IEPs, Ed Code, & Resources, Oh My!

Special Ed Issues

A closer look into IEP rights & responsibilities, instructional strategies, and resources for General & Special Education teachers and educators.

For additional resources go to http://www.livebinders.com/play/play?id=1741089

Website: www.cta.org/ipd
Find us on Twitter at @ctaipd

Instruction & Professional Development 2018
California Teachers Association
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For additional resources, go to the livebinder link; http://www.livebinders.com/play/play?id=1741089
SPECIAL ED ISSUES
RESPONSIBILITIES, RIGHTS, & INFORMATION

GENERAL ED TEACHER RIGHTS

STEP 1
MEETING NOTIFICATION
56341.5. The individualized education program meeting shall be scheduled at a mutually agreed-upon time and place.

STEP 2
REQUEST TO DEVELOP, REVIEW, OR REVISE IEP
56343: An IEP team shall meet whenever a teacher or parent requests to develop, review, or revise an IEP.

STEP 3
PLACEMENT NOTIFICATION
56347: General and Special Ed teacher MUST be notified in advance of the placement of a student with an IEP in their class! They "shall be informed of his/her responsibilities" in the IEP plan.

DID YOU KNOW?
The regular education teacher of an individual with exceptional needs, to the extent appropriate, shall participate in the development, review, and revision of the pupil’s individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the pupil, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the pupil, consistent with Section 1414(d)(1)(A)(i)(IV) of Title 20 of the United States Code.

IEP MEETING
The placement of services is determined at the IEP meeting by the IEP team. All members must give feedback but do not necessarily have to all agree to the decisions made.

75% THE MORE A STUDENT RECEIVES SERVICES, THE MORE RESTRICTIVE THE ENVIRONMENT.

In the U.S. Individuals with Disabilities Education Act (IDEA), least restrictive environment (LRE) means that a student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent appropriate.

LEAST RESTRICTIVE ENVIRONMENT

Students with disabilities in California, 2014
Special Education Enrollment by Disability, www.kidsdata.org/
I EP BEST PRACTICES

Here are some ways you can make the IEP process more meaningful & productive.

1. General Ed teachers- Stay for the entire meeting if possible. Many services, goals, and accommodations that are discussed take place in your classroom and you need to give valuable feedback. This also falls under the general education teachers’ responsibility to assist in the development of the entire IEP. CA Ed. Code 56341

2. Ask for training (supports & services) if you feel you need it to help you fully implement a child’s IEP. CA Ed. Code Sec. 56345(a)(4)

3. If you feel an IEP isn’t working, you may call for a review IEP. Be prepared to document the accommodations and any other research-based practices you have been using with that student. If an IEP isn’t working, ask the special education teacher on your campus for additional ideas or other accommodations you can try. CA Ed Code Sec. 56343

4. You must be knowledgeable of the IEP contents and your responsibilities to assist the student in meeting their goals. If you don’t have access to this, ask your Special Ed teacher for a copy and keep it in a secure location. CA Ed. Code Sec. 56347

5. You have the right to speak up to assist a parent or guardian of a special education student to obtain services and accommodations for that student. This means that no district employee may directly or indirectly use their influence to intimidate, threaten, coerce a teacher in order to prevent you from helping that person. CA Ed. Code Sec. 56046 (a)

WHAT IF I DON’T AGREE?

Even if you don’t agree with everything in the IEP, you still need to sign that you were in attendance. If you feel strongly about noting this in the IEP, have the recorder document the specifics about your disagreement in the notes. The IEP meeting is a legal meeting and therefore, accurate documentation is very important.

WHAT IF I CAN’T MAKE THE MEETING?

The parent and district can agree in writing to dismissal of an IEP member, however, the member still needs to submit IEP feedback in writing prior to the meeting. ICal. Ed. Code Sec. 56341 (f) & (g)

USEFUL RESOURCES:

ADVOCACY: www.disabilityrightsca.org
CA Ed Code Section 56046 (a) Protects educators and other staff who assist a parent of a special education student from being intimidated, threatened, or coerced by the local education agency (LEA)

By law, the IEP Team has the power to make decisions for students with disabilities -- not district administration.

Federal Law- Individuals Disabilities Education Act IDEA

§ 300.320 Individualized Education Program
(a) The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324

§ 300.323 Accessibility of child’s IEP to teachers and others. Each public agency must ensure that (1) The child’s IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation;

§ 300.324 Development, review, and revision of IEP. The IEP Team must consider the academic, developmental, and functional needs of the child. In the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior

§300.320 Review and revision of IEPs Districts must ensure that the IEP Team reviews the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals described in §300.320(a)(2), and in the general education curriculum, if appropriate.

§ 300.327 Educational placements - Districts must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

The IDEA includes two fundamental requirements: that the child will receive a free appropriate public education (FAPE) in the least restrictive environment (LRE):

**Least Restrictive Environment (LRE)** - Each child is assured of his/her right of education with non-disabled peers to the maximum extent appropriate to the needs of both

**Free Appropriate Public Education (FAPE)** - Each public school system is responsible for ensuring that each child with disabilities is served appropriately, at no expense to the parent.

20 U.S.C. § 1412(5) IDEA’s mainstreaming provision establishes that students with disabilities are to be educated with children who are not handicapped only "to the maximum extent appropriate."
So you have a student with an IEP in your classroom. What does that disability mean?

It is possible for students to qualify under one or more classifications to receive an Individualized Education Plan (IEP).

1 in 110 of all children are diagnosed as autistic. ASDs are 4 times more common in boys than in girls.

1. 5 different disorders (ASDs) are associated with autism.
2. Communication problems (including comprehension).
3. Difficulty relating to other people or social situations.
4. Repetitive behaviors or obsessions with topics or objects.

SLDs account for 278,697 children in California between 2010-2011. (California Dept. of Ed)

Specific Learning Disability

This affects the ability to:
- speak
- write
- read
- listen
- spell
- do math calculations

and results from a variety of factors which include memory issues, hearing or visual disabilities, processing, etc.
Speech and Language Impaired

- 7.5 million people in the U.S. have trouble using their voices
- 9% of all young children have a speech disorder.
- 3 million people stutter in the U.S.
- 6-8 million people in the U.S. have a language impairment of some type.

Language impairments can affect sounds, articulation, the ability to express oneself or the ability to understand verbally. It also has to adversely affect a child's educational performance.

Sources:
http://www.parenthub.org/repository/autism/
http://www.parenthub.org/repository/categories/#Id
http://www.cde.ca.gov/sp/se/sr/cefspeccd.asp

California Teachers Association
Instruction & Professional Development, 2015
1. ADA - American with Disabilities Act
2. ADR - Alternative Dispute Resolution
3. APE - Adapted Physical Education
4. BIP - Behavior Intervention Plan
5. CAASP - California Assessment of Student Performance and Progress
6. CAC - Community Advisory Committee
7. CalSTAT - California Services for Technical Assistance and Training
8. CAPA - California Alternate Performance Based Assessment
9. CASEMIS - California Special Education Management Information System
10. CBEDS - California Basic Educational Data System
11. CFR - Code of Federal Regulations
12. COE - County Office of Education
13. EC - Education Code
14. ESY - Extended School Year
15. FBA - Functional Behavioral Assessment
16. FAPE - Free and Appropriate Public Education
17. FEP - Fluent English Proficient
18. FERPA - Family Education Rights and Privacy Act
19. IA - Instructional Assistant
20. IDEA - Individualized with Disabilities Education Act
21. KPI - Key Performance Indicators
22. HI - Hearing Impairment
23. ID - Intellectual Disability
24. IEE - Independent Educational Evaluation
25. IEP - Individualized Educational Program
26. ISP - Individual Services Plan
27. IFSP - Individual Family Service Plan
28. ITP - Individual Transition Plan
29. LEA - Local Educational Agency
30. LEP - Limited English Proficient
31. LRE - Least Restrictive Environment
32. NPS/NPA - Non-Public Schools/Non-Public Agencies
33. OAH - Office of Administrative Hearings
34. OCR - Office of Civil Rights
35. OHI - Other Health Impairment
36. OI - Orthopedic Impairment
37. OSEP - Office of Special Education Programs
38. OT/PT - Occupational and Physical Therapy
39. RSP - Resource Specialist Program
40. SEA - State Educational Agency
41. SDC - Special Day Class
42. SOP - State Operated Programs
43. SLD - Specific Learning Disability
44. SST - Student Study Team
45. SLI - Speech/Language Impairment
46. STAR - State Testing and Reporting
47. TBI - Traumatic Brain Injury
48. ED - Emotional Disturbance
49. SELPA - Special Education Local Plan Area
50. VI - Visual Impairment
### Commonly Used Ground Rules

