schools, the key components of the problem-solving process need to be present and practiced in each building. Furthermore, if a student is identified as having a Specific Learning Disability by one school, it is vital that the same student would be identified by another school.

## Title I

Title I schools may operate one of two different types of programs—Title I School-wide or Title I Targeted Assistance. Both programs can support the implementation of RtI, but in different ways. Because a school-wide program embraces a whole school approach, the Title I plan should be woven into activities at all three of the tiers. Whereas a targeted assistance program is focused on the most at-risk students, its activities should be focused solely on Tiers II and III. More detailed descriptions of how an RtI approach should look in each of these programs are described in the next sections.

### **While an RtI approach may align with the intent of a targeted assistance program, there are limitations:**

- Eligible Title I students must be provided supplemental instruction from the Title I teacher. The ability to have another, highly qualified teacher (other than the Title I teacher) provide the supplemental instruction to Title I eligible students is restricted.

Title I teachers must target identified Title I students whose parents have given permission to participate in the program.

### **Intervention**

The systematic and explicit instruction provided to accelerate growth in an area of identified need. Interventions are provided by both special and general educators, and are based on training, not titles. They are designed to improve performance relative to a specific, measurable goal. Interventions are based on valid information about current performance, realistic implementation, and include ongoing student progress monitoring.

## **Provide data and Progress Monitoring graphs.**

Samples of typical observation forms used are provided.

[Click Here to Open the Behavior Observation Form.](#)

## **SJBOCES Criteria for Identification for Specific Learning Disability**

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 CBM scores 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.
- 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 (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 at least two appropriate evidence-based interventions implemented in the area of concern which were provided with sufficient duration, intensity and fidelity by qualified personnel. At least one intervention was done in Tier 2 and at least one in Tier 3; the Tier 3 intervention was conducted by or with involvement from the Special Education teacher. At least 6 to 8 weekly 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, mental retardation, emotional disturbance, cultural factors, or environmental or economic disadvantage.
- 6. Student demonstrates a need for intense and frequent specialized instruction.

## Online IEP Information

SJBOCES currently uses [AlpineAchievement.com](http://AlpineAchievement.com) for data management and the completion of IEPs and related special education forms, as well as ALPs and RtI plans.

If you believe you should have access to student IEPs and you do not have a login for [AlpineAchievement](http://AlpineAchievement.com) that allows such access, contact the following:

Durango 9R: contact the Director of Exceptional Education for 9R and the Technology Coordinator for access.

Bayfield, Silverton, Ignacio and Pagosa Springs: Contact the Director of Exceptional Education for SJBOCES and your district's Alpine manager.

You might also contact the SJBOCES Professional Development Coordinator/Alpine manager for support if you are having difficulty with [AlpineAchievement](http://AlpineAchievement.com).

[AlpineAchievement](http://AlpineAchievement.com) is currently undergoing frequent updates and modifications in the data input forms and the formatting of the printed output. For this reason, any screenshots or particular detailed data input instructions are subject to change.

Please refer to the instructions on [AlpineAchievement](http://AlpineAchievement.com), in addition to specific data field-related instructions that can be accessed from within the individual documents for the most recent information and support.

If you have questions about any changes in or unusual behavior of the Alpine program, please contact the SJBOCES PD Coordinator/Alpine manager by phone or email for assistance.

For the school year 2009-2010, the SJBOCES Alpine Manager is:

Debra LaQua – 970-749-5755 or [dlaqua@sjboces.org](mailto:dlaqua@sjboces.org)

You may also find updated contact information for districts and SJBOCES Alpine support on the SJBOCES website at the following URL:

<http://sjboces.org/alpine>

There are also some familiarization videos and additional Alpine updates on the SJBOCES website.

## 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 BOCES office of the student's transfer, and send a copy of any IEP documents to the BOCES office.
- 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).
- 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.

