

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

**SPECIAL EDUCATION CRITERIA AND IEP PLANNING
GUIDELINES**

6.1 PURPOSE AND SCOPE

The purpose of this document is to define the specific processes and procedures involved in determining a student's need to receive special education and related services. It is not meant to determine instructional setting or placement. Those determinations are made by the IEP Team based on identified student needs.

The determination of eligibility must be based on the findings of a multi-disciplinary assessment where no single test or single observer is the sole determining factor. The IEP Team must assure that the student's academic needs cannot be met through modifications of the regular education program and that the disability, even with corrections and modifications, adversely affects the individual's educational performance. The IEP Team must also assure that all areas related to the suspected disability have been assessed. There shall be further documentation that race, cultural differences, economic disadvantage, language background, limited school experience and poor attendance are not primary contributing factors to the results of the assessment. The IEP Team will determine eligibility, present levels of academic achievement and functional performance, areas of need and goals that address each area of need. Goals (and objectives if required) will be supported by appropriate services in the least restrictive environment as determined by the IEP Team for the child to receive educational benefit.

6.2 PRIOR TO REFERRAL FOR SPECIAL EDUCATION

The Student Study Team, or the referring instructional personnel, shall document that academic interventions and accommodations/modifications of the regular program and research-based interventions have been attempted and that the results of those strategies have not been effective in meeting the student's need for an appropriate education. Students shall be referred for special education and related services only after the resources of the regular education program have been considered and, where appropriate, utilized.

6.3 REFERRAL

C.C.R., Title 5, Sec. 3021:

- (1) All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the school district, special education local plan area, or county office shall offer assistance to the individual in making a request in writing and shall assist the individual if the individual requests such assistance.
- (2) All school staff referrals shall be written and include:
 - a) A brief reason for the referral.
 - b) Documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay timelines for completing the assessment plan or assessment.

6.4 ASSESSMENT

E.C., Sec. 56327:

The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:

- a) Whether the pupil may need special education and related services.
- b) The basis for making the determination.
- c) The relevant behavior noted during the observation of the pupil in an appropriate setting.
- d) The relationship of that behavior to the pupil's academic and social functioning.
- e) The educationally relevant health and development, and medical findings, if any.
- f) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
- g) The need for specialized services, materials, and equipment for the pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.

C.C.R., Title 5, Sec. 3023:

- a) In addition to provisions of Section 56320 of the Education Code, assessments shall be administered by qualified personnel who are competent in both the oral or signed language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity may have been affected.
- b) The normal process of second-language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a disabling condition.

E.C., Sec. 56320:

- g) The assessment of a pupil, including the assessment of a pupil with suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136.

6.5 ELIGIBILITY CRITERIA

A pupil shall qualify as an individual with exceptional needs, pursuant to Section 56026 of the Education Code, if the results of the assessment as required by Section 56320 demonstrate that the degree of the pupil's impairment as described in the Title 5 regulations at section 3030 requires special education in one or more of the program options authorized by Section 56361 of the Education Code. The decision as to whether or not the assessment results demonstrate that the degree of the pupil's impairment requires special education shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(d) of the Education Code. The individualized education program team shall take into account all the relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decision of the individualized education program team as to the pupil's eligibility for special education. The specific processes and procedures for implementation of these criteria shall be developed by each Special Education Local Plan Area and be included in the Local Plan pursuant to Section 56205(a) of the Education Code.

Eligibility Criteria are separated into thirteen federal classifications. Students need only meet eligibility under one of these federal classifications. (34 C.F.R., Section 300.8.)

Severe Disabilities and Non-severe Disabilities

Students meeting eligibility under some of the above federal classifications are considered to be severely disabled as follows:

E.C., Sec. 56030.5

"Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe intellectual disability, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6 (commencing with Section 56800) of this part, as it read on January 1, 1980.

6.5.A AUTISM (AUT): A severely disabling condition.

