



SPECIAL EDUCATION PROCEDURES MANUAL

This Procedures Manual ensures the implementation of special education services in Salt Lake City School District. It is to be used in coordination with the Utah State Board of Education Special Education Rules – October 2016 and the annual Special Education Quick Reference Guide. It is further to be used in coordination with the Utah State Office of Education Special Education Specific Learning Disabilities, Least Restrictive Behavioral Interventions, Caseload, and Graduation Guidelines. The manual will be revised yearly.

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I. GENERAL PROVISIONS

A. INTRODUCTION

This document represents a revision of the previous Salt Lake City School District ("SLCSD" or "District") Special Education Procedures Manual ("Manual"). Each school within the District, which is providing publicly funded education and related services to students with disabilities, must adhere to the policies and procedures outlined in this Manual.

This Manual facilitates the implementation of special education services in the District. It is to be used in coordination with:

1. Individuals with Disabilities Education Act, as amended ("IDEA").
2. Utah State Board of Education ("USBE") Special Education Rules ("USBE SER"), October 2016.
3. USBE Least Restrictive Behavioral Interventions ("LRBI") Technical Assistance ("TA") Manual, March 2016.
4. USBE Graduation Guidelines for Students with Disabilities, 2016.
5. USBE Extended School Year ("ESY") Services, 2012.
6. USBE's Transition Action Guide for Students with Disabilities and Team Members, 2015.
7. Guidance for Inclusion of English Language Learners with Disabilities in English Language Proficiency Assessments Under Titles I and III of the Elementary and Secondary Education Act of 1965, as amended ("ESEA").
8. SLCSD Board Policy S-12: Equal Educational Opportunities for Students with Disabilities, and its accompanying administrative procedures.

Further guidance can be found in federal and state guidance letters, memoranda, guidelines and manuals.

Note: Parenthetical section references throughout this document refer to 34 CFR unless otherwise indicated.

B. PURPOSES (§300.1)

The primary purposes of this Manual, consistent with USBE SER, and IDEA and its implementing federal regulations, are:

1. to ensure that all students with disabilities, ages 3 through 21, in SLCSO, including students with disabilities who have been suspended or expelled from school (§300.101(a)), and students who have not graduated from high school with a regular high school diploma (§300.302(a)(3)(iii)), have available to them a free and appropriate public education ("FAPE") that emphasizes special education and related services, as specified on their Individualized Education Program ("IEP") designed to meet their unique needs and prepare them for further education, employment, and independent living (§300.101(a), §300.302(a)(3)(iii).;
2. to ensure that the rights of students with disabilities and their parents are protected;
3. to ensure that SLCSO follows State standards that are established for the provision of a FAPE to students with disabilities, as defined in the USBE SER;
4. To assess and ensure the effectiveness of efforts to educate students with disabilities; and
5. to provide a system for SLCSO reimbursement for disabilities program costs authorized under the Utah school finance law.

C. APPLICABILITY (§300.2)

1. This Manual is applicable to all entities and personnel within SLCSO that are involved in the education of students with disabilities.
2. This Manual is binding on all entities and personnel within SLCSO that provide special education and related services for students with disabilities, regardless of whether that entity is receiving funds under Part B of IDEA.
3. SLCSO, in conformity with all USBE SER requirements, ensures that a FAPE is available to any individual student with a disability, ages 3-21, who needs special education and related services, including students with disabilities who have been suspended or expelled from school and students who are advancing from grade to grade. (§300.101(c)).
4. SLCSO is responsible for ensuring that the rights and protections contained in this Manual are given to students with disabilities referred to or placed in private schools and facilities by the District, or placed in private schools by their parents, when FAPE is at issue.

D. DEFINITIONS (§§300.4-.45)

SLCSO has adopted all definitions as found in USBE SER I.E.1-49. Refer to that section for the definitions of the terms used in this Manual.

E. BUDGET INFORMATION AND CATEGORIES

SLCSD provides detailed budget information and budget categories in its annual application for IDEA Part B funding that is submitted in the Utah Consolidated Application (“UCA”) to the USBE.

F. ASSURANCES

Students are admitted into SLCSD in accordance with SLCSD board policies and without discrimination due to of gender, gender identity, color, disability, national origin, sexual orientation, pregnancy, race, religion, or genetic information.

Assurances with regard to compliance with IDEA Part A and Part B, as well as the National Instructional Materials Accessibility Standard, and compliance with all other applicable federal laws are submitted to the USBE annually with the UCA.

G. GENERAL PROGRAM DESCRIPTIONS

SLCSD offers a variety of specialized services to eligible students to ensure that the unique needs of students with disabilities are met through appropriate additional services, supports, programs, specialized placements, or environments. Services are offered as consultation to classroom teachers, as well as through direct service to the student, and are provided in the appropriate, least restrictive environment. Special education programs and services are available at each school in the District.

However, some programs, which are less frequently required, are only available at strategically located schools throughout the District, and the District will transport students to those particular locations for specialized, intensive, remedial instruction.

Some of the various services and programs offered by SLCSD include: academic support, adaptive physical education, behavior analysis, assistive technology, audiological services, blind and partially sighted services, deaf and hard of hearing services, early childhood special education, emotional/behavioral support, modified curriculum, occupational therapy, physical therapy, resource, social skills groups, speech language services, transition services, and transportation.

All special education programs, in all grade levels, have the Utah Core Standards as their curriculum foundation.

In accordance with USBE SER, SLCSD requires all students with disabilities to access grade-level State Standards (or, if eligible, grade-level State Alternative Standards), and prohibits the development of other alternate or modified academic achievement standards.

H. FREE APPROPRIATE PUBLIC EDUCATION (“FAPE”) (§300.102)

SLCSD provides a FAPE to all eligible students in accordance with USBE SER, and IDEA and its implementing federal regulations.

USBE SER I.E.17 defines FAPE as special education and related services that:

1. are provided at public expense, under public supervision and direction, and without charge;
2. meet the standards of the USBE SER and Part B of the IDEA;
3. include preschool, elementary school, and secondary school education in Utah; and
4. are provided in conformity with an IEP that meets the requirements of Part B of the IDEA and USBE SER.

I. FULL EDUCATIONAL OPPORTUNITY GOAL (“FEOG”)

SLCSD hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education and/or related services under IDEA, the USBE SER, and this Manual. Services are provided between the ages of three and 22, and in accordance with all of the timeline requirements of the IDEA with respect to the identification, location, evaluation, and provision of a FAPE. The SLCSD also ensures all students with disabilities have access to grade-level State Standards, or for students with significant cognitive disabilities, the grade-level State Alternate Achievement Standards, (i.e., the Essential Elements).

J. Location of Special Education forms and Quick Reference Guide

SLCSD Department of Special Education Quick Reference Guide and the forms and documents referred to in this Manual are located in the Special Education Department SharePoint folder, accessible from the District’s web page: www.slcschools.org.

II. IDENTIFICATION, LOCATION, AND EVALUATION

SLCSD complies with the identification, location and evaluation procedures outlined in USBE SER II.A. Refer to that section for a complete description of the appropriate procedures to be followed.

Please see APPENDIX A for specific criteria and procedures for identifying, locating, referring and evaluating English Language Learners (“ELL”) for special education eligibility.

In accordance with USBE SER, SLCSO identifies, locates, and evaluates students ages three through 21 who reside within the District’s boundaries, as well as:

1. students attending private schools within the District’s boundaries;
2. students who are highly mobile;
3. students who have been suspended or expelled from school;
4. home schooled students;
5. students in state custody or care;
6. students in nursing homes;
7. students who have not graduated from high school with a regular high school diploma;
8. students who are suspected of being a student with a disability and who are in need of special education or special education and related services even though they are advancing from grade to grade, and regardless of the severity of the disability.

The District’s Child Find procedures include a practical method for determining which private school students may need or are eligible for special education and related services.

A. CHILD FIND SYSTEM (§300.109 and §300.111)

In accordance with USBE SER, SLCSO conducts the following activities to ensure that students suspected of having a disability are identified and located:

1. In identifying and locating students who are suspected of having a disability but have not been previously identified or determined eligible for special education and/or related services, SLCSO implements the following activities:
 - a. annual training for all school administrators on the Child Find obligation and how to be alert for observed behaviors and or concerns that suggest a suspected disability;
 - b. notice in all school main offices of the referral procedures if a student is suspected of having a disability;
 - c. notice on the Department’s website of the referral procedures and of the availability of services for eligible students with disabilities;
 - d. annual notice in District student handbook of the referral procedures and of the availability of services for eligible students with disabilities;
 - e. annual notice in local private preschools, elementary, middle, and high schools of the referral procedures, and of the availability of services for eligible students with disabilities;

- f. annual consultation with private schools concerning the identification of eligible students with disabilities; and
 - g. other community outreach efforts that contain information for parents regarding how to contact SLCSO if they suspect that their child may have a disability, such as monthly preschool screeners, letters sent to physicians, school newsletters and letter to community agencies.
2. SLCSO collaborates and coordinates with the Part C Early Intervention Provider (D.D.I.), through an interagency agreement. This interagency agreement is aligned with the USBE's transition from Part C to Part B statewide interagency agreement to ensure that students with disabilities are identified, located, evaluated, and have FAPE available by age 3, if eligible.
 3. Tracking of Child Find activities is done by each school's special education Local Educational Agency Administrator ("LEA"). Each LEA maintains a record of all Child Find activities conducted at their school.
 4. If a student is transferring to SLCSO, the enrollment documentation will ask whether the student has been receiving special education services and/or related services at his/her prior educational placement. If the answer is yes, the procedures outlined in section II.C. of this Manual must be followed.

B. REFERRAL

SLCSO complies with the referral requirements and procedures described in USBE SER II.B. Refer to that section for a complete description of the referral procedures to be followed.

In addition to the USBE SER, the District sets forth the following specific procedures:

1. When a parent, adult student, or staff member suspects a student may have a disability, the following referral procedures shall be implemented:
 - a. Once a request has been received or a staff member has identified a possible disability, classroom teachers shall gather essential information about the student's educational history and implement research-based and/or peer-reviewed academic and/or behavior interventions for the area of concern for a sufficient period of time. The information must be documented on the Initial Data Review Documentation form, which shall be reviewed by a school's Student Services Committee (SSC).
 - b. If a parent makes a referral for special education, it does not automatically trigger an initial evaluation. It does, however, trigger action to investigate the concern.
2. Before a teacher presents the concerns in the SSC meeting, a meeting should be held with the parents of the student to inform them of the school's concerns and afford them meaningful participation in the process.

3. Interventions may not be used to substantially delay an evaluation for eligibility if it is deemed necessary after consultation with the Department.
4. The SSC shall be responsible for determining if a referral for a comprehensive special education evaluation to assess the suspected areas of disability is warranted.
5. The completed Initial Data Review Documentation form, accompanying data, and the referral form shall be given to the LEA to review the existing data and determine if the referral should go forward with a comprehensive special education evaluation.
6. If it is decided that the evaluation should take place, the LEA will assign the resource teacher to serve as case manager to oversee/coordinate all areas to be assessed as part of the evaluation. The assigned staff member will complete all required forms, and inform the parents of the referral and proposed evaluation.
7. If a parent referral is not going to result in a full evaluation, including formal testing, the LEA, in collaboration with the Director of Special Education, will send the parent(s) a Written Prior Notice of refusal to take the action of conducting an evaluation.

C. PARENTAL CONSENT FOR EVALUATION (§300.300)

The SLCSO complies with the parental consent for evaluation requirements and procedures described in USBE SER II.C. Refer to that section for a complete description of the procedures to be followed when obtaining parental consent for evaluation.

In addition to the USBE SER, the District requires the following procedures:

1. Parents or adult students should be informed well before the school seeks to obtain written parental consent to evaluate that the school suspects their child may have a disability.
2. If the District is proposing to conduct an initial evaluation to determine if a student qualifies as a student with a disability, Written Prior Notice must be sent to the parent or adult student, and the informed consent from the parent or adult student consent must be obtained before the evaluation can be conducted. The child's parent or adult student must sign and return the Written Prior Notice and Consent for Evaluation/Re-Evaluation form.
 - a. The consent informs the parent or adult student that the evaluation is being proposed because:
 - i. the student is suspected of having a disability as defined by IDEA that affects his/her educational performance, and
 - ii. the student may be eligible for special education or special education and related services.
 - b. The consent form indicates the areas in which the evaluation team will conduct tests or administer other assessment tools to the student.

3. If the native language of the parents or adult student is other the English, an interpreter and/or translated documents must be used to obtain informed consent. The interpreter's signature is required on the Prior Notice and Consent for Evaluation/Reevaluation.
4. Consent for evaluation must not be construed as consent for provisions of special education services and/or related services.
5. Reasonable efforts to obtain parental or adult student consent shall be made and documented by the school. SLCSO follows the requirements of USBE SER II.C.5 with respect to parents or adult students who cannot be located.
6. Parental or adult student consent is not required before:
 - a. reviewing existing data as part of an evaluation or a reevaluation; or
 - b. administering a test or other evaluation that is given to all students (i.e., dibels, direct writing assessment, end-of-level assessments).
7. When conducting psychological evaluations, the parental or adult student consent requirements of Utah Code Ann. §53A-13-302 (Utah's FERPA) must be complied with.
8. A parent's or adult student's refusal to consent to one service or activity to cannot be used to deny the parent or student any other service, benefit, or District activity, except as required by USBE SER.

D. INITIAL EVALUATION (§300.301)

SLCSO complies the initial evaluation requirements and procedures described in USBE SER II.D. Refer to that section for a complete description of the initial evaluation procedures to be followed.

Please see APPENDIX A for specific criteria and procedures for identifying, locating, referring and evaluating ELL students for special education eligibility.

USBE SER and the District require the following:

1. When the signed parental or adult student consent or refusal of consent for evaluation is received at the school, the assigned case manager/resource teacher shall write the date it was received on the consent form to document the beginning of the timeline for the evaluation.
2. If parental or adult student consent is given, SLCSO will complete all evaluations within 45 school days of receiving the consent unless the initial evaluation was requested by DCFS, in which case it must be conducted within 30 calendar days (Utah Code Ann. §53A-15-304.5).
3. The timelines outlined above do not apply if:
 - a. the parent fails to produce the student for the evaluation; or
 - b. the student enrolls in SLCSO after the timeframe has started in a previous LEA (other school District or charter school).