## Beginning the Special Education Eligibility Determination Process:

### *Initial Evaluation*

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

[Click Here to Open the Referral to Special Education form.](#)

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. The administrative unit or state-operated program should establish and follow procedures for referring a child for an initial evaluation to determine whether or not the child has a disability and needs special education and related services.

A referral may be made when a parent or representative of the administrative unit (or state-operated program) 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 appropriate administrative unit or state.

Recommended Form: [Referral to Special Education](#) from Local Administrative Unit

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

Once a referral is received the administrative unit 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 administrative unit 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 administrative unit determines the referral is appropriate, then the Multidisciplinary Team must review the existing data to determine whether additional evaluation data are needed.

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

[Click Here to Open the Prior Notice of Special Education Action form.](#)

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 Appendix E for a chart documenting situations that require completion of a Written Notice for a student.

### ***Procedural Safeguards***

Must be given to parents when their child is involved in the Eligibility process and/or has an active IEP at least once per year, and upon request from parent.

[Click Here to Open the Procedural Safeguards.](#)

## ***Prior Notice & Consent for Evaluation***

[Click Here to Open the Prior Notice and Consent for Evaluation form.](#)

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 agency may proceed with the reevaluation if the parent does not respond **and** the agency can demonstrate that it has taken reasonable measures to obtain consent).

### ***WHO CAN SIGN PERMISSION TO EVALUATE OR PLACE IN 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; 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 BOCS office of the circumstances that would warrant appointment of an Educational Surrogate Parent and application for 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.

Foster parents may sign for permission to evaluate or place in special education only if they have completed the Educational Surrogate Parent training. Even if they have completed the training, they must be officially appointed for a specific child, through the CDE process noted above.

### ***PARENTS CAN UNILATERALLY REVOKE CONSENT FOR THEIR CHILD TO RECEIVE SPECIAL EDUCATION SERVICES OR REFUSE INITIAL PROVISION OF SPECIAL EDUCATION SERVICES***

Parents have the right to unilaterally revoke consent for their student to receive special education and related services. Should a parent choose to revoke consent, the special education teacher should immediately notify the School Psychologist of their decision. The parent is required to submit a notice of unilateral withdrawal from special education, in writing.

If parents decide at a later date to return the student to Special Education services, the Initial Evaluation process must start again, from the beginning. A statement about the IEP team strongly supporting continued

Special Education services should be included, as well as a clear statement that withdrawal from Special Education will terminate the student's right to FAPE, and will also terminate parents' rights due process on behalf of the student.

If a parent refuses to sign consent for the 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 is unwilling to sign 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' as explained for revocation of consent. In this case also, if parents change their mind at a later date, a new referral and initial eligibility process would have to be initiated.

### *Notice of Meeting*

[Click Here to Open the Notice of Meeting form.](#)

#### **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;
- Invite the student, if the student is 15 or older, and the purpose of the meeting is to consider the IEP and transition services;
- Document the district's attempts to involve the parent, guardian, or surrogate in meetings.

The Scheduling Coordinator at San Juan BOCES will complete and mail out notices for all regularly scheduled meetings. In the event an emergency or last minute meeting is needed, 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.

#### ***Steps to Create an Initial IEP:***

- Go to the SpEd IEP section of Alpine and click the green plus sign in front of the 'Add a new SpEd IEP record' text.
- Select the appropriate eligibility meeting type (initial, triennial or reevaluation).
- Complete the Eligibility Report (which includes the Evaluation Report).
- Determine eligibility.
- Complete the relevant Eligibility form.
- If the student is NOT eligible, stop here (do not complete an IEP).
- Complete a Prior Notice of Special Education Action to inform the parents that the team determined that the student is not eligible for special education.
- If the student IS eligible for special education, the next step is to 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 consent.

**NOTE: Complete the IEP only after you have received written consent from the parents for the provision of services.** If they do not sign the consent for services, do not write the IEP.