Definition:

C.C.R., Title 5, Sec. 3030

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 activities.

Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in the preceding paragraph are satisfied.

C.F.R. 300.8 (c) (1)

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects 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 term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.

Implementation Procedures:

A multi-disciplinary team shall assess a student. Relevant information includes all of the following:

- A written report from a school psychologist or other person with experience and training in working with autistic individuals.
- A written report from a speech/language specialist addressing verbal and non-verbal communication skills.

- Assessment/observation which indicates that the behavioral manifestations are so severe that the student requires intensive special education and related services.

6.5.B DEAF-BLINDNESS (DB):

Definition:

C.F.R. 300.7 (c)(2) and C.C.R. Title 5, section 3030

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Implementation Procedures:

A multi-disciplinary team shall assess a student. Relevant information includes all the following:

- The effect of the disability on communication, social, emotional, physical, educational, and other areas of development.
- Current audiological measures of auditory functioning which documents a hearing loss, with and without amplification, as determined by a qualified audiologist.
- Performance which reveals significant dysfunction directly related to the physical impairment.
- A written report of an eye examination by either a school nurse, physician, or an optometrist.

6.5.C DEAFNESS (D): A severely disabling condition.

Definition:

A pupil has a hearing impairment whether, permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.

C.C.R., Title 5, Sec. 3030 and C.F.R. 300.8 c(3)

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's education performance.

This hearing impairment is so severe that an individual is impaired in processing linguistic information through hearing with or without amplification. This condition adversely affects expressive or receptive communication or both, developmental growth, and/or educational performance.

Implementation Procedures:

A multi-disciplinary team shall assess a student. Relevant information to be considered includes:

- Current audiological measures of auditory functioning with and without amplification as determined by a qualified audiologist.

- Current assessment of receptive and expressive communication skills and current educational performance reveals significant impairment.

6.5.D HEARING IMPAIRMENT (HI): A severely or non-severely disabling condition.

Definition:

C.F.R. 300.8(c)(5)

Hearing impairment means an impairment in hearing whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

This hearing impairment, whether permanent or fluctuating, adversely affects an individual's expressive and/or receptive communication, developmental growth, and/or educational performance and makes difficult, but does not preclude the processing of linguistic information through hearing, with or without amplification.

C.C.R., Title 5, Sec. 3030

A pupil has significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect a pupil's educational performance.

Implementation Procedures:

A multi-disciplinary team shall assess a student. Relevant information to be considered includes:

- Current audiological measures of auditory functioning with and without amplification as determined by a qualified audiologist.
- Current assessment of receptive and expressive communication skills and current educational performance reveals significant impairment.

6.5.E INTELLECTUAL DISABILITY (ID): A severely or non-severely disabling condition.

Definition:

C.F.R. 300.8(c)(6)

Intellectual disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

Implementation Procedures:

A student shall be assessed by a multi-disciplinary team. Relevant information to be considered shall include all of the following:

- An adaptive behavior measure administered by a school psychologist.
- A report by a school psychologist of an observation of the student in the home and/or school situations to confirm that the student's adaptive behavior is significantly below the expectancy level for chronological age. The report shall describe the observed behavior, the environment in which the behavior occurred, culturally appropriate peer and adult interactions, and any other factors relevant to adaptive behavior.

- A developmental history and current medical history including vision and hearing testing.
- The cumulative results, from the multi-disciplinary team, of the examinations and observations investigating such factors as health and developmental history, language development, school achievement, adaptive behavior, and psychological processing substantiate individual test scores indicating mild, moderate or profound delays in overall levels of functioning. These results must verify the need for an educational program which emphasizes, but is not limited to, the development of some or all of the following:
 - Self-help skills
 - Environmental awareness
 - Survival skills
 - Self sufficiency
 - Communication/language
 - Economic usefulness (work skills, vocational education)
 - Independent or semi-independent living skills

The IEP Team shall document those other factors such as racial, cultural, and language background are not major contributing factors to the results of the assessments.