4. In the instance where a student moves into SLCSO, an evaluation has been started by the previous educational agency, and the District may not be able to meet the 45-day timeline, the District must make sufficient progress to ensure the evaluation's prompt completion and enter into an agreement with the parent as to when the evaluation will be completed

E. SCREENING FOR INSTRUCTIONAL PURPOSES (§300.302)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. Results of screenings should be considered by the District for Child Find purposes.

F. EVALUATION PROCEDURES (§300.304)

SLCSO complies with the evaluation procedures described in USBE SER II.F. Refer to that section for a complete description of the evaluation procedures to be followed.

1. In conducting the evaluation, the IEP team must:
 - a. use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent or adult student, that may assist in determining:
 - i. whether the student is a student with a disability; and
 - ii. the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (or, for a preschool student, to participate in appropriate activities).
 - b. consider existing data on the student's educational performance. This shall include:
 - i. student records of grades;
 - ii. participation in Alternative Language Services programs, if appropriate;
 - iii. courses completed;
 - iv. statewide test results;
 - v. district-wide test results;
 - vi. classroom assessments;
 - vii. teacher interviews;
 - viii. previous exposure to formal education;
 - ix. notes in the student's cumulative file;
 - x. attendance and discipline records;
 - xi. vision and hearing screenings;

- xii. any health concerns that have been reported by the parents; and
 - xiii. any other available information;
 - c. summarize this information on the Initial Data Review Documentation form and any additional information placed inside the packet;
 - d. not use any single procedure as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student; and
 - e. use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. The District must consider the publication date and continued validity of assessments in use when new editions are published.
- 2. SLCS D ensures that assessments and other evaluation materials used to assess a student:
 - a. are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - b. are provided and administered in the student’s native language or other mode of communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
 - c. are selected to assess the specific areas of concern identified by the assessment/evaluation team, including the parent(s) or adult student;
 - d. are used for the purposes for which the assessments or measures are valid and reliable;
 - e. are selected and administered by trained and knowledgeable personnel based upon the specific assessment’s requirements; and
 - f. are administered and interpreted in accordance with any instructions and administrator requirements provided by the producer of the assessments and the *Standards for Educational and Psychological Testing* (AERA, APA, NCME, 2014).
 - i. SLCS D ensures and documents that all evaluators meet the assessment publishers’ administrator/interpreter/user requirements, (e.g., appropriate degree, higher education coursework in tests and measures, and supervised practice).
- 3. SLCS D ensures that:
 - a. assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;

- b. assessments are selected and administered to best ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure);
 - c. the administration of psychological testing and the evaluation or assessment of personal characteristics, such as intelligence (e.g., cognitive, IQ), personality, abilities, interests, aptitudes, and neuropsychological functioning are only administered and interpreted by personnel who have been trained and fully meet the administrator/interpreter/user qualifications of the test publisher (e.g., appropriate degree, higher education coursework in tests and measures, and supervised practica);
 - d. the student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
 - e. assessments of students with disabilities who transfer from one school District to another school District in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations;
 - f. in evaluating each student with a disability, the evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified; and
 - g. assessment tools and strategies provide relevant information that directly assists persons in determining that the educational needs of the student are provided.
4. The case manager shall oversee/coordinate all areas to be assessed. As part of the coordination, the case manager shall contact other evaluators who are trained to assess in specific areas, including but not limited to a Testing Compliance Manager (TCM), school psychologist, speech language pathologist, school nurse, occupational therapist, and/or physical therapist.

G. REEVALUATION PROCEDURES (§300.303)

SLCSD complies with the initial evaluation requirements and procedures described in USBE SER II.G. Refer to that section for a complete description of the re-evaluation procedures to be followed.

1. In general, SLCSD must ensure that a reevaluation of each student with a disability is conducted:
 - a. if it is determined that the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a reevaluation; or
 - b. if the student's parent or adult student or teacher requests a reevaluation.
2. In addition to the USBE SER procedures, the District requires the following:
 - a. In cases where the parent and the District seek to have a reevaluation conducted more than once in a year, the principal shall consult with the Department prior to consenting to a re-evaluation being conducted. If the District refuses to conduct a new re-evaluation in this circumstance, a Prior Written Notice letter will be sent to the parent providing the reason for the refusal and data to support the decision.
 - b. If the parent or adult student and the IEP team agree that a reevaluation is unnecessary, the team must document the data reviewed and used in an evaluation report (i.e., testing protocols and reports) and complete an eligibility determination (this is what SLCSD referred to as "moving data forward"). A decision to not perform a three-year reevaluation may only occur one time during the student's K-12 educational experience in the District. A new evaluation must be completed if the re-evaluation due date occurs between grades 7-9.
 - c. The Re-Evaluation Data Review form must be completed with copies of data (i.e., previous evaluation results, progress monitoring, behavior data, end-of-level assessment results, etc.) for all data reviewed, and a determination must be made if additional assessments are needed as part of the re-evaluation process. Data that has been used to determine that a student is eligible for services may not be used to determine that a student is no longer eligible for services and should not be included on the Re-Evaluation Data Review form.

H. ADDITIONAL REQUIREMENTS FOR INITIAL EVALUATIONS AND REEVALUATION PROCEDURES (§300.305)

SLCSD complies with the additional evaluation requirements and procedures described in USBE SER II.H. Refer to that section for a complete description of the additional evaluation procedures to be followed.

1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must:
 - a. Review existing evaluation data on the student, including:
 - i. evaluations and information provided by the parent(s) of the student or the adult student;
 - ii. current classroom-based, local, or State assessments, and classroom- based observations; and
 - iii. observations by teachers and related services providers.
 - b. On the basis of that review, and input from the student's parent(s) or the adult student, identify what additional data, if any, are needed to determine:
 - i. whether the student is a student with a disability and the educational needs of the student, or, in the case of a reevaluation of a student, whether the student continues to have such a disability, and the educational needs of the student;
 - ii. the present levels of academic achievement and related developmental needs of the student;
 - iii. whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
 - iv. whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student, and to participate, as appropriate, in the general education curriculum.
2. The IEP team and other qualified professionals, as appropriate, may conduct its review of existing data without a meeting.
3. The District must administer such assessments and other evaluation measures as may be needed to produce the data needed to determine continuing eligibility.
4. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the District must notify the student's parent(s) or adult student of:
 - a. that determination and the reasons for the determination; and
 - b. the right of the parent(s) or adult student to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs.

5. The District is not required to conduct the assessment for reevaluation described in USBE SER II.H.4.b unless requested to do so by the student's parent(s) or the adult student.
6. Evaluations before change in eligibility.
 - a. A District must evaluate a student with a disability before determining that the student is no longer a student with a disability.
 - i. The evaluation shall be in the areas identified on the original referral and shall include a variety of sources:
 - a.) previous evaluation results;
 - b.) evaluations and information provided by the parents of the student or adult student;
 - c.) current classroom-based assessments;
 - d.) District or State assessments;
 - e.) classroom-based observations;
 - f.) observations by teachers and related services providers;
 - g.) grades;
 - h.) attendance;
 - i.) data from participation in other programs such as Alternative Language Services ("ALS") programs;
 - j.) behavioral data; and
 - k.) other information regarding the student's current educational performance.
 - b. The evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law (i.e., age 22).
 - c. For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under State law, the District must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals.
 - d. SLCSO also requires that data that has been used to determine that a student is eligible for services may not be used to determine that a student is no longer eligible for services and may not be included on the Re-Evaluation Data Review form.
7. Parental or adult student consent is not required before (§300.300):
 - a. reviewing existing data as part of an evaluation or a reevaluation; or

- b. administering a test or other evaluation that is administered to all students, unless consent is required of parent(s) of all students before administration of that test or evaluation.
- 8. If a parent of a student or adult student who is homeschooled or placed in a private school by the parent(s) or adult student at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent or adult student fails to respond to a request to provide consent:
 - a. the District may not use the dispute resolution procedures provided in the Procedural Safeguards, and including mediation or due process procedures; and
 - b. the District is not required to consider the student as eligible for services.
- 9. To meet the reasonable efforts requirement of this section, the school administrator must document at least three (3) attempts to obtain parental or adult student consent.

I. DETERMINATION OF ELIGIBILITY (§300.306)

SLCSD complies with the determination of eligibility requirements and procedures described in USBE SER II.I. Refer to that section for a complete description of the appropriate procedures to be followed.

USBE SER and the District require the following:

- 1. Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals, which may include the principal, special education teacher, general education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, and others who have conducted parts of the evaluation, as appropriate; and the parent of the student or the adult student must hold a meeting to determine eligibility under Part B of the IDEA and USBE SER, including:
 - a. whether that student is a student with a disability; and
 - b. the educational needs of the student.
- 2. The parent or adult student must be provided with a copy of the evaluation report and the documentation of determination of eligibility.
- 3. A student must not be determined to be a student with a disability:
 - a. if the determinant factor for that determination is:
 - i. lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);
 - ii. lack of appropriate instruction in mathematics; or
 - iii. limited English proficiency; and
 - b. if the student does not otherwise meet the eligibility criteria.
- 4. Procedures for determining eligibility and educational need.

- a. In interpreting evaluation data for the purpose of determining if a student is a student with a disability and the educational needs of the student, the IEP team must:
 - i. draw upon information from a variety of sources, such as aptitude and achievement tests, parent or adult student input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
 - ii. ensure that information obtained from all of these sources is documented and carefully considered.
- b. The special education/case manager in collaboration with other members of the evaluation team shall summarize all of the results of the evaluation. This summary must be completed on the Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination form, which shall include eligibility criteria for the disability classification area most appropriate for the student's evaluation results (see Eligibility Categories, Definitions and Criteria section II.L).
- c. If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student within 30 calendar days.

J. CATEGORICAL DEFINITIONS, CRITERIA, AND ASSESSMENTS (§300.8)

SLCSD complies with the initial evaluation requirements and procedures described in USBE SER II.J. Refer to that section for a complete description of the criteria and evaluation procedures, by category, for determining eligibility for a student with disabilities under Part B of the IDEA.

In addition to the procedures outlined in USBE SER II.J., for each of the thirteen categories (i.e., Autism, Deafblindness, Developmental Delay, Emotional Disturbance, Hearing Impairment/Deafness, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Other Health Impairment, Specific Learning Disability, Speech Language Impairment, Traumatic Brain Injury, and Visual Impairment), the District has adopted additional procedures for the categories of Speech Language Impairment ("SLI") and Specific Learning Disability ("SLD").

- 1. For the SLD category, SLCSD has adopted the Combination method for determining a student's eligibility, which considers both the Response to Intervention (RtI) method and the Discrepancy method.

- a. Additionally, to clarify appropriate practice for a kindergarten student suspected of having an SLD, the IEP team should consider the young age, limited school experience, and developmental growth of the student before referring for special education.
- b. Referrals for other suspected disabilities (i.e., multiple disabilities, traumatic brain injury, visually impaired or blind, deaf or hard of hearing, autism, etc. may also occur in kindergarten but must follow the all procedures described in D – H above.
- c. School teams will use the current SLD problem solving rubric to determine probability of a specific learning disability. If appropriate, data will be collected and considered in the following nine areas;
 - i. benchmark data;
 - ii. class peer comparison;
 - iii. progress monitoring data;
 - iv. intervention tier level to attain progress;
 - v. SAGE or District end of level assessment;
 - vi. achievement standardized test score;
 - vii. Relative Proficiency Index or RPI;
 - viii. Pattern of Cognitive strengths and weaknesses; and
 - ix. discrepancy.
- d. The process for the use of the SLD problem solving rubric is located in APPENDIX B.

III. IEP DEVELOPMENT AND SERVICE DELIVERY

A. INDIVIDUALIZED EDUCATION PROGRAM (“IEP”)

SLCSD will implement the following policies and procedures to address the IEP requirements of USBE SER III.I-U.

Please see APPENDIX A for specific criteria and procedures for identifying, locating, referring and evaluating ELL students for special education eligibility.

B. WHEN IEPs MUST BE IN EFFECT (§300.323)

SLCSD complies with the initial evaluation requirements and procedures described in USBE SER II.D. Refer to that section for a complete description when an IEP must be effect.

USBE SER and the District require the following:

- 1. At the beginning of each school year, an IEP must be in effect for each student with a disability within the District’s boundaries.

- a. If an IEP is overdue, the current school's IEP team must schedule and conduct an IEP meeting within three weeks from the first day of the current school year.
2. A meeting to develop an IEP for a student is conducted within 30 calendar days of a determination that the student needs special education and related services; and as soon as possible following development of the IEP, special education and related services are made available to the student in accordance with the student's IEP.
3. Each student's IEP must be:
 - a. accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation; and
 - b. provided to each teacher and provider, and s/he must be informed of:
 - i. his/her specific responsibilities related to implementing the student's IEP; and
 - ii. the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

C. TRANSFER STUDENTS (§300.323)

SLCSD complies with the transfer student requirements and procedures described in USBE SER III.C. Refer to that section for a complete description of the transfer procedures to be followed when students are transferring within Utah and from out of State.

Guidance for students who transfer from another school District, and includes an In-State and Out-of-State Transfer Student Checklist for schools to use in accordance with USBE SER.

D. SLCSD RESPONSIBILITY FOR IEP MEETINGS

1. SLCSD is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability ages 3 through 21, consistent with USBE SER.
2. A meeting to develop an IEP for an eligible student must be conducted within 30 calendar days of a determination that a student needs special education and related services (§300.323(c)(1)).

E. IEP TEAM MEMBERSHIP (§300.321)

SLCSD complies with the initial evaluation requirements and procedures described in USBE SER III.E. Refer to that section for a complete description of the requirements related to IEP team membership.

Please see APPENDIX A for specific criteria and procedures for identifying, locating, referring and evaluating ELL students for special education eligibility.

USBE SER and the District require that an IEP team for each student with a disability include:

1. the parent(s) of the student or the adult student;
2. not less than one general education teacher of the student (if the student is, or may be, participating in the general education environment);
3. not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
4. an LEA who:
 - a. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 - b. is knowledgeable about the general education curriculum; and
 - c. is knowledgeable about the availability of District resources;
 - i. An LEA may designate another member of the IEP team to also serve as the LEA representative, if the above criteria are satisfied.
5. an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in this section;
6. at the discretion of the parent or adult student or the LEA, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
7. whenever appropriate, the student with a disability.
 - a. The determination of knowledge or special expertise of any individual described in Section 6 above must be made by the party (parent(s) or adult student or administrator) who invited the individual to be a member of the IEP team.
 - b. If a purpose of the IEP team meeting is consideration of the postsecondary goals for the student, and the transition services needed to assist the student in reaching those goals, the IEP team must invite the student with a disability to attend the student's IEP meeting. If the student does not attend the IEP meeting, the LEA must take other steps to ensure that the student's preferences and interests are considered.