<table>
<thead>
<tr>
<th>Left Column</th>
<th>Right Column</th>
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<tbody>
<tr>
<td>● Everyone participate, no one dominate</td>
<td>● Be positive, non-judgmental and open to new ideas</td>
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<tr>
<td>● Share the airtime</td>
<td>● Remember responsibility and non-defensiveness</td>
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<tr>
<td>● Success depends on participation – share ideas, ask questions, draw others out</td>
<td>● Stay at the strategic level (out of the operational)</td>
</tr>
<tr>
<td>● Listen to understand</td>
<td>● Everything happens through conversation</td>
</tr>
<tr>
<td>● Use I statements</td>
<td>● Meaning is in the listener</td>
</tr>
<tr>
<td>● Listen for the future to emerge</td>
<td>● Listen from the “We” but speak from the “I”</td>
</tr>
<tr>
<td>● One speaker at a time</td>
<td>● Respect each others’ thinking and value their contributions</td>
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<tr>
<td>● Seek unity (not separation)</td>
<td>● Listen for understanding – inquire (ask) before you advocate (persuade)</td>
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<tr>
<td>● Disagree without being disagreeable</td>
<td>● Be aware of meaningless abstraction</td>
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<td>● Share your unique perspective</td>
<td>● Treat everything you hear as an opportunity to learn and grow</td>
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<tr>
<td>● Share your experience (not others)</td>
<td>● Show up and CHOOSE to be present</td>
</tr>
<tr>
<td>● Speak honestly</td>
<td>● Staying on schedule is everyone’s responsibility; honor time limits</td>
</tr>
<tr>
<td>● Stay open to new ways of doing things</td>
<td>● State your “headline” first, then the supporting information as necessary</td>
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<tr>
<td>● All ideas are valid</td>
<td>● Be brief and meaningful when voicing your opinion</td>
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<td>● Critique ideas, not people</td>
<td>● Speak your truth, without blame or judgment</td>
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<tr>
<td>● Articulate hidden assumptions</td>
<td>● Let go of the outcome</td>
</tr>
<tr>
<td>● Challenge cherished beliefs</td>
<td>● Whatever is said in the room, stays in the room.</td>
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<tr>
<td>● With transformation, expect anxiety</td>
<td>● Participate 100%</td>
</tr>
<tr>
<td>● Manage group work</td>
<td>● Seek common ground and understanding (not problems and conflict)</td>
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<tr>
<td>● Be intrigued by the difference you hear</td>
<td>● Stay out of the weeds and the swamps</td>
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<tr>
<td>● Expect to be surprised</td>
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<tr>
<td>● Allow every voice to be heard</td>
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<tr>
<td>● Ask “what’s possible?” not “what’s wrong”? Keep asking</td>
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<tr>
<td>● Listen with care instead of “building your story”</td>
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<tr>
<td>● “Yes…and” thinking (not, “Yes…but”)</td>
<td></td>
</tr>
<tr>
<td>● Listen for the future to emerge</td>
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</tbody>
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In some cases, CA Ed Code refers to Federal Statute. Please refer to the additional statutes mentioned for further clarification. In addition, there are federal and state regulations, along with case law that help interpret Special Education law. It is important to consider all statute, regulations, and court interpretations when interpreting Ed Code.

**ARTICLE 3. General Provisions [56040 - 56048]**

( Article 3 added by Stats. 1980, Ch. 797, Sec. 9. )

**Free and Appropriate Education**

**56040.**

(a) Every individual with exceptional needs who is eligible to receive special education instruction and related services under this part, shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her. A free appropriate public education shall be available to individuals with exceptional needs in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Federal Regulations.

(b) An individual, aged 18 through 21 years, who, in the educational placement prior to his or her incarceration in an adult correctional facility was not identified as being an individual with exceptional needs or did not have an individualized education program under this part, is not entitled to a free appropriate public education pursuant to Section 1412(a)(1)(B)(ii) of Title 20 of the United States Code.

(Amended by Stats. 2007, Ch. 56, Sec. 10. Effective January 1, 2008.)

**56040.1.** In accordance with Section 1412(a)(5) of Title 20 of the United States Code and Section 300.114 of Title 34 of the Code of Federal Regulations, each public agency shall ensure the following to address the least restrictive environment for individuals with exceptional needs:

(a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are Nondisabled.

(b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(Added by Stats. 2007, Ch. 454, Sec. 8. Effective October 10, 2007.)

**56040.5.** (a) State and local educational agency personnel are prohibited, pursuant to paragraph (25) of subsection (a) of Section 1412 of Title 20 of the United States Code, from requiring an individual with exceptional needs to obtain a prescription for a
medication that is a substance covered by the Controlled Substances Act (21 U.S.C. Sec. 801 et seq.) as a condition of attending school, receiving an assessment under subsection (a) or (c) of Section 1414 of Title 20 of the United States Code, or receiving services under this part. (b) Subdivision (a) does not create a federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a pupil’s academic and functional performance, his or her behavior in the class or school, or the need for assessment for special education and related services under paragraph (3) of subsection (a) of Section 1412 of Title 20 of the United States Code.

(Added by Stats. 2005, Ch. 653, Sec. 5. Effective October 7, 2005.)

56041. Except for those pupils meeting residency requirements for school attendance specified in subdivision (a) of Section 48204, and notwithstanding any other provision of law, if it is determined by the individualized education program team that special education services are required beyond the pupil's 18th birthday, the district of residence responsible for providing special education and related services to pupils between the ages of 18 to 22 years, inclusive, shall be assigned, as follows:

(a) For nonconserved pupils, the last district of residence in effect prior to the pupil's attaining the age of majority shall become and remain as the responsible local educational agency, as long as and until the conservator relocates or a new one is appointed. At that time, the new district of residence shall attach and become the responsible local educational agency.

(b) For conserved pupils, the district of residence of the conservator shall attach and remain the responsible local educational agency, as long as and until the conservator relocates or a new one is appointed. At that time, the new district of residence shall attach and become the responsible local educational agency.

56041.5. When an individual with exceptional needs reaches the age of 18, with the exception of an individual who has been determined to be incompetent under state law, the local educational agency shall provide any notice of procedural safeguards required by this part to both the individual and the parents of the individual. All other rights accorded to a parent under this part shall transfer to the individual with exceptional needs. The local educational agency shall notify the individual and the parent of the transfer of rights.

56042. Notwithstanding any other provision of law, an attorney or advocate for a parent of an individual with exceptional needs shall not recommend placement in a nonpublic, nonsectarian school or agency with which the attorney or advocate is employed or contracted, or otherwise has a conflict of interest or from which the attorney or advocate receives a benefit.

Special Education Timelines

Special Education Resources
Instruction & Professional Development
The primary timelines affecting special education programs are as follows:

(a) A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five schooldays, from the date of receipt of the referral, unless the parent or guardian agrees in writing to an extension, pursuant to subdivision (a) of Section 56321.

(b) A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision, pursuant to subdivision (c) of Section 56321.

(c) Once a child has been referred for an initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations shall be made, and an individualized education program team meeting shall occur within 60 days of receiving parental consent for the assessment, pursuant to subdivision (a) of Section 56302.1, except as specified in subdivision (b) of that section, and pursuant to Section 56344.

(d) The individualized education program team shall review the pupil's individualized education program periodically, but not less frequently than annually, pursuant to subdivision (d) of Section 56341.1

(e) A parent or guardian shall be notified of the individualized education program team meeting early enough to ensure an opportunity to attend, pursuant to subdivision (b) of Section 56341.5. In the case of an individual with exceptional needs who is 16 years of age or younger, if appropriate, the meeting notice shall indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the individual with exceptional needs, and the meeting notice described in this subdivision shall indicate that the individual with exceptional needs is invited to attend, pursuant to subdivision (e) of Section 56341.5.

(f) (1) An individualized education program required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees in writing to an extension, pursuant to Section 56344.

(2) A meeting to develop an initial individualized education program for the pupil shall be conducted within 30 days of a determination that the child needs special education and related services pursuant to Section 300.323(c)(1) of Title 34 of the Code of Federal Regulations and in accordance with Section 56344.

(g) (1) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, the individualized education program shall include appropriate measurable postsecondary goals and transition services needed to assist the pupil in reaching those goals, pursuant to paragraph (8) of subdivision (a) of Section 56345.
(2) The individualized education program for pupils in grades 7 to 12, inclusive, shall include any alternative means and modes necessary for the pupil to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation, pursuant to paragraph (1) of subdivision (b) of Section 56345.

(3) Beginning not later than one year before the pupil reaches 18 years of age, the individualized education program shall contain a statement that the pupil has been informed of the pupil's rights under this part, if any, that will transfer to the pupil upon reaching 18 years of age, years of age, pursuant to Section 56041.5, subdivision (g) of Section 56345, and Section 300.520 of Title 34 of the Code of Federal Regulations.

(h) Beginning at the age of 16 years or younger, and annually thereafter, a statement of needed transition services shall be included in the pupil's individualized education program, pursuant to Section 56345.1 and Section 1414(d)(1)(A)(i) (VIII) of Title 20 of the United States Code.

(i) A pupil's individualized education program shall be implemented as soon as possible following the individualized education program team meeting, pursuant to Section 300.323(c)(2) of Title 34 of the Code of Federal Regulations and in accordance with Section 56344.

(j) An individualized education program team shall meet at least annually to review a pupil's progress, the individualized education program, including whether the annual goals for the pupil are being achieved, the appropriateness of the placement, and to make any necessary revisions, pursuant to subdivision (d) of Section 56343. The local educational agency shall maintain procedures to ensure that the individualized education program team reviews the pupil's individualized education program periodically, but not less frequently than annually, to determine whether the annual goals for the pupil are being achieved, and revises the individualized education program as appropriate to address, among other matters, the provisions specified in subdivision (d) of Section 56341.1, pursuant to subdivision (a) of Section 56380.

(k) A reassessment of a pupil shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise in writing, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary, pursuant to Section 56381, and in accordance with Section 1414(a)(2) of Title 20 of the United States Code.

(l) A meeting of an individualized education program team requested by a parent or guardian to review an individualized education program pursuant to subdivision (c) of Section 56343 shall be held within 30 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written request, pursuant to Section 56343.5.

