

## **II. STUDENT OTHER**

**STAFF DEVELOPMENT OPPORTUNITIES IN LITERACY  
STATE REQUIRED POLICY**

Each Local Education Agency (LEA) shall provide opportunities for special education instructional personnel to participate in staff development activities in the area of literacy that includes:

- Information about current literacy and learning research
- State-adopted standards and frameworks
- Increased participation of students with disabilities in statewide student assessments
- Research-based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of students with disabilities who are literate
- Participate in California Department of Education statewide training on literacy

Approved by Governing Council on June 26, 2003

**SPECIALIZED EQUIPMENT AND SERVICES  
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County Special Education Local Plan Area (SELPA) to use low incidence funds for the purchase of specialized equipment and services for students having a low incidence disability as determined by the Individualized Education Program (IEP) team.

*Legal Reference:*

*EC 56026.5*

*EC 56206*

Approved by Governing Council on June 18, 2004

**PROCESS FOR THE UTILIZATION OF LOW INCIDENCE FUNDS  
LOCAL POLICY**

Low incidence equipment funds and low incidence service funds are restricted in use for students in the following primary disability categories: hard of hearing, deaf, visual disability, orthopedically impaired and deaf-blind. The funds shall be administered through the San Luis Obispo County SELPA office. This includes receipt of funds, distribution of funds, maintaining an inventory, developing procedures for exchange of equipment, and reporting to the state. The Governing Council shall adopt policy to guide the administration of these funds.

Approved by Governing Council on October 10, 2008

**LOW INCIDENCE SERVICES FUNDS  
LOCAL POLICY**

The portion of low incidence service dollars that has not been designated to the COE will go to the SELPA administrative budget to cover costs of administering the low incidence materials and equipment.

Approved by Governing Council on June 17, 2005

**SPECIALIZED EQUIPMENT, MATERIALS, AND SERVICES  
LOCAL ADMINISTRATIVE REGULATION**

**Specialized Equipment and Materials**

The SELPA shall establish a set of procedures related to the eligibility for, requesting and order of, inventory of, and maintenance of equipment purchased with low incidence money. This information shall be part of the SELPA Procedures Manual.

Determination of expenditures begins at the Individualized Education Program (IEP) level where the IEP team agrees there is a need for special equipment, materials and/or services to maximize the learning of a particular student. The district Special Education director reviews this identified need. The SELPA office will research the cost and location of the requested item. Upon receipt of the completed packet, the SELPA director schedules the request on the SEOC agenda. Requests for low incidence funds are made to SEOC. If the item can be borrowed from the clearinghouse or a surrounding SELPA, this will be arranged. Efforts will be made to maximize opportunities to serve pupils in the least restrictive environment by using appropriate equipment and materials. The SELPA office keeps an inventory of all items purchased and students to whom assigned. Specialized equipment may be transferred to another educational agency if the pupil no longer needs the equipment or transfers out of the SELPA. No specialized equipment shall be transferred out of the SELPA without the approval of SEOC.

**Specialized Services**

The San Luis Obispo County Special Education Local Plan Area (SELPA) shall distribute low incidence services funds on the following basis:

- Fifty percent to the COE for a low incidence special education instructional assistant, and
- Fifty percent to the SELPA for services to insure centralized ordering, inventorying, and repair of Low Incidence equipment and materials.

**Home Use of Low Incidence Equipment**

The San Luis Obispo County Special Education Local Plan Area (SELPA) shall allow for home use of low incidence equipment on the following basis:

- The student must qualify as a student with a low incidence disability
- The IEP team has determined that the student requires the use of the equipment at home in order for the student to benefit from his/her educational program and
- This is documented in the IEP

***SPECIALIZED EQUIPMENT, MATERIALS, AND SERVICES***

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- District of Residence will be responsible for the lost, stolen or damaged equipment if parents fail to make restitution
- If restitution for lost, stolen or damaged equipment is not fully recoverable, the District of Residence may request new equipment as described in Section B of the SELPA Procedures Manual
- District of Residence will be responsible for tracking the location of the equipment
- Equipment will be returned to the District of Residence when not in session for the school year and extended school year