6.5.F MULTIPLE DISABILITIES (MH): A severely disabling condition.

Definition:

34 C.F.R. 300.8 (c)(7)

"Multiple disabilities" means concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

Implementation Procedures:

A pupil shall be defined as having multiple disabilities when the IEP team determines that the pupil has two or more concomitant disabilities and the combination of disabilities requires unique modifications and support.

A written report by a school psychologist shall include an assessment on adaptive behaviors.

6.5.G ORTHOPEDIC IMPAIRMENT (OI): A severe or non-severe disabling condition.

Definition:

C.C.R., Title 5, Sec 3030

A pupil has a severe orthopedic impairment which adversely affects the pupil's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.

C.F.R. 300.8(c)(8)

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital

anomaly or disease (e.g., poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Implementation Procedures:

A student shall be assessed by a multi-disciplinary team. Relevant information to be considered includes:

- Observation/assessment by a person with knowledge of orthopedic disabilities, who is trained to select, administer, and interpret assessments that accurately measure the abilities of the student.
- A review of medical records which document a diagnosis of physical impairment which may adversely affect educational performance, such as any of the following:
 - Cerebral Palsy
 - Poliomyelitis
 - Infections, including but not limited to, bone and joint tuberculosis and osteomyelitis
 - Congenital anomalies
 - Birth injury, including but not limited to, Erb's palsy and fractures
 - Trauma, including but not limited to, amputations, burns or fractures
 - Tumors, including but not limited to, bone tumors or bone cysts
 - Developmental diseases, including but not limited to, coxaplanga or spinal osteochondritis
 - Other conditions, including but not limited to, fragile bones, muscular atrophy, muscular dystrophy, Perthe's disease, or juvenile rheumatoid arthritis

6.5.H OTHER HEALTH IMPAIRMENT (OHI): A severe or non-severe disabling condition.

Definition:

C.C.R., Title 5, Sec 3030

A pupil has limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness to the educational environment due to chronic or acute health problems that adversely affect a pupil's educational performance. Such physical disabilities shall not be temporary in nature as defined by Section 3001 (v).

C.F.R. 300.8 (c)(9)

Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that –

- (i) is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and Tourette Syndrome, and
- (ii) adversely affects a child's educational performance.

Implementation Procedures:

Student shall be assessed by a multi-disciplinary team. Relevant information includes the following:

- The school nurse shall provide the IEP team with specific medical information related to physical limitations and their projected duration.
- Qualified assessors shall include in reports the results of observations within the regular program.

6.5.I EMOTIONAL DISTURBANCE (ED): A severe or non-severe disabling condition.Definition:

C.C.R., Title 5, Sec. 3030

Because of an emotional disturbance, a pupil exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect educational performance:

- An inability to learn which cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances .
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

C.F.R. 300.8(c)(4)

Emotional disturbance is defined as follows:

- (i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's education performance:
 - (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
 - (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
 - (C) Inappropriate types of behavior or feelings under normal circumstances.
 - (D) A general pervasive mood of unhappiness or depression.
 - (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
- (ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

Implementation Procedures:

A multi-disciplinary team shall assess a student. Relevant information includes the following:

- A report written by a credentialed school psychologist documenting the presence of an emotional disturbance. The report shall include a summary of previous and current assessments of educational and emotional status, educational history, home and school observations, health and developmental history, and attempted interventions.
- Eligibility as emotional disturbance for purposes of educational placement and/or services shall not be determined solely on the basis of any non-educational evaluation (including evaluations by psychiatrists or clinical psychologists).
- The IEP Team must document the following in order to find that a student has a serious emotional disturbance:
 - The disturbance is of such severity that the student's educational needs cannot be met in the regular classroom.
 - The presenting educational difficulties are not solely the result of social maladjustment (E.C. Section 56026 (e)).
 - The presenting educational difficulties are not the result of a behavior disorder.
 - The behavior has been observed for a period of time longer than six months.
 - The inability to learn cannot be explained by intellectual or sensory factors or by limited school experience or poor attendance.