(m) If an individual with exceptional needs transfers from district to district within the state, the following are applicable pursuant to Section 56325:
(1) If the child has an individualized education program and transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents or guardians, for a period not to exceed 30 days, by which time the local educational agency shall adopt the previously approved individualized education program or shall develop, adopt, and implement a new individualized education program that is consistent with federal and state law, pursuant to paragraph (1) of subdivision (a) of Section 56325.

(2) If the child has an individualized education program and transfers into a district from a district operating programs under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved individualized education program, unless the parent and the local educational agency agree to develop, adopt, and implement a new individualized education program that is consistent with state and federal law, pursuant to paragraph (2) of subdivision (a) of Section 56325.

(3) If the child has an individualized education program and transfers from an educational agency located outside the state to a district within the state within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents or guardians, until the local educational agency conducts an assessment as specified in paragraph (3) of subdivision (a) of Section 56325.

(4) In order to facilitate the transition for an individual with exceptional needs described in paragraphs (1) to (3), inclusive, the new school in which the pupil enrolls shall take reasonable steps to promptly obtain the pupil's records, as specified, pursuant to subdivision (b) of Section 56325.

(n) The parent or guardian shall have the right and opportunity to examine all school records of the child and to receive complete copies within five business days after a request is made by the parent or guardian, either orally or in writing, and before any meeting regarding an individualized education program of his or her child or any hearing or resolution session pursuant to Chapter 5 (commencing with Section 56500), in accordance with Section 56504 and Chapter 6.5 (commencing with Section 49060) of Part 27.

(o) Upon receipt of a request from a local educational agency where an individual with exceptional needs has enrolled, a former educational agency shall send the pupil's special education records, or a copy of those records, to the new local educational agency within five working days, pursuant to subdivision (a) of Section 3024 of Title 5 of the California Code of Regulations.
(p) The department shall do all of the following:
(1) Have a time limit of 60 calendar days after a complaint filed with the state educational agency to investigate the complaint.
(2) Give the complainant the opportunity to submit additional information about the allegations in the complaint.
(3) Review all relevant information and make an independent determination as to whether there is a violation of a requirement of this part or Part B of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).
(4) Issue a written decision pursuant to Section 300.152(a)(5) of Title 34 of the Code of Federal Regulations.

(q) A prehearing mediation conference shall be scheduled within 15 calendar days of receipt by the Superintendent of the request for mediation, and shall be completed within 30 calendar days after the request for mediation, unless both parties to the prehearing mediation conference agree to extend the time for completing the mediation, pursuant to Section 56500.3.

(r) Any request for a due process hearing arising from subdivision (a) of Section 56501 shall be filed within two years from the date the party initiating the request knew or had reason to know of facts underlying the basis for the request, except that this timeline shall not apply to a parent if the parent was prevented from requesting the due process hearing, pursuant to subdivision (l) of Section 56505.

(s) The Superintendent shall ensure that, within 45 calendar days after receipt of a written due process hearing request, the hearing is immediately commenced and completed, including any mediation requested at any point during the hearing process, and a final administrative decision is rendered, pursuant to subdivision (f) of Section 56502.

(t) If either party to a due process hearing intends to be represented by an attorney in the due process hearing, notice of that intent shall be given to the other party at least 10 calendar days before the hearing, pursuant to subdivision (a) of Section 56507.

(u) Any party to a due process hearing shall have the right to be informed by the other parties to the hearing, at least 10 calendar days before the hearing, as to what those parties believe are the issues to be decided at the hearing and their proposed resolution of those issues, pursuant to paragraph (6) of subdivision (e) of Section 56505.

(v) Any party to a due process hearing shall have the right to receive from other parties to the hearing, at least five business days before the hearing, a copy of all documents, including all assessments completed and not completed by that date, and a list of all witnesses and their general area of testimony that the parties intend to present at the hearing, pursuant to paragraph (7) of subdivision (e) of Section 56505.

(w) An appeal of a due process hearing decision shall be made within 90 calendar days of receipt of the hearing decision, pursuant to subdivision (k) of Section 56505.
A complaint filed with the department shall allege a violation of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a provision of this part that occurred not more than one year before the date that the complaint is received by the department, pursuant to Section 56500.2 and Section 300.153 (c) of Title 34 of the Code of Federal Regulations.

Compliance
56045. (a) The Superintendent shall send a notice to the governing board of each local educational agency within 30 days of when the Superintendent determines any of the following:

(1) The local educational agency is substantially out of compliance with one or more significant provisions of this part, the implementing regulations, provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or the implementing regulations.

(2) The local educational agency fails to comply substantially with corrective action orders issued by the department resulting from focused monitoring findings or complaint investigations.

(3) The local educational agency fails to implement the decision of a due process hearing officer for noncompliance with provisions of this part, the implementing regulations, provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or the implementing regulations, which noncompliance results in the denial of, or impedes the delivery of, a free appropriate public education for an individual with exceptional needs.

(b) The notice shall provide a description of the special education and related services that are required by law and with which the local educational agency is not in compliance.

(c) Upon receipt of the notification sent pursuant to subdivision (a), the governing board shall at a regularly scheduled public hearing address the issue of noncompliance.

Retaliation against an employee
56046. (a) An employee of a local educational agency shall not directly or indirectly use or attempt to use the official authority or influence of the employee for the purpose of intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce, any person, including, but not limited to, a teacher, a provider of designated instruction and services, a paraprofessional, an instructional aide, a behavioral aide, a health aide, other educators or staff of the local educational agency, a private individual or entity under contract with the local educational agency, or a subordinate of the employee, for the purpose of interfering with the action of that person at any time, to assist a parent or
guardian of a pupil with exceptional needs to obtain services or accommodations for that pupil.

(b) If a person described in subdivision (a), believes an employee or agent of a local educational agency is in violation of subdivision (a) because of using or attempting to use official authority or influence, that person may file a complaint under the Uniform Complaint Procedures as set forth in Title 5 of the California Code of Regulations. If a person files a complaint pursuant to this subdivision, the state shall intervene directly and the conditions for intervention in Section 4650 of Title 5 of the California Code of Regulations are not applicable.

(c) This section does not limit or alter any right a person described in subdivision (a) may have to file a complaint pursuant to either a governing board-adopted grievance process or a collectively bargained grievance.

(d) This section does not do any of the following:

   (1) Limit or alter the right or duty of a public school official to direct or discipline an employee or contractor.

   (2) Prevent a local educational agency from enforcing a law or regulation regarding conflicts of interest, incompatible activities, or the confidentiality of pupil records.

(e) (1) For purposes of this section, "services or accommodations" includes information that would assist a parent or guardian to obtain a free appropriate public education for his or her child as guaranteed by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or other services or accommodations guaranteed under Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as well as state laws regarding individuals with exceptional needs.

   (2) For purposes of this section, "use of official authority or influence" includes promising to confer or conferring any benefit, affecting or threatening to affect any reprisal, or taking, directing others to take, recommending, processing, or approving any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action. "Use of official authority or influence" does not include good faith advocacy by an employee of a public school agency, to any person including another agency employee or contractor, regarding the services, if any, to be provided to a pupil under the laws referred to in paragraph (1).

(f) This section does not diminish the rights, privileges, or remedies of a public school employee under any other federal or state law or under an employment contract or collective bargaining agreement.

(g) A school employee's or contractor's assistance offered to a parent or guardian of a pupil with exceptional needs to obtain services or accommodations for that pupil shall not interfere with the school employee's or contractor's regular duties for the local educational agency.
The superintendent shall review the information and calculations submitted by special education local plan areas in support of all apportionment computations described in this part. The review shall be conducted on the data submitted during the initial year of apportionment and for the first succeeding fiscal year only. Adjustments to any year’s apportionment shall be received by the superintendent from the special education local plan area prior to the end of the first fiscal year following the fiscal year to be adjusted. The superintendent shall consider and adjust only the information and computational factors originally established during an eligible fiscal year, if the superintendent's review determines that they are correct.

ARTICLE 3.9. Qualifications for Special Education Teachers [56058 - 56059]

(a) This part does not create a right of action on behalf of an individual with exceptional needs or class of pupils for failure of a state or local educational agency employee to be highly qualified.

(b) In accordance with Section 300.156(e) of Title 34 of the Code of Federal Regulations, nothing in this part prevents a parent from filing a complaint with the department under Section 56500.2, and under Sections 300.151 to 300.153, inclusive, of Title 34 of the Code of Federal Regulations, about staff qualifications.

ARTICLE 4. Substitute Teachers [56060 - 56063]

A non-credentialed person shall not substitute for any special education certificated position.

A person holding a valid credential authorizing substitute teaching may serve as a substitute for the appropriately credentialed special education teacher as follows:

(a) Except as provided in subdivisions (b) and (c), the employer shall not employ an inappropriately credentialed substitute teacher for a period of more than 20 cumulative school days for each special education teacher absent during each school year.

(b) Upon application by the district or county office, the superintendent may approve an extension of 20 school days in addition to those authorized by subdivision (a).
Only in extraordinary circumstances may an additional number of days be granted beyond the 40 school days provided for by subdivisions (a) and (b). Such additional days shall be granted in writing by the superintendent. The superintendent shall report to the board on all requests granted for an additional number of days pursuant to this subdivision.

56062. The employer shall use the following priorities in placing substitute teachers in special education classrooms:

(a) A substitute teacher with the appropriate special education credential or credentials.