In most circumstances, the parents will sign the 'Prior Notice and Consent for Initial Provision of Special Education and Related Services' form and the team can write the IEP at that time. All 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 Meeting Notification sent to parents. If time runs out following the eligibility determination and there is not time remaining to develop the Initial IEP, a separate meeting can be scheduled for that purpose, but be certain the meeting is held and the IEP is completed within 30 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.

### ***Eligibility Meeting (link to Appendix F)***

[Click Here to Open a Sample Eligibility form.](#)

### ***Determination of Eligibility forms***

[Click Here to Open the Autism Eligibility Determination form.](#)

[Click Here to Open the Hearing Disability Eligibility Determination form.](#)

[Click Here to Open the Multiple Disabilities Determination form.](#)

[Click Here to Open the Physical Disability Determination form.](#)

[Click Here to Open the Preschool Disability Eligibility Determination form.](#)

[Click Here to Open the SIED Eligibility Determination form.](#)

[Click Here to Open the SLD Eligibility Determination form.](#)

[Click Here to Open the SLIC Eligibility Determination form.](#)

[Click Here to Open the Speech Language Eligibility Determination form.](#)

[Click Here to Open the TBI Eligibility Determination form.](#)

[Click Here to Open the Vision Disability Eligibility Determination form.](#)

### **These forms are used to:**

- Determine if a student has a disability and is eligible for special education

A Medical Certification Form (signed by a doctor) must be submitted for all Initial Eligibility, Triennials and/or Re-Evaluations for any of the following disabilities.

- Autism
- Traumatic Brain Injury (TBI)
- Physical (any of a number of physiological conditions, including ADD/ADHD)

[Click Here to Open the Medical Certification form.](#)

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

A developmental history must be completed for all initial placements and relevant information addressed here.

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

[Click Here to Open the Prior Notice and Consent for Initial Provision of Special Education and Related Services form.](#)

#### **This form is used to:**

- Provide prior notice when initial placement into special education is proposed; Obtain and document parent consent 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 services before the IEP is written.

#### *The IEP*

[Click Here to Open a Sample IEP form for 5 to 13 year olds.](#)

[Click Here to Open a Sample Initial IEP form for 14 year olds and older.](#)

- **Complete the appropriate IEP for the student.**

#### **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.

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 Administrator 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 Administrator that a new Progress Report should be created. Records 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 age 15 and older must be involved in determining the modifications to the curriculum and the potential effects of these decisions on the student's post – school goals.

**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.

When completing the Services page, the following apply:

Direct Services include:

- Services provided outside of the general education setting.
- Services provided to the student within the general education setting that support goals that are different from the general education curriculum. This may include small group or individual support provided in the classroom.

Indirect Services include:

- Consultation services
- Services provided to the student in the general education setting that are in support of the classroom curriculum. This may include small group or individual support provided in the classroom.

## **Process for Moving Students into Center-Based 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 bring that recommendation to the appropriate Special Education Director to discuss Center-Based criteria, student's current placement and supports, whether there is currently space in the Center-Based Program and other relevant information. The Director of Special Education needs to approve placements in Center-Based Programs, as Center-Based placements are a limited resource and we may not always have space available.
- 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 that the Center-Based Program is the appropriate placement, then a transition meeting is set up with the receiving school and 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.
  - We are not here to create conflict among our teams over differences of perception or philosophical beliefs.
- 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, then the team has the obligation to reevaluate the Center-Based placement and return the child to their home school of residence.

You may disagree with another school team' decision around student needs; however, the determination of those needs are made by the teams in the school of attendance.

## **SUPPLEMENTAL FORMS:**

### ***Procedural Safeguards***

[Click Here to Open the Procedural Safeguards.](#)

### ***Behavior Intervention Plan***

[Click Here to Open the Behavior Intervention Plan.](#)

Comprehensive resources on Positive Behavior Supports, Behavior Interventions and Functional Behavior Assessments are available in the Colorado Behavior Resource Manual available at [www.cde.state.co.us/cdesped/BehaviorResourceManual](http://www.cde.state.co.us/cdesped/BehaviorResourceManual).