Additional considerations:

- Eligibility is based on a multi-disciplinary assessment of the student's needs.
- The least restrictive environment shall be considered when determining placement.

6.5.J SPECIFIC LEARNING DISABILITY (SLD): A non-severe disabling condition.Definition:

E.C. 56337

A pupil shall be assessed as having a specific learning disability which makes him or her eligible for special education and related services when it is determined that one of the following exist:

- A local educational agency may use a process that determines if the pupil responds to scientific, researched based intervention as defined in federal law.
- A local educational agency may, but is not required to, consider whether a pupil has a severe discrepancy exists between the intellectual ability and achievements in one or more of the following academic areas:
 - Oral Expression
 - Listening comprehension
 - Written expression
 - Basic reading skills

- Reading comprehension
- Mathematics calculation
- Mathematics reasoning
- The discrepancy is due to a disorder in one or more of the basic psychological processes and is not the result of environmental, cultural, or economic disadvantages.
- The discrepancy cannot be corrected through other regular or categorical services offered within the regular instructional program.

E.C. 56337.5 (a)

A pupil who is assessed as being dyslexic and meets eligibility criteria specified in Section 56337 and subdivision (j) of Section 3030 of Title 5 of the California Code of Regulations for the federal Individuals with Disabilities Education Act (20 U. S. C., Sec. 1400 and following) category of specific learning disabilities is entitled to special education and related services.

C.C.R. Title 5, Sec. 3030

A pupil has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations. The IEP team may consider whether the pupil has a severe discrepancy between intellectual ability and achievement in one or more of the academic areas specified in Section 56337(a) of the Education Code. For the purpose of Section 3030:

- Basic psychological processes include attention, visual processing, auditory processing, phonological processing sensory-motor skills, and cognitive abilities including association, conceptualization and expression.
- Intellectual ability includes both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.
- The level of achievement includes the pupil's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.
- The decision as to whether or not a severe discrepancy exists shall be made by the individualized education program team, including assessment personnel in accordance with Section 56431(d), which takes into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the individualized education program team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the individualized education program team shall use the following procedures:
 - When standardized tests are considered to be valid for a specific pupil a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and a standard deviation of 15, the achievement test score and the ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this

standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations, and work samples as appropriate.

- When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
- If the standardized tests do not reveal a severe discrepancy as defined in subparagraphs (A) or (B) above, the individualized education program team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team, which shall include, but not be limited to:
 - (1) Data obtained from standardized assessment instruments;
 - (2) Information provided by the parent;
 - (3) Information provided by the pupil's present teacher;
 - (4) Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
 - (5) Consideration of the pupil's age, particularly for young children;
 - (6) Any additional relevant information; and
 - (7) The discrepancy shall not be primarily the result of limited school experience or poor school attendance.
 - (8) The discrepancy shall not be due to limited English proficiency.
 - (9) The discrepancy shall not be due to lack of appropriate instruction in reading and math.

Whether or not a pupil exhibits a severe discrepancy as described above, a pupil may be determined to have a specific learning disability if:

- The pupil does not achieve adequately for the pupil's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with appropriate learning experiences and instruction: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation and mathematics problem solving, and
- The pupil does not make sufficient progress when using a process based on the pupil's response to scientific, research-based intervention, or
- The pupil exhibits a pattern of strengths and weaknesses in performance, achievement or both that is determined by the group to be relevant to the identification of a specific learning disability.

C.F.R. 300.8 (10)

Specific learning disability is defined as follows:

- (i) *General.* The term means 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 an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- (ii) *Disorders not included.* The term 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.

