

FULL EDUCATIONAL OPPORTUNITY POLICY

Approved by SELPA Governing Board - June 27, 2017

Each Local Education Agency (LEA) within the SELPA is required to establish policy for the identification, location, and evaluation of students who may require special education services. Failure to implement a practical method to meet the federal mandate, outlined in the recent Supreme Court case, *Endrew F. v. Douglas County School District*, may limit the district's access to the SELPA Extraordinary Cost Pool.

Minimum Special Education Staffing should be:

- School Psychologist/ Pupil Personnel Services Credential 2 days per month
The Pupil Services Credential authorizes any of the following four specializations: school counseling, school social work, school psychology, and child welfare and attendance services.
- Teacher – Special Education
5 hours per week split between at least 2 days during the week
- Speech and Language Pathologist as needed
Contract with an approved NPA
District employee
- Occupational Therapist
Contract with an approved NPA
District employee
- Districts may choose to contract with Shasta SELPA for special education services for a least a 5 year term beginning the 2018-19 school year.

Free Appropriate Public Education (FAPE)

The Act (IDEA) conditions that funding on compliance with certain statutory requirements, including the requirement that States provide every eligible child a “free appropriate public education,” or FAPE, by means of a uniquely tailored “individualized education program,” or IEP. 20 U. S. C. §§1401(9)(D), 1412(a)(1).

As outlined in the recent Supreme Court, March 2017 decision (*Endrew F. v. Douglas County School District*), a school must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.

Child Find

Child find activities are the responsibility of each district and occur prior to a referral for special education services. These activities are designed to locate individuals, birth through 21 years of age, including children not enrolled in public school programs as well as children who are homeless or wards of the state and reside in the district and may be eligible for and in need of special education and/or related services. Child find activities also foster awareness and understanding on the part of educators, parents and other community members of the referral procedures for special education, the eligibility criteria, and the continuum of special education

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programs and services available. Child find activities inform educators, community agencies, and parents/guardians of their right to refer their child for a special education assessment to determine eligibility and the need for special education services.

(E.C. § 56300 and 56301)

Examples of child-find activities include:

1. Media announcements regarding availability of special education services, as well as feature articles and stories regarding special education programs and opportunities;
2. Development of Interagency Agreements that clearly define child find responsibilities of participating agencies (e.g., Monterey County Behavioral Health, Head Start, and California Children's Services);
3. Annual orientation/review for general education staff, provided by special education staff, regarding the referral procedures for special education, the eligibility criteria, and the continuum of special education programs and services available;
4. Disability/Ability Awareness activities provided to both general education staff and students that include simulation activities, speakers, literature review, and instructional videos; and
5. Information regarding the referral process for special education included in the annual notice of procedural safeguards.

Pre-Referral Activities

A student shall be referred for special education and related services only after the resources of the general education program have been considered, and when appropriate, utilized. The Student Success Team (SST) is the usual venue for ensuring that all appropriate general education resources have been attempted prior to referral including response to intervention. It is not mandatory, however, for a student to go through the SST process before being referred to special education if pre-referral interventions have been attempted and can be documented. The SST or other appropriate staff will ensure and document that all appropriate general education resources have been exhausted before referring a student to special education.

Parents will be provided with a notice of procedural safeguards upon:

1. Initial Student Success Team meeting (SST), district will retain a copy
2. Initial referral or parental request for evaluation and annually thereafter; district will retain a copy
3. The first occurrence of the filing of a due process or compliance complaint;
4. When a decision is made to apply disciplinary action that constitutes a change in placement (suspension of more than 10 days or expulsion); and
5. Upon request by a parent or adult student.

(E.C. § 56301(d)(2))

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All referrals shall initiate the assessment process and shall be documented. When a verbal referral is made by a parent/guardian, staff shall assist the individual in making the request in writing. All referrals made by school staff shall be written and include a brief reason for the referral and documentation of the resources of the general education program that have been considered, modified and, when appropriate, the results of the intervention.

Legal Requirements

All children with disabilities residing in the state, including children who are homeless or wards of the state and children attending private schools, who are in need of special education and related services, shall be identified, located and assessed. Each SELPA shall establish written policies and procedures for initiating a referral for assessment to determine if a student is eligible and in need of special education services. Identification procedures shall include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professionals and from other members of the public. A pupil shall be referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.

(E.C. § 56303)

Examples of general education interventions prior to referral include the following:

1. Consultation with specialists and/or other staff; (e.g., Regional Placement and Resource Committee)
2. Implementation of Universal Design into the general program and/or accommodations for the student to facilitate access to core curriculum;
3. Utilization of general program resources, (e.g., counselors, MTSS, Title I resource programs; tutorials; English language development programs; migrant programs; reading interventions programs; 504 accommodation plans,);
4. Parent/guardian conferences; and
5. Referral to appropriate community agencies.

Flow Chart: Initial Referrals to Special Education