### ***Communication Plan***

[Click Here to Open the Communication Plan.](#)

### ***Learning Media Plan for the Student who is Blind/Visually Impaired or Deaf-Blind***

[Click Here to Open the Learning Media Plan.](#)

### ***Permission to Invite Agencies Related to Transition***

[Click Here to Permission to Invite Agencies to Transition Meetings form.](#)

### ***Request to Release or Secure Confidential Information***

[Click Here to Request to Release or Secure Confidential Information form.](#)

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

[Click Here to Open the IEP Team Member Excusal form.](#)

### ***Prior Notice***

[Click Here to Open the Prior Notice of Special Ed Action form.](#)

[Click Here to Open the Prior Notice and Consent for Evaluation form.](#)

[Click Here to Open the Prior Notice and Consent for Initial Provision of Special Education Services form.](#)

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?*

*Eight Times to Provide the Prior Notice (34 CFR §300.503)*

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.

*What Circumstances Require a Prior Notice:*

<b>Events Requiring Prior Notice</b>	<b>Yes</b>	<b>No</b>
<b>Identification</b>		
Screening		X
Problem Solving Team		X
Intervention Strategies		X
Referral for Initial Evaluation (Use <i>Prior Notice &amp; Consent for Evaluation</i> )	X	
<b>Evaluation</b>		
Collection of new data for initial evaluation and reevaluation (Use <i>Prior Notice &amp; Consent for Evaluation</i> )	X	
Evaluation of progress on the annual goals		X
Administration of state or district assessments		X
Independent education evaluation		X
Determination of eligibility upon completion of an initial evaluation or reevaluation (Use <i>Prior Notice &amp; Consent for Initial Provision of Services</i> )	X	
Eligibility issues	X	
Refusal to conduct an evaluation	X	
<b>Educational Placement</b>		
Initial provision of special education services (Use <i>Prior Notice &amp; Consent for Initial Provision of Services</i> )	X	
Relocation of the special education program		X
Any change in educational placement	X	
Termination of special education and related services	X	
Transfer of student to another school or district		X
Graduation with a regular diploma	X	
Disciplinary removal for more than 10 consecutive school days	X	
Disciplinary removal for not more than 10 school days		X
A series of disciplinary removals that constitute a pattern of removals	X	
Disciplinary removal to an Interim Alternate Educational Setting for not more than 45 school days	X	
<b>Provision of FAPE</b>		
Deletion or addition of related service	X	
Change in annual goals on an existing IEP	X	
Increase or decrease in special education services or related services	X	
Change in how a student will participate in state and district assessments	X	
Review and revision of the IEP	X	
Increase or decrease of supplementary aids and services or supports to the school personnel	X	
Refusal to increase or decrease related service	X	
Consideration of ESY if done at a separate meeting	X	

## Paraprofessional Requests for Individual Students (insert link to Appendix S)

[Click Here to Open the Request for Special Education Instructional Assistance form.](#)

[Click Here to Open the Review of BSP or BIP form.](#)

[Click Here to Open the Special Circumstances Instructional Rubric.](#)

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 Director of Exceptional Services.

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

- Review of the student's Behavior Improvement Plan and/or Individual Behavioral Plan
- 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:

- Special Education Aide/Para (check this)
- Break down the time provided as to how much time is direct and how much is indirect (see above).
- 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.

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

### Definition of ESY

Special education and related services that are provided to a child with a disability:

- Beyond the normal school year;
- In accordance with the child's IEP; and
- At no cost to the parents of the child.

### When Student Qualifies for ESY

*Necessary for FAPE:* ESY must be provided only if a child's IEP (Individualized Education Program) Team determines, on an individual basis that the services are necessary for the provision of a free appropriate public education (FAPE) to the child.