Parents/Guardians will agree in writing to:

- Secure the equipment and supervise proper use
- Provide necessary and safe transportation of the equipment between home and school
- Acknowledge that the equipment was purchased for district use with state funds
- Assume responsibility to seek restitution from private insurance for the lost, stolen or damaged equipment and provide written proof of efforts
- Receive training in the use of the equipment prior to the release of the equipment for home use
- Return the equipment to the district should they move out of San Luis Obispo County SELPA
- Acknowledge that the equipment may be called back at any time if it is determined by the IEP team that it is no longer needed or that it is not being used properly

Revised and approved by Governing Council on February 13, 2009

**EAR MOLDS  
LOCAL ADMINISTRATIVE REGULATION**

The San Luis Obispo shall use low incidence funds to pay for ear molds that are associated with any equipment purchased with low incidence funds.

Approved by Governing Council on October 14, 2005

**BEHAVIORAL INTERVENTION PLANS  
LOCAL POLICY**

The San Luis Obispo County Special Education Local Plan Area (SELPA) continually seeks to provide an appropriate and meaningful educational program in a safe and healthy environment for all children regardless of possible physical, mental, or emotionally disabling conditions. The SELPA recognizes that teachers of children with special needs require training and guidance that provides positive ways for working successfully with children who have difficulties conforming to acceptable behavioral patterns in order to provide an environment in which learning can occur.

The SELPA has developed a plan of behavioral procedures for systematic use of behavioral interventions and emergency interventions which may be utilized. Interventions which cause pain or trauma are prohibited. It is also the policy of the SELPA that the implementation of behavior intervention plans will respect the student's human dignity and personal privacy.

*Legal Reference:*

*EC 56520 - 56524*

*5 CCR 3052(j)*

Approved by Governing Council on June 18, 2004

Revised and Approved by Governing Council on February 5, 2010

## **POSITIVE BEHAVIORAL PLANS LOCAL ADMINISTRATIVE REGULATION**

If a student is eligible for Special Education, and behavior has been identified as an area of need, the student's IEP must contain measurable annual behavior goals to address that need. A Positive Behavior Support Plan (PBSP) may be developed to provide a comprehensive approach to systematically address behavior needs. If the PBSP has been implemented without success, a team may elect to refer the student for a Functional Analysis Assessment (FAA) in order to develop a Positive Behavior Intervention Plan (PBIP).

A Behavioral Plan will be developed whenever such maladaptive behavior is:

- Serious
- Pervasive
- Significantly interferes with the attainment of the individuals' goals and objectives of his/her Individual Education Plan (IEP)
- Leads to suspension and/or expulsion

### **Positive Behavior Support / Intervention Plan**

Positive programming for behavioral intervention may include the following:

- Altering the identified antecedent event to prevent the occurrence of the behavior
- Teaching the individual alternative behaviors that produce the same consequences as the inappropriate behavior
- Teaching the individual adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors
- Manipulating the consequences for the display of targeted inappropriate behaviors and alternative, acceptable behaviors, so that it is the alternative behaviors that more effectively produce desired outcomes

When the targeted behavior(s) occur(s), acceptable responses may include, but are not limited to one or more of the following:

- The behavior is ignored, but not the individual
- The individual is verbally, or verbally and physically, redirected to an activity
- The individual is provided with feedback
- The message of the behavior is acknowledged

A brief, physical prompt is provided to interrupt or prevent aggression, self-abuse, or property destruction.

**POSITIVE BEHAVIOR PLANS (CONT'D)**

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**Positive Behavior Intervention Plans**

Positive Behavior Intervention Plans may only be implemented by, or be under the supervision of, staff with documented training in analyzing behavior, including the use of positive behavioral interventions. Such a person, designated as a Behavioral Intervention Case Manager (BICM), will coordinate and assist in conducting the functional analysis assessment and the development of the behavioral intervention plan.

Personnel who will be assisting in the development/implementation of a behavioral intervention plan will be trained in positive behavioral intervention.