- c. To the extent appropriate, with the written consent of the parent(s) or adult student, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
8. Signatures on an IEP denote participation of IEP team members in the development of the IEP.

F. IEP TEAM ATTENDANCE (§300.321)

SLCSD complies with the IEP team attendance requirements and procedures described in USBE SER III.F. Refer to that section for a complete description of the appropriate actions to be followed when a required IEP team member is not going to attend the IEP meeting.

G. PARENT PARTICIPATION (§300.322)

SLCSD complies with the parent participation requirements and procedures described in USBE SER III.G. Refer to that section for a complete description of the parent participation procedures to be followed.

With regard to parent participation, USBE SER and the District require that:

1. Steps must be taken to ensure that one or both of the parents of a student with a disability or the adult student are present at each IEP meeting or are afforded the opportunity to participate, including:
 - a. notifying parent(s) or adult student of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. scheduling the meeting at a mutually agreed-on time and place.
2. If the parent(s) or adult student cannot attend, other methods must be used to ensure participation of the parent(s) or the adult student, including individual or conference telephone calls. The parent(s) of a student with a disability or the adult student and the IEP team/school may agree to use alternative means of meeting participation, such as video conferences and conference calls (§300.328).
3. A meeting may be conducted without a parent or the adult student in attendance if the parent(s) or the adult student are unable to be convinced that they should attend. In this case, a record must be kept in the student's special education file of at least three (3) attempts to arrange a mutually agreed-on time and place, such as:
 - a. detailed records of telephone calls made or attempted and the results of those calls;
 - b. copies of correspondence sent to the parent(s) or adult student and any responses received; and

- c. detailed records of visits made to the parent's or adult student home or place of employment and the results of those visits.
- 4. Whatever action is necessary to ensure that the parent(s) or adult student understands the proceedings of the IEP team meeting must be taken, including arranging for an interpreter for parent(s) or adult student with deafness or whose native language is other than English.
 - a. Under Utah Code Ann. §53A-26a-301, an individual is required to be certified as an interpreter if that individual provides interpreter services, unless they meet the exemptions included in Utah Code Ann. §53A-26a-305.
- 5. The parent(s) of a student with a disability or adult student are participants along with school personnel in developing, reviewing, and revising the IEP for their student. This is an active role in which the parent(s) or adult student:
 - a. provide critical information regarding the strengths of the student and express their concerns for enhancing the education of the student;
 - b. participate in the discussion of the student's need for special education and related services, and supplementary aids and services; and
 - c. join with other participants in deciding how the student will be involved and progress in the general curriculum, how the student will participate in State- and District-wide assessments, and what services the District will provide to the student and in what setting.
- 6. The parent(s) or adult student must be provided a copy of the student's IEP at no cost to the parent(s) or adult student.

H. NOTICE OF MEETING (§300.322)

SLCSD complies with the Notice of Meeting requirements and procedures described in USBE SER II.H. Refer to that section for a complete description of the requirements.

USBE SER and the District require that:

- 1. The notice of meeting required to be provided to the parent(s) or adult student must:
 - a. indicate the purpose, time, and location of the meeting and who will be in attendance;
 - b. inform the parent(s) or adult student of the provision for participation of other individuals who have knowledge or special expertise about the student on the IEP team; and
 - c. inform the parent(s) that at their request the Part C service coordinator or other representatives of the Part C system may be invited to participate at the initial IEP team meeting for a student previously served under Part C of the IDEA.

2. All communication with parent(s), guardian(s), or an adult student whose native language is other than English must be done with either written material that has been translated into the parent or adult student's native language or through an interpreter verbally to ensure that the parent(s) and/or adult student have a complete understanding of the purpose of the meeting, its time, and location.
3. For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP team, the IEP notice of meeting also must:
 - a. indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student;
 - b. indicate that the student will be invited; and
 - c. identify any other agency that will be invited, with parental or adult student consent, to send a representative.
4. When conducting IEP team meetings and placement meetings and carrying out administrative matters, the parent(s) of a student with a disability or adult student and the IEP team/school may agree to use alternative means of meeting participation such as video conferences and conference calls (§300.328).

I. DEVELOPMENT, REVIEW, AND REVISION OF THE IEP (§300.324)

SLCSD complies with the initial evaluation requirements and procedures described in USBE SER III.I. Refer to that section for a complete description of the development, review and revision of IEP procedures to be followed.

For each section below, USBE SER and this District require the following:

1. Development, review, and revision of the IEP.
 - a. In developing each student's IEP, the IEP team must consider:
 - i. the strengths of the student;
 - ii. the concerns of the parent(s) or adult student for enhancing the education of the student;
 - iii. the results of the initial or most recent evaluation of the student; and
 - iv. the academic, developmental, and functional needs of the student.
 - b. The IEP team, in conducting a meeting to develop, review and, if appropriate, revise a student's IEP, must consider the following special factors:
 - i. in the case of a student with limited English proficiency (LEP), consider the language needs of the student as those needs relate to the student's IEP;

- ii. in the case of a student who is blind or visually impaired, provide for instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the student;
 - a.) Prior to determining whether a blind student should use braille as the primary reading mode, the student's IEP team must be provided (through pertinent literature or discussions with competent braille users and educators, or both) with detailed information about the use and efficiency of braille as a reading medium, in order to make an informed choice as to the student's primary reading mode (Utah Code Ann. §53A-25a- 103).
- iii. in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
- iv. consider whether the student needs assistive technology devices and services in school and on a case-by-case basis, in a student's home or other setting; and
- v. in the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavior interventions and supports, and other strategies, to address that behavior.
 - a.) When making decisions on behavior interventions, the IEP team must refer to the *USBE Least Restrictive Behavior Interventions (LRBI) Technical Assistance (TA) Manual* for information on research-based intervention procedures.
 - b.) Emergency safety interventions may only be included in an IEP as a planned intervention when the IEP team agrees that less restrictive means which meet circumstances in Utah Admin. Code R277-608 have been attempted, a functional behavior assessment ("FUBA") has been conducted, and a positive behavior intervention plan ("BIP") based on data analysis has been developed

- and implemented (Utah Admin. Code R277- 609).
- c.) The purpose of the *LRBI TA Manual* related to the use of positive behavior supports and behavior interventions in schools is to:
 - 1.) protect the safety and well-being of all students;
 - 2.) provide protection for students, teachers, other school personnel, and Districts; and
 - 3.) ensure that parent(s) or adult students are involved in the consideration and selection of behavior interventions to be used.
 - d.) When an emergency situation occurs that requires the immediate use of an emergency safety intervention to protect the student or others from harm, the staff shall comply with requirements in Utah Admin. Code R277-609 with regards to time limitations and parental or adult student notification.
 - e.) As appropriate, the student should receive a FUBA and behavior intervention services and modifications that are designed to address the behavior (§300.530(d)(1)(ii)).
- c. If, in considering the special factors described above, the IEP team determines that a student needs a particular device or services for educational purposes (including an intervention, accommodation, or other program modification) in order for the student to receive a FAPE, the IEP team must include a statement to that effect in the student's IEP.
2. A general education teacher of a student with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development of the IEP of the student, including the determination of:
 - a. appropriate positive behavior interventions and supports and other strategies for the student; and
 - b. supplementary aids and services, program modifications, and support for school personnel consistent with the IEP.
 3. Changes to the IEP.
 - a. In making changes to a student's IEP after the annual IEP team meeting for a school year, the parent(s) of a student with a disability or adult student and the school administrator may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP.
 - b. Amendments to the IEP without a team meeting may be made only with the agreement of school administrator and the parent or adult student.

- c. All changes made to an annual IEP (either through an IEP meeting or the amendment process) must be documented using the IEP Addendum form.
 - d. Amendments that include minor changes in the amount of a special education or related service, a minor change of location, or a goal change that is the next logical step forward or backwards and is based on the student's progress may be made without an IEP team meeting. Amendments to IEPs must be based on student need and not due to availability of resources.
 - e. If the amendment involves a move on the continuum of Least Restrictive Environment placement options or the amount of services is significantly changed or a significant service is to be added or eliminated, an IEP Team meeting must be held.
 - f. A copy of each addendum written during the annual IEP period is attached to the front of the annual IEP. A revision to the IEP does not change the IEP annual timeline date.
 - g. Upon request, the parent(s) or adult student must be provided with a revised copy of the IEP with the amendments incorporated.
 - h. If changes are made to the student's IEP through the amendment process, the student's IEP team must be informed of those changes.
 - i. To the extent possible, the LEA must encourage the consolidation of reevaluation meetings and other IEP team meetings for the student (§300.324(a)(5)).
4. Review and revision of the IEP.
- a. The IEP team must:
 - i. review the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved;
 - ii. review the student's IEP at least annually.
 - a.) Case managers should begin preparation for the annual IEP meeting to allow for sufficient time to contact all required members of the IEP team, reschedule the meeting, if necessary, and gather and assemble all current reports of progress to ensure that the IEP is completed within the required IDEA timeline.
 - iii. revise the IEP, as appropriate, to address:
 - a.) any lack of expected progress toward the annual goals in the IEP and in the general education curriculum, if appropriate;
 - b.) the results of any reevaluation;
 - c.) information about the student provided to, or by, the parent(s) or adult student;

- d.) the student's anticipated needs; or
 - e.) other matters.
5. In conducting a review of the student's IEP, the IEP team must consider the special factors in USBE SER III.I.1.b.
 6. A general education teacher of the student, as a member of the IEP team, must participate in the review and revision of the IEP of the student, if the student is or may be participating in the general education classroom.

J. DEFINITION OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) (§300.320)

SLCSD complies with the IEP requirements described in USBE SER III.J. Refer to that section for a complete description of the required IEP contents.

USBE SER and the District require that the IEP include:

1. a statement of the student's present levels of academic achievement and functional performance ("PLAAPF"), including:
 - a. how the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same grade-level curriculum as for non-disabled students); or
 - b. for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities; and
 - c. for students who are blind, the results obtained from a braille-related or braille skills assessment (Utah Code Ann. §53A-25a-104);
2. a statement of measurable annual goals, including academic and functional goals designed to:
 - a. meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the grade-level general education curriculum; and
 - b. meet each of the student's other educational needs that result from the student's disability;
3. for eligible students with significant cognitive disabilities who will participate in grade-level alternate achievement standards (i.e., Essential Elements):
 - a. Notification to the parent(s) or adult student that the student's academic achievement will be measured through an assessment of the grade-level Utah alternate achievement standards, and how participation in such alternate achievement assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma; and
 - b. a description of benchmarks or short-term objectives for each annual goal;
4. a description of:

- a. how the student’s progress toward meeting the annual IEP goals will be measured; and
 - b. when periodic reports to the parent(s) or adult student on the progress the student is making toward meeting the annual IEP goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- 5. a statement of the special education and related services and supplementary aids and services (including assistive technology), based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:
 - a. to advance appropriately toward attaining the annual goals;
 - b. to be involved in and make progress in the grade-level general education curriculum, and to participate in extracurricular and other nonacademic activities; and
 - c. to be educated and participate with other similar-aged students with disabilities and non-disabled students in the activities described in this section;
- 6. an explanation of the extent, if any, to which the student will not participate with similar-aged non-disabled students in the general education environment and in the activities described in this section;
- 7. a statement of:
 - a. any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on all grade-level State- and District-wide assessments; and
 - b. if the IEP team determines that the student must take an alternate assessment instead of a particular general State- or District-wide assessment of student achievement, a statement of why:
 - a.) the student cannot participate in the general assessment; and
 - b.) the particular alternate assessment selected is appropriate for the student; and
- 8. the projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications;
- 9. a statement of school to post-school transition services.
 For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP must include:
 - a. appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills; and

- b. the transition services (including courses of study) needed to assist the student in reaching those goals; and
- 10. notification of transfer of rights at age of majority;
 - a. beginning not later than one year before the student reaches the age of majority (age 18 in Utah) the IEP must include a statement that the student has been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority. The transfer of rights also occurs upon notification to the LEA that a student has married or become emancipated before age 18.
- 11. Nothing in this section shall be construed to require that additional information be included in a student's IEP beyond what is explicitly required in Section 614 of Part B of the IDEA, or require the IEP team to include information under one component of a student's IEP that is already contained under another component of the student's IEP.
- 12. IEP teams should discuss and address, if appropriate, student participation in not only the grade-level Core Standards, but other general education activities and courses (e.g., health and maturation, suicide prevention), as well as the Statewide Online Education Program or other online, distance, blended, or competency-based courses, as well as courses taken through Career and Technical Education (CTE) programs and concurrent enrollment. Students with disabilities may require special education and related services and accommodations for equitable participation, in conjunction with Part B of the IDEA, USBE SER, Utah Admin. Code R277-418, R277-713, and R277-726.

K. IEP AND SERVICES FOR PRESCHOOL STUDENTS AGES THREE THROUGH FIVE

SLCSD complies with the IEP and services requirements and procedures described in USBE SER III.K. related to preschool students ages three through five. Refer to that section for a complete description of the requirements and appropriate procedures to be followed.

L. PHYSICAL EDUCATION (§300.108)

SLCSD complies with the physical education requirements and procedures described in USBE SER III.L. Refer to that section for a complete description of the requirements and procedures to be followed.

M. ASSISTIVE TECHNOLOGY (§300.105 and Utah Admin. Code R277-495)

SLCSD complies with the assistive technology requirements and procedures described in USBE SER III.M.

USBE SER and the District require that assistive technology devices or assistive technology services, or both, must be made available to a student with a disability if required as a part of the student's:

1. special education;
2. related services;
3. supplementary aids and services; or
4. on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP team determines that the student needs access to those devices in order to receive a FAPE.

N. EXTENDED SCHOOL YEAR (ESY) SERVICES (§300.106 and Utah Admin. Code R277-751)

SLCSD complies with ESY services requirements and procedures described in USBE SER III.N. Refer to that section for a complete description of the ESY procedures to be followed.

SLCSD also complies with the USBE standards for ESY services outlined in Utah Admin Code. R277-751 and the ESY Services Technical Assistance Manual (October 2012).