Implementation Procedures:

Required Factors in Determining Eligibility

The IEP Team must verify that requirements have been met in order to state that a student is eligible for special education as a child with a specific learning disability:

- There is a severe discrepancy between ability and achievement or a determination that the pupil has not achieved adequately when using a process based on a pupil's response to intervention or when the pupil exhibits a pattern of strength and weaknesses.
- There is documented evidence of a processing disorder in one or more of the following areas:
 - Attention
 - Visual processing
 - Auditory processing
 - Phonological processing
 - Sensory-motor skills
 - Cognitive abilities including association, conceptualization, and expression

NOTE: In order for the student to be eligible for special education program and services the team must find that the student's needs cannot be met in the regular program (including categorical services) without special education support.

Determination of a Severe Discrepancy:

A multi-disciplinary team shall assess a student in one or more of the following areas of academic instruction:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skills
- Reading comprehension
- Mathematics calculation
- Mathematics reasoning

A report written by a credentialed school psychologist shall document that the pupil demonstrates a severe discrepancy between his ability and achievement.

The determination of a severe discrepancy necessitates the use of a standardized achievement test and a test of intellectual ability.

Additional Considerations:

The psychological processing disorder should be manifested on more than one instrument and be corroborated by an analysis of other test results and observations.

The relationship of the processing disorder to the pupil's academic deficits should be clearly established and become the basis for instructional planning and development of specific objectives for the student's IEP.

The IEP Team shall ensure that neither the documented psychological processing disorder nor the discrepancy is due to factors of environment, cultural differences or economic disadvantage. Also, neither the documented psychological processing disorder nor the discrepancy may be the result of visual, hearing or motor disabilities, intellectual disability, limited school experience or poor attendance, limited English proficiency or lack of appropriate instruction in reading and math.

6.5.K SPEECH OR LANGUAGE IMPAIRMENT (SLI): A non-severe disabling condition.

Definition:

E.C.56333.

A pupil shall be assessed as having a language or speech disorder which makes him or her eligible for special education and related services when he or she demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance and cannot be corrected without special education and related services. In order to be eligible for special education and related services, difficulty in understanding or using spoken language shall be assessed by a speech-language pathologist who determines that such difficulty results from any of the following disorders:

- (A) Speech sound disorder, such that the pupil's production of speech significantly interferes with communication and attracts adverse attention.
- (B) Abnormal voice, characterized by persistent, defective voice quality, pitch, or loudness. An appropriate medical examination shall be conducted, where appropriate.
- (C) Fluency difficulties which result in an abnormal flow of verbal expression to such a degree that these difficulties adversely affect communication between the pupil and listener.
- (D) Inappropriate or inadequate acquisition, comprehension, or expression of spoken language such that the pupil's language performance level is found to be significantly below the language performance level of his or her peers.
- (E) Hearing loss which contributes to or results in a language or speech disorder and significantly affects educational performance.

C.F.R. 300.8 (11)

Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

C.C.R., Title 5, Sec. 3030 (11)

A pupil has a language or speech disorder as defined in Section 56333 of the Education Code, and it is determined that the pupil's disorder meets one or more of the following criteria:

(A) Articulation

1. The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.
2. A pupil does not meet the criteria for articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

Implementation Procedures:

A student having hearing within the normal speech range shall be assessed as having an articulation disorder when the student demonstrates a developmental delay in the production of one or more phonemes.

- A preschool child between the ages of three and five years must have one or more sound articulation errors delayed by a minimum of six months according to a developmental scale of articulation competency.
- Upon entering kindergarten and up to age eight, a student must have one or more sound articulation errors delayed by a minimum of one year according to a developmental scale of articulation competency. An exception to this year delay would be lateralization of sibilant sounds. Students who produce lateralized s, z, sh, ch, or j, should receive therapy as soon as the sound in error goes beyond the developmental scale.
- Students age 8 and above must have one or more misarticulations and demonstrate one or more of the following:
 - Lack of stimulability in syllables/words.
 - Consistency of error in two or more speaking situations.
 - Reduced intelligibility in conversational speech.

