

**SANTA CLARA COUNTY
NORTH WEST SPECIAL EDUCATION LOCAL PLAN AREA**

EARLY CHILDHOOD EDUCATION

2.1 PURPOSE AND SCOPE

The SELPA, county office, districts, and the Regional Center will actively and systematically seek out all children with disabilities from birth to age three to refer, assess and determine eligibility for special education services. This includes infants and toddlers and their families with disabilities who are homeless or wards of the state.

An Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) will be developed by a multidisciplinary team to identify the child needs and plan appropriate services for the child and the family. Districts and the county office will work cooperatively with the Regional Center and other appropriate public agencies to provide all necessary services.

2.2 IDENTIFICATION AND REFERRAL

Child find activities may include:

- (1) Assigning liaisons to local hospitals and hospitals with neonatal intensive care units.
- (2) Contacting local parent organizations and support groups.
- (3) Distributing early intervention materials to agencies and individuals providing medical, social and educational services in the community.
- (4) Community-wide health and developmental screening.
- (5) Producing and distributing public service announcements.
- (6) Producing pamphlets, brochures, and other written communication.
- (7) Making presentations to local professional groups, philanthropic organizations and other organizations established to inform and/or to serve culturally diverse populations.

Regional Centers and districts shall coordinate local child find activities with each other and other public agencies.

Primary referral sources include, but are not limited to, hospitals, including prenatal and postnatal care facilities, physicians, parents, childcare programs, districts, public health facilities, other social services agencies, and other health care providers.

Regional centers and districts shall inform primary referral sources of the following:

- (1) Eligibility criteria for early intervention services;
- (2) Types of early intervention services available through the Early Start Program;
- (3) Contact persons and telephone numbers for regional centers and districts; and,
- (4) Federal requirement that a referral shall be made to the regional center or district within two (2) working days of identification of an infant or toddler, who needs early intervention services.

The regional center, county office, or district that receives an oral or written referral for early intervention services shall ensure that:

- (1) The date of the referral is documented in the infant's or toddler's record;
- (2) A service coordinator is assigned; and,
- (3) Written notice is provided and consent is requested.

(17 CCR 52040, 52060)

2.3 EARLY START PROGRAM DESCRIPTION

The Early Start Program (ESP) is collaboration between the San Andreas Regional Center (SARC) and the Santa Clara County Office of Education (SCCOE). The ESP, through SCCOE or SARC vendored private infant programs, shall include services specifically designed to meet the unique needs of infants, from birth to three years of age, and their families. The primary purpose of an early education program is to enhance development of the infant in the context of his or her family. To meet this purpose, the program shall focus upon both the infant *and* his or her family, and may include home visits, group services, family involvement, and/or parent education activities. Services shall be provided in the natural (home, community) environment whenever possible.

Early Start Programs shall include, as program options, home-based services and group services.

Home-based and group services will be provided through a transdisciplinary team consisting of a group of professionals from various disciplines and the parent.

Credentialed personnel with expertise in vision and hearing will be the primary providers of services to infants and toddlers with blindness and deafness whenever possible.

The frequency of home-based services shall typically be once or twice a week, depending on the needs of the infant and the family.

Early education services may also be provided through both home visits and group settings with other infants, with or without the parent. The frequency of group services shall not exceed three hours a day for up to, and including, two days a week, and shall be determined on the basis of the needs of the infant and the family.

The frequency of home visits or parent involvement/education activities provided in conjunction with group services shall typically range from one to eight times per month.

(EC 56425-56426.2)

2.4 ASSESSMENT TO DETERMINE ELIGIBILITY

Each infant or toddler referred for evaluation for early intervention services shall have a timely, comprehensive, multidisciplinary evaluation of his or her needs and level of functioning to determine eligibility.

The determination of eligibility for an infant or toddler shall be made by qualified personnel of the SCCOE as per *Memo of Understanding* and contract between SCCOE and SARC. The determination shall be made with the participation of the multidisciplinary team including the parent. Evaluation and assessment shall be based on informed clinical opinion and include:

- (1) A review of pertinent records related to the infant or toddler's health status and medical history provided by qualified health professionals, who have evaluated or assessed the child.
- (2) Information obtained from parental observation and report.
- (3) Evaluation by qualified personnel of the child's level of functioning in each of these areas:
 - a. cognitive development
 - b. physical and motor development, including vision and hearing
 - c. communication development
 - d. social or emotional development
 - e. adaptive development
- (4) No single procedure shall be used as the sole criterion for determining a child's eligibility.
- (5) Standardized tests or instruments may be used as part of the evaluation, and if used, they shall be selected to ensure that, when administered to an infant or toddler with impaired sensory, motor or speaking skills, the tests produce results that accurately reflect the infant's or toddler's aptitude, developmental level, or any other factors the test purports to measure and not the infant's or toddler's impaired sensory, motor or speaking skills unless those skills are the factors the test purports to measure. The tests must be validated for the specific purpose for which they are used.
- (6) Procedures and materials for evaluation and assessment of infants and toddlers shall be selected and administered so as not to be racially or culturally discriminatory.
- (7) Infants or toddlers with solely low incidence disabilities shall be evaluated and assessed by qualified personnel of the LEA whose professional preparation, license or credential authorization are specific to the suspected disability.
- (8) Regional centers, LEA's and multidisciplinary teams shall not presume or determine eligibility, including eligibility for medical services provided through the Department of Health Services, for any other state or local government program or service when conducting evaluations or assessments of an infant or toddler or their family.

(17 CCR 52082; GC 95016)

2.5 ASSESSMENT FOR SERVICE PLANNING

Assessment for service planning for eligible infants or toddlers shall identify all the following:

- (1) The child's unique strengths and needs in each of the above areas.
- (2) Early intervention and other services appropriate to meet the needs.
- (3) If the family consents to a family assessment, the resources, priorities and concerns of the family and the supports and services necessary to enhance the family's capacity to meet the developmental needs of an infant or toddler with a disability.

Assessment for service planning shall be based on age-appropriate methods and procedures that may include any of the following:

- (1) A review of information related to the child's health status and medical history provided by qualified health professionals, who have evaluated or assessed the child.
- (2) Developmental observations by qualified personnel and the parent.
- (3) Other procedures used by qualified personnel to determine the presence of a developmental delay, established risk condition, or high risk for a developmental disability.

- (4) Standardized tests or instruments.

Assessments of family resources, priorities and concerns related to enhancing the development of the infant or toddler shall be voluntary on the part of the family. The family assessment shall:

- (1) Be conducted by qualified personnel trained to utilize appropriate methods and procedures;
- (2) Be based on information provided by the family through a personal interview;
- (3) Incorporate the family's description of its resources, priorities and concerns related to enhancing the development of the child; and
- (4) Be conducted in the language of the family's choice or other mode of communication unless it is not feasible to do so.

Evaluations and assessments for service planning shall be conducted in natural environments whenever possible.

(17 CCR 52086)

2.6 TIMELINE FOR COMPLETION OF EVALUATION AND ASSESSMENT

The evaluation and assessment for eligibility for each child shall be completed within 45 days of the date that the regional center or SELPA received the referral.

In the event of exceptional circumstances, which make it impossible to complete the initial evaluation and assessment for eligibility within 45 days of receiving a referral, the service coordinator shall inform the parents and document the reasons for the delay. An interim IFSP will be developed. Services agreed upon in the interim IFSP will be implemented. The interim IFSP will include the name of the service coordinator and timelines for completing assessments.

(17 CCR 52086)

2.7 ELIGIBILITY



The term “eligible infant or toddler with a disability” means infants and toddlers from birth through two years of age, for whom a need for early intervention services is documented by means of assessment and evaluation and who meet one of the following criteria:

- (1) Infants and toddlers with a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development.
- (2) Infants and toddlers with established risk conditions, who are infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences. An established risk condition exists when an infant or toddler has a solely low incidence disability.

If standardized, normed or criterion referenced instruments are used as part of the evaluation, a significant difference between a child's current level of functioning and the expected level of development for his or her age shall be established when the child's age equivalent score falls one third below age expectation.

(17 CCR 52022; GC 95014)

2.8 DEVELOPMENT OF THE IFSP

An initial IFSP shall be developed by the regional center and/or LEA for each eligible infant or toddler, within 45 days of the receipt, by either the regional center or LEA, of the oral or written referral.

A periodic review of the IFSP shall be conducted every six months or more frequently if service needs change, or if the parent requests such a review. The periodic review may be carried out by a meeting or by other means that is acceptable to the parent and other participants.

All IFSP meetings shall be conducted in settings and at times or by means that are reasonably convenient to the parent and in the language of parent's choice unless it is clearly not feasible to do so.

Meeting arrangements shall be made with, and written notice provided to, the parent and other members of the multidisciplinary team in a timely manner to ensure attendance at the IFSP meeting.

Each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

- (1) The parent of the infant or toddler;
- (2) The service coordinator; and,
- (3) The person(s) who conducted the evaluations or assessments.

If requested by the parent, each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

- (1) Other family members
- (2) An advocate or person outside of the family.

Each IFSP meeting shall include persons who will be providing services to the infant or toddler and family as appropriate.