For clarification, in implementing the an ESY program, SLCSD may not:

1. limit extended school year services to particular categories of disability, age, or grade level;
2. unilaterally limit the type, amount, or duration of those services; or
3. limit data consideration by IEP teams to only an analysis of regression and recoupment.
4. All forms related to ESY can be found in the document center in Sharepoint.

O. CHARTER SCHOOLS AND THEIR STUDENTS (§300.209)

To the extent required, SLCSD complies with the charter school requirements and procedures described in USBE SER III.O. Board authorized charter schools should refer to that section for a complete description of the requirements and procedures to be followed.

P. LEAST RESTRICTIVE ENVIRONMENT (LRE) (§300.114)

SLCSD complies with the LRE requirements and procedures described in USBE SER III.P. Refer to that section for a complete description of the LRE procedures to be followed.

USBE SER and the District require that:

1. to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities (e.g., nursing homes), are educated with similar-aged students who are nondisabled; and
2. special classes, separate schooling, or other removal of students with disabilities from the general educational environment occurs only if the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.
 - a. In the case of a student who is deaf or hearing impaired, consideration of a special class or school may be the least restrictive environment in that it provides opportunities for direct communication and instruction in the student’s language and communication mode with professional personnel and peers.
3. LRE provisions apply to transition programs and placement.
4. A District funding mechanism must not result in placements that violate the LRE requirements of USBE SER III.P–S.

Q. CONTINUUM OF ALTERNATIVE PLACEMENTS (§300.115)

SLCSD complies with the continuum of alternative placements requirements and procedures described in USBE SER III.Q. Refer to that section for a complete description of those requirements.

SLCSD ensures that continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services.

1. The continuum required must:
 - a. include the following alternative placements for instruction:
 - i. general classes;
 - ii. special classes;
 - iii. special schools;
 - iv. home instruction; and
 - v. instruction in hospitals and institutions; and
 - b. make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with general class placement.

R. PLACEMENTS (§300.116)

SLCSD complies with the placement requirements and procedures described in USBE SER III.R. Refer to that section for a complete description of the requirements and procedures to be followed.

Please see APPENDIX A for specific criteria and procedures for identifying, locating, referring and evaluating ELL students for special education eligibility.

In determining the educational placement of a student with a disability, including a preschool or transition-aged student with a disability, USBE SER and SLCSD require that:

1. the placement decision:
 - a. is made by a group of persons, including the parent(s) or adult student and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
 - b. is made in conformity with the LRE provisions above;
2. the student's placement:
 - a. is determined at least annually;
 - b. is based on the student 's IEP; and
 - c. is as close as possible to the student 's home;
3. unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled;
4. in selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs; and
5. a student with a disability is not removed from education in age-appropriate general classrooms solely because of needed modifications in the general education curriculum.

S. PARENTAL INVOLVEMENT IN PLACEMENT DECISIONS (§300.327 and §300.501)

SLCSD complies with the parental involvement in placement decisions requirements and procedures described in USBE SER III.S. Refer to that section for a complete description of the requirements and procedures.

USBE SER and the District require that:

1. the parent(s) of each student with a disability or adult student must be members of any group that makes decisions on the educational placement of the parent's student or the adult student (USBE SER IV.B);
2. in implementing this requirement, the procedures for parent or adult student involvement in placement decisions must be consistent with those used for parent participation in IEP meetings. (See, Section III.G.);

3. if neither parent or the adult student can participate in a meeting in which a decision is to be made relating to the educational placement of the student, other methods must be used to ensure their participation, including individual or conference telephone calls or video conferencing; and
4. a group may make a placement decision without the involvement of the parent(s) or adult student if the school administrator is unable to obtain either parent's or adult student's participation in the decision. In this case, the IEP team must have a record of at least three (3) attempts to ensure their involvement.

T. PARENTAL CONSENT FOR SERVICES (§300.300)

SLCSD complies with the parental consent for services requirements and procedures described in USBE SER III.T. Refer to that section for a complete description of the requirements and procedures.

USBE SER and the District require that:

1. informed consent from the parent(s) of the student or adult student must be obtained before the initial provision of special education and/or related services to the student with a disability;
 - a. *Consent* means that the parent(s) or adult student understands that the granting of consent is voluntary on the part of the parent or adult student and may be revoked at any time (§300.9).
2. reasonable efforts must be made to obtain informed consent from the parent(s) or adult student for the initial provision of special education and related services to the eligible student with disabilities;
3. if the parent(s) of a student or adult student fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the SLCSD:
 - a. is not required to convene an IEP team meeting or develop an IEP for the student for the special education and related services for which the District requests such consent.
4. at any time, subsequent to the initial provision of special education and related services, the parent(s) or adult student may accept some services offered on the IEP and refuse other services (e.g., refuse reading services but accept math and speech language services):
 - a. In such instances, the refused service should be crossed off the IEP and the parent or adult student should initial and date that the service is refused.
 - b. Additionally, the school should inform the special education consultant assigned to the school, who will mail a Refusal of Service letter to the parents or adult student.

- c. Such parental or adult student refusal of a specific service on an IEP relieves the District from their FAPE responsibility for the service refused.
5. if, at any time subsequent to the initial provision of special education and related services, the parent(s) of a student or adult student revokes consent in for the continued provision of all special education and related services:
- a. the request to revoke all special education services must be in writing, addressed to the Director of Special Education;
 - b. the District may not continue to provide special education and related services to the student, but must provide Written Prior Notice in accordance with USBE SER IV.D before ceasing the provision of special education and related services;
 - i. the District is not required to convene an IEP team meeting or develop an IEP for the student for the special education and related services for which the District requests such consent (§300.300);
 - c. the Director of Special Education shall mail a Prior Written Notice letter and a Revocation of Services form with a self-addressed return envelope informing the parents or adult student of their rights and the entitlements under the IDEA that they are revoking:
 - i. the student must remain in special education until the Revocation of Services form is signed and returned by the parents or adult student to the Director of Special Education;
 - ii. when the signed Revocation of Services form is received by the Director of Special Education, the school shall be informed and the student's special education services will end; and
 - d. if a parent or adult student revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

**U. NONACADEMIC SETTINGS AND EXTRACURRICULAR ACTIVITIES
(§300.117 and Utah Code Ann. §53A-15-303.5)**

SLCSD complies with the nonacademic settings and extracurricular activities requirements and procedures described in USBE SER III.U. Refer to that section for a complete description of the requirements and procedures.

USBE SER and the District require that:

1. in providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities in USBE SER III.V, SLCSO must ensure that each student with a disability participates with nondisabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of that student;
2. each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings; and
3. a student with disabilities (under the age of 20 who has not graduated from high school with a regular high school diploma, whose IEP team recommends participation) may not be denied the opportunity of participating in public school programs or extracurricular activities solely because of the student's age, unless the participation threatens the health or safety of the student. The school District or charter school, in cooperation with the Utah Department of Health, shall establish criteria used to determine the health and safety factor (Utah Code Ann. §53A-15-303.5).

V. NONACADEMIC SERVICES (§300.107)

SLCSO complies with the nonacademic services requirements and procedures described in USBE SER III.V. Refer to that section for a complete description of the requirements and procedures.

1. USBE SER and the District require that steps be taken, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.
2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the District and assistance in making outside employment available.

IV. PROCEDURAL SAFEGUARDS: DUE PROCESS PROCEDURES FOR PARENT(S) AND STUDENTS (IDEA SUBPART E)

Consistent with the requirements of Part B of the IDEA and USBE SER, SLCSO has established, and will maintain and implement Procedural Safeguards for students with disabilities and their parent(s) or adult students.

A. PARENTAL OPPORTUNITY TO EXAMINE RECORDS AND PARTICIPATE IN MEETINGS (§300.501)

SLCSO complies with the parental rights requirements and procedures described in USBE SER IV.A.

In accordance with that section, the parent(s) of a student with a disability or adult student must be afforded, an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of the student and the provision of a FAPE to the student.

B. PARENT PARTICIPATION IN MEETINGS (§300.501)

SLCSO complies with the parent participation requirements and procedures described in USBE SER IV.B. Refer to that section for a complete description of the requirements and procedures.

1. USBE SER and the District require that the parent(s) of a student with a disability or adult student must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the student and the provision of a FAPE to the student. Notice must be provided to ensure that parents of students with disabilities or adult students have the opportunity to participate in meetings.
2. A meeting does not include informal or unscheduled conversations involving District personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that District personnel engage in to develop a proposal or a response to a parent or adult student proposal that will be discussed at a later meeting.
3. A parent of each student with a disability or adult student must be a member of any group that makes decisions on the educational placement of the parent's student, including notifying the parent(s) or adult student of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed-on time and place (§300.322(a)).

4. The notice of meeting must indicate the purpose(s), time, and location of the meeting, who will be in attendance, and inform the parent(s) or adult student of their right to bring other individuals who have knowledge or special expertise about the student (§300.322(b)).
5. If neither parent or the adult student can participate in a meeting in which a decision is to be made relating to the educational placement of the student, other methods must be used to ensure their participation, including individual or conference telephone calls or video conferencing.
6. A placement decision may be made by a group without the involvement of a parent or adult student if the school administrator is unable to obtain the parent(s) or adult student's participation in the decision. In this case, the school administrator must have a record of at least three (3) attempts to ensure their involvement.

C. INDEPENDENT EDUCATIONAL EVALUATION ("IEE") (§300.502)

SLCSD complies with the IEE requirements and procedures described in USBE SER IV.C. Refer to that section for a complete description of the IEE requirements and procedures to be followed.

D. WRITTEN PRIOR NOTICE (§300.503)

SLCSD complies with the Written Prior Notice requirements and procedures described in USBE SER IV.D. Refer to that section for a complete description of the requirements and procedures to be followed.

USBE SER and SLCSD require the following:

1. Written Prior Notice must be given to the parent(s) of a student with a disability or adult student a reasonable time before the District:
 - a. proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student; or
 - b. refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student.
2. The notice required must include:
 - a. a description of the action proposed or refused by the District;
 - b. an explanation of why the District proposes or refuses to take the action;
 - c. a description of each evaluation procedure, assessment, record, or report used as a basis for the proposed or refused action;

- d. a statement that the parent(s) of a student with a disability or adult student have protection under the Procedural Safeguards of Part B of the IDEA 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;
 - e. sources for the parent(s) or adult student to contact to obtain assistance in understanding the provisions of Part B of the IDEA;
 - f. a description of other options that the IEP team considered and the reasons why those options were rejected; and
 - g. a description of other factors that are relevant to the proposal or refusal.
3. The notice must be:
- a. written in language understandable to the general public; and
 - b. provided in the native language of the parent or adult student or other mode of communication used by the parent or adult student, unless it is clearly not feasible to do so.
 - i. If the native language or other mode of communication of the parent or adult student is not a written language, steps must be taken to ensure that:
 - a.) the notice is translated orally or by other means to the parent or adult student in his/her native language or other mode of communication;
 - b.) the parent or adult student understands the content of the notice; and
 - c.) there is written evidence that the requirements have been met.

E. PROCEDURAL SAFEGUARDS NOTICE (§300.504)

SLCSD complies with the initial evaluation requirements and procedures described in USBE SER IV.E. Refer to that section for a complete description of the requirements and procedures to be followed.

- 1. USBE SER and the District require that a copy of the Procedural Safeguards available to the parent(s) of a student with a disability or adult student be given to the parent(s) or adult student only one time a year, except that a copy also must be given to the parent(s) or adult student:
 - a. upon initial referral or parent or adult student request for evaluation;
 - b. upon receipt of the first State complaint or a due process complaint in that school year; and
 - c. upon request by a parent or adult student.
- 2. A current copy of the Procedural Safeguards notice is available on the Department's website.

3. The Procedural Safeguards notice must include a full explanation of all of the Procedural Safeguards relating to:
 - a. independent educational evaluations;
 - b. Written Prior Notice;
 - c. parental or adult student consent;
 - d. access to educational records;
 - e. the opportunity to present and resolve complaints through the State IEP facilitation, mediation, due process complaint or State complaint procedures, including the time period in which to file a complaint;
 - f. the opportunity for the District to resolve the complaint, and the difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
 - g. the availability of IEP facilitation and mediation;
 - h. the student's placement during pendency of hearings on due process complaints;
 - i. procedures for students who are subject to placement in an interim alternative educational setting ("IAES");
 - j. requirements for unilateral placement by parent(s) of students or by adult students in private schools at public expense;
 - k. hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
 - l. State-level appeals;
 - m. civil actions, including the time period in which to file those actions; and
 - n. attorneys' fees.
4. The notice required must be in language understandable to the parent(s) or adult student.
5. A parent of a student with a disability or adult student may elect to receive notices by an electronic mail communication, if the District makes that option available (§300.505).

F. PARENTAL CONSENT (§300.300)

SLCSD complies with the initial evaluation requirements and procedures described in USBE SER IV.F. Refer to that section for a complete description of the evaluation procedures to be followed.

1. Informed written parental or adult student consent must be obtained prior to conducting an initial evaluation or reevaluation to determine if a student qualifies or continues to qualify as a student with a disability.
2. Parental or adult student consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

3. Reasonable efforts must be made to obtain the informed consent from the parent or adult student for an initial evaluation or reevaluation to determine whether the student is a student with a disability.
4. For initial evaluations only, if the student is a ward of the State and is not residing with the student's parent, the District is not required to obtain informed consent from the parent(s) for an initial evaluation to determine whether the student is a student with a disability if:
 - a. despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent(s) of the student;
 - b. the rights of the parent(s) of the student have been terminated in accordance with State law; or
 - c. the rights of the parent(s) to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.
5. If the parent(s) of a student or adult student enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation, or the parent(s) or adult student fails to respond to a request to provide consent, the District may, but is not required to, pursue the evaluation of the student by utilizing the mediation or due process procedures in Rules IV.H–R.
6. Informed parental or adult student consent for reevaluation need not be obtained if the District can demonstrate that:
 - a. it made reasonable efforts to obtain such consent; and
 - b. the student's parent or the adult student has failed to respond.
7. To meet the reasonable efforts requirement to obtain informed parental or adult student consent, such efforts must be documented and may include detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parent(s) or adult student and any responses received, and detailed records of visits made to the parent's or adult student's home or place of employment and the results of those visits.
8. When conducting psychological evaluations, the District must comply with the parental or adult student consent requirements of Utah Code Ann. §53A-13-302 (Utah FERPA).
9. Parental or adult student consent for services.
 - a. The District must obtain informed consent from the parent of the student or adult student before the initial provision of special education and related services to the student.
 - b. The District must make reasonable efforts to obtain informed consent from the parent(s) or adult student for the initial provision of special education and related services to the student.