(b) A substitute teacher with any other special education credential or credentials.

(c) A substitute teacher with a regular teaching credential.

56063. The employer shall be responsible for seeking, and maintaining lists of, appropriately credentialed substitute teachers. The employer shall contact institutions of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel.

(Repealed and added by Stats. 1980, Ch. 797, Sec. 9. Effective July 28, 1980.)

ARTICLE 5. Qualifications for Designated Instruction and Services Personnel, Related Services Personnel, and Paraprofessionals [56070-56070.]

( Article 5 added by Stats. 2007, Ch. 454, Sec. 11. )

56070. (a) In accordance with Section 1412(a)(14)(A), (B), and (D) of Title 20 of the United States Code and Section 300.156(a), (b), and (d) of Title 34 of the Code of Federal Regulations, qualifications for designated instruction and services personnel, related services personnel, and paraprofessionals shall include the following:

(1) Be consistent with a state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or designated instruction and services, and related services.
(2) Ensure that personnel who deliver services in their discipline or profession meet the requirements of this subdivision and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

(3) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with state law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education, designated instruction and services, and related services under this part to individuals with exceptional needs.

(b) Local educational agencies shall take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education, designated instruction and services, and related services under this part to individuals with exceptional needs.

(Added by Stats. 2007, Ch. 454, Sec. 11. Effective October 10, 2007.)

CA Ed Code: ARTICLE 3. Instructional Planning and Individualized Education Program [56340 - 56347]  (Article 3 added by Stats. 1980, Ch. 797, Sec. 9.)

56341.
(a) Each meeting to develop, review, or revise the individualized education program of an individual with exceptional needs shall be conducted by an individualized education program team.

(b) The individualized education program team shall include all of the following:

(1) One or both of the pupil’s parents, a representative selected by a parent, or both, in accordance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(2) Not less than one regular education teacher of the pupil, if the pupil is, or may be, participating in the regular education environment. If more than one regular education teacher is providing instructional services to the individual with exceptional needs, one regular education teacher may be designated by the local educational agency to represent the others.

The regular education teacher of an individual with exceptional needs, to the extent appropriate, shall participate in the development, review, and revision of the pupil’s individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the pupil, and the determination of supplementary aids and services, program modifications, and
supports for school personnel that will be provided for the pupil, consistent with Section 1414(d)(1)(A)(i)(IV) of Title 20 of the United States Code.

(3) Not less than one special education teacher of the pupil, or if appropriate, not less than one special education provider of the pupil.

(4) A representative of the local educational agency who meets all of the following:

(A) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.

(B) Is knowledgeable about the general education curriculum.

(C) Is knowledgeable about the availability of resources of the local educational agency.

(5) An individual who can interpret the instructional implications of the assessment results. The individual may be a member of the team described in paragraphs (2) to (6), inclusive.

(6) At the discretion of the parent, guardian, or the local educational agency, other individuals who have knowledge or special expertise regarding the pupil, including related services personnel, as appropriate. The determination of whether the individual has knowledge or special expertise regarding the pupil shall be made by the party who invites the individual to be a member of the individualized education program team.

(7) Whenever appropriate, the individual with exceptional needs.

(c) In accordance with Sections 300.308 and 300.310 of Title 34 of the Code of Federal Regulations, for a pupil suspected of having a specific learning disability, at least one member of the individualized education program team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. In accordance with Section 300.310 of Title 34 of the Code of Federal Regulations, at least one team member shall observe the pupil’s academic performance and behavior in the areas of difficulty in the pupil’s learning environment, including in the regular classroom setting. In the case of a child who is less than schoolage or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

(d) (1) The local educational agency shall invite an individual with exceptional needs to attend his or her individualized education program meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the individual and the needed transition services for the individual to assist the individual in reaching those goals under subparagraphs (A) and (B) of paragraph (8) of subdivision (a) of Section 56345.
(2) If the individual with exceptional needs does not attend the individualized education program meeting, the local educational agency shall take steps to ensure that the individual’s preferences and interests are considered.

(3) To the extent appropriate, with the consent of the parents or an individual with exceptional needs who has reached the age of majority, in implementing the requirements of paragraph (1), the local educational agency shall invite a representative of a participating agency that is likely to be responsible for providing or paying for transition services.

(e) A local educational agency may designate another local educational agency member of the individualized education program team to serve also as the representative required pursuant to paragraph (4) of subdivision (b) if the requirements of subparagraphs (A), (B), and (C) of paragraph (4) of subdivision (b) are met.

(f) A member of the individualized education program team described in paragraphs (2) to (5), inclusive, of subdivision (b) shall not be required to attend an individualized education program meeting, in whole or in part, if the parent of the individual with exceptional needs and the local educational agency agree, in writing, that the attendance of the member is not necessary because the member’s area of the curriculum or related services is not being modified or discussed in the meeting.

(g) A member of the individualized education program team described in subdivision (f) may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if both of the following occur:

(1) The parent, in writing, and the local educational agency consent to the excusal after conferring with the member.

(2) The member submits, in writing, to the parent and the individualized education program team input into the development of the individualized education program prior to the meeting.

(h) A parent’s agreement under subdivision (f) and consent under subdivision (g) shall be in writing.

(i) In the case of a child who was previously served under Chapter 4.4 (commencing with Section 56425), Early Education for Individuals with Exceptional Needs, or the California Early Intervention Services Act under Title 14 (commencing with Section 95000) of the Government Code, an invitation to the initial individualized education program team meeting shall, at the request of the parent, be sent to the infants and toddlers with disabilities service coordinator, as described in Subchapter III (commencing with Section 1431) of the federal Individuals with Disabilities Education Act.
Act (20 U.S.C. Sec. 1400 et seq.), or other representatives of the early education or early intervention system to assist with the smooth transition of services.

56341.1.
(a) When developing each pupil’s individualized education program, the individualized education program team shall consider the following:

(1) The strengths of the pupil.

(2) The concerns of the parents or guardians for enhancing the education of the pupil.

(3) The results of the initial assessment or most recent assessment of the pupil.

(4) The academic, developmental, and functional needs of the child.

(b) The individualized education program team shall do the following:

(1) In the case of a pupil whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

(2) In the case of a pupil with limited English proficiency, consider the language needs of the pupil as those needs relate to the pupil’s individualized education program.

(3) In the case of a pupil who is blind or visually impaired, provide for instruction in braille, and the use of braille, unless the individualized education program team determines, after an assessment of the pupil’s reading and writing skills, needs, and appropriate reading and writing media, including an assessment of the pupil’s future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate for the pupil.

(4) Consider the communication needs of the pupil, and in the case of a pupil who is deaf or hard of hearing, consider the pupil’s language and communication needs, opportunities for direct communications with peers and professional personnel in the pupil’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the pupil’s language and communication mode.

(5) Consider whether the pupil requires assistive technology devices and services as defined in Section 1401(1) and (2) of Title 20 of the United States Code.

(c) If, in considering the special factors described in subdivisions (a) and (b), the individualized education program team determines that a pupil needs a particular device or service, including an intervention, accommodation, or other program modification, in
order for the pupil to receive a free appropriate public education, the individualized
education program team shall include a statement to that effect in the pupil’s
individualized education program.

(d) The individualized education program team shall review the pupil’s individualized
education program periodically, but not less frequently than annually, to determine
whether the annual goals for the pupil are being achieved, and revise the individualized
education program, as appropriate, to address, among other matters, the following:

(1) A lack of expected progress toward the annual goals and in the general education
curriculum, where appropriate.

(2) The results of any reassessment conducted pursuant to Section 56381.

(3) Information about the pupil provided to, or by, the parents or guardians, as described
in subdivision (b) of Section 56381.

(4) The pupil’s anticipated needs.

(5) Any other relevant matter.

(e) A regular education teacher of the pupil, who is a member of the individualized
education program team, shall participate, consistent with Section 1414(d)(1)(C) of Title
20 of the United States Code, in the review and revision of the individualized education
program of the pupil.

(f) The parent or guardian shall have the right to present information to the
individualized education program team in person or through a representative and the
right to participate in meetings, relating to eligibility for special education and related
services, recommendations, and program planning.

Recording an IEP Team Meeting

(g) (1) Notwithstanding Section 632 of the Penal Code, the parent or guardian or local
educational agency shall have the right to audio record the proceedings of
individualized education program team meetings. The parent or guardian or local
educational agency shall notify the members of the individualized education program
team of his, her, or its intent to audio record a meeting at least 24 hours prior to the
meeting. If the local educational agency initiates the notice of intent to audio record a
meeting and the parent or guardian objects or refuses to attend the meeting because it
will be audio recorded, the meeting shall not be audio recorded.

(2) The Legislature hereby finds as follows:
(A) Under federal law, audio recordings made by a local educational agency are subject to the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g), and are subject to the confidentiality requirements of the regulations under Sections 300.610 to 300.626, inclusive, of Title 34 of the Code of Federal Regulations.

(B) Parents or guardians have the right, pursuant to Sections 99.10 to 99.22, inclusive, of Title 34 of the Code of Federal Regulations, to do all of the following:

(i) Inspect and review the audio recordings.

(ii) Request that the audio recordings be amended if the parent or guardian believes that they contain information that is inaccurate, misleading, or in violation of the rights of privacy or other rights of the individual with exceptional needs.

(iii) Challenge, in a hearing, information that the parent or guardian believes is inaccurate, misleading, or in violation of the individual's rights of privacy or other rights.