(17 CCR 52102, 52104)

2.8.A Contents of the IFSP

The IFSP must be in writing and contain:

1. A statement of the infant's or toddler's present levels of development in the following areas:
 - a. physical development,
 - b. cognitive development,
 - c. communication development,
 - d. social or emotional development, and
 - e. adaptive development.
2. A statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability.

3. A statement of the developmental outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary.
4. A statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services.
5. A statement of the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment.
6. The projected dates for initiation of services and the anticipated duration of the services.
7. The identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's family needs (or who is otherwise qualified to carry out all applicable responsibilities), who will be responsible for the implementation of the plan and coordination with other agencies and persons.
8. The steps to be taken to support the transition of the toddler, with a disability, to preschool or other appropriate services.

The contents of the IFSP must be fully explained to the parents and informed written consent from the parents must be obtained before early intervention services as described in the plan can be provided. If the parents do not provide consent with respect to a particular early intervention service, then the early intervention service to which consent is obtained shall be provided.

(17 CCR 52106)

2.8.B Review of the IFSP

The IFSP shall be evaluated once a year and the family must be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

The IFSP team will review the degree to which progress toward achieving the outcome is made and document all modifications and revisions of the outcomes or services as necessary.

(17 CCR 52102)

2.9 TRANSITION REQUIREMENTS FOR EARLY INTERVENTION

To ensure a smooth transition for toddlers receiving early intervention services to preschool or other appropriate services, the following requirements must be met:

- (1) The families of such toddlers will be included in the transition plans.
- (2) At 30 months of age, the ESP service coordinator will notify the district for the area in which the child resides and the parent that the child will shortly reach the age of eligibility for preschool services.

- (3) The district of residence will hold an IEP meeting before the third birthday that ensures smooth and effective transition to a preschool program so that the child is in their preschool program on their third birthday. The IFSP transition planning meeting will be convened among the ESP service coordinator, the family, and the district at least 90 days (and at the discretion of all parties, up to 6 months) before the child is eligible for the preschool services, to discuss the transition steps and timelines, dates for transition activities and any such services that the child may receive.
- (4) In the case of a child who may not be eligible for such preschool services, with the approval of the family, reasonable efforts will be made to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services.
- (5) Procedures must occur to review the child's program options for the period from the child's third birthday through the remainder of the school year.

(17 CCR 52112; EC 56426.9)

2.10 PRESCHOOL CHILDREN (AGE THREE TO FIVE) WITH DISABILITIES

2.10.A Identification and Referral

Preschool children ages three to five with disabilities will be identified through:

1. Child Find activities listed in previous sections.
2. Direct referrals from parents, preschools, physicians, members of the community, and kindergarten teachers.
3. Children who are in transition from the Early Start Program.

Children who have been participating in the Early Start Program and are eligible to participate in preschool program will experience a smooth transition to preschool programs in the district or county office of education. Representatives of the district will participate in all transition planning conferences to ensure a smooth transition.

2.10.B Evaluation and Assessment

Assessment procedures, as described in Chapter 1, are applicable to preschool children from three to five years of age.

The assessments will be conducted by a transdisciplinary team including early childhood specialists, speech and language specialists, and other professional disciplines.

The team will use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist in determining whether the child has a disability.

Special attention will be given to:

1. Assessing children with developmentally appropriate assessments.
2. Assessing children in natural environments.
3. Assessing children to identify participation in appropriate preschool activities.
4. Involving preschool personnel in observing and assessing children.

When standardized tests are considered invalid for children between the ages of three and five years, alternative means, for example, scales, instruments, observations, and interviews shall be used as specified in the assessment plan.

(EC 56441.11, 56441.6, 56426.6)

2.10.C Eligibility

The special education eligibility criteria listed in Chapter 1 shall apply to preschool children, between the ages of three and five years. A preschool child qualifies as a child who needs early childhood special education services if the child meets the following criteria:

1. Is identified as having one of the following disabling conditions, or an established medical disability:
 - a. autism
 - b. deaf-blindness
 - c. deafness
 - d. hearing impairment
 - e. intellectual disability
 - f. multiple disabilities
 - g. orthopedic impairment
 - h. serious emotional disturbance
 - i. specific learning disability
 - j. speech or language impairment in one or more of voice, fluency, language and articulation
 - k. traumatic brain injury
 - l. visual impairment
 - m. established medical disability
2. Needs specifically designed instruction or services.
3. Has needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an IEP team.

A child is not eligible for special education services if the child does not otherwise meet the eligibility criteria and his or her educational needs are due primarily to:

1. Unfamiliarity with the English language;
2. Temporary physical disabilities;
3. Social maladjustment; or,
4. Environmental, cultural, or economic factors.