(B) Abnormal Voice

A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.

Implementation Procedures:

- A student shall be assessed by a multi-disciplinary team as having abnormal voice when the disorder adversely affects educational performance. When indicated, vocal assessment shall include a medical laryngeal examination.
- The IEP team documents that the abnormal voice is noticeable to both familiar and unfamiliar listeners, interferes with communicating, is noticeable over a long period of time and is inappropriate for the student's age and/or sex.

(C) Fluency Disorder

A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.

Implementation Procedures:

- A student shall be assessed by a multi-disciplinary team as having a fluency disorder when the student exhibits inappropriate rate or rhythm of speech or excessive repetition, revision, interjection, pauses, and other breaks in the flow of speech that do not enhance meaning.
- A certain degree of normal non-fluent behavior characterizes the speech of very young children. In this case, periodic monitoring and parent education may be more appropriate than direct intervention.

(D) Language Disorder

The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:

1. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or
2. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subsection (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

Implementation Procedures:

A multi-disciplinary team shall assess a student. Relevant information shall include the following:

- Assessment in one or more of the following areas of language development:
 - Morphology Syntax
 - Semantics
 - Pragmatics
- Scores on standardized tests shall meet the requirements set forth in Title 5 quoted above.
- Scores from analysis of a language sample must also meet the requirement set forth in Title 5 quoted above.
- When standardized tests are considered to be invalid for a specific pupil, the language disorder shall be assessed by alternative means as specified on the assessment plan.

Language Disorder does *not* include:

- Students who have atypical patterns resulting from lack of familiarity with English, cultural differences, race, or environmental deprivation.
- Students whose language is commensurate with his/her general cognitive functioning.

6.5.L TRAUMATIC BRAIN INJURY (TBI): A severe or non-severe disabling condition.

Definition:

"Traumatic brain injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment, problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Implementation Procedures:

A multi-disciplinary team shall assess a student. Relevant information includes the following:

- A review of medical records, which document a diagnosis of traumatic brain injury.
- A written report by a school psychologist, which shall include a summary of previous and current educational performance, cognitive functioning, home and school observations and attempted interventions.
- Assessment by persons knowledgeable in the following areas:
 - Post-trauma academic functioning
 - Language and speech production

- Perceptual and motor abilities
- Judgment and psychosocial behavior
- Health and physical functions
- Adaptive behaviors
- The IEP Team shall determine that the traumatic brain injury adversely affects educational performance.
- The least restrictive environment shall be considered when determining placement.

6.5.M VISUAL IMPAIRMENT INCLUDING BLINDNESS (VI): A severe or non-severe disabling condition.

Definition:

C.F.R. 300.8 and C.C.R., Title 5, Section 3030

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Implementation Procedures:

A multi-disciplinary team shall assess a student. Relevant information to be considered includes a written report of an eye examination by either a physician or optometrist and a functional vision assessment by a person credentialed to serve the visually impaired. One of the following descriptions should apply:

- **Partially Sighted:** The student's visual acuity in the better eye, after the best correction, is between 20/70 and 20/200.
- **Legally Blind:** Central visual acuity of 20/200 or less in the better eye after best correction with conventional spectacle lenses, or visual acuity better than 20/200 if there is a field defect in which the widest diameter of the visual field is no greater than 20 degrees. In the United States this definition has been established primarily for economic and legal purposes.
- **Blind:** The student's visual impairment is so severe that for education purposes, vision cannot be used as a major channel of learning and the visual impairment, even with correction, adversely affects the individual's educational performance.

6.6 GOAL WRITING

Once the IEP Team has found the student eligible for special education and has identified areas of need, appropriately ambitious measurable annual goals are written (for students taking the CAA objectives are developed). For student who are English learners the goals must be linguistically appropriate.

C.C.R., Title 5, Sec. 3001 (m) "Linguistically appropriate goals, objectives, and programs" means: (1)(A) Those activities which lead to the development of English language proficiency;

(1)(B) Instructional activities to meet the student's language development needs. For students whose primary language is other than English, and whose potential for learning a second language, as determined by the individualized education program team, is severely limited, nothing in this section shall preclude the individualized education program team from determining that instruction may be provided through an alternative program pursuant to a waiver

under Education Code Section 311 (c), including a program provided in the individual's primary language, provided that the IEP team periodically, but not less than annually, reconsiders the individual's ability to receive instruction in the English language.

6.7 PROGRAM PLANNING

Once a student has been found eligible for special education and related services, placement is based upon the specific needs of the student in the least restrictive environment. Related services are provided only if necessary for the student to benefit from their special education program.

The IEP Team must consider the following:

- C.C.R., Title 5, Sec. 3040 (b)
The individualized education program shall show a direct relationship between the present levels of performance, the goals (and objectives if appropriate) , and the specific educational services to be provided.
- C.C.R., Title 5, Sec. 3042 - Placement
 - (a) Specific educational placement means that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the individualized education program, in any one or a combination of public, private, home and hospital, or residential settings.
 - (b) The individualized education program team shall document its rationale for placement in other than the pupil's school and classroom in which the pupil would otherwise attend if the pupil were not disabled. The documentation shall indicate why the student's disability keeps his or her needs from being met in a less restrictive environment even with the use of supplementary aids and services.

In determining the educational placement of a child with a disability, the district will ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

All placement decisions will be based on the individual need of the student pursuant to the IEP and not on the basis of the disability, configuration of service delivery, availability of staff, curriculum intent or administrative experience. All placements will be made in the least restrictive environment.

The continuum of options include, but are not necessarily limited to all of the following or any combination of the following:

- 1) Regular education classroom
- 2) Regular education classroom with supplementary aids and services
- 3) Regular education classroom with resource specialist services
- 4) Regular education classroom with related services
- 5) Regular education classroom with services from a special day class teacher and supports and/or related services
- 6) Special Classes and Centers
- 7) Nonpublic, nonsectarian school services
- 8) State special schools

9) Residential Schools

10) Home/ Hospital

NOTE: To view blank Eligibility Forms, log in to SIRAS → Tools → Document Library → Blank/Emergency use forms. There is a “Fill form for student” feature, which will partially fill in the form with the data of the selected record when the checkbox is checked. Basic information like the name, grade, age, birthday, etc. is auto entered.

[RPT 1] Eligibility_(Autism)	Spanish
[RPT 1] Eligibility_(Deaf Blind)	Spanish
[RPT 1] Eligibility_(Deafness)	Spanish
[RPT 1] Eligibility_(Emotional Disturbance)	Spanish
[RPT 1] Eligibility_(Estab Medical Disability: ages 3-5)	
[RPT 1] Eligibility_(Hearing Impairment)	Spanish
[RPT 1] Eligibility_(Intellectual Disability)	Spanish
[RPT 1] Eligibility_(Multiple Disabilities)	Spanish
[RPT 1] Eligibility_(Orthopedic Impairment)	Spanish
[RPT 1] Eligibility_(Other Health Impaired)	Spanish
[RPT 1] Eligibility_(Specific Learning Disability)	Spanish
[RPT 1] Eligibility_(Speech & Lang - Articulation)	Spanish
[RPT 1] Eligibility_(Speech & Lang - Fluency)	Spanish
[RPT 1] Eligibility_(Speech & Lang - Voice)	Spanish
[RPT 1] Eligibility_(Speech & Lang - Lang Disorder)	Spanish
[RPT 1] Eligibility_(Traumatic Brain Injury)	Spanish
[RPT 1] Eligibility_(Visual Impairment)	Spanish

Approved by Executive Council:

SELPA I 1/25/24

SELPA II 1/26/24

SELPA III 1/25/24

SELPA IV 1/26/24

SELPA VII 1/24/24