(h) It is the intent of the Legislature that the individualized education program team meetings be nonadversarial and convened solely for the purpose of making educational decisions for the good of the individual with exceptional needs.

Student in a Group Home

56341.2.
(a) In the case of a pupil with exceptional needs who has been placed in a group home, as defined in subdivision (g) of Section 80001 of Title 22 of the California Code of Regulations, by the juvenile court pursuant to Section 300, 601, or 602 of the Welfare and Institutions Code, the district, special education local plan area, or county office shall invite to the individualized education program team meetings a representative of the group home.

(b) This section shall not be construed to delay the individualized education program process or to change the individualized education program team requirements of subdivision (b) of Section 56341.

IEP Team Meeting Notifications

56341.5.
(a) Each local educational agency convening a meeting of the individualized education program team shall take steps to ensure that no less than one of the parents or guardians of the individual with exceptional needs are present at each individualized education program meeting or are afforded the opportunity to participate.
(b) Parents or guardians shall be notified of the individualized education program meeting early enough to ensure an opportunity to attend.

(c) The individualized education program meeting shall be scheduled at a mutually agreed-upon time and place. The notice of the meeting under subdivision (b) shall indicate the purpose, time, and location of the meeting and who shall be in attendance. Parents or guardians also shall be informed in the notice of the right, pursuant to Section 300.322(b)(1)(ii) of Title 34 of the Code of Federal Regulations, to bring other people to the meeting who have knowledge or special expertise regarding the individual with exceptional needs, and inform the parents of subdivision (i) of Section 56341 relating to the participation of the infants and toddlers with disabilities service coordinator under Subchapter III (commencing with Section 1431) of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) at the initial individualized education program team meeting for a child previously served under the Subchapter III program.

(d) As part of the participation of an individual with exceptional needs in the development of an individualized education program, as required by federal law, the individual with exceptional needs shall be allowed to provide confidential input to any representative of his or her individualized education program team.

(e) For an individual with exceptional needs, beginning no later than the effective date of the individualized education program in effect when the individual reaches the age of 16 years, or younger if determined appropriate by the individualized education program team, the meeting notice also shall indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the individual, pursuant to Section 56345.1 and Section 1414(d)(1)(A)(i)(VIII) of Title 20 of the United States Code, and the meeting notice shall indicate that the individual with exceptional needs is invited to attend. If the pupil does not attend the individualized education program meeting, the local educational agency shall take steps to ensure that the preferences and interests of the pupil are considered in accordance with Section 300.321(b)(2) of Title 34 of the Code of Federal Regulations.

(f) The local educational agency, to the extent appropriate, with the consent of the parents or individual with exceptional needs who has reached the age of majority, and in accordance with Section 300.321(b)(3) of Title 34 of the Code of Federal Regulations, shall invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

(g) Pursuant to Section 300.322(c) of Title 34 of the Code of Federal Regulations, if no parent or guardian can attend the meeting, the local educational agency shall use other methods to ensure parent or guardian participation, including individual or conference telephone calls, and consistent with Section 300.328 of Title 34 of the Code of Federal Regulations.
Regulations, the parent or guardian and the local educational agency may agree to use alternative means of meeting participation.

(h) A meeting may be conducted without a parent or guardian in attendance if the local educational agency is unable to convince the parent or guardian that he or she should attend. In this event, the local educational agency shall maintain a record of its attempts to arrange a mutually agreed-upon time and place, such as:

(1) Detailed records of telephone calls made or attempted and the results of those calls.

(2) Copies of correspondence sent to the parents or guardians and any responses received.

(3) Detailed records of visits made to the home or place of employment of the parent or guardian and the results of those visits.

(i) The local educational agency shall take any action necessary to ensure that the parent or guardian understands the proceedings at a meeting, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English.

(j) The local educational agency shall give the parent or guardian a copy of the individualized education program, at no cost to the parent or guardian.

Placement recommendations 56342.

(a) The individualized education program team shall review the assessment results, determine eligibility, determine the content of the individualized education program, consider local transportation policies and criteria developed pursuant to paragraph (5) of subdivision (b) of Section 56195.8, and make program placement recommendations.

(b) In determining the program placement of an individual with exceptional needs, a local educational agency shall ensure that the placement decisions and the child’s placement are made in accordance with Sections 300.114 to 300.118, inclusive, of Title 34 of the Code of Federal Regulations.

Nonsectarian school placement recommendations

56342.1.
Before a local educational agency places an individual with exceptional needs in, or refers an individual to, a nonpublic, nonsectarian school, the district, special education local plan area, or county office of education shall initiate and conduct a meeting to develop an individualized education program in accordance with Sections 56341.1 and 56345 and in accordance with Section 300.325(a) of Title 34 of the Code of Federal
Regulations. An individual with exceptional needs shall not be referred to, or placed in, a nonpublic, nonsectarian school unless his or her individualized education program specifies that the placement is appropriate.

**Parental involvement in decision-making**
56342.5.
A local educational agency shall ensure that the parent of each individual with exceptional needs is a member of *any group* that makes decisions on the educational placement of the individual with exceptional needs.

**When shall the IEP Team meet?**
56343.
An individualized education program team shall meet whenever any of the following occurs:

(a) A pupil has received an initial formal assessment. The team may meet when a pupil receives any subsequent formal assessment.

(b) The pupil demonstrates a lack of anticipated progress.

(c) The parent or teacher requests a meeting to develop, review, or revise the individualized education program.

(d) At least annually, to review the pupil's progress, the individualized education program, including whether the annual goals for the pupil are being achieved, and the appropriateness of placement, and to make any necessary revisions. The individualized education program team conducting the annual review shall consist of those persons specified in subdivision (b) of Section 56341. Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review.

**Parent request of an IEP Team meeting**
56343.5.
A meeting of an individualized education program team requested by a parent to review an individualized education program pursuant to subdivision (c) of Section 56343 shall be held within 30 days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's written request. If a parent makes an oral request, the local educational agency shall notify the parent of the need for a written request and the procedure for filing a written request.

**IEP Assessment Timeline**
56344.
(a) An individualized education program required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 days, not counting days between the pupil’s regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent’s written consent for assessment, unless the parent agrees, in writing, to an extension. However, an individualized education program required as a result of an assessment of a pupil shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each local educational agency’s school calendar for each pupil for whom a referral has been made 30 days or less prior to the end of the regular school year. In the case of pupil school vacations, the 60-day time shall recommence on the date that pupil school days reconvene. A meeting to develop an initial individualized education program for the pupil shall be conducted within 30 days of a determination that the pupil needs special education and related services pursuant to Section 300.323(c)(1) of Title 34 of the Code of Federal Regulations.

(b) Pursuant to Section 300.323(c)(2) of Title 34 of the Code of Federal Regulations, as soon as possible following development of the individualized education program, special education and related services shall be made available to the individual with exceptional needs in accordance with the individual’s individualized education program.

(c) Each local educational agency shall have an individualized education program in effect for each individual with exceptional needs within its jurisdiction at the beginning of each school year in accordance with subdivision (a) and pursuant to Section 300.323(a) and (b) of Title 34 of the Code of Federal Regulations.

**Individualized Education Programs 56345.**

(a) The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by Section 1414(d) of Title 20 of the United States Code, and that includes the following:

1. A statement of the individual’s present levels of academic achievement and functional performance, including the following:

   A. The manner in which the disability of the individual affects his or her involvement and progress in the general education curriculum.

   B. For preschool children, as appropriate, the manner in which the disability affects his or her participation in appropriate activities.

   C. For individuals with exceptional needs who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.
(2) A statement of measurable annual goals, including academic and functional goals, designed to do the following:

(A) Meet the needs of the individual that result from the disability of the individual to enable the pupil to be involved in and make progress in the general education curriculum.

(B) Meet each of the other educational needs of the pupil that result from the disability of the individual.

(3) A description of the manner in which the progress of the pupil toward meeting the annual goals described in paragraph (2) will be measured and when periodic reports on the progress the pupil is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, will be provided.

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided to enable the pupil to do the following:

(A) To advance appropriately toward attaining the annual goals.

(B) To be involved in and make progress in the general education curriculum in accordance with paragraph (1) and to participate in extracurricular and other nonacademic activities.

(C) To be educated and participate with other individuals with exceptional needs and nondisabled pupils in the activities described in this subdivision.

(5) An explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils in the regular class and in the activities described in subparagraph (C) of paragraph (4).

(6) (A) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments consistent with Section 1412(a)(16)(A) of Title 20 of the United States Code.

(B) If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of pupil achievement, a statement of the following:
(i) The reason why the pupil cannot participate in the regular assessment.

(ii) The reason why the particular alternate assessment selected is appropriate for the pupil.

(7) The projected date for the beginning of the services and modifications described in paragraph (4), and the anticipated frequency, location, and duration of those services and modifications.

(8) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, the following shall be included:

(A) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.

(B) The transition services, as defined in Section 56345.1, including courses of study, needed to assist the pupil in reaching those goals.

(b) If appropriate, the individualized education program shall also include, but not be limited to, all of the following:

(1) For pupils in grades 7 to 12, inclusive, any alternative means and modes necessary for the pupil to complete the prescribed course of study of the district and to meet or exceed proficiency standards for graduation.

(2) For individuals whose native language is other than English, linguistically appropriate goals, objectives, programs, and services.

(3) Pursuant to Section 300.106 of Title 34 of the Code of Federal Regulations, extended school year services shall be included in the individualized education program and provided to the pupil if the individualized education program team of the pupil determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the pupil.