- c. If the parent(s) of a student or adult student fails to respond to a request to provide consent for the initial provision of special education and related services or refuses to consent to the initial provision of services, the District:
 - i. may not use the mediation or due process procedures in Rules IV.H–R in order to obtain agreement or a ruling that the services may be provided to the student;
 - ii. will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which the District requests consent; and
 - iii. is not required to convene an IEP team meeting or develop an IEP for the student.
- 10. Other consent requirements.
 - a. Parental or adult student consent is not required before:
 - i. reviewing existing data as part of an evaluation or a reevaluation; or
 - ii. administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required for all students.
 - b. A parent's or adult student's refusal to consent to one service or activity may not be used to deny the parent or student any other service, benefit, or activity:
 - i. unless parent(s) or the adult student revoke consent for special education and related services or refuse consent for initial placement, disagreements regarding the provision of IEP services should be resolved by the IEP team and result in a completed IEP which includes all components necessary for the provision of FAPE (Also see Rule III.T.4 and §300.300); or
 - ii. dispute resolution options remain available.
- 11. If a parent of a student or adult student who is homeschooled or placed in a private school by the parent(s) or adult student at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent or adult student fails to respond to a request to provide consent:
 - a. the District may not use the dispute resolution procedures provided in the Procedural Safeguards, and including mediation or due process procedures; and
 - b. the District is not required to consider the student as eligible for special education and related services.

12. The granting of consent is voluntary on the part of the parent(s) or adult student and it may be revoked at any time. If a parent or adult student revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

G. DISPUTE RESOLUTION PROCEDURES (§§300.151-153, §§300.506-508, §300.510-518, and Utah Code Ann. §53A-15-305)

SLCSD complies with the dispute resolution requirements and procedures described in USBE SER IV.G-U. Refer to those sections for a complete description of the dispute resolution procedures to be followed, including procedures related to State Complaints, Mediation, Due Process Complaints, Resolution Process, Impartial Due Process Hearings, Civil Actions, Attorney's Fees, and a student's status during a dispute resolution proceeding.

H. SURROGATE PARENTS (§300.519)

SLCSD complies with the surrogate parent requirements and procedures described in USBE SER IV.V. Refer to that section for a complete description of the requirements and procedures to be followed in order to assign a surrogate parent for a student when:

1. the parent cannot be identified or cannot be located;
2. the parent's rights to make educational decisions has been taken away by a court;
3. the student is a ward of the State; or
4. the student is an unaccompanied homeless youth under the age of majority.

I. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY (§300.520)

SLCSD complies with the transfer of parental rights requirements and procedures described in USBE SER IV.W. Refer to that section for a complete description of the procedures to be followed.

1. Beginning not later than the student's seventeenth birthday, parents must be informed that the parent's rights under Part B of the IDEA will transfer to the student on reaching age 18.

- a. This transfer of rights will occur at age 18, except for a student with a disability who has been determined to be incompetent under State law (in which case a court will determine when, if ever, those rights will transfer), the student with a disability marries or becomes emancipated (in which case the transfer of rights occurs upon the marriage or emancipation), or the student is incarcerated in an adult or juvenile State or local correctional institution (in which case the transfer of rights occurs upon incarceration).
2. The transfer of rights notice required by Part B of the IDEA must be provided to both the individual and the parent(s).
3. When a transfer occurs, all rights accorded to parents under Part B of the IDEA transfer to the student.
4. The case manager shall review the Notice to Parents and Students Regarding Age of Majority Rights form with the parents and obtain the parent's signature at the 10th grade year IEP meeting to ensure that parents are fully informed of this transfer of rights when their child turns 18.

J. CONFIDENTIALITY (§300.610 and Utah Admin. Code R277-487)

SLCSD complies with the confidentiality requirements and procedures described in USBE SER IV.X.

SLCSD takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the District pursuant to Part B of the IDEA and Utah Admin. Code R277-487.

1. Access rights (§300.613).
 - a. Schools must permit parents or adult students to inspect and review any education records relating to their student or themselves that are collected, maintained, or used by the District. Such requests must be complied with without unnecessary delay and before any meeting regarding an IEP, or any hearing or resolution session, and in no case more than 45 calendar days after the request has been made.
 - b. The right to inspect and review education records under this section includes:
 - i. the right to a response from the District/school to reasonable requests for explanations and interpretations of the records;
 - ii. the right to request that the District/school provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent or adult student from exercising the right to inspect and review the records; and

- iii. the right to have a representative of the parent or adult student inspect and review the records.
 - c. A school may presume that the parent(s) or adult student has authority to inspect and review records relating to his/her student unless the school has been advised that the parent(s) does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.
- 2. Record of access (§300.614).
 - a. A record of access of all individuals (except access by the parents or adult student and authorized employees of the District) shall be recorded on the front of the student's special education folder. The record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to review the records.
- 3. Records on more than one student (§300.615):
 - a. If any education record includes information on more than one student, the parent(s) of those students or the adult students have the right to inspect and review only the information relating to their student or themselves or to be informed of that specific information.
- 4. List of types and locations of information (§300.616).
 - a. On request, the District/school must provide parents or adult students with a list of the types and locations of education records collected, maintained, or used by the District/school.
- 5. Fees (§300.617).
 - a. The District/school may charge a fee for copies of records that are made for parent(s) or adult students under Part B of the IDEA if the fee does not effectively prevent the parent(s) or adult students from exercising their right to inspect and review those records.
 - b. The District/school may not charge a fee to search for or to retrieve information under Part B of the IDEA.
- 6. Amendment of records at parent(s)' request (§300.618).
 - a. A parent or adult student who believes that information in the education records collected, maintained, or used under Part B of the IDEA or USBE Special Education Rules is inaccurate or misleading or violates the privacy or other rights of the student may request that the Director of Special Education amend the information.
 - b. The Director of Special Education will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

- c. If the Director of Special Education decides to refuse to amend the information in accordance with the request, s/he must inform the parent or adult student of the refusal and advise the parent(s) or adult student of the right to a hearing on the matter.
- 7. Opportunity for a hearing (§300.619).
 - a. Upon request, the District will provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. This hearing is not an IDEA due process complaint/hearing.
- 8. SLCSD complies with USBE SER IV.X.11-12 outlining the hearing procedures (§300.620 and §300.621).
- 9. Consent to Release Information (§300.622).
 - a. Except as to disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR 99, parental or adult student consent must be obtained before personally identifiable information is:
 - i. disclosed to anyone other than officials of participating agencies collecting or using the information under Part B of the IDEA or USBE SER; or
 - ii. used for any purpose other than meeting a requirement of Part B of the IDEA or USBE SER.
 - b. The District/school may not release information from education records to participating agencies without parental or adult student consent unless authorized to do so by 34 CFR 99.31 and 99.34 (FERPA):
 - i. Regulation 34 CFR 99.31 allows the disclosure of personally identifiable information from the education records of a student without the written consent of the parent(s) of the student or adult student, if the disclosure is:
 - a.) to other school officials, including teachers within the District who have been determined by the District/school to have legitimate educational interests.
 - b.) to officials of another school or school site in which the student seeks or intends to enroll, subject to the requirements set forth in 34 CFR 99.34 as outlined below.
 - ii. Regulation 34 CFR 99.34 requires that an educational institution transferring the education records of a student pursuant to 34 CFR 99.34 above shall make a reasonable attempt to notify the parent of the student or adult student of the transfer of records at the last known address of the parent or adult student, except that the District does not have to provide any further notice of

the transfer of records when:

- a.) the transfer is initiated by the parent(s) or adult student at the sending educational institution;
- b.) the District includes in its annual notice of Procedural Safeguards, that it is the policy of the District to forward education records on request to a school in which a student seeks or intends to enroll; and
- c.) the District must keep a copy of the records for three years after its transfers any records.

10. Safeguards for Information (§300.623).

- a. The District/school protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- b. One official at each school must assume responsibility for ensuring the confidentiality of any personally identifiable information.
- c. All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures in this section and 34 CFR 99.
- d. Each school must maintain, for public inspection, a current listing of the names and positions of those employees within the LEA who may have access to personally identifiable information on students with disabilities.

11. Destruction of information (§300.624).

- a. The District will inform parent(s) or adult student when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. The procedures for destruction of special education records are included in the annual Special Education Quick Reference Guide.
- b. The information no longer needed must be destroyed at the request of the parent(s) or adult student. However, a permanent record of a student's name, address, phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
- c. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three years after the student graduates or three years after the student turns 22 under IDEA. Medicaid requires that records be maintained for at least five years after the provision of services.

12. Students' rights (§300.625).
 - a. The rights of privacy afforded to parent(s) are transferred to the student who reaches the age of 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated.
 - b. Under the regulations for FERPA at 34 CFR 99.5(a), the rights of parent(s) regarding education records are transferred to the student at age 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated.
 - c. Because the rights accorded to parents under Part B of the IDEA are transferred to a student who reaches the age of 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated, the rights regarding educational records must also be transferred to the student. However, the District/school must provide any notice required under Section 615 of Part B of the IDEA to the student and the parent(s).

V. DISCIPLINE PROCEDURES (§300.530)

A. DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES

In accordance with the requirements of Part B of the IDEA and USBE SER, SLCSO has established, maintains, and implements the following policies and procedures for disciplining students with disabilities.

B. AUTHORITY OF SCHOOL PERSONNEL

SLCSO complies with the requirements and procedures described in USBE SER V.B. relating to the authority of school personnel to discipline students. Refer to that section for a complete description of the evaluation procedures to be followed.

1. When a student begins to display a pattern of difficult behavior, IEP teams should use the LRBI-technical assistance manual for conducting FUBAs, writing BIPs, planning interventions and programming to support students. The manual can be found at <http://www.schools.utah.gov/sars/Behavior/ManualWeb.aspx>.
2. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates a code of student conduct.

3. School personnel may remove a student with a disability who violates a code of student conduct from his/her current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than ten consecutive school days (to the extent those alternatives are applied to students without disabilities), and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
4. After a student with a disability has been removed from his/her current placement for ten school days in the same school year, during any subsequent days of removal the District must provide services to the extent required.
5. For disciplinary changes in placement that would exceed ten consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities, except after the tenth day of removal that constitutes a change in placement, the District must provide services to the student.

C. SERVICES

SLCSD complies with the service requirements and procedures described in USBE SER V.C. Refer to that section for a complete description of the evaluation procedures to be followed.

1. A student with a disability who is removed from the student's current placement must:
 - a. continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
 - b. receive, as appropriate, a functional behavior assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.
2. The services may be provided in an IAES.
3. The District is only required to provide services during periods of removal to a student with a disability who has been removed from his/her current placement for ten school days or less in that school year if it also provides services to a student without disabilities who is similarly removed.

4. After a student with a disability has been removed from his/her current placement for ten school days in the same school year, if the current removal is for not more than ten consecutive school days and is not a change of placement, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.
5. If the removal is a change of placement, the student's IEP team determines appropriate services to be provided during the removal.

D. CHANGE OF PLACEMENT DUE TO DISCIPLINARY REMOVALS (§300.536)

SLCSD complies with the change of placement due to disciplinary removal requirements and procedures described in USBE SER V.D. Refer to that section for a complete description of the requirements and appropriate procedures to be followed.

1. For purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs if:
 - a. the removal is for more than ten consecutive school days; or
 - b. the student has been subjected to a series of removals that constitute a pattern:
 - i. because the series of removals total more than ten school days in a school year;
 - ii. because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - iii. because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.
2. The IEP team determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

E. MANIFESTATION DETERMINATION (§300.530)

SLCSD complies with the manifestation determination requirements and procedures described in USBE SER V.E. Refer to that section for a complete description of the requirements and procedures to be followed.

1. Within ten school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the District, the parent or adult student, and relevant members of the student's IEP team (as determined by the parent or adult student and the District) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent(s) or adult student to determine:
 - a. if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
 - b. if the conduct in question was the direct result of the school's failure to implement the IEP.
2. The conduct must be determined to be a manifestation of the student's disability if the District, the parent or adult student, and relevant members of the student's IEP team determine that the misconduct was caused by or had a direct and substantial relationship to the student's disability, or was the direct result of the LEA's failure to implement the IEP.
3. If the District, the parent or adult student, and relevant members of the student's IEP team determine that the misconduct was the direct result of the school's failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.
4. If the District, the parent(s) or adult student, and relevant members of the IEP team make the determination that the conduct was a manifestation of the student's disability, the IEP team must either:
 - a. conduct a FUBA, unless the District had conducted a FUBA before the behavior that resulted in the change of placement occurred, and implement a BIP for the student; or
 - b. if a BIP has already been developed, review the BIP, and modify it, as necessary, to address the behavior; and
 - c. unless the misconduct falls under the definition of special circumstances in Rule V.E.5, return the student to the placement from which the student was removed, unless the parent or adult student and the District/school agree to a change of placement as part of the modification of the BIP.
5. Special circumstances.
 - a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - i. carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the District;

- ii. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or
- iii. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District.

F. PROCEDURAL SAFEGUARDS NOTICE

On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the District must notify the parent(s) or adult student of that decision, and provide the parent(s) or adult student the Procedural Safeguards notice

G. DETERMINATION OF SETTING (§300.531)

The student's IEP team determines the IAES for services if the behavior that gives rise to the removal is not a manifestation of the student's disability, the removal constitutes a change of placement, or the behavior falls under the special circumstances in USBE SER V.E.5.

H. APPEALS BY PARENT OR LEA (§300.52 and §300.533)

When the parent(s) of a student with a disability or adult student disagrees with any decision regarding placement or the manifestation determination, or the District believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the due process hearing complaint procedures outlined in USBE SER V.H-I must be followed.

I. PROTECTIONS FOR STUDENTS NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES (§300.534)

SLCSD complies with the protection requirements and procedures described in USBE SER V.J. Refer to that section for a complete description of the requirements and procedures to be followed.

J. REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES (§300.535)

SLCSD complies with the criminal reporting requirements and procedures described in USBE SER V.K. Refer to that section for a complete description of the proper procedures to be followed when reporting a crime committed by a student with a disability.