- A student is entitled to ESY only if it is a *necessary* component of an appropriate education for the student; it is not sufficient that ESY would be beneficial for the student. ESY services are provided only to maintain skill retention.
- In order to qualify for ESY services, the IEP team must determine that ESY is necessary to permit the child to benefit from instruction. In most cases, “benefit” is defined as some form of educational progress.

## The Measure of Progress

*Students in the General Curriculum:* For a student being educated primarily in the general curriculum, the IEP must be reasonably calculated to allow him/her to earn passing grades and advance from grade to grade with his/her peers, with or without reasonable accommodations. If the student is in fact earning passing grades and advancing from grade to grade, or if the LEA is successful in establishing that the IEP is reasonably calculated to produce that outcome, then the “Rowley standard” of FAPE is met by definition, and ESY would never become an issue. If a student is found to be unable because of his/her disability to meet that standard, then a different measure of progress is needed.

*Students with Special Curriculum:* If a student is being educated primarily using a special education curriculum individualized for him/her, then the measure of FAPE is less clear-cut, and may not be based exclusively on educational progress. However, it is certainly true that one measure of benefit is whether the IEP is reasonably calculated to making meaningful, measurable progress on his/her IEP goals.

## ESY Criteria

*Significant Jeopardy:* If any educational gains a student is able to make will be placed in "significant jeopardy" if services are not provide during breaks in programming, particularly the summer break, **then ESY is necessary.**

*Regression/Recoupment.* The U.S. Department of Education has indicated that local educational agencies (LEAs) may use “regression/recoupment analysis” as the sole criterion for determining whether “significant jeopardy” will occur. In a nutshell, this means that, because of his/her disability, the child is predicted to experience significant regression (sometimes termed “lack of retention”) in previously learned skills during breaks in programming **and** is predicted to be unable (again because of his disability) to recoup the lost learning/skills within a reasonable time after programming resumes. Because all students experience *some* regression and all students take *some* period of time to re-learn forgotten material or reestablish rusty skills, regression/recoupment analysis focuses upon results outside the range of normal expectations. The student who is eligible for ESY may have extraordinary difficulty retaining material, or he may have an extraordinarily slow rate of re-learning, or he may have both problems. Whatever the case, *the ultimate point of regression/recoupment analysis is to determine whether the student will be able to make reasonable progress during the following school year.* If the IEP Team expects the child, because of his disability, to take so long recouping lost learning and skills that his providers will not even be able to start on new material until relatively late in the following year, then that child should be provided ESY programming.

*Other Factors:* The IEP Team may, but is not required to, consider the following factors in determining whether to provide ESY services:

- Ability of the parents to provide educational structure at home
- Student's rate of progress

- Student's behavioral and physical problems
- Availability of alternative resources
- Ability of the student to interact with nondisabled children
- Areas of the student's curriculum that need continuous attention
- Student's vocational needs
- Whether the requested services are extraordinary for the student's disabling condition, as opposed to an integral part of a program for populations of students with the same disabilities.

It is important to note that most LEAs consider the above factors, if at all, in making the predictions of the extent of likely regressing and the likely rate of recoupment for a particular student. When the team has strong data from previous breaks in programming on which to base predictions, the above factors take on less importance.

## ESY Procedures

Students enrolled in special education during the previous school year must have an Essential Skill identified. An “E” is placed by the objective designating it as an Essential Skill objective. These objectives should be evaluated to determine eligibility for Extended School Year.

For all IEPs, check “Student is not eligible” if one or both of the following statements are true:

- The student’s IEP was reviewed and no goals and objectives crucial to independence or self-sufficiency were found.
- The student is able to maintain skills needed to support the IEP goals and objectives.

Check “Student is eligible” if one or more of the following statements are true. Documentation of this is required.

- ESY is necessary to prevent irreparable harm to the student’s ability to maintain identified self-sufficiency and/or independence skills.
- ESY is necessary to accommodate critical learning periods for students who are unlikely to receive another opportunity to learn or to generalize targeted self-sufficiency skills.