The BICM shall have training in, but not restricted to, the following:

- Positive behavioral strategies
- Conducting a functional analysis assessment, including:
  - Systematic observation of the occurrence of the targeted behavior for an accurate definition and description of the frequency, duration, and intensity
  - Systematic observation of the occurrence of the immediate antecedent events associated with each instance of the display, of the targeted inappropriate behavior
  - Systematic observation and analysis of the consequences following the display of the behavior
  - Development of baseline data
  - Ecological analysis of the settings in which the behavior occurs most frequently
  - Review of records for health and medical factors which may influence behaviors
  - Historical perspective information
- Development of a PBIP

Analysis of the results of effectiveness of an intervention program

- A description of the incident and the emergency intervention(s) used
- Whether the individual is currently engaged in any systematic behavioral intervention plan
- Details of any injuries sustained by the individual or others, including staff, as a result of the incident

**POSITIVE BEHAVIOR PLANS (CONT'D)**

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**Behavioral Intervention and Emergency Intervention Procedures  
(as Required by the Hughes Bill)**

SELPA staff and its designated members shall be trained in Non-violent Crisis Intervention Training (CIT) approved by Crisis Prevention Institute or other state approved training models. Training shall be provided by the SELPA or other certified LEAs at least once annually for both initial CIT training and for CIT certification renewal.

**Qualifications of Personnel Implementing Emergency Behavioral Intervention Techniques**

- a. Any certificated or classified staff employed by a LEA of the SELPA, and who receives training and maintains their certification in the Non-violent Crisis Intervention may participate in the implementation of an Emergency Behavioral Intervention Plan.

**Implementation of Emergency Behavioral Intervention Techniques**

- a. Restrictive procedures are to be used only in the case of a behavioral emergency as a last resort. They may be used to control unpredictable, spontaneous behaviors that pose a clear and present danger of serious harm to the individual, others or property, and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique to control the behavior.
- b. Any type of physical restraint used by a staff member shall be considered an emergency intervention and as such, shall be used only by staff that has been trained in their use.
- c. Normal disciplinary procedures such as suspension and expulsion may be utilized for incidents involving serious behavioral problems, as specified in Education Code 48900.
- d. Emergency interventions, such as those described below, are to be used only as a last resort when a student is a danger to him/herself or others.

**III. Procedures for Emergency Interventions**

- a. Emergency Intervention shall be used only for as long as necessary for the student to control the behavior deemed by staff to present a danger to him/herself or others.
- b. Emergency Intervention team shall use Therapeutic Rapport after the incident, per CIT.

**POSITIVE BEHAVIOR PLANS (CONT'D)**

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- c. Program Administrator is notified immediately following the use of an emergency intervention.
- d. Parents are notified immediately (within one school day) by an educational staff member as designated by the Program Administrator.
- e. Per Education Code, law enforcement agency may be notified at the discretion of the Program Administrator if assault/battery has occurred.
- f. Parents shall be informed by the Program Administrator or designee if law enforcement is notified.
- g. Behavioral Emergency Report shall be completed by educational staff.
- h. Behavioral Emergency Report shall be forwarded to the Program Administrator or designee no later than the end of the same school day that the emergency intervention occurred.
- i. The Program Administrator or designee shall forward a copy of the Behavior Emergency Report to the SELPA within one week.
- j. If student does not have a PBSP, the Program Administrator or designee shall initiate the assessment/IEP process within two days and schedule a meeting with the parents to develop an Interim Behavior Support Plan.
- k. If the student does have a PBSP, any incident involving a previously-unseen serious behavior problem, or where a previously designed intervention is not effective, shall be referred to the IEP team for review to determine if the PBSP needs modification.
- l. If the student already has a PBSP, the IEP team may elect to develop a PBIP.
- m. If the IEP team elects to develop a BIP, a FAA must be conducted.

**Prohibited Emergency Intervention**

Emergency intervention shall not include:

- a. locked seclusion;
- b. use of an amount of force that exceeds that which is necessary under the circumstances to ensure the student's or staff safety;
- c. use of any device, material or technique which simultaneously immobilize all four extremities, e.g., ties, mats, rugs, use of handcuffs, prone containment.