Refer to Chapter 6 for specific criteria for disabilities (a) through (l).

Established medical disability is defined as a disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education and services.

(EC 56441.11, 56440, 56333-56339; 5 CCR 3030, 3031)

2.10.D Individualized Education Program

The requirements for developing, implementing, and reviewing IEPs described in Chapter 2 are applicable to preschool children, age three to five.

An early education program for preschool children with disabilities shall include specially designed services to meet the unique needs of preschool children and their families. To meet this purpose, the program focus is on the young child and his or her family and shall include both individual and small group services, which shall be available in a variety of typical age-appropriate environments for young children, including the home, and shall include opportunities for active parent involvement.

A preschool teacher, who has observed the child in an appropriate preschool environment, will be a member of the IEP team.

The IEPs of preschool children will describe how the disability affects the child's participation in appropriate activities.

(EC 56441.2)

2.10.E Services for Preschool Children with Disabilities

Services serving preschool children with disabilities and their families shall be provided in coordination with other state and local agencies.

Services will be provided at public expense, under public supervision and without cost to the parents.

Early education services for preschool children may be provided to individuals or small groups and shall include:

1. Observing and monitoring the child's behavior and development in his or her environment.
2. Presenting activities that are developmentally appropriate for the preschool child and are specially designed, based on the child's exceptional needs, to enhance the child's development. Those activities shall be developed to conform to the child's IEP and shall be developed so that they do not conflict with his or her medical needs.
3. Interacting and consulting with the family members, regular preschool teachers, and other service providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's IEP in the appropriate setting, and necessary to reinforce the expansion of his or her skills in order to promote the child's

educational development. These interactions and consultations may include family involvement activities.

4. Assisting parents to seek and coordinate other services in their community that may be provided to their child by various agencies.
5. Providing opportunities for young children to participate in play and exploration activities, to develop self-esteem, and to develop pre-academic skills.
6. Providing access to various developmentally appropriate equipment and specialized materials.
7. Providing related services that include parent counseling and training to help parents understand the special needs of their children and their children's development.

Appropriate settings for these services include any of the following:

1. The regular public or private nonsectarian preschool program;
2. The child development center or family day care home;
3. The child's regular environment, that may include the home;
4. A special site where preschool programs for both children with disabilities and children, who are not disabled, are located close to each other and have an opportunity to share resources and program;
5. Special education preschool program, with children, who are not disabled, attending and participating, for all or part of the program; or,
6. A public school setting which provides an age-appropriate environment, materials, and services.

Early education services shall be provided by a transdisciplinary team. Responsibilities of early education staff shall include consultation with regular preschool program providers, consultation with other specialists, assessment services, and direct services.

Services may be provided by any of the following methods:

1. Directly by a local educational agency, (SELPA, district or county office of education);
2. Through an interagency agreement between a local educational agency and another public agency;
3. Through a contract with another public agency;
4. Through a contract with a nonpublic, nonsectarian school or nonpublic, nonsectarian agency; or
5. Through a contract with a nonsectarian hospital.

(EC 56441.3, 56441.4, 56441.8)

2.10.F Instructional Adult-to-Child Ratio

Appropriate instructional adult-to-child ratios for the group services shall be dependent on the needs of the child. However, because of the unique needs of children with disabilities between the ages of three and five years, inclusive, who require special education and

related services, the number of children per instructional adult shall be less than one to six for preschool children with disabilities in general.

Group services for children, identified as severely disabled, shall not exceed an adult-to-child ratio of one to five.

Duration of group services will not exceed four hours, unless determined otherwise in the child's IEP.

(EC 56441.5)

2.10.G Transition from Preschool to Kindergarten or First Grade

As the preschool age child approaches the age to enter the elementary school environment, the child's preparation is geared toward readiness for kindergarten and later school success. Prior to transitioning a child with disabilities from a preschool program to kindergarten, or first grade as the case may be, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services.

It is very important that the gains made in the special education program are not lost by too rapid a removal of individualized programs and supports for these children.

As part of the transitioning process, a means of monitoring continued success of the child shall be identified by the IEP team for those children of kindergarten or first grade equivalency who are determined to be eligible for less intensive special education programs.

As part of the exit process from special education, the present performance levels and learning style shall be noted by the IEP team. This information shall be made available to the assigned regular education teacher upon the child's enrollment in kindergarten or first grade as the case may be.

(EC 56445)

Approved by Executive Council:

SELPA I 10/26/23

SELPA II 10/27/23

SELPA III 10/26/23

SELPA IV 10/27/23

SELPA VII 10/25/23