For any student with an IEP marked “Student is eligible”, the following documentation is required:

- Essential Skill(s) identified on the IEP with an “E”.
- Baseline testing (first testing – winter vacation/or spring vacation) and results recorded on student IEP evaluation/comments section. Attach blank copy of evaluation criteria and key comments to be used in fall for recoupment regression testing. Testing should be completed again in May.
- The following packet should be placed in Special Ed file with copies sent to the San Juan BOCES office:
  - 1) Blank copy of evaluation instrument(s) administered;
  - 2) Copy of actual administered, scored evaluation instruments(s); and
  - 3) Keys to evaluation instrument(s)-answer and scoring.
- Summer recoupment testing will be administered in May. Recoupment testing is done the first week in October with same instrument administered in May baseline testing. Record results again on IEP. Qualifications for the following year’s ESY program determination will be made based on October results. For the upcoming summer we will be using results from the winter break pre/post

assessments. As a result, the "to be determined option in Section 11 is not valid unless the student has moved into the BOCES or been placed in Special Education after Spring Break. If you have questions please consult with your school psychologist.

- ESY services are determined on an individual basis, based upon student needs. Historically, most ESY services have been provided at a central location 4 days a week, 4 hours a day for a 5 week period.

## **Building Level Advancement Process**

The purpose of a Building Level Advancement (BLA) meeting is to develop an educational plan for a student with special needs as he/she transitions from one school building to another. Specific educational information is shared with the receiving school to assure a seamless transition for the student.

BLA meetings become formal IEP meetings when there are **any changes** made to that student's IEP. BLA meetings do not need to be a formal IEP meeting, if no changes are to be made to the existing IEP.

If the IEP is altered or changed at all, the following participants must be in attendance at the meeting: special education teachers from both schools, a regular education teacher and the parent. It is optional for the student to attend. General Education Teachers and Related Services staff may be excused from the IEP meeting using the Excusal Form which must be signed by the parent.

If a change is anticipated, a formal meeting will need to be scheduled to take place in April or May. Resource teachers will communicate between schools, and with the parent, to determine the best date for the formal meeting. Resource teachers will also contact the Scheduling Coordinator in February to schedule these dates. The Scheduling Coordinator will then send out a notice, at least two weeks prior to the date of the meeting, to all attending.

If changes are not anticipated in time/services, special education teachers may hold an informal meeting. A meeting with the full team is not needed to pass on unchanged information about a student and formal notice to the parent is not required. In this case, the Special Education Teacher will need to contact the parent to arrange the meeting.

Students who receive only Speech/Language therapy are also exempt from formal meetings.

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

All BLA meetings will be held at the sending school.

### **Considerations for a BLA meeting:**

Time for direct services may differ from level to level. For example, 45 minutes of reading per day from the sending school may translate into 90 minutes a day at the receiving school.

Middle schools and high schools may offer more inclusion opportunities than most elementary programs. For example, Social Studies and Science classes may provide these opportunities.

Building Level Advancement meetings may be combined with annual review meetings or triennials. Please schedule this time accordingly.

All paperwork, including new IEPs, will be completed by the sending school.

### Student and Parent Visits to the Receiving School:

In the rare instance a sending team determines that a student visit to the receiving school is necessary prior to enrollment, this should be arranged separate from the BLA. In those instances, if students are to be transported, to the receiving school, the following are ways this can happen:

- A written permission must be sign by a parent.
- Students can be transported in a BOCES vehicle.

For a certified employee to transport students, the following must be followed: (this is an adaptation of school district policy)

- 1) A written permission must be sign by a parent.
- 2) You must have tried to have the student transported by the parent or a BOCES vehicle or arranged to walk to the Building Level Advancement meeting if appropriate.
- 3) If you are unable to arrange any of the above options for student transportation, an employee may use their own vehicle as long as they complete the following steps:
  - a) A written permission must be sign by a parent.
  - b) Receive approval from their building level administrator.
  - c) Provide to the building administrator a copy of a current Valid Colorado Drivers License and a copy of current Proof of Car Insurance at the time you transport a student.