(4) Provision for the transition into the regular class program if the pupil is to be transferred from a special class or nonpublic, nonsectarian school into a regular class in a public school for any part of the schoolday, including the following:
(A) A description of activities provided to integrate the pupil into the regular education program. The description shall indicate the nature of each activity, and the time spent on the activity each day or week.

(B) A description of the activities provided to support the transition of pupils from the special education program into the regular education program.

(5) For pupils with low-incidence disabilities, specialized services, materials, and equipment, consistent with guidelines established pursuant to Section 56136.

(c) It is the intent of the Legislature in requiring individualized education programs, that the local educational agency is responsible for providing the services delineated in the individualized education program. However, the Legislature recognizes that some pupils may not meet or exceed the growth projected in the annual goals and objectives of the individualized education program of the pupil.

(d) Consistent with Section 56000.5 and Section 1414(d)(3)(B)(iv) of Title 20 of the United States Code, it is the intent of the Legislature that, in making a determination of the services that constitute an appropriate education to meet the unique needs of a deaf or hard-of-hearing pupil in the least restrictive environment, the individualized education program team shall consider the related services and program options that provide the pupil with an equal opportunity for communication access. The individualized education program team shall specifically discuss the communication needs of the pupil, consistent with “Deaf Students Education Services Policy Guidance” (57 Fed. Reg. 49274 (October 1992)), including all of the following:

1. The pupil’s primary language mode and language, which may include the use of spoken language with or without visual cues, or the use of sign language, or a combination of both.

2. The availability of a sufficient number of age, cognitive, and language peers of similar abilities, which may be met by consolidating services into a local plan areawide program or providing placement pursuant to Section 56361.

3. Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the pupil’s primary language mode and language consistent with existing law regarding teacher training requirements.

4. Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities consistent with the federal Vocational Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).
(5) In accordance with Section 300.113 of Title 34 of the Code of Federal Regulations, each public agency shall ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

(6) Subject to paragraph (7), each public agency, pursuant to Section 300.113(b) of Title 34 of the Code of Federal Regulations, shall ensure that external components of surgically implanted medical devices are functioning properly.

(7) For a child with a surgically implanted medical device who is receiving special education and a service under Section 56363, a public agency is not responsible for the postsurgical maintenance, programming, or replacement of the medical device that has been surgically implanted, or of an external component of the surgically implanted medical device.

(e) State moneys appropriated to districts or local educational agencies may not be used for any additional responsibilities and services associated with paragraphs (1) and (2) of subdivision (d), including the training of special education teachers and other specialists, even if those additional responsibilities or services are required pursuant to a judicial or state agency determination. Those responsibilities and services shall only be funded by a local educational agency as follows:

(1) The costs of those activities shall be funded from existing programs and funding sources.

(2) Those activities shall be supported by the resources otherwise made available to those programs.

(3) Those activities shall be consistent with Sections 56240 to 56243, inclusive.

(f) It is the intent of the Legislature that the communication skills of teachers who work with hard-of-hearing and deaf children be improved. This section does not remove the discretionary authority of the local educational agency in regard to in-service activities.

(g) Beginning not later than one year before the pupil reaches the age of 18 years, a statement that the pupil has been informed of the pupil’s rights under this part, if any, that will transfer to the pupil upon reaching the age of 18 years pursuant to Section 56041.5.

(h) The individualized education program team is not required to include information under one component of a pupil’s individualized education program that is already contained under another component of the individualized education program.
(i) This section does not require that additional information, beyond that explicitly required by Section 1414 of Title 20 of the United States Code and this part, be included in the individualized education program of a pupil.

Supplementary Aids and Services

56345.2.
(a) Pursuant to Section 300.107 of Title 34 of the Code of Federal Regulations, each public agency shall take steps, including the provision of supplementary aids and services determined appropriate and necessary by the individualized education program team of the individual with exceptional needs, to provide nonacademic and extracurricular services and activities in the manner necessary to afford individuals with exceptional needs an equal opportunity for participation in those services and activities.

(b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with exceptional needs, and employment of pupils, including both employment by the public agency and assistance in making outside employment available.

(c) Pursuant to Section 300.117 of Title 34 of the Code of Federal Regulations, each public agency shall ensure that each individual with exceptional needs participates with nondisabled children in extracurricular services and activities to the maximum extent appropriate to the needs of that individual. Each public agency shall ensure that each individual with exceptional needs has the supplementary aids and services determined by the individualized education program team of the individual to be appropriate and necessary for the individual to participate in nonacademic settings.

Knowledge of IEP Contents

56347

A local educational agency, prior to the placement of the individual with exceptional needs, shall ensure that the regular teacher or teachers, the special education teacher or teachers, and other persons who provide special education, related services, or both to the individual with exceptional needs have access to the pupil’s individualized education program, shall be knowledgeable of the content of the individualized education program, and shall be informed of his or her specific responsibilities related to implementing a pupil’s individualized education program and the specific accommodations, modifications and supports that shall be provided for the pupil in accordance with the individualized education program, pursuant to Section 300.323(d) of Title 34 of the Code of Federal Regulations. A copy of each individualized education program shall be maintained at each school site where the pupil is enrolled. Service
providers from other agencies who provide instruction or a related service to the individual off the school site shall be provided a copy of the individualized education program. All individualized education programs shall be maintained in accordance with state and federal pupil record confidentiality laws.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

EC Section 56101 allows the State Board of Education (SBE) to waive any provision of EC or regulation if the waiver is necessary or beneficial when implementing a student IEP. Title 5 CCR specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

1. The requesting agency demonstrates to the satisfaction of the SBE: (a) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (b) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

2. The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

3. The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their IEPs.

4. The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs participated in the waiver's development.

5. The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (a) the resource specialist's pupil contact time and other assigned duties; and (b) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives several waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver(s) approval.

ATTACHMENT(S)

Attachment 1: Resource Specialist Program Summary Table (1 page)
56362. (a) The resource specialist program shall provide, but not be limited to, all of the following:

(1) Provision for a resource specialist who shall provide instruction and services for those pupils whose needs have been identified in an individualized education program developed by the individualized education program team and who are assigned to regular classroom teachers for a majority of a school day.

(2) Provision of information and assistance to individuals with exceptional needs and their parents.

(3) Provision of consultation, resource information, and material regarding individuals with exceptional needs to their parents and to regular staff members.

(4) Coordination of special education services with the regular school programs for each individual with exceptional needs enrolled in the resource specialist program.

(5) Monitoring of pupil progress on a regular basis, participation in the review and revision of individualized education programs, as appropriate, and referral of pupils who do not demonstrate appropriate progress to the individualized education program team.

(6) Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

(b) The resource specialist program shall be under the direction of a resource specialist who is a credentialed special education teacher, or who has a clinical services credential with a special class authorization, who has had three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing, and who has demonstrated the competencies for a resource specialist, as established by the Commission on Teacher Credentialing.

(c) Caseloads for resource specialists shall be stated in the local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board. No resource specialist shall have a caseload which exceeds 28 pupils.

(d) Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes.

(e) Resource specialists shall not enroll a pupil for a majority of a school day without approval by the pupil's individualized education program team.

(f) At least 80 percent of the resource specialists within a local plan shall be provided with an instructional aide.

56362.1. For the purposes of Section 56362, "caseload" shall include, but not be limited to, all pupils for whom the resource specialist performs any of the services described in subdivision (a) of Section 56362.
32. Is there a mandated length or format for an IEP?

No. Neither federal nor state law includes a mandated length or format for an IEP.

33. If my child is mainstreamed into regular classes, can I write modifications to the regular classroom in the IEP?

Yes. Students who are able to participate in regular programming classes may require accommodations, modifications, supplementary aids or services within that regular class in order to learn. These may include the use of a tape recorder, oral testing, special seating, etc. Such modifications must be specifically written into your child’s IEP. [20 U.S.C. Sec. 1414(d); 34 C.F.R. Sec. 300.320.] See Chapter 7, Information on Least Restrictive Environment.

34. Under what circumstances should the regular teacher of a special education student participate in the IEP?

Federal law and regulations require that your child’s regular education teacher, as a member of the IEP team, to the extent appropriate, participate in the development of the IEP. This includes the determination of appropriate positive behavioral interventions and strategies; the determination of supplementary aids and services, program modifications, support for school personnel; and the review or revision of the IEP. [34 C.F.R. Secs. 300.324(a)(3) & (b)(3); Cal. Ed. Code Sec. 56341(b)(2).]

A regular education teacher is required to attend the IEP meeting if the child is, or may be, participating in a general education program. Any member of the IEP team, including the regular education teacher, may be excused from attending if the district and the parent agree in writing. An excused member must still submit input to the team in writing, prior to the meeting, if the meeting is concerned with their area of service or curriculum. [34 C.F.R. Sec. 300.321.]

The law does not address how a school district decides which teacher should attend an IEP meeting. However, the regular education teacher should be someone who
has knowledge of the student or a teaching intervention and/or is responsible for implementing a portion of the IEP.

For an IEP meeting at the middle or high school level, where there are multiple regular education teachers for a given student, the law does not require that they all attend. If you are seeking modifications or accommodations in subjects taught by particular teachers, you should request their presence in writing.

35. Is there any way to get additional support for my child’s teachers – both regular and special education – through the IEP?