VI. STUDENTS WITH DISABILITIES IN OTHER SETTINGS

A. PRIVATE SCHOOL PLACEMENTS BY LEAs (§300.325)

SLCSD complies with the requirements and procedures described in USBE SER VI.A. when the District places or refers a student to a private school or facility. Refer to that section for a complete description of the appropriate procedures to be followed.

B. STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENT(S) IN PRIVATE SCHOOLS WHEN FAPE IS NOT AN ISSUE (UNILATERAL PLACEMENT) (§300.130)

SLCSD complies with the requirements and procedures described in USBE SER VI.B. when parents unilaterally place a student to a private school or facility. Refer to that section for a complete description of the appropriate procedures to be followed.

C. STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENT(S) IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE (§300.148)

SLCSD complies with the requirements and procedures described in USBE SER VI.C. when students with disabilities are enrolled in a private school by their parent(s) because of disagreement about the provision of FAPE. Refer to that section for a complete description of the appropriate procedures to be followed.

D. STUDENTS WITH DISABILITIES ENROLLED IN HOMESCHOOL

SLCSD complies with the requirements and procedures described in USBE SER VI.D. with regard to locating, identifying, evaluating, and providing services for homeschooled students within its boundaries. Refer to that section for a complete description of the appropriate procedures to be followed.

E. STUDENTS WITH DISABILITIES ENROLLED IN ADULT EDUCATION

1. Students with disabilities enrolled in Adult Education remain entitled to special education and related services until determined no longer meeting eligibility criteria, graduate with a regular high school diploma, or reach maximum age (i.e., age 22).
2. The responsibility for FAPE for students with disabilities enrolled in Adult Education classes remains with the school District of residence.

F. STUDENTS WITH DISABILITIES ENROLLED IN VIRTUAL SETTINGS

1. Students with disabilities enrolled in public education virtual settings remain entitled to special education and related services until determined no longer meeting eligibility criteria, graduate with a regular high school diploma, or reach maximum age.
2. The responsibility for FAPE for students with disabilities enrolled in public education virtual settings remains with the District of enrollment, unless USBE rule specifies otherwise.

VII. TRANSITIONS

SLCSD complies with the relevant transition requirements and procedures described in USBE SER VII. Those procedures cover the following topics:

1. Transition from Part C to Part B of the IDEA (USBE VII.A.);
2. Transition Services – School to Post-School (USBE VII.B.);
3. Graduation (USBE VII.C. and Utah Admin. Code R277-705); and
4. Termination of Services upon Reaching Age 22 (USBE VII.D. and Utah Code Ann. §53A-15-301).

Information needed to conduct meaningful transition planning will be a collaborative process involving the case manager and high school's Transition and Compliance Coach, the student, and parents. When needed, outside agencies will be part of the transition planning process.

Please refer to the appropriate section for a complete description of the requirements and procedures to be followed.

VIII. DISTRICT RESPONSIBILITIES

A. PARTICIPATION IN ASSESSMENTS AND REPORTING OF ASSESSMENT RESULTS

All students enrolled in the District, including students with disabilities, participate in the statewide testing program and school-wide testing. Participation requirements in the USBE Assessment Participation and Accommodation Policy, which is updated annually, shall be followed for students with disabilities.

The IEP team shall determine how a student with disabilities will participate and accommodations needed, if any.

B. PUBLIC PARTICIPATION IN POLICIES AND PROCEDURES DEVELOPMENT

This Manual, as well as any future changes to the contents, are placed on the Consent Agenda of the SLCSB Board of Education for review and approval in a public meeting. The agenda for board meetings are posted prior to each meeting as required by State law.

C. PUBLIC POSTING OF USOE MONITORING RESULTS

Results from Utah's Results Driven Accountability and Program Improvement Planning System are posted on the USBE website annually, or as required by law or rule.

D. METHODS OF ENSURING SERVICES

SLCSB ensures that each eligible student with a disability enrolled in a District school receives the services included in the IEP through a systematic process of IEP reviews, and monitoring of service delivery by District personnel and contracted service providers.

E. SUPERVISION

All SLCSB personnel are supervised by appropriately qualified staff members who meet the USBE's Educator Quality Standards for licensure in Utah.

F. USE OF PART B FUNDS

SLCSD complies with the requirements and procedures described in USBE SER IX.B. in ensuring the appropriate use of funds under Part B of the IDEA. This includes following the requirements for students with disabilities who are covered by public benefits or insurance. SLCSD also participates in the single audit process required by State law which includes an audit of IDEA funds. Refer to Section IX.B. for a complete description of the requirements and procedures to be followed.

G. COORDINATED EARLY INTERVENING SERVICES (“CEIS”)

SLCSD complies with the CEIS requirements and procedures described in USBE SER IX.C. Refer to that section for a complete description of the evaluation procedures to be followed

H. PERSONNEL STANDARDS

1. All special education and related services personnel in the District shall meet the educator licensing requirements of the USBE for the positions in which they work, as described in the USBE Rules IX.D and IX.H.
2. All SLCSD personnel necessary to carry out Part B of the IDEA shall be appropriately and adequately prepared and endorsed, subject to the requirements related to personnel qualifications and Section 2122 of the Elementary Secondary Education Act, as well as 34 C.F.R. §300.156, Utah Admin. Code R277-504, -506, -510, -520, and -524.
3. If SLCSD utilizes paraeducators to carry out Part B of the IDEA, the District will ensure that they are appropriately trained and supervised, and utilized in accordance with the USBE Paraeducator Standards.

I. PERFORMANCE GOALS AND INDICATORS IN THE STATE PERFORMANCE PLAN

In accordance with the USBE continuous improvement monitoring system, USBE will review the District’s performance on a variety of pre-identified areas and indicators that cover both compliance and student outcomes/results. SLCSD will comply with the USBE’s directives and objectives identified in the State Performance Plan (e.g. Program Improvement Plan (“PIP”) and USBE Annual Performance Report (“APR”)), and, if necessary, correct all areas of noncompliance.

J. PROVISION OF ADDITIONAL DATA

SLCSD will provide all information and data to USBE, which USBE may require in order to meet federal requirements. Such information may include: suspension and expulsion rates, LRE environments, disproportionality data, and any other information deemed necessary by the USBE.

K. CASELOAD GUIDELINES TO ENSURE PROVISION OF FAPE

SLCSD refers to the USBE Special Education Caseload Guidelines in overseeing the caseload of each special educator (including psychologists, social workers, speech language pathologists, occupational therapists, physical therapists, adapted P.E. specialists, and any other related service providers). The caseload of each special educator shall not prevent the District from ensuring that a FAPE is available to all eligible students with disabilities.

L. ROUTINE CHECKING OF HEARING AIDS AND EXTERNAL COMPONENTS OF SURGICALLY IMPLANTED MEDICAL DEVICES (§300.13)

1. Hearing aids. SLCSD ensures that hearing aids worn in school by students with hearing impairments, including deafness, are functioning properly.
2. External components of surgically implanted medical devices.
 - a. Subject to USBE SER IX.G.2.b, SLCSD ensures that the external components of surgically implanted medical devices are functioning properly.
3. For a student with a surgically implanted medical device who is receiving special education and related services, SLCSD is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

M. EDUCATOR LICENSE REQUIREMENTS (Utah Admin Code R277-504, -506, -520)

SLCSD complies with the educator license requirements and procedures described in USBE SER IX.H. Refer to that section for a complete description of the requirements.

1. Professionals providing services to students with disabilities must hold a Utah Professional Educator License or Endorsement in the area in which they provide services. This includes special education teachers, speech/language pathologists, school psychologists, school social workers, and other professionals.

2. Physical and occupational therapists must hold appropriate Utah licensure.
3. The SLCSD Superintendent of Schools shall be responsible for the evaluation of the appropriateness of licenses and endorsements when assigning staff members.

Refer to the USBE Teaching, Leadership, and Paraeducator Standards for additional guidance.

N. PURCHASE OF INSTRUCTIONAL MATERIALS IN ACCESSIBLE FORMATS (§300.210)

SLCSD complies with the purchase of instructional materials in accessible formats requirements and procedures described in USBE SER IX.I. Refer to that section for a complete description of the requirements, including those related to coordinating with the National Instructional Materials Access Center ("NIMAC") for the purchase of instructional materials.

O. PROVISION OF USBD CLASS SPACE (Utah Code Ann. §53A-17a-11.5)

If applicable, SLCSD will provide the Utah Schools for the Deaf and the Blind classroom space in accordance with USBE SER IX.J. Refer to that section for a complete description of the requirements related to this topic.

IX. APPENDIX A – Referral, Evaluation and Eligibility of English Language Learners (“ELL”)

A. Child Find Procedures for English Language Learners

1. A student is considered an English Language Learner (“ELL”) if during the registration process a parent or guardian indicates that another language other than English is spoken in the home. The student is automatically added to the Primary Home Language Other than English (“PHLOTE”) list, and begins the process of having the English language fluency measured by the WIDA test and, if eligible, receives English Language Development (“ELD”) services.

B. Initial Evaluation of ELL

1. If school personnel or parent suspects that an ELL student may have a disability, the concerns regarding the student should be presented to the SCC, just as with other students suspected of having a disability.
2. The procedures outlined in the sections II.D. of this Manual must be followed. However, due to the complexity and nuance of determining how language acquisition and possible disability interact in the planning of interventions, evaluation and eligibility determination, the following additional steps must also be taken.
 - a. The amount of time that a student has participated in ELD services must be considered in determining possible interventions.
 - i. Students who are ELL and who have had less than one school year of Alternative Language Services (“ALS”), or who are entering school with no previous educational experience should be referred for a special education evaluation only after the following criteria have been considered:
 - a.) objective data supports the possibility of a disability that impacts speech-language development (e.g. severe/profound disabilities, cleft lip/palate, hearing impairment, orthopedic impairment, traumatic brain injury);
 - b.) educators can rule out the potential influence of limited English, culture, economics, and/or environmental issues as the basis for the referral;
 - c.) interventions, instructional strategies, and program options specific to the student’s education needs have been provided within a response to intervention model, for a sufficient period of time, and the ELL has been unsuccessful in demonstrating growth;

- d.) a peer analysis has been completed, indicating that the ELL is indeed exhibiting atypical performance compared to his/her ELL peer group; and
 - e.) parents are able to provide information that indicates that the child was delayed/disordered in acquisition of their first language.
- 3. If a student is an ELL and is receiving ALS, including daily ELD, the following must occur and be considered:
 - a. The most recent version of the ALS packet (ALS Summary Form and completed Parent Interview form, January 2016) must be completed by the student's teacher and ALS Coordinator/ELD provider for any student who is an ELL. This form must be completed before an evaluation can be considered, but it is recommended that it be used by the SSC committee throughout the process to guide and document the process. If a student is found eligible for special education services and/or related services, the form becomes part of the pre-referral documentation. If the student is determined to be ineligible for special education services and/or related services, copies of the form should be in the student's DNQ folder and the ALS section of their cumulative folder.
 - b. The length of time that an ELL student has received ALS (newcomers, ESL classes, English Language Development, bi-lingual classes) and the student's language level must be considered by the SSC prior to referring the student for a special education evaluation. Data of student progress in ALS should be documented.
- 4. The ALS coordinator or the student's ELD teacher must be a member of the student services team when an ELL student is being presented. Their attendance should be documented in the SSC minutes. A school psychologist must be involved in every ELL referral to determine eligibility for special education services. In addition, the speech language pathologist must be an additional member of the evaluation team if the team suspects that the student may have a language disability in both L1 and L2.
- 5. Information and data regarding the student's progress in English Language acquisition must also be presented, documented and considered as the committee determines appropriate interventions in the area of concern indicated by the teacher.
- 6. The parent interview may be used at any time during the pre-referral or referral process. An interpreter should be used when appropriate to allow for full understanding of a student's level of functional and development in their first language. Specific questions on the interview allow for school teams to have a deeper understanding of the impact of language and culture on a student. The information gathered during the interview will also provide to data to support evidence of a possible disability in the native language.

7. Schools shall use research based interventions to target the area of concern for the ELL student. Language acquisition must be considered when planning and implementing interventions. Interventions that are heavily language based and could possibly yield data that describes a student's language acquisition and not a possible disability are inappropriate and should not be considered.
8. The SCC is responsible for determining and documenting when interventions have not been successful and the student's difficulties in the area of concern are not due to issues related to English language acquisition. The LEA, ALD coordinator/ELD teacher and school psychologist must participate in the decision and confirm that all documentation, progress monitoring, the ALS Summary form, parent interview, and At-Risk Documentation form are completed with proper signatures.

C. Evaluation procedures for ELL students

1. Procedures in section II.C. of this Manual should be followed to obtain written consent for evaluation. The purpose for the evaluation and possible outcomes must be presented to parent(s) and or guardian(s) in an understandable language through translated documents or by an interpreter.
2. When an ELL student is referred for an evaluation to determine eligibility for special education services, the following steps will be followed:
 - a. WIDA: If student is an ELL, the WIDA is administered and oral language, literacy, comprehension, and overall scale scores are reported in the ALS form; and
 - b. ALS FORM: If the overall WIDA score is 4 or below, the form will indicate that referred student will undergo standardized language proficiency testing in his native to the extent it is feasible to do so.
3. Spanish-Speaking ELLs.
 - a. The Woodcock-Munoz Language Proficiency Testing – Revised will be administered and scores will be obtained for oral language, reading, and writing in both English and Spanish.
 - i. If student is fluent in English (Broad English Ability CALP score of 4 or higher), the IEP team may recommend to conduct cognitive and achievement evaluation in English only.
 - ii. If student is fluent in Spanish (Broad Spanish Ability score of 4 or higher), the IEP team may recommend conducting cognitive and achievement evaluation in Spanish using standardized measures such as the Bateria III Pruebas de Habilidades Cognitivas and Pruebas de Aprovechamiento
 - iii. Dual immersion, consideration must be given for students who may be participating in dual immersion programs and receiving instruction in two languages.