CALIFORNIA CODE OF REGULATIONS, TITLE 5

*3001 Definitions*

*3052 Designated Positive Behavioral Interventions*

*Education Code 56523*

Approved by Governing Council on June 18, 2004

Revised and Approved by Governing Council on November 17, 2006

Revised and Approved by Governing Council on February 5, 2010

**SUSPENSION/EXPULSION  
FEDERAL ASSURANCE POLICY**

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.

*Legal Reference:*

*20 USC 1412 (a)(22)*

Approved by Governing Council on October 12, 2007

**SUSPENSION/EXPULSION  
LOCAL ADMINISTRATIVE REGULATION**

For procedures relating to suspension and expulsion see the San Luis Obispo County Special Education Local Plan Area (SELPA) Procedures Manual.

Approved by Governing Council on June 26, 2003

**INDEPENDENT EDUCATIONAL EVALUATIONS  
LOCAL POLICY**

This policy defines the process within the San Luis Obispo County Special Education Local Plan Area (SELPA) under which students with disabilities are entitled to an Independent Educational Evaluation (IEE) at public expense. Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the school district. The district has the right to defend their assessment through due process.

**Definitions**

*Independent educational evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the school district of residence.

*Public expense* means that the school district pays for the cost of the evaluation up to the limits established by the San Luis Obispo County SELPA or ensures that the evaluation is otherwise provided at no cost to the parent.

*Legal Reference:*

*EC 56329  
EC 56506  
CCR 3022  
GC 7572*

Approved by Governing Council on June 18, 2004

**INDEPENDENT EDUCATIONAL EVALUATIONS  
LOCAL ADMINISTRATIVE REGULATION**

**Parameters for Seeking Independent Educational Evaluation (IEE)**

If a parent disagrees with an evaluation by the LEA/SELPA and seeks an (IEE), the LEA/SELPA shall:

1. Prior to seeking an IEE at public expense, the parents shall make the student available for evaluation by the LEA at a mutually agreed upon location.
2. Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they disagree with the LEA's evaluation and that they are requesting an IEE at public expense.
3. The LEA may request the parent's reason(s) for disagreement with the LEA's evaluation. The LEA may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend its evaluation.

Parents may only request one publicly funded IEE for each area of suspected disability evaluated by the LEA. The parents must request the IEE within one calendar year of the date that the results of the LEA evaluation were shared with the parents. The LEA has the right to conduct an evaluation in the areas of disagreement prior to an IEE.

Once the parent communicates his/her disagreement with the LEA's evaluation and requests an IEE at public expense in writing, or at an IEP meeting, the LEA director of special education shall be notified. The LEA evaluation will be reviewed with the parents to identify those areas of disagreement. The LEA director will determine whether the LEA shall provide an option for assessment within the public school system or will initiate due process to establish the appropriateness of its evaluation or proceed with obtaining an independent evaluation. The IEP team or district will offer other public school resources for assessment prior to initiation of an IEE. An assessment plan will be developed which specifies the areas to be evaluated and who will complete each assessment in accordance with assessor qualifications specified in this policy.

Upon receipt of the signed written consent to assess, the district will arrange for the completion of the IEE. Prior to the initiation of the IEE, parents will be required to sign a release and exchange of information between the mutually agreed upon IEE evaluator and the LEA.

If the school district initiates a hearing and the final decision is that the district's evaluation is appropriate, the parents still have the right to a private evaluation, but not at public expense.

**INDEPENDENT EDUCATIONAL EVALUATION (cont.)**

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If the parent obtains an IEE at private expense, the results of the evaluation:

- must be considered by the LEA
- may be presented as evidence at a due process hearing

If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation must be at the LEA's expense.

**Minimum Qualifications for Evaluators**

All assessments must be conducted by persons competent to perform the assessment as determined by the LEA/SELPA (EC 56322). All assessments must be conducted in accordance with all requirements of federal and state law including, but not limited to, observing the student in the appropriate setting (EC 56327) and conducting evaluations in accordance with Education Code 56320. All evaluators shall be licensed or credentialed by the state of California. All evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications.

**Type of Assessment**

**Qualifications**

Academic Achievement

Credentialed Special Education Teacher  
Credentialed School Psychologist  
Licensed Educational Psychologist

Assistive Technology

Credentialed Special Education Teacher  
Credentialed or Licensed Speech/Language Pathologist  
Registered Occupational Therapist  
Certified Assistive Technology Specialist

Auditory Acuity

Certificated or Licensed Audiologist

Behavioral/Functional Assessment

Credentialed School Psychologist  
Licensed Educational Psychologist  
Licensed Clinical Psychologist

Central Auditory Processing (CAP)

Certificated or Licensed Audiologist

Cognitive

Credentialed School Psychologist  
Licensed Educational Psychologist  
Licensed Clinical Psychologist

***INDEPENDENT EDUCATIONAL EVALUATION (cont.)***

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Functional Analysis Level 2 & 3	SLO County SELPA Certified BICM (Behavior Intervention Case Manager)
Health	Licensed Medical Physician
Motor	Credentialed Adaptive Physical Education Teacher Credentialed Teacher of the Orthopedically Impaired Registered Occupational Therapist Licensed Physical Therapist
Occupational Therapy	Registered Occupational Therapist
Speech & Language	Credentialed or Licensed Speech/Language Pathologist
Social/Emotional	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist Licensed Clinical Social Worker (LCSW) Licensed Marriage, Family Therapist (MFT) Licensed Psychiatrist
Visual Acuity/ Developmental Vision	Licensed Optometrist Licensed Ophthalmologist
Functional Vision	Credentialed Teacher of the Visually Impaired Licensed Optometrist Licensed Ophthalmologist
Vocational	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist Certified Rehabilitation Counselor

***INDEPENDENT EDUCATIONAL EVALUATION (cont.)***

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**Cost Limitations for Evaluations**

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or contractors to perform a similar assessment. Costs include: observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting. The IEE shall be invoiced to the LEA directly. Independent evaluators must agree to release their assessment information and results to the LEA/SELPA prior to receipt of payment for services. When parents have paid for the IEE, upon LEA approval and proof of payment, reimbursement will be in an amount no greater than the actual cost of the IEE. Any expenses beyond the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.

When insurance will cover all or part of the costs of the independent evaluation, the LEA/SELPA will request that the parents voluntarily have their insurance pay the independent evaluation costs covered by their insurance. However, parents will not be asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parents not reimbursed by the LEA/SELPA, including, but not limited to the following:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim.

The results of the independent evaluation will be considered by the Individualized Education Program Team as required by the Individuals with Disabilities Education Act.

Approved by Governing Council on June 18, 2004

**PROHIBITION ON MANDATORY MEDICINE  
FEDERAL ASSURANCE POLICY**

It shall be the policy of each LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

*Legal Reference:*

*20 USC 1412 (a)(25)*

Approved by Governing Council on October 12, 2007

**PROHIBITION ON MANDATORY MEDICINE  
LOCAL POLICY**

The members of SLO SELPA agree to prohibit school personnel from requiring a student with a disability or suspected disability to obtain a prescription for a substance covered by the Controlled Substance Act as a condition of attending school or receiving a special education assessment and/or special education services.

Approved by the Governing Council on October 12, 2007

**INCONSISTENT POLICIES & PROCEDURES  
LOCAL ADMINISTRATIVE REGULATION**

The Board of the San Luis Obispo County SELPA hereby takes action to repeal any and all policies and procedures of the SELPA that are inconsistent with the requirements of the individuals with Disabilities Education Act of 2004 and the California Education code as amended by AB 1662 (Lieber). Such provisions include, but are not limited to, those addressing:

- Student Discipline
- Procedural Safeguards and Due Process Procedures
- Timelines for Assessment
- Content of Individualized Education Program (IEPs)
- Transition Planning
- State and District-wide Assessments
- Triennial Assessments
- Parentally Enrolled Private School Students with Disabilities

The SELPA and its member local education agencies will implement all current state and federal laws relating to special education.

Approved by Governing Council on December 9, 2005