Yes. Each IEP should include a statement of the support for school personnel needed in order for the student to: (1) advance toward attaining his annual goals; (2) be involved in, and make progress, in the general curriculum; (3) participate in non-academic and extracurricular activities; and (4) be educated and participate with other students, both disabled and nondisabled. Given the law’s emphasis on involvement in the general curriculum and in regular education placement, both regular and special education teachers need additional supports to ensure that IEPs are implemented fully and appropriately. [34 C.F.R. Sec. 300.320(a)(4); Cal. Ed. Code Sec. 56345(a)(4).]

Support for school personnel is not defined further in regulations. Possible support could include teacher training; additional support staff for test administration or adaptation; additional paraprofessional staff for classroom instruction and behavioral support; and, additional staff for curriculum adaptation and other classroom support. The support in this area may mean the difference between student success and failure in school.

All staff providing special education to a student — including regular education teachers — must be knowledgeable about the IEP’s contents and informed of their specific responsibilities related to implementing the IEP, including the specific accommodations, modifications and supports that must be provided for the student. [34 C.F.R. Sec. 300.323(d); Cal. Ed. Code Sec. 56347.]
Meeting Students Where They're At

One of the biggest shifts in the California educational system has been the change from teaching modified standards and giving modified assessments, to giving equal instructional access to all learners. With a greater demand placed on students to go deeper into skillsets, sometimes for educators it can feel like they have lost some of their students along the way. It has become increasingly important to use evidence-based practices in the general education classroom. Additionally, state and federal mandates from the Individuals with Disabilities Education Act (IDEA) require classroom instruction to be individualized for learners who receive special education services. Therefore, it is more important than ever for teachers to receive training in evidence-based practices that benefit the increasingly diverse student population.

One such theory, Universal Design for Learning, utilizes neuroscience as a basis for the instructional practices that can benefit all students.

Figure 1: Universal Design for Learning, California Teachers Association, based on the UDL guidelines, www.udlcenter.org
Why Universal Design for Learning?

The Common Core State Standards Initiative emphasizes that all students need equal access to the new standards. Below is an excerpt from the CCSS "Application to Students With Disabilities":

In order for students with disabilities to meet high academic standards and to fully demonstrate their conceptual and procedural knowledge and skills in mathematics, reading, writing, speaking and listening (English language arts), their instruction must incorporate supports and accommodations, including:

• supports and related services designed to meet the unique needs of these students and to enable their access to the general education curriculum (IDEA 34 CFR §300.34, 2004).

• An Individualized Education Program (IEP) which includes annual goals aligned with and chosen to facilitate their attainment of grade-level academic standards.

• Teachers and specialized instructional support personnel who are prepared and qualified to deliver high-quality, evidence-based, individualized instruction and support services.

Promoting a culture of high expectations for all students is a fundamental goal of the Common Core State Standards. In order to participate with success in the general curriculum, students with disabilities, as appropriate, may be provided additional supports and services, such as:

• Instructional supports for learning — based on the principles of Universal Design for Learning (UDL) — which foster student engagement by presenting information in multiple ways and allowing for diverse avenues of action and expression.

• Instructional accommodations (Thompson, Morse, Sharpe & Hall, 2005) — changes in materials or procedures — which do not change the standards but allow students to learn within the framework of the Common Core.

• Assistive technology devices and services to ensure access to the general education curriculum and the Common Core State Standards.

Some students with the most significant cognitive disabilities will require substantial supports and accommodations to have meaningful access to certain standards in both instruction and assessment, based on their communication and academic needs. These supports and accommodations should ensure that students receive access to multiple means of learning and opportunities to demonstrate knowledge, but retain the rigor and high expectations of the Common Core State Standards.

To read more about the application of the Common Core State Standards to students with disabilities, go to http://www.corestandards.org/assets/application-to-students-with-disabilities.pdf

By utilizing principles of Universal Design for Learning in classroom instruction, teachers can provide better access to the curriculum to all students, without watering down their coursework. In addition, teachers do not need the permission of the IEP to implement UDL.
What is Universal Design for Learning?

The principles of Universal Design for learning are based off the fact that there are three different networks in the brain that are responsible for learning (See figure 13). Below is a diagram of the UDL Guidelines from CAST (2011) that shows what each network is responsible for and the general types of options to provide for students in order to overcome the difficulties in these areas.

For a comprehensive list and explanation of each principle and it’s checkpoints, go to: http://www.udlcenter.org/aboutudl/udlguidelines.

Integrating UDL into instruction benefits all students. The four main areas that the principles focus on are:

Learning Goals

Students need clear-cut goals that explicitly show what is expected of them.

Use language that ALL students understand

Break up large goals into smaller objectives- these show students that they can be successful on a daily basis.

Provide models and examples of the end product or the steps along the way.

Write your goal with a specific outcome in mind.

Provide options for task planning such as checklists and use bold print or lines to physically break up the information.

Assessment

Processes like formative assessment involve students in the learning process and can be informative for the student and teacher alike. Assessments can also be created to utilize UDL practices. A good example of this is the Smarter Balanced Assessment. For example, the ability to use spellcheck, highlight, and manipulate items on the test are all UDL strategies.

Want More?

To get our full list of resources on UDL, click the link below to go to our digital binder at: http://www.livebinders.com/play/play?id=1818272

What barriers do your students face in terms of meeting their learning goals?
Instructional Strategies

One instructional strategy that works well for students and is known by most teachers is the "I Do, We Do, You Do" approach. For example, if you are teaching students to find the evidence to support a claim or graphing linear equations, think aloud for students as you do the process yourself. This helps students get better at critical thinking skills, especially when it is not as innate for some students as it is for others.

Figure 2: Universal Design for Learning, California Teachers Association, Based on the Universal Design for Learning guidelines, udlcenter.org

Curricular Materials

There are many ways to change the way students interact with curricular materials in the classroom. Here are just some examples of ways to alter materials:

- **Bold text**
- **Font size (14 is ideal)**
- **Type of font**
- **Creating boxes or shading to break up content on directions**
- **Allowing students to use highlighters for specific purposes (i.e. highlight the character traits, highlight the evidence)**

- **Text-to-speech**
- **Speech-to-text**
- **Closed captioning for videos**
- **Options to replace auditory or visual information**
- **Tactile learning experiences such as physical models in Science and Math or in younger grades during reading time.**
How do I use UDL in my lesson planning?

Know Your Students

What are barriers to learning for the students in your classroom? Language? Attention? Reading difficulties? Do you have students that need large print? What does their IEP say? Do you have students with needs beyond or without an IEP or 504? It’s more than okay to address those students’ learning needs too.

You need to know more than just the accommodations for a student with an IEP. What kind of processing difficulties do they have? If you don’t know, you can find out from your school psychologist or look at their records in their last triennial. It is important to know how students process information or more importantly how THEY DON’T process information, so that you can add supports for learning into your instructional practices.

Additionally, knowing your students’ interests and strengths are also important. You can use this information to create assignments that engage and motivate the learners in your classroom.

Plan Instructional Supports

Now that you have identified your students’ needs, how will you provide supports within the context of your classroom to make up for learning barriers? Here are two resources to help you out:

1. UDL Center Guidelines- http://www.udlcenter.org/aboutudl/udlguidelines- click on the guidelines to get a detailed description of what the supports look like and even review the resources that they have linked.

2. CTA UDL Resources- See the Resources section: This spreadsheet shows you how to use strategies and website resources through the lens of UDL.

Students do not need an IEP or 504 to get accommodations in the classroom. Universal Design provides those supports without changing your curriculum or learning expectations. Remember that UDL focuses on the needs of all learners, not just the students that struggle.

Integrate Supports Into Your Instruction

Here’s what it might look like:

Students are reading a primary source document in their 6th grade classroom. The teacher has broken up the information so that there is background information in the first column, the primary source in the 2nd column, and a blank column on the far right where students will eventually summarize or say what the document means. (See our example on the next page). As students read through the primary source multiple times, they will read through each time with a specific task and purpose in mind. This helps students focus as well as providing opportunities for formative assessment and conversation about the text. Students are then prompted to answer a question and write their answers on a sentence strip. Eventually through the exercise, the students have written a thorough paragraph that includes evidence to support their responses.
On September 11, 2001, the United States was directly attacked by Islamic extremist groups in New York City, and the Pentagon in Washington D.C. The attacks were made by al-Qaeda terrorists. They hijacked four airliners; flying two into the towers of the World Trade Center in New York City, one plane into the Pentagon outside of Washington D.C., and the fourth plane crashed in Pennsylvania in part because the passengers on the plane fought back against the hijackers.

Over 3,000 people were killed during the attacks including 400 police officers and firefighters.

This attack on the United States was a shock to the country.1 Background helps students understand the context of the primary source. Providing background information also helps students build neural connections to newly learned material.

Today, our nation saw evil, the very worst of human nature. And we responded with the best of America—with the daring of our rescue workers, with the caring for strangers and neighbors who came to give blood and help in any way they could. Immediately following the first attack, I implemented our government’s emergency response plans. Our military is powerful, and it’s prepared. Our emergency teams are working in New York City and Washington, D.C. to help with local rescue efforts. Our first priority is to get help to those who have been injured, and to take every precaution to protect our citizens at home and around the world from further attacks.

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**Close Reading Instructions:**
1. Circle words that you do not understand or know the meaning of. (We will share out as a group)
2. Highlight words or phrases that are repeated in the text.
   - Share the words you found with your group. Change your answers if needed.
3. Underline phrases that describe America in a positive way.
   - Share with your group.
4. Draw a square around actions that George Bush says he or the government is taking.
   - Share with your group.
5. Summarize each paragraph in the column to the right.