- iv. If a student's Munoz score does not measure as fluent in either English or Spanish, the IEP team may recommend conducting a nonverbal assessment of cognitive abilities. Achievement testing will be conducted in English using standardized measures such as the WJ-IV Tests of Achievement if student has consistently been educated in English; however, results obtained will need to be interpreted cautiously and in conjunction with other data including but not limited to:
 - a.) response to intervention;
 - b.) educational history;
 - c.) benchmark data;
 - d.) interim scores; and
 - e.) parent interview.
4. ELL students who speak languages other than Spanish.
- a. If a student does not receive a score of 4 on the WIDA and does not speak Spanish, one of two courses of action will be used to ascertain their level of fluency in their first language:
 - i. the Bilingual Verbal Ability Test (BVAT) is available in 17 languages plus English. It measures the language fluency in those 17 languages;
 - ii. the use of interpreters for a structured interview and the Qualitative Examination of Language Proficiency Form to determine fluency levels for ELL students in their first language.
 - b. If a student is determined to be fluent in English, they will be evaluated in English in accordance with the criteria set forth in 3.a.i.
 - c. If a student is determined to be fluent in their first language and testing in that language is feasible, they will be evaluated in that language in accordance with the criteria set forth in 3.a.ii.
 - d. If a student is determined to not be fluent in either their first language or in English or it is not feasible for the district to test them in their first language, the IEP team may recommend conducting a nonverbal assessment of cognitive abilities. Achievement testing will be conducted in English using standardized measures such as the WJ-IV Tests of Achievement if the student has consistently been educated in English. The results will need to be interpreted with the same cautions as outlined in 3.a. iv.
5. Qualifications of staff to administer tests.
- a. All standardized testing will be administered according to the guidelines put forth and approved by the psychometrics who have published the test to protect reliability and validity of results.
 - b. All staff testing students using standardized measures will be trained and supervised by a school psychologist.

- c. Bilingual testers will be used whenever feasible and must also meet the requirements set forth by the test publishers.
- d. All staff involved with testing ELL students will be required to participate yearly in training regarding sensitivity to language and culture to allow for the best possible results from ELL students.

D. Eligibility procedures for ELL students

- 1. After testing has been concluded, the IEP team will meet and determine whether or not the student is eligible for services, and in what category, as outlined in the USBE SER and IDEA.
- 2. The IEP team should include all of the members as outlined in section III.E. of this manual. The ELD teacher/ALS coordinator who has knowledge of the student's language and culture and its impact on the evaluation should also be part of the IEP team. A school psychologist will also be present to discuss the validity and reliability determinations on the report. If the team is aware of additional persons who may be able to speak to the impact of the student's language and culture, they can be invited to participate in the meeting.
- 3. The team will summarize all evaluation information on the Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination form. The form used in the pre-referral process also becomes part of the information used to determine eligibility. In the evaluation summary, the following will be reported:
 - a. the linguistic and cultural background of the student and an analysis of the impact on the student's learning including, the student's WIDA score, ELD progress, the parent interview and language fluency in their first language and English;
 - b. how the above impacted the evaluation plan for the student and what measures were used and why and whether or not anything in the evaluation was altered to the extent that validity of results could be impacted;
 - c. any statements regarding the caution that should be used in the interpretation of results; and
 - d. other forms of data that support the interpretation of the result of the evaluation including curriculum based measures, RTI data, behavioral and academic observations.

E. IEP development for ELL students

- 1. IEP development for ELL students should follow the same guidelines as outlined in the USBE SER and in section III.I. of this Manual.
- 2. In addition to those guidelines, the following should also be in place:

- a. The ALS coordinator/ELD teacher will be part of the IEP team.
 - b. In the Special Factors section of the IEP, the team should check the box indicating that the student has "special language needs because he/she is a Limited English Proficient student" and, after consideration of those needs during the IEP meeting, check the box that those needs will be addressed in the IEP. This documents that the team is aware and has considered the student's language needs in the development of the IEP.
3. In the PLAAFP statement, the teacher will indicate that the student is an ELL student, list their WIDA score and state where the student will receive the ELD services, either within the special education setting or in the general education ELD setting. Every effort will be made for students to access the general education ELD services, however, individual IEP teams will determine where the student would best access those services based on the documented nature of the student's disability. All ELL students with disabilities will receive both ELD services and all special education and related aids and services they are eligible for. Student with disabilities' ELD services will be provided by a properly credentialed ESL endorsed teacher regardless of where they are given.
 4. A student's language and culture must be considered when developing IEP goals and services to address a student's disability.

F. Placement for ELL students

SLCSD follows all guidelines for student placement as outlined in the USBE SER section III.R.

In addition to the guidelines in the USBE SER the following must be considered when IEP teams are making placement decisions regarding ELL students.

1. All placement decisions will be made based on a variety of data, including the level of direct and related services required to meet the needs of the student, existing records, results of pre referral interventions, progress monitoring of current interventions and services, curriculum based measures, formal and informal measures, observations, and work samples.
2. IEP teams will ensure that the analysis of the data collected to determine placement considers the impact of the student language proficiency and culture on the data being considered.

X. APPENDIX B – EVALUATION AND ELIGIBILITY FOR SPECIFIC LEARNING DISABILITY (“SLD”)

The Purpose of this section is to provide specific guidelines and procedures for determining the probability that a student has a specific learning disability using the SLD problem solving rubric. Teams who are referring ELL students for a possible SLD must also follow the procedures outlined in appendix one.

A. Specific Learning Disabilities (SLD)

1. An SLD is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that affects a student’s educational performance.
2. SLD does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

B. Identification of an SLD

1. If a teacher suspects that a student may have an SLD they should immediately secure an appointment to present the student at the school’s SSC.
2. SLCSO SSC teams will adhere to USBE SER II.10 (a-c) for referral, initial evaluation and determining eligibility for SLD.
3. Schools shall utilize research-based interventions to address individual student difficulties. This involves the expectation that multi-tiered instruction and research-based supplemental and intensive interventions will be attempted on the targeted deficit skill prior to referral for a special education evaluation if the student is suspected of having an SLD.
4. Progress monitoring data shall be collected during the intervention period and shall indicate the intervention, note the frequency of the intervention (i.e. fidelity, consistency, intensity), and be graphed to show the student’s response to the intervention. SSCs are responsible for determining if the student has responded to the intervention, needs additional interventions or programs, or should be referred for a special education evaluation based on progress monitoring data.
5. When the school team has determined that a referral for evaluation for SLD is appropriate and the evaluation has begun, the special education resource teacher will collect data in the areas specified by the SLD problem-solving eligibility rubric.

6. The SLCS D problem-solving rubric for SLD *must* be completed with a school psychologist.
 - a. The instructions for completing the rubric are outlined on the pages that follow.

C. SLD Problem-Solving Eligibility Rubric Instructions

1. The SLCS D SLD Problem Solving Eligibility Rubric contains nine (9) items which will help teams determine whether a student meets criteria for a classification of SLD.
 - a. Data provided for the different items will inform the team whether the likelihood or probability of an SLD is **low, mild, moderate, or strong**.
 - b. The more items which receive ratings in the strong or moderate category, the more likely a student presents with an SLD.
 - c. Each item is discussed below and includes rationale, data required, and examples.
2. PRIMARY AREA OF CONCERN for the student should be stated at the top of the Rubric.
 - a. It is critically important to keep this as your main focus, as many line items on the Rubric will depend on the PRIMARY AREA OF CONCERN. For example, if the Rubric notes that the primary concern is in Basic Reading, then all the data need to address Basic Reading (not Reading Comprehension or Math Calculation).
 - b. Additional eligibility rubrics may be filled out for each different PRIMARY AREA OF CONCERN, if needed.
 - a.) Doing so is not required in order to provide services in all areas of concern as addressed during the IEP process. Data for other areas of concern should be attached to the IEP if services in those areas are going to be provided.

D. Guide

1. Benchmark Data																																																																																																																																																											
Rationale	In the Salt Lake City School District, we collect benchmark data via DIBELS and Interim assessments for Language Arts and Math. Benchmark data is collected for the purpose of communicating expectations of learning, planning instruction, monitoring and evaluating learning, and predicting future performance.																																																																																																																																																										
Data required	Most recent DIBELS Composite or LA or Math Interim scores. Remember to select the benchmark data that best matches the PRIMARY AREA OF CONCERN (e.g., LA Interim score for Reading Comprehension, DIBELS for Basic Reading, etc.). This information should be available in the <i>Initial Existing Data Review Documentation</i> form ("Buff Form").																																																																																																																																																										
Examples	<p>Review the individual student data.</p> <p>DIBELS Composite Score: Green = At or Above Standard typically suggests that there is low probability of an SLD. High Yellow (use your professional judgment based on benchmark cut off scores) = Approaching grade level standard. The probability of an SLD is still mild. Low Yellow (use your professional judgment based on benchmark cut scores) = Below grade level benchmark. The probability of an SLD is moderate. Red = Well below grade level. The probability of an SLD is strong.</p> <table border="1"> <thead> <tr> <th rowspan="2">Student ID</th> <th rowspan="2">CLS</th> <th colspan="3">NWF</th> <th colspan="4">DORF</th> <th colspan="2">COMPOSITE</th> </tr> <tr> <th>Need for Support</th> <th>WR</th> <th>Need for Support</th> <th>Words Correct</th> <th>Need for Support</th> <th>DORF Accuracy</th> <th>Need for Support</th> <th>Retell</th> <th>Need for Support</th> <th>Retell Quality</th> <th>Score</th> <th>Need for Support</th> </tr> </thead> <tbody> <tr> <td></td> <td>58</td> <td></td> <td>13</td> <td></td> <td>47</td> <td></td> <td>90</td> <td></td> <td>15</td> <td></td> <td></td> <td>155</td> <td></td> </tr> <tr> <td>30</td> <td>42</td> <td>Intensive</td> <td>5</td> <td>1</td> <td>7</td> <td>1</td> <td>54</td> <td>1</td> <td>0</td> <td>2</td> <td>1</td> <td>17</td> <td>Intensive</td> </tr> <tr> <td>60</td> <td>60</td> <td>Core</td> <td>15</td> <td>3</td> <td>29</td> <td>1</td> <td>83</td> <td>2</td> <td>15</td> <td>3</td> <td>3</td> <td>116</td> <td>Strategic</td> </tr> <tr> <td>66</td> <td>57</td> <td>Strategic</td> <td>13</td> <td>3</td> <td>34</td> <td>2</td> <td>89</td> <td>2</td> <td>29</td> <td>3</td> <td>4</td> <td>135</td> <td>Strategic</td> </tr> <tr> <td>01</td> <td>56</td> <td>Strategic</td> <td>18</td> <td>3</td> <td>35</td> <td>2</td> <td>88</td> <td>2</td> <td>19</td> <td>3</td> <td>1</td> <td>140</td> <td>Strategic</td> </tr> <tr> <td>33</td> <td>33</td> <td>Intensive</td> <td>10</td> <td>2</td> <td>51</td> <td>3</td> <td>91</td> <td>3</td> <td>15</td> <td>3</td> <td>2</td> <td>152</td> <td>Strategic</td> </tr> <tr> <td>87</td> <td>55</td> <td>Strategic</td> <td>9</td> <td>2</td> <td>48</td> <td>3</td> <td>96</td> <td>3</td> <td>9</td> <td>2</td> <td>1</td> <td>159</td> <td>Core</td> </tr> </tbody> </table> <p>OR</p> <p>INTERIM SCORES: Green/Light Green = typically suggests that the probability of SLD is low Yellow = indicates that the probability of SLD is mild Orange = probability of SLD is likely moderate Red = probability of SLD is likely strong</p> <table border="1"> <thead> <tr> <th>Assessment</th> <th>Date Taken</th> <th>Correct / Possible</th> <th>Performance Band</th> <th>Percent Correct</th> </tr> </thead> <tbody> <tr> <td>SLCSD Interim 3 2014-2015 MA Grade 1</td> <td>Apr 7, 2015 12:04:00</td> <td>16 / 23</td> <td>Below Basic</td> <td>69.57%</td> </tr> <tr> <td>SLCSD Interim 2 2014-2015 MA Grade 1</td> <td>Feb 27, 2015 12:02:00</td> <td>12 / 18</td> <td>Approaching Proficient</td> <td>66.67%</td> </tr> <tr> <td>SLCSD Interim 1 2014-2015 MA Grade 1</td> <td>Nov 3, 2014 12:11:00</td> <td>3 / 14</td> <td>Below Proficient</td> <td>21.43%</td> </tr> </tbody> </table>														Student ID	CLS	NWF			DORF				COMPOSITE		Need for Support	WR	Need for Support	Words Correct	Need for Support	DORF Accuracy	Need for Support	Retell	Need for Support	Retell Quality	Score	Need for Support		58		13		47		90		15			155		30	42	Intensive	5	1	7	1	54	1	0	2	1	17	Intensive	60	60	Core	15	3	29	1	83	2	15	3	3	116	Strategic	66	57	Strategic	13	3	34	2	89	2	29	3	4	135	Strategic	01	56	Strategic	18	3	35	2	88	2	19	3	1	140	Strategic	33	33	Intensive	10	2	51	3	91	3	15	3	2	152	Strategic	87	55	Strategic	9	2	48	3	96	3	9	2	1	159	Core	Assessment	Date Taken	Correct / Possible	Performance Band	Percent Correct	SLCSD Interim 3 2014-2015 MA Grade 1	Apr 7, 2015 12:04:00	16 / 23	Below Basic	69.57%	SLCSD Interim 2 2014-2015 MA Grade 1	Feb 27, 2015 12:02:00	12 / 18	Approaching Proficient	66.67%	SLCSD Interim 1 2014-2015 MA Grade 1	Nov 3, 2014 12:11:00	3 / 14	Below Proficient	21.43%
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2. Benchmark/ Screener Class Peer Comparison	
Rationale	For purposes of determining if a student meets criteria for an SLD, it is important to rule out if lack of appropriate instruction is a primary factor . Collecting information on the academic performance of classroom peers informs us about appropriate classroom instruction.
Data required	Obtain classroom benchmark data using either DIBELS or Interim Scores for LA or Math (via Illuminate). Remember to use the same benchmark data as in Item 1. This information should be available in the <i>Initial Existing Data Review Documentation</i> form ("Buff Form").
Examples	<ul style="list-style-type: none"> • If only 0-24% of peers are at-or-above benchmark this suggests that most class peers struggle, and we cannot confidently rule out lack of appropriate instruction, therefore, the probability of SLD is low. • If 25-55% of peers are at-or-above grade level benchmark, many class peers are struggling, suggesting that lack of appropriate instruction may still be a factor and hence, the probability of SLD is mild. • If 56-74% of peers are at-or-above grade level benchmark, only some class peers struggle, making lack of appropriate instruction less defensible, therefore, the probability of SLD becomes moderate. • If 75-100% of peers are at-or-above grade level benchmark, very few class peers struggle, lack of appropriate instruction becomes very unlikely, and therefore, the probability of SLD is strong.
Special Instructions	<p>Instructions for determining the % for Class Peer comparison. Review the whole class scores to determine the Class peer comparison:</p> <p>If DIBELS is used in Item 1: Review the class report of DIBELS. To find the Class Peer Comparison: count the number of students in the Green and divide by the total number of students represented in the class DIBELS benchmark. For instance, if 18/23 students fall in the Green, this indicates that 78% of peers are at-or-above grade level benchmark, which in the Problem Solving Eligibility Rubric suggests a strong probability of SLD for the referred student.</p>

entID	CLS	NWF				DORF				COMPOSITE		Score	Need for Support
		Need for Support	WWR	Need for Support	Words Correct	Need for Support	DORF Accuracy	Need for Support	Recall	Need for Support	Recall Quality		
58			13		47		90		15			155	
120	42	Intensive	5	1	7	1	24	1	0	2	1	17	Intensive
160	60	Core	15	3	29	1	53	2	15	3	2	118	Strategic
166	57	Strategic	12	3	24	2	39	2	29	3	4	125	Strategic
101	56	Strategic	15	3	25	2	38	2	19	3	1	140	Strategic
123	33	Intensive	10	2	51	3	91	3	15	3	2	152	Strategic
187	55	Strategic	9	2	45	2	28	2	9	2	1	159	Core
129	57	Strategic	19	3	25	2	25	3	19	3	2	188	Core
177	42	Intensive	14	3	55	3	95	3	25	3	2	176	Core
196	62	Core	20	3	41	2	21	3	25	3	2	173	Core
155	71	Core	25	3	52	3	28	3	21	3	1	198	Core
124	57	Core	24	3	54	3	28	3	12	2	1	205	Core
150	64	Core	32	3	55	3	25	3	0	2	1	220	Core
112	102	Core	21	3	71	3	28	3	20	3	2	228	Core
104	95	Core	32	3	76	3	100	3	20	3	3	247	Core
127	106	Core	27	3	81	3	100	3	25	3	2	260	Core
115	122	Core	25	3	92	3	27	3	45	3	4	267	Core
140	120	Core	47	3	85	3	22	3	29	3	4	267	Core
175	110	Core	26	3	92	3	22	3	5	2	1	269	Core
145	123	Core	40	3	102	3	22	3	45	3	4	285	Core
192	142	Core	50	3	94	3	22	3	22	3	3	299	Core
113	143	Core	50	3	94	3	100	3	20	3	3	299	Core
117	142	Core	49	3	104	3	25	3	25	3	3	301	Core
195	142	Core	45	3	144	3	100	3	32	3	4	345	Core

In the DIBELS benchmark example to the left, 18 students are "green" and have met benchmark criteria.

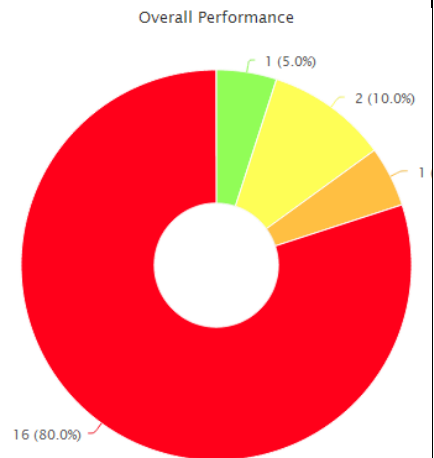
So 18 out of 23 students, or 78% of students, are "at or above benchmark" indicating that the likelihood of SLD for the referred student is **strong**.

If Math or LA Interims are used in Item 1: Refer to Assessments in Illuminate. Pick the most current Interim, filter the data to the classroom teacher. **Be careful to report the % Mastered and not the Average % Correct (average score for the class).**

SLCSD Interim 4 2014-2015 MA Grade 3

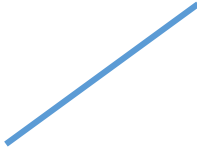



Created by Assessments, Department Of Shared
 Scope: Interim
 Grade Levels: 3
 Subject Area: Mathematics
 # Questions: 28

Custom Reports Item bank Online Testing Shared Portal Amplify ALS
 Curriculum Associate Edusoft Versions Data Director



Summary
 Avg. % Correct: 34.0%
 Students: 20
 % Not Mastered: 95%



3. Progress Monitoring Data				
Rationale	Progress Monitoring is a practice which helps teachers use student performance data to evaluate effectiveness of teaching and interventions.			
Data required	Progress Monitoring Data presented and documented in the <i>Initial Existing Data Review Documentation</i> form ("Buff Form") need to address the PRIMARY AREA OF CONCERN. Keep in mind the consistency of the data points, the overall trend, and the rate of growth.			
Examples	<p>Rate of growth demonstrates adequate trend towards grade level benchmark</p>  <p>Trend line is steep. The probability of SLD is low.</p>	<p>Rate of growth demonstrates somewhat adequate trend towards grade level benchmark</p>  <p>Student is making some progress but it is taking longer than expected. Also, possible inconsistency of the data points. Probability of SLD is mild.</p>	<p>Rate of growth demonstrates inadequate trend towards grade level benchmark</p>  <p>Student rate of progress is slow. Probability of SLD is moderate.</p>	<p>Rate of growth shows minimal to no-growth towards grade level benchmark</p>  <p>Student is not responding to the intervention. Probability of SLD is strong.</p>

4. Intervention Tier Level to Attain Progress	
Rationale	A multi-tiered approach is used to effectively differentiate instruction for all students. Students who receive intensive, research based, and targeted interventions may or not may not respond which has implications for the identification of an SLD.
Data required	Using the <i>Initial Existing Data Review Documentation</i> form ("Buff Form"), identify the most current targeted intervention addressing the PRIMARY AREA OF CONCERN. What Tier and for what amount of supplemental time has the student received intervention? Who provided the intervention?
Examples	<ul style="list-style-type: none"> • Tier I (CORE instruction only) = If student only requires CORE instruction the probability of SLD is low. • Tier II (60 minutes weekly across multiple sessions) = If student required Tier II intervention, but received relatively intensive intervention, the probability of SLD is mild. • Tier III (90 minutes or more weekly across multiple sessions) = If student received intensive intervention in what would constitute Tier III and did not make adequate progress, the probability of a SLD is strong.

5. SAGE data or District End of Level Assessment	
Rationale	Summative assessments such as SAGE are used to evaluate student learning at the end of an instructional year. In Salt Lake City School District, these measures are used to evaluate student growth and compare against district-wide standards.
Data required	Note the student's proficiency level on the most recent SAGE (grade 3 and up) or District End of Level assessment (K-2). This information should be available in the <i>Initial Existing Data Review Documentation</i> form ("Buff Form").
Example	Student received a Proficient (3) score on his Language Arts SAGE. Language Arts was selected because the PRIMARY AREA OF CONCERN is Basic Reading. Being proficient in language arts suggests that the probability of SLD is low .

6. Achievement Standardized Test Score	
Rationale	Standardized Achievement tests allow us to compare a student's performance with same age peers in the areas of Reading, Math and Writing.
Data required	Review the Woodcock Johnson IV Tests of Achievement Score Report. Write down on the Problem Solving Eligibility Rubric the Standard Score that addresses the PRIMARY AREA OF CONCERN under the appropriate column.
Special Instructions	The WJ-IV Achievement Cluster score must match the PRIMARY AREA OF CONCERN. For example: Use BASIC READING SKILLS cluster score= Basic reading concerns READING COMPREHENSION cluster score= Reading comprehension concerns MATH CALCULATION SKILLS cluster score= Basic math concerns MATH PROBLEM SOLVING cluster score =Math application or reasoning concerns
Example	Teacher reported that student has difficulty with sight words and putting sounds together to make simple VC words. This means that the PRIMARY AREA OF CONCERN is in basic reading, therefore, you should use the BASIC READING cluster score from the WJ-IV Achievement.
Special Instructions	If PRIMARY AREA OF CONCERN is <i>only</i> in the area of Reading Fluency, contact your school psychologist or consultant.

7. Relative Proficiency Index (RPI)	
Rationale	RPI describes a student's mastery of age or grade-level academic material. RPI is a more sensitive measure of student academic progress than Standard Scores. For example, an RPI of 45/90 indicates that a student is 45% proficient with age-level reading tasks when compared to the expectation of 90% success or proficiency in the same domain.
Data required	Review the Woodcock Johnson IV Tests of Achievement Score Report. Find the RPI score. Mark on the Problem Solving Eligibility Rubric the RPI score that addresses the PRIMARY AREA OF CONCERN under the appropriate column.
Examples	Student RPI score for Basic Reading is 28/90. The Rubric indicates that such a score is suggestive of moderate probability of SLD.
Special Instructions	If PRIMARY AREA OF CONCERN is <i>only</i> in the area of Reading Fluency, contact your school psychologist or consultant.

8. Pattern of Cognitive Strengths and Weaknesses

Rationale The federal definition of an SLD includes a disorder in "one or more of the basic psychological processes involved in understanding or in using language, spoken or written." A process called Pattern of Strengths and Weaknesses (PSW) will be used to identify a student's cognitive profile and how it relates to the Primary Area of Concern.

Data required Pattern of Strengths and Weakness Matrix (will be provided to you)
Cognitive and Achievement scores

PATTERN OF STRENGTHS AND WEAKNESSES (PSW) MATRIX
Cattell- Horn-Carroll (CHC) Classification of Cognitive Ability Tests
Academic Areas Impacted by CHC Factors

CHC Factor	Ge Language, Comp, Knowledge	Gf Fluid Reasoning	Glr Long-Term Retrieval	Gsm Short-Term Memory	Gv Visual Processing	Gs Processing Speed	Ga Auditory Processing/ Phonological Awareness
ACH Area	Basic Rdn Rdn Fluency Rdn Comp Math P Solving W Expression	Rdn Comp W Math Calc 73 Math P Solving W Expression	Basic Rdn Rdn Fluency Rdn Comp Math Calc	Basic Rdn Rdn Fluency Rdn Comp Math Cal Math P Solving W Expression	Math P Solving	Basic Rdn Rdn Fluency Math Calc W Expression	Basic Rdn
WJ-IV	COMP/ KNOWLEDGE	FLUID REASONING SS=76	LONG-TERM RETRIEVAL	SHORT-TERM WORKING MEMORY	VISUAL PROCESSING SS=90	COG PROCESSING SPEED	AUDITORY PROCESSING SS=104
WNV	--	Matrices	--	Recognition	Obj Assembly	Coding	--
WISC-V	VERBAL COMPREHENSION	FLUID REASONING	--	Spatial Span	--	--	--
				WORKING MEMORY	VISUAL SPATIAL	PROCESSING SPEED	--

Name: Jane Jones PRIMARY AREA OF CONCERN: Basic math facts
math calculation

Normative Strength= SS=90 or above, T-score=43 or above Normative Weakness=SS=80 or below, T-score=37 or below
(If no normative weaknesses are found, contact your school psychologist for identification of possible relative weaknesses.)

Identify 2 Cognitive Strengths: 1. Aud. Processing SS = 104 2. Visual-Spatial Thinking SS = 90

Identify 1 Cognitive Weakness: Fluid Reasoning SS = 76

Identify 1 Academic Weakness: Math calculation skills SS = 73

Is the Cognitive Weakness associated to the Academic Weakness? Yes No

Is your identified Academic Weakness the same as your PRIMARY AREA OF CONCERN? If yes, mark Item 7 on SLD Eligibility Rubric
If not, you may want to complete another SLD Eligibility Rubric based on the Academic Weakness you identified.

AH/2015

Special Instructions Fill out the attached Worksheet titled "Pattern of Strengths and Weakness (PSW)."

1. Identify 2 Cognitive Strengths based on the cognitive measure
2. Identify 1 Cognitive Weakness
3. Look for a match between the Cognitive Weakness and the PRIMARY AREA OF ACADEMIC CONCERN.

*Consult your school psychologist or consultant with questions/concerns.

9. Discrepancy

Rationale	In a true SLD the student's academic performance is substantially or significantly below what would be expected given his obtained intellectual ability score.												
Data required	SLD Discrepancy Calculation Formula												
Examples	<p>Student Name: _____ Date: _____</p> <p>Ability Test: WJ IV GIA Achievement Test: WJ IV - Basic Reading Skills</p> <p>Achievement Area:</p> <p><input checked="" type="checkbox"/> Basic Reading Skill <input type="checkbox"/> Written Expression <input type="checkbox"/> Reading Comprehension <input type="checkbox"/> Oral Expression <input type="checkbox"/> Math Calculation Skills <input type="checkbox"/> Listening Comprehension <input type="checkbox"/> Math Problem Solving <input type="checkbox"/> Reading Fluency</p> <table border="1" data-bbox="581 709 1042 919"> <tr> <td>Estimated correlation between tests</td> <td>0.68</td> </tr> <tr> <td>Enter Achievement Score</td> <td>73</td> </tr> <tr> <td>Enter Ability score</td> <td>85</td> </tr> <tr> <td>Expected Achievement</td> <td>90</td> </tr> <tr> <td>Standard Error of the Estimate (SEe)</td> <td>11.015</td> </tr> <tr> <td>Difference Required at .05 level</td> <td>15.34</td> </tr> </table> <p>Achievement Test Cut Score <input type="text" value="74"/> <small>mean 100, SD 15, rounded to the nearest integer</small></p> <p>Significant Discrepancy <input type="text" value="YES"/></p> <p><small>State and federal special education rules and regulations require eligibility teams, which include parents, to consider a comprehensive evaluation before determining eligibility for special education and related services. Determining if the difference between a student's intelligence and achievement scores represents a severe discrepancy is one component of a comprehensive evaluation often considered when deciding if a student has a specific learning disability.</small></p>	Estimated correlation between tests	0.68	Enter Achievement Score	73	Enter Ability score	85	Expected Achievement	90	Standard Error of the Estimate (SEe)	11.015	Difference Required at .05 level	15.34
Estimated correlation between tests	0.68												
Enter Achievement Score	73												
Enter Ability score	85												
Expected Achievement	90												
Standard Error of the Estimate (SEe)	11.015												
Difference Required at .05 level	15.34												
Special Instructions	Using SLD Discrepancy Calculation Excel file, enter Achievement score in the PRIMARY AREA OF CONCERN and the student's Intellectual Ability score. The program will determine if the difference between Achievement and Ability constitutes a significant discrepancy.												