## Independent Educational Evaluation

(This is a letter to be sent to the Independent Educational Evaluator to confirm credentials and inform them that they are required to use our procedures and criteria, and to request a plan of evaluation.)

Re: Independent Educational Evaluation; STUDENT WITH OR SUSPECTED OF HAVING SPECIFIC LEARNING DISABILITY

Dear \_\_\_\_\_,

San Juan Board of Cooperative Educational Services is an Administrative Unit, within the structure of the Colorado Department of Education, with the responsibility of overseeing the provision of special education services to children with disabilities, who reside within our member school districts.

The parents of a student enrolled in \_\_\_\_\_ School District, one of our member districts, have requested an Independent Educational Evaluation for their child, as outlined in state and federal regulations. The parents have specified your agency as their preferred source of that IEE.

In order for us to proceed with arrangements for the evaluation we must determine that the individual performing the IEE has credentials that meet the San Juan BOCES requirements; and, that the evaluation itself will be performed in accordance with San Juan BOCES requirements. Additionally, we need to be assured that the fees for the evaluation will be within a reasonable range. Toward that end, would you please respond to the following:

1. Which member or members of your team would be performing the evaluation?
2. For each team member who will be working on the evaluation, what is the evaluator's educational background, experience, current licensure and any other credentials?
3. **In determining whether a child meets the eligibility criteria for a Specific Learning Disability as defined in state and federal law, "Responsiveness to Intervention" (RTI) is the primary means of evaluation and eligibility determination for students suspected of having a specific learning disability. Accordingly, when the suspected disability is a specific learning disability as defined under federal and state law, the IEE must be based upon data demonstrating the student's responsiveness and/or lack of responsiveness to scientific, research-based interventions in the instructional setting. Because it is not practical for the evaluator to replicate the RTI process independently of the school, the IEE will necessarily consist in part of a review of the existing RTI data. The BOCES will ensure that the independent evaluator has access to all RTI records and data for the student, subject to parent authorization.**
4. Please provide a statement of what other elements the evaluation will include apart from the records review discussed in paragraph 3 above, i.e., what types of observations will be performed, what other records will be reviewed, what interviews will be conducted, and what tests (not including the WJ or any other discrepancy criteria tests) will be administered.
5. Please provide an outline of the fees that will be charged in connection with the evaluation.

6. It is requested that the evaluator travel to \_\_\_\_\_, Colorado to perform the evaluation in the student's home school setting. Please provide an estimated expense budget for that purpose. Exceptions may be made to this requirement if the parents and the BOCES agree in writing that observation of the student in the instructional setting is not necessary for the IEE.
7. Please give proposed dates upon which the evaluation could commence, and, assuming full cooperation and access, when the report could be issued.
8. The Office of Special Education Programs (OSEP) in the U.S. Department of Education has issued an agency letter indicating that an evaluator performing an independent educational evaluation under IDEA must provide the full evaluation report to the parents and to the local educational agency at the same time, and that parental consent is not required for the release of such report to the local educational agency. *Letter to Katzerman*, 28 IDELR 310 (OSEP 1997). The BOCES will not pay for the IEE unless this is understood and agreed to prior to the commencement of the evaluation. However, we find that some evaluators believe that it is a violation of professional ethics to release the evaluation report to the BOCES without written parental consent. Please advise whether you agree to provide the full evaluation report to the BOCES at the same time that you provide such report to the parents, notwithstanding the parents' refusal to consent to such disclosure, or whether you require written parental consent prior to such disclosure. Alternatively, provide a copy of a signed parental consent to release of educational records with your response to this request for information.

I am certain you are sensitive to the need to expedite the arrangements for this IEE, and hope to receive your response to the requested information as soon as possible.

Sincerely,

Randy Boyer  
Director of Exceptional Student Services

RB/eb  
cc: