



Preventing District Vulnerability: Analyzing Reasons and Finding Solutions

Developed in collaboration with former and current CSAM Specialists:
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with Susie Kapamaci, Intervention Coordinator, Psychological Services and
Diana Massaria, Interim CSAM Administrative Coordinator

February 11, 2015

Genesis of the Presentation

This presentation was developed by school psychologists, the majority of them ventured into the CSAM unit as Specialists. Much of this content has been offered by them as a result of their work in attempting to resolve disagreements between schools and parents. Their years of experience has been encapsulated in this presentation in order to provide those of us out of the CSAM department a better understanding of why cases go to Due Process, how we as practitioners may have a role in why cases go to Due Process, understand why IEEs are granted, and more.

It is our hope that this presentation will provide you with a better understanding of the issues from the lens of former school psychologists, currently working for CSAM and how we can take steps to prevent District vulnerability.



Historical Overview of Due Process in LAUSD

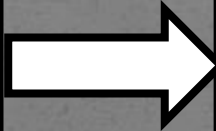
How Did the Due Process Department Evolve in LAUSD?

Evolution of the Due Process/Compliance Support and Monitoring (CSAM) Unit

1990's and earlier

Special Education Administrators in their local geographic configuration would handle all Due Process matters.

LAUSD attorneys were involved in handling all mediations and hearings.



Circa 1998

Due Process moved into a centralized location (450 N. Grand). An Educational Specialist in tandem with Program Specialists reviewed cases and consulted with LAUSD attorneys.

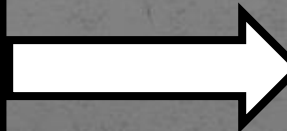
LAUSD attorneys continued to participate in all mediations and hearings.



1999-2000

As numbers of Due Process cases grew, cost efficiency was paramount. Due Process administrators replaced attorneys as they took on the majority of mediations.

LAUSD attorneys solely participated in hearings.



2011 - Present

Due Process department expanded to take on IDRs in addition to mediations and hearings. In addition, DVRs and Compliance monitoring were added to their duties. As a result, Due Process department is now called CSAM.

LAUSD attorneys continue to participate in hearings

School Psychologists Have Made Their Mark

Since the centralization of the Due Process/CSAM Unit, school psychologists have lead the way...

1998-2006	<u>Vicki McKendall</u> , Administrative Coordinator
2006-2008	Sue Glickman (<i>former LAS</i>), Administrative Coordinator
2008-2011	<u>Lisa Kendrick</u> 2008-2011 – Administrative Coordinator 2011-2013 – Director
2011-2014	Sue Talesnick , Administrative Coordinator (<i>former LRE Specialist with a school psychology background</i>)
2014 – present	<u>Diana Massaria</u> , Interim Administrative Coordinator

And...since 2012 – present, **Beth Kauffman** has overseen both Psychological Services and CSAM units as Director!

Why do we Need a Due Process Department?



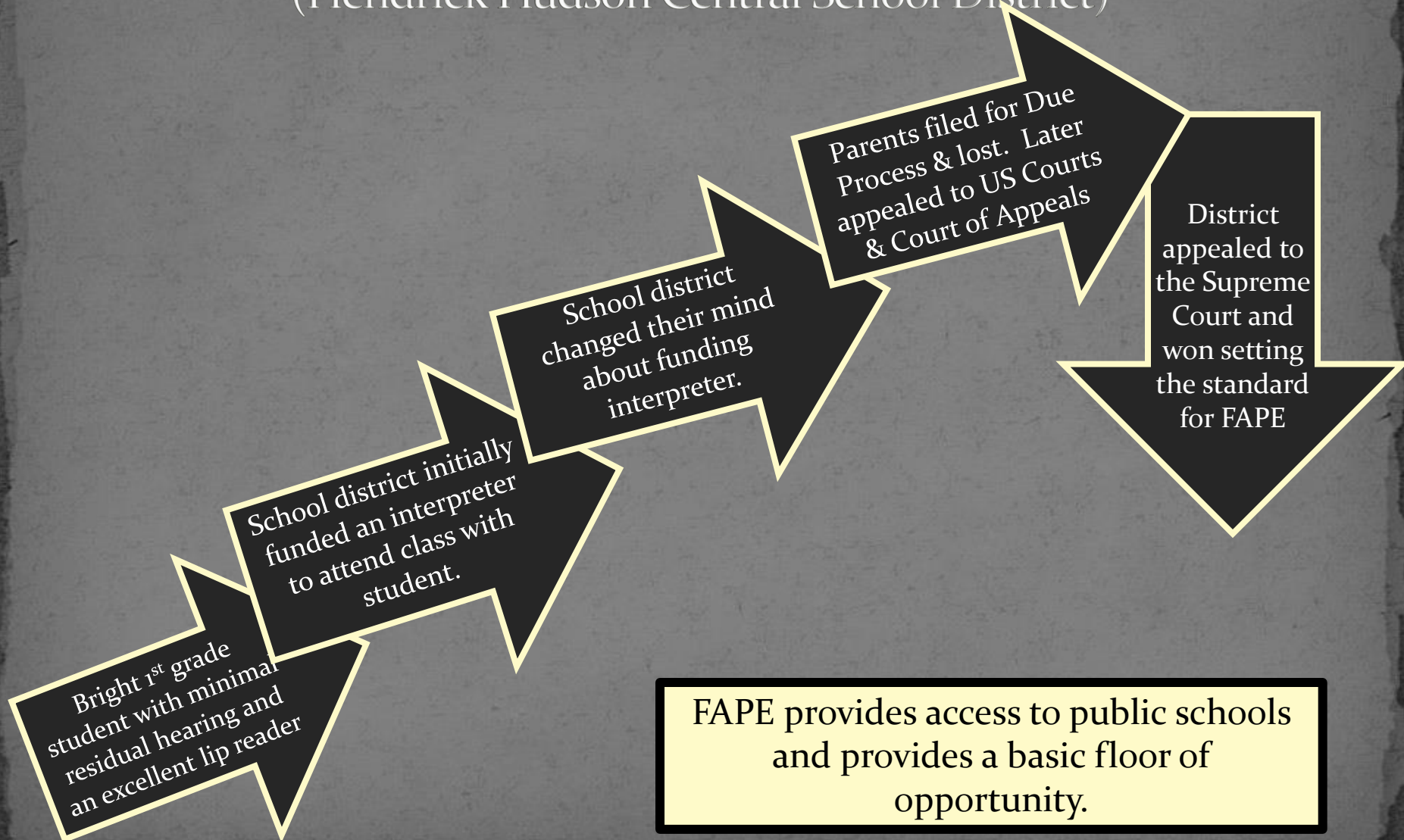
- The right to Due Process is a mandated protection under the law
 - Individuals with Disabilities Act (IDEA) 2004
 - California Education Code
- It assures for procedural safeguards designed to protect the rights of children with disabilities and their parents
 - Parents receive prior written notice
 - Parents right to revoke consent
 - Parents right to access student records
 - Parents right to file a complaint

The Gold Standard for Special Education Law...



The Rowley Case

The standard for which violations are determined stem from the
1982 Board v. Rowley case
(Hendrick Hudson Central School District)

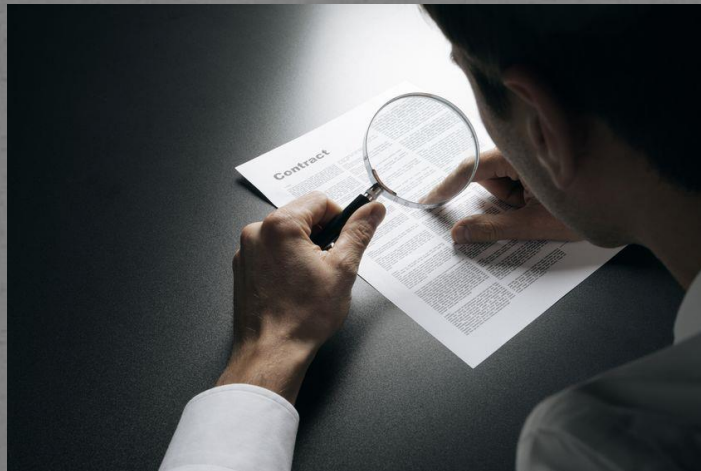


Rowley Case

Points to consider:

- **Is the proposed program designed to meet the unique needs of the student?** --You must have good assessment data to make this determination.
- **Is the program reasonably calculated to provide some benefit?** – Based on the assessment data, sound goals, supports, and accommodations will be determined.
- **Does the proposed program comport with the IEP?** – Is school staff implementing the program promised on the IEP?
- **Does the proposed program offer an education in the least restrictive environment (LRE)?** – This is based on a 4 prong test to determine the LRE.

Analyzing the Legitimacy of a Due Process Claim



Analyzing a Special Education Due Process Claim

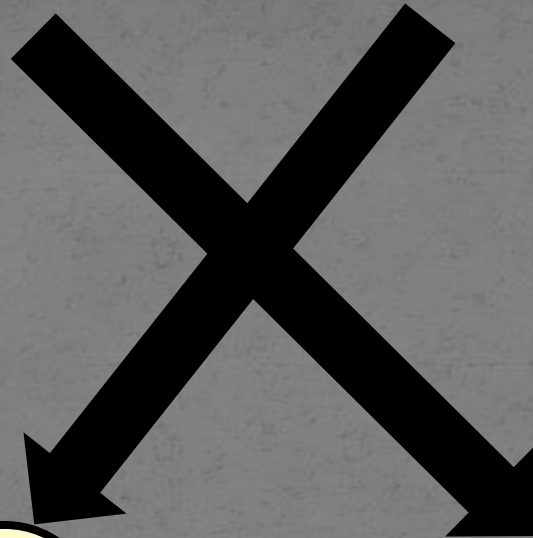
IDEA provides special education learners and their families extensive school rights. Schools also have a series of responsibilities so that special education services result in a free and appropriate public education (FAPE).

When a parent decides to litigate against a school under IDEA, almost always, **the general claim is that the district failed to provide the child with a FAPE.**

At what point has a school failed to provide FAPE under IDEA? **First, you must be entitled to FAPE before you can be deprived of it.** Theoretically, every public school student in the United States is entitled to FAPE. However, under federal laws, **the only students who have an enforceable right against a school for not providing FAPE are learners with disabilities.**

excerpt from EdSoup, June 13, 2011

Types of Violations



Procedural

Substantive

Examples of Violations

Procedural

-
- IEP timelines were exceeded (e.g. 65 days vs. 60 days)
 - Annual IEP date exceeded
 - Lack of adequate notice
 - Required IEP team members were not present (specifically a Sp.Ed. teacher)
 - Vague offer or multiple offers of FAPE
 - Missing/inappropriate goals
 - Delay/provision of services
 - Delay/failure to assess

Substantive

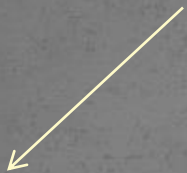
-
- IEP timelines were exceeded by a significant amount (e.g. multiple months)
 - Assessment in all areas was not addressed, not conducted, or not completed
 - Student's unique needs were not identified
 - Goals/Services/Placement/LRE disagreements
 - Missed educational benefit or opportunity for the student
 - Lack of meaningful participation for parent

This is a significant issue that ranges from failure to sending out parent notice to predetermining placement without parent's presence at the IEP.

To File for Due Process or
Not to File...



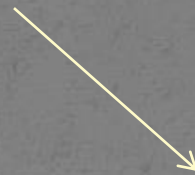
- Parent can disagree with the assessment, eligibility, placement, and/or services ANYTIME within the 2 year statute of the IEP despite attempts to resolve issues



Scenario 1

Parent signs page 10 of IEP indicating their agreement on all or certain portions of the IEP

OR

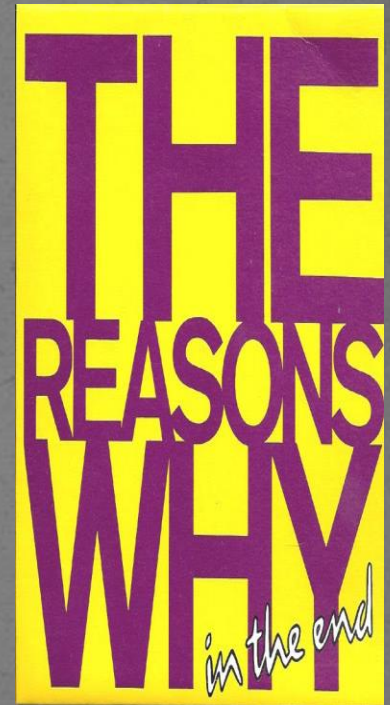


Scenario 2

Disagreement on all or certain portions of the IEP

3 Options for Resolution

- 1) Informal Dispute Resolution (IDR)
- 2) State Mediation Only (MO)
- 3) Formal Due Process Hearing



Attorneys and Due Process



Attorneys can go back 2 years from the time of a Due Process filing.

Primary Issues for Due Process Filings

Related Services/Supports

Requesting or maintaining to keep:

LAS
OT/PT
PUC
Transition Services
Transportation
AA
BII/BID
APE

Other

Requesting or maintaining to keep:

Eligibility for Sp. Ed.
Compensatory Ed.
ESY
IEE
IEP Implementation
Intensive Instruction
Reimbursement
Social Skills

Placement

Requesting or maintaining to keep:

Public School
Private School
NPS
LRE

Assessments

Requesting:

Psycho-ed Eval
IEEs
Neuropsych Eval



The Pathway to Filing for Due Process

LAUSD's Informal Dispute Resolution Process

- An ***optional*** dispute resolution process available for parents.
- Designed to be faster, less formal, less costly, and less adversarial than mediation or due process proceedings.
- Parent meets with IEP administrator/designee to discuss concerns within one business day of the IEP meeting, whenever possible.
- If issues can be resolved, then the case will be dismissed. An agreement is drawn up to reflect the decision.
- If an agreement is not reached, parent may initiate Due Process proceedings.

Informal Dispute Resolution (IDR)

State Level Processes

- Voluntary dispute resolution process where neutral mediator attempts to resolve disagreement between parent and District = no attorneys or paid advocates are present.
- Mediators are not District employees.
- Office of Administrative Hearings (OAH) schedules a mediation conference with a mediator, the parent, and decision-making District personnel.
- If issues cannot be resolved, parent or District may initiate Due Process proceedings.

**Mediation
Only (MO)**

State Level Processes

- OAH assigns a mediator and schedules a date/time for the mediation conference. Mediation is voluntary but the District highly encourages all formal due process hearing requests to participate.
- Attorneys/paid advocates may (and often times do) participate in mediation.
- If agreement is reached, then terms are documented into an enforceable settlement agreement signed by parent and District representative.
- If no resolution, then the matter proceeds toward hearing.

Formal Due Process Hearing

Summary of Risk Assessment Procedures

The popular belief is that the CSAM Department is “giving away the farm” when it comes to settlements. What you do not see is all the legwork the CSAM Specialist must do before any final settlement can take place:

- Review all IEPs related to the complaint and within the statutory timelines
- Review all pertinent assessment reports and conduct a detailed record review
- Speak to District staff directly involved in student’s educational program
- Consider the plaintiff’s request for compensation and analyze whether it is just
- If settlement is necessary, negotiate options that would best serve the student and be acceptable to the District (consider cost and egregiousness of the issues at hand; risk to benefit ratio)
- Consider whether attorney’s fees are legitimate for the amount of work that was done, based on the experience of the attorney and the complexities of the case
- Draft the final agreement during the course of mediation, with the attorney/advocate and family present.



Steps to Take When Schools Receive Due Process Filings...

What School Psychologists Should Know to Support Their
Schools...

Schools and Due Process Filings

- If your school receives a Due Process filing,...
Fax the filing to ensure the CSAM Unit has received the filing...
Contact the CSAM department if there are questions.

CSAM Fax: (213) 241-8917

- If your school receives a confrontational letter from an attorney with a list of demands, your administrator /designee may telephone either department for advice on how to handle the situation...



Office of General Counsel (OCG)
(213) 241-7600



CSAM Department
(213) 241-6718



Testifying in a Hearing

What might you expect?

LAUSD counsel conducts witness preparation activities with you before you testify. Items that may be discussed include:

- **Expected duration of hearing**
 - An average hearing may last from 4-6 days
- **Sample questions asked**
 - Education level
 - Years of experience
 - Why were certain measures were used?
 - What was the reliability/validity of the measures you used?
 - Were the measures used appropriate for the student's language, gender, disability in question?
 - How do you speak to the discrepancy model?
- **Analysis of your report**
 - What did you observe? When? And how often?
 - Your protocols indicate the student was inattentive yet your psycho-educational report and/or IEP does not reference the inattentiveness.
 - Why were certain conclusions and recommendations, especially regarding duration/frequency of services made?
- **Service Provision**
 - If providing PUC services, you may be asked to explain why you believe the services you provide are beneficial?
 - You may be asked to defend your choices of counseling strategies, curriculum, and supports
- **Cross-examination from opposing counsel**
- **Possible questions from the judge**

Where are Special Education Attorneys Finding Gaps with Assessment Reports and/or IEPs?





Top 7 Errors Discovered by Attorneys

- 1) Failure to proofread
- 2) Failure to “connect the dots” throughout the psycho-educational report
- 3) Contradictory PLP development
- 4) Goal development
- 5) Accommodations
- 6) Related Services
 - *Type or setting of service*
 - Services Grid
- 7) Translation provision

Error #1: Failure to Proofread

Reports and/or IEPs contain:

- incorrect student name(s)
- incorrect gender
- incorrect age
- discrepancies when discussing biological parent vs. adoptive parent, etc.

Error #2: Failure to connect the dots throughout the psycho-educational report

Reports contain:

- information that does not connect from one section of the report to the other
- information that does not logically lead to the conclusions presented
- discrepancies when discussing biological parent vs. adoptive parent, etc.
- discrepancies between your report and that of another assessor

Error #3: Contradictory PLPs

IEP PLPs contain:

- contradictions with the students' current level of functioning

Error #4: Goal Development

IEP Goals are:

- misaligned to students' needs
- not rigorous enough for student
- unattainable for the student

Error #5: Accommodations

IEP Accommodations are:

- not developed or inappropriate to the students' needs

Error #6: Issues with Related Services

Related Services are inappropriate because:

- the setting or the focus of services do not address the student's needs

→ **for PUC**—group vs. individual counseling, focus of services does not align with the students' needs (e.g. working on improving attentional skills for a student who has anger management issues)

Services Grid lacks:

- proofreading to determine whether the services are included, whether the duration/frequency of services are accurately reported, if information documented make sense or needs follow-up

Error #7: Translation

Translation is:

- denied to parent
- not provided in order for parent to have access to meaningful participation at the IEP meeting



Behavior Pitfalls by IEP Team Members Leading Towards Litigation

Common Pitfalls

- Making recommendations without completing an assessment
- Not having all required IEP team members present at the IEP meeting – especially general education teacher
- Parent did not waive the assessor's participation at the IEP meeting
- Failure to provide parent's rights: timely written notice, consent to activities involving their child, revoking of consent, procedural safeguards, access their child's educational records, filing a complaint.

Additional Pitfalls

- When discussing placement options at the IEP, the following comments are problematic:
 - “I have to check with _____”.
 - “A NPS isn’t a valid placement option; my Specialist said that all NPS cases have to go through Case Review.”
 - “Operations told us to offer _____ program”.

Statistics



Due Process Statistics

2006-07 through 2013-14

School Year	Formal Complaints	# of Informal Dispute Resolutions (IDR)	# of Mediation Only (MO)	Total Complaints, IDR and MO	# of Hearings
2006-07	888	1354	60	2302	26
2007-08	905	1638	52	2595	12
2008-09	962	1685	41	2688	12
2009-10	949	1679	65	2693	16
2010-11	1121	1686	57	2864	19
2011-12	1300	1512	48	2860	17
2012-13	1288	1568	61	2926	9
2013-14	1539	1587	76	3202	8

Statistics by Local Districts

2013-14

Although 90% of cases are settled, the number of filings have gone up 16% from 2012-13 school year to 2013-14 school year.

Local District/ Alternative Programs	Formal Complaints	IDRs	Mediation Only	Total Combined
North	422	464	28	914
South	155	208	15	378
East	154	206	13	373
West	243	361	10	614
ISIC	93	71	4	168
Non-School (includes Preschool)	214	190	5	409
NPS	195	71	2	268
Charter	44	13	0	57
Central Options	18	3	0	21



Independent Educational Evaluations (IEEs)

An IEE is an evaluation conducted by a qualified examiner, who is not employed by LAUSD. A “qualified examiner” may be either a Licensed Educational Psychologist or a School Psychologist.

Independent Education Evaluations (IEE)

An IEE is usually requested when parent does not agree with the assessment results;
however, no explanation is required

District

- When the District receives a request for IEE, there are 2 options:
 - a) file Due Process to defend the District assessment or
 - b) grant the IEE at public expense.
- If the District is going to file for Due Process, they must do so in a “reasonable” time frame
- The request for an IEE is usually documented on page 10 of the IEP; however, it may be submitted separately as well.
- Upon receipt of an IEE request, the psych report in dispute is reviewed to determine if an IEE is warranted, or if the psych report is defensible for a due process hearing.

Parent

- Parents have the right, at any time, to obtain an IEE and have its findings considered by an IEP team.
- No more than one IEE at public expense may be provided for each area in which the District has assessed

Before Granting an IEE...

Multiple levels of review take place:



- Psychological Services Coordinator and/or Specialists review your assessment report for comprehensiveness and legal defensibility and provide input to the CSAM office.
- The CSAM department reviews the assessment report and other pertinent documents.
- *Review from the Office of General Counsel may be further required if the case is going to hearing.*



Reasons for Granting IEEs

Reasons to grant IEEs



Over the last several years, the quality of LAUSD psycho-educational reports have shown improvement overall!!

Despite this, there continues to be a large number of IEEs granted impacting the District financially. IEEs can be granted either by Psychological Services Units or the CSAM Unit.

Examples of why IEEs are granted...

The psycho-educational report is not legally defensible.

An indefensible report may include any/all of the following:

- failure to consider all suspected areas of disability
- inaccuracies/misinformation (incorrect DOB, incorrect student/parent name, erroneous dates)
- choice of instruments were problematic
 - out-of-date measures used
 - failure to use required narrow-band/broad-band measures
- Failure to “connect the dots” to lead to a logical conclusion
- Etc.

The psycho-educational report is defensible. However, it was discovered that...

- Scores from the RST’s report were incorrect → psych report included those scores → IEP team lead to make recommendations that they would otherwise not have made.
- The IEP document aligned to your psych report has significant issues of concern:
 - multiple offers of placement
 - no psychologist attended the IEP to present findings
 - psych report recommends counseling yet the IEP does not offer it and there is no explanation
- Failure to consider outside assessments that the District had access to:
 - Regional Center
 - IEE
 - Etc.

Issues related to Psycho-educational assessments and subsequent granting of IEEs...

Reasons	Solutions
Parent perceives that “customer service” was not provided. Parent and/or parent representative perceives the psych as unwilling to conduct an assessment/dismissive of their concerns...resulting in parents becoming angry and frustrated.	Remember that your interaction with parents can be as pivotal as the services you provide (assessments, counseling, etc.). Listen to parents, provide them with options, be respectful of their point of view, and gauge your verbal as well as non-verbal communication.
All areas of required assessment were not proposed on the <u>assessment plan</u> <i>(e.g. student suspected of ID yet self-help was not marked off).</i>	Collaborate with your Special Ed. administrator (or other personnel) to ensure that assessment plans are accurately generated (to include standardized and alternative assessments, language and motor functioning) before sending it out to parent.

Issues related to Psycho-educational assessments and subsequent granting of IEEs...

Reasons	Solutions
<p>All areas of suspected disability, or all areas related to the disability, were not addressed</p> <p><i>(e.g. for a student initially suspected of AUT, it is recommended that the areas for LAS and OT also be assessed).</i></p>	<ul style="list-style-type: none"> Consider eligibilities that may be plausible to the students' current functioning in your report; rule-out any that are not applicable and describe the rationale. Review the variety of tools developed for legally defensible reports: Report Reference Document, Eligibility Reference Document, Operational Definitions, and Component Checklist. Cross-reference tools with your report to ensure for completeness.
<p>A comprehensive report was not developed:</p> <p><i>Report contains references such as, "Please refer to report x, y, or z for further information".</i></p>	<p>Consult with your related services providers and summarize their findings.</p> <p>→ <i>If the related service provider's report is not complete by the date of the IEP, <u>state</u>, "X, Y, or Z's report was not available at the time of this assessor's report"</i></p>

Issues related to Psycho-educational assessments and subsequent granting of IEEs...

Reasons	Solutions
<p>The data presented in the psycho-educational report fails to “connect the dots” and bring the reader to a logical conclusion:</p> <ul style="list-style-type: none">• Information from one functioning area may be contradictory in another section of the report• <u>OR...</u>conclusions at the end of the report were not consistent with the information presented in an earlier section• <u>OR..</u> information from other sources were not integrated.	<p>Integrate information from <u>all</u> sources. Reread each section of your report to identify any discrepancies. Check that each section builds upon the next. Review your conclusion(s) to determine whether there is any missing information. Use the various Psychological Services rubrics provided to cross-validate content and components.</p>
<p>Academic functioning only focused on standardized academic testing results.</p>	<p>While WJ-III or KTEA-II scores should be taken into consideration, they are only a sampling of the students’ skills; <u>they should not taken as the sole results.</u> Academic discrepancies cannot focus on standardized academic scores alone. Classroom functioning (e.g. failing grades) must also be analyzed to find the underlying impact.</p>

Issues related to Psycho-educational assessments and subsequent granting of IEEs...

Reasons	Solutions
Standardized measures were: out-of-date, not used, scored incorrectly, inaccurately interpreted, etc.	Review the most current Protocol Supply Form from your Psychological Services unit. Check with your Psychological Services supply designee regarding any new measures available. Double-check your scoring. Review the scoring charts from the manual, if you still have questions. If administering a measure where norms are not applicable to the student, please state <u>“Test was administered for clinical purposes only”</u> and state why you administered them.
Student observations in multiple settings – especially in secondary schools were limited or not conducted.	<ul style="list-style-type: none">• Observe students in settings in both subjects where they are successful and not. This will help to identify whether students’ challenges are subject-specific, related to poor classroom management, failure to address learning modalities, teacher/student personality conflicts, etc.• If student attends a private school, you must observe the student at their site.

Issues related to Psycho-educational assessments and subsequent granting of IEEs...

Reasons	Solutions
Determining “Does Not Qualify” (DNQ)” solely on attendance or social maladjustment.	Psycho-educational reports must have strong evidence and documentation of sources such as educational history, current functioning, and teacher and parent input to support DNQ. <u>Attendance and social maladjustment</u> are considerations when recommending eligibility; they <u>cannot be the sole basis for DNQ</u> .
Parent input and/or outside reports were not incorporated in the psycho-educational report.	Thoroughly address parent input regarding the reason for referral. Use the Operational Definitions as a guide when interviewing parents about student behaviors. Outside evaluations must be considered and addressed within the LAUSD psycho-educational report only highlighting the most salient points of the outside assessments.

IEEs Granted by Psych Services Units

(This data does not include IEEs granted by the CSAM Unit)

	North	South	East	West	ISIC
2013-14	27	24 1 Neuropsych	32	18	12 1 FBA
2014-15 Since Nov. 2014	9	10 1 FBA	10	10	8

IEEs and Their Financial Impact on the District

School Year	Total Expenditure	Psycho-Ed IEEs	Social-Emotional IEEs	Bilingual Psycho-Ed IEEs	Neuropsych IEEs
2008-09	\$ 637,139	\$ 576,034	\$ 4,000	\$ 8,000	\$ 49,105
2009-10	\$ 572,120	\$ 525,876	\$ 4,000	\$ 4,300	\$ 37,944
2010-11	\$ 951,091	\$ 891,847	\$ 4,000	\$8,300	\$ 46,944
2011-12	\$ 597,756	\$ 557,556	N/A	\$ 4,000	\$ 36,200
2012-13	\$ 797,943	\$ 708,936	N/A	N/A	\$ 89,007
2013-14	\$ 884,577	\$864,777	N/A	N/A	\$ 19,800

Average rate for IEEs = \$4,800

There is a Silver Lining!

Although we still grant IEEs, your psycho-educational reports are being defended more than ever!



Tools for Developing a Legally Defensible Psycho-educational Report

Best Practice

- Use the **RIOT** method
 - Review all available records
 - Interview all individuals who would know the student well
 - Observe student in multiple settings (settings where student is successful and not, unstructured (playground, nutrition, office, etc.)
 - Test using informal and formal/standardized measures

In addition, the following tools have been developed by Psychological Services to further assure legally defensible reports and diminish the District's vulnerability regarding psycho-educational reports...

Confidential

REPORT REFERENCE DOCUMENT
Mandated Components for Psycho-educational Reports



**Los Angeles Unified School District
Division of Special Education**

PSYCHO-EDUCATIONAL ASSESSMENT

Psychological
Services
SE/SC
North/South/East/
West/IS/C

Name:	Attending School:
Birth Date:	Home School:
Student I.D. #:	Grade:
Chronological Age:	Current Eligibility:
Gender:	Current Placement:
Ethnicity:	Current DIS:
Home Language:	
Language Classification: EO or EL (specify ELD level) IFEP/RFEP/PRP/L TEL (for grades 6-12)	
Language of Instruction: (if EL)	Examiner:
Language of Assessment: (if EL)	Date of Report:

CONFIDENTIALITY: The following assessment report may contain sensitive information subject to misinterpretation by untrained individuals. Nonconsensual disclosure by unauthorized individuals is prohibited by both the California State Education Code and the Welfare and Institutions Code.

REASON FOR REFERRAL:

Must include, but may not be limited to:

- Source of referral (teacher, parent, Student Success Team, Intervention Team, DIS provider, etc.)
- Major reason why student was referred and/or parent concerns
- List of disabilities suspected (e.g., Emotional Disturbance (ED), Specific Learning Disability (SLD), Other Health Impairment (OHI), etc.)

BACKGROUND INFORMATION:

Health/Development

Must include, but may not be limited to:

- Developmental milestones/developmental history
- Any health issues that might impact learning
- Relevant medication information
- Vision and hearing information
- Outside health reports

Relevant health evaluation information must be a part of any comprehensive evaluation.

Report Reference Document

Purpose: to help you identify and address the required elements of a comprehensive, legally defensible report.



Division of Special Education
Psychological Services

ID

Intellectual Disability Eligibility Reference Guide Document

Reason for Referral

- ID must be listed as an area of suspected disability. Consider all other relevant eligibilities based on the referral concerns.
- Reason(s) for referral should include operational illustrations of any of the relevant eligibility criteria.

Background Information (Health/Development, Family History)

- Observational and/or anecdotal data to address relevant eligibility criteria in the Health and Family History sections as applicable, including exclusionary factors.
- Note if there is a family history of difficulties with language, communication and/or socialization skills
- Deficits in adaptive behavior must be noted during the developmental period.
- Address and rule out vision, hearing, and motor delays as a primary reason for accessing the curriculum.

Educational History

- Achievement history **must** suggest academic difficulties. It may or may not suggest language or behavioral difficulties.
- A pattern of behavior difficulties may be present in previous teacher reports, report cards (work/study habits; learning/social skills; transition; motivation; frustration tolerance; learning skills; attention)

Intervention History

- Note any language-based, behavioral/social skills or academic interventions either in or outside of the school.
- Describe the interventions and areas targeted. Note how long were they implemented. Document if all providers were observing similar academic/behavioral challenges. Note any improvements.
- Document if the interventions were research based and implemented with fidelity.
- Note if there was an absence of behavioral and/or academic interventions, if applicable.

Special Education History

- If present, note information from previous evaluations that are relevant to suspected disability (e.g. difficulties with pragmatics, social skills, following directions, difficulties with transitions, fine motor, gross motor etc.)
- Highlight relevant information in present levels of performance (e.g. difficulties with acquiring skills, adaptive behavior deficits, tantrums, solitary play, etc.). Also provide relevant information from previous Behavior Support Plans.
- Document relevant history of Designated Instructional Services (i.e. LAS, APE, OT, etc.)

Eligibility Reference Documents

(developed for SLD, OHI, AUT, ID & ED)

Purpose: created to assist you in identifying the key components that must be included for each of the eligibility criteria considered in a comprehensive psycho-educational case study



Division of Special Education
Psychological Services

AUT

Autism Eligibility Criteria Operational Definitions

Based on Section 3030(1), Title 5, CCR, in order to qualify for Special Education services under the category of Autism, the following definition must be met: "Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics often associated with Autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences."



* The list of behaviors delineated below is not exhaustive. A student may exhibit some or all of the behaviors. Refer to the eligibility criteria.

Verbal and nonverbal communication and social interaction are significantly affected

Specific examples of difficulty with communication may include:

- Documentation of a delay or lack of development of spoken language
- Inability to initiate or sustain a conversation
- Stereotyped/repetitive language/idiosyncratic language
- Speech may have abnormal pitch, tone, rate, intonation, rhythm or stress (monotonous, inappropriate to context, question-like inflection at the end of a statement/echolalia)
- There may be difficulties with comprehension and delays in pragmatics (difficulty integrating words with gestures and understanding humor).
- Documentation of a pattern of impairment in the use of multiple nonverbal behaviors (eye contact, facial expression, body posture, gestures)

Specific examples of impaired social interaction may include:

- Failure to develop peer relationships appropriate to developmental level
- There may be a varied lack of interest in establishing friendships where social isolation or characteristics of withdrawn behavior may be observed
- Although a student may be interested in social interaction he/she may lack understanding of social conventions/lack of joint attention, using others as a tool, an unawareness of others, or abnormalities of mood or affect (absence or exaggeration of emotional reaction).
- Immature play behaviors as compared to chronological age (ex. dumping and filling, stacking).
- Attachment to an inanimate object.

Operational Definitions

(developed for SLD, OHI, AUT, ID & ED)

Purpose: to provide you with specific examples of each criterion in the special education eligibility

(as defined in the Title 5 California Code of Regulations (CCRs))

OHI Component Checklist			
Name: _____ Student ID# _____ Age: _____ Ethnicity: _____			
Psychologist Name: _____ School _____			
	Questions addressed in report:	Checkmark for	Psych report page(s)
1. REASON FOR REFERRAL	OHI is listed as an area of suspected disability. Include the medical condition or ADHD-like behaviors, as appropriate. Reasons for referral should include operational illustrations of any of the relevant eligibility criteria.		
2. BACKGROUND INFORMATION	Observational and/or anecdotal data that address relevant eligibility criteria are present in the Health and Family History sections, as applicable.		
Health/Development, Family History			
3. EDUCATIONAL HISTORY	Achievement history may or may not suggest academic, language, and/or behavioral difficulties.		
4. INTERVENTION HISTORY	Documentation of any behavioral interventions in or outside of the school (including the length of time, what the interventions were targeting, and Characteristics that are relevant to the eligibility criteria observed by intervention providers are documented. Intervention progress noted.		
5. SPECIAL EDUCATION HISTORY	Information from previous evaluations that are relevant to suspected disability (e.g. difficulties with sustained attention, weaknesses in motor skills etc.) are documented. Relevant information from previous present levels of performance is documented. Relevant information from previous BSPs is documented.		
6. OUTSIDE/PRIVATE	Summary of outside evaluation, if applicable. If results are not available, there is documentation that an outside evaluation was conducted. Behaviors and/or areas of need relevant to suspected disability are documented. If no diagnoses given, behavioral observations that support the case study are noted, if applicable.		
7. INSTRUMENTS/PROCEDURES	Instruments are relevant to suspected		

Eligibility Checklist

(developed for SLD, OHI, AUT, ID & ED)

Purpose: a final review to confirm where the eligibility criteria data can be found within your report.

- document can be utilized in conjunction with the development of the case study to provide uniform guidance regarding specific information that must be included in a comprehensive psycho-educational evaluation in accordance to the eligibility criteria in the California Code of Regulations (CCRs), Title 5.

Please note: This document is to be completed for all cases being brought to case review (initial consideration of AUT, ED, & OHI).

Conclusion

This presentation has covered a vast amount of information about Due Process, reasons for District vulnerability, statistics, possible solutions and tools.

We hope this presentation has helped to clarify demystify, illuminate, and expand your knowledge.

Thank you for your attention and continue the good work ahead!

Thank You

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Susie Kapamaci, Intervention Coordinator, ISIC