**Text-Based Questions: Sentence Strip Activity**

**How is George Bush positive about America in his speech?**
- Use evidence to support your response and write one sentence to support your point of view on the sentence strips provided.
- Why does this topic matter? Write a response on your sentence strip.

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**Here is where students will eventually summarize or explain what the text means.**

**This document format allows students to interact with the text better and breaks up the information.**
Teacher notes:

1) Purpose of the Close Reading Instructions: Students will gain meaning through the reading activities and eventually summarize. Discuss each step along the way. Ask students at #3 “Is there any evidence that George Bush feels negatively about the future?”

2) Text-Based Questions: By the end of this activity, students will have a topic sentence, supporting evidence, and a concluding sentence on this topic. They will be able to physically manipulate the sentence strips into a paragraph that essentially fits into the “Say, Mean, Matter” model.

3) Students will place their evidence sentence strips. Then, students will post their topic/concluding sentences on the wall next to these. Ask the students, how would they organize this information more clearly? Let the students figure out that the POV sentence is actually the topic sentence and the “matter” sentence is the concluding sentence. Do not give them this information beforehand.
Formative Assessment
Assessment through the UDL Lens

Formative assessment gives teachers and students continuous feedback about how learning is progressing. The formative assessment process is also useful for teaching students how to think about their own learning. In the context of deeper learning, it is a key responsibility of educators to teach students how to be metacognitive learners.

Formative assessments are not a group of assessments given to students within the course of the day; it is a process through which educators and students take time to reflect, listen, discuss, and use the information at hand to make informative decisions about a given learning task or skill the student is either expected to acquire or perform. Learning tasks are purposefully created so that the information gathered from the teacher gives an accurate picture of the student’s place on the learning continuum.

According to Rick Stiggins (2015), formative assessment is not a one-time event, but instead an ongoing, day-to-day classroom assessment process that gives students and teachers the information they need to understand what comes next in learning.

Formative assessment utilizes planning, a thoughtful process for developing the right questions, and a willingness on the educator’s part to listen to students and offer critical and responsive feedback.

"Assessment entails carefully designing situations (or asking questions) so that the elicited evidence can be connected to critical components of domain understanding"


Set Clear Goals Gather Evidence Analyze the Evidence Make Decisions

In designing your task for students, you will need to set clear success criteria that allows for flexibility for students. As you look at the examples below, think about how the examples in column 2 are clear but flexible.

Learning Goals- "I UNDERSTAND"
1. Analyze the causes and effects of the Civil War.
2. Understand how slavery ended in the United States

Success Criteria- "I CAN"
1. I can create a graphic organizer that compares and contrasts the effects of the Civil War on the North and the South in regards to economics, the lives of African-Americans, education, agriculture, and technology.
2. I can explain how the Civil War affected the North and the South after the war and what groups of people were affected, including the advent of carpetbaggers, and the migration of blacks to the North.
3. I can describe in detail how slavery was abolished during the Civil War and what documents contributed to this.

The Difference Between Learning Goals and Success Criteria
Strategies for Eliciting Evidence

1. Conferencing- Set aside time during class to meet with your students and have a conference about their project. Listen to what they have to say and ask clarifying questions. By listening to your students talk about their product and process, you can help them take the next appropriate steps.

One way to organize conferencing is to have a schedule on the board for students to see. This gives them a heads-up for your discussion and they can mentally prepare to talk about their assignment with you.

2. Tickets Out the Door- Whether you use post-its, or a digital program like Padlet, this strategy can give you feedback at the end of your lesson about where your students are on the learning continuum. Ask your students an open-ended question that requires a thoughtful response and is directly related to the success criteria you have set out for them. Responses can be anonymous or you can ask them to put their name down. After class, you can sort through the responses to determine what next steps are needed for your students to meet the learning goals.

Tickets out the Door is a strategy that is used at the end of the lesson. The idea is that a student can only leave if they have completed their “ticket out the door.”

Some ideas include:

1. Write a response on a post-it and stick it on the door as they leave class.

2. Write their response on a post-card with their name and place it in a mailbox or box on your desk. This way, students will feel more comfortable responding if they know no one else but you will see their answer.

Consider PEER EDITING as a revision strategy.

Students can exchange papers, problems, and assignments, and give each other feedback based on the rubric or success criteria. In order to keep confidentiality, you can have students either use their student ID or a number instead of their name on their paper. A strategy in math would be to have students solve a problem on an index card. Then with a partner, students will explain the problem and how they solved it.

By talking through the problem, they use the critical thinking skills and reasoning that is required of the Common Core math standards, and this also allows for additional verbal processing. Finally, talking it through with a peer, enables students to give each other feedback and determine what they need to fix their mistakes under the guise of anonymity.

‘Anyone who has never made a mistake, has never tried anything new.’ - Albert Einstein

If students are expected to make progress towards mastery of the standards, then we need to teach students about the true power of revision. Revision is a powerful tool. Think about your lesson plans. When you teach a lesson for the first time, does it go EXACTLY the way you planned? Not usually. For most teachers, they must make some changes based off student feedback and response, and they try it again with the next group or possibly the next year. The more you present a lesson, the better you get. Now think about that same concept but in relation to your students’ learning. Students need opportunities to revise their work so that they can grow and improve. By allowing students to correct mistakes, they will learn from them and can therefore improve their product, process, and content knowledge.

Remember, formative assessment is considered a continuous, minute-to-minute practice of constantly gathering evidence of student learning and providing feedback so that students and the educator know where students are in terms of meeting the success criteria and learning goals. There are many strategies that work, but ultimately, formative assessment can be used at any time and in a variety of ways.
How do I Interpret Evidence?

Data is only useful if we do something with that information. How will you interpret student learning to make the necessary pedagogical decisions? Think back to the success criteria. Where on the continuum of learning has a student made progress towards that goal?

Formative assessment can be a minute-to-minute process in the classroom. The cycle does not take place over a certain period of time. When you walk into a classroom where formative assessment is taking place, you will observe it happening potentially the entire time.

What Formative Assessment Does and Doesn’t Look Like

What It Could Look Like

Academic vocabulary – shades of meaning. Students using a sorting activity to place their words on a continuum using post-its. Then they share their continuum lines and if the students have a disagreement, they have to defend whether or not they need to move their word. After they defend their decision, the other student can either agree or disagree.

As they discuss their continuums, the teacher walks around and is asking open-ended questions to students. At one point, they might ask a student to get out their sketchpad from earlier in the week and review what they drew about each synonym.

Good Formative Assessment...

- Takes place during the learning process
- Allows teachers to adjust instruction
- Cannot be separated from the instructional process
- Informs both teachers and students
- Involves students
- Increases student engagement and motivation

What It Doesn’t Look Like

The teacher is giving every student a short quiz on the vocabulary words for the week and their synonyms. The students have been studying the words every day in class for 10 minutes by themselves on their flashcards.

As you can see from both examples, there is a clear distinction between giving feedback and not giving feedback. In the second example, there hasn’t been any opportunity for a teacher to observe the progress of her student’s in learning their vocabulary words. By studying them quietly, there is no opportunity for them to get feedback from their teacher or their peers. At the end of this activity, a summative assessment is given to gauge their learning and a grade is given. By using this practice, the teacher has missed out on an hour of instruction where formative assessment could have been used with students to assist them.

Additionally, It Is Not...

- A common assessment like a spelling test.
- An end-of unit test
- An assessment of learning
- Meant to be put in the gradebook
Technology to Support All Learners

Using tools to redefine tasks and build student skillsets

The use of technology and media in the California State Standards is integral. As you can see below, even in the primary grades, there is an explicit demand for technology use by students.

Figure 10: What will students do? Grades K-5, Figure created by K. Taylor using data from the Common Core State Standards.

Figure 11: What are students interacting with? Grades K-5, Figure created by K. Taylor using data from the Common Core State Standards.
Technology Skills Defined

The California ELA/ELD frameworks outline the technology skills that are woven into the College and Career Anchor Standards and CA CCSS for ELA/Literacy. We took the skills that are outlined, and categorized them by type of skill needed as you see below.

**Basic Skills**
- use the internet
- use search tools
- use keyboarding skills

**Interaction**
- engage with digital text, including animations & interactive elements on web pages
- use digital media, including textual, graphical, audio, visual, and interactive elements
- use electronic menus
- consult digital reference materials

**Creation**
- produce digital text
- interpret and produce multimedia presentations

There are additional technology skills outlined in the California English Learner Development Standards.

**Interaction**
- view multimedia
- use communicative technology to interact with others

**Creation**
- use technology for publishing
- use technology to develop graphics
Guiding Your Decision-Making

By integrating technology into daily, weekly, and/or monthly activities, students will get an invaluable opportunity to practice the multitude of computer skills needed for college and career readiness and even the Smarter Balanced Assessment. All students can benefit from motivational activities on the computer or tablet. Students with expressive language delays or autism can benefit from using online discussion boards and learning management systems because these tools allow them to communicate more effectively through writing. Blogging and video confessional provide greater opportunities for students to self-reflect.

If you aren't using technology, ask your colleagues what they are using with their students. For example, another grade level teacher could have already taught their students to use a presentation website called Prezi. If you both have some of the same students, you could use the same software with them, and they (the students) would already be an expert, thereby, eliminating time in your class spent on teaching a new program. Students need to see that their teachers value technology and that technology skills can transfer to all subjects.

When integrating technology into the classroom, use the SAMR model (Figure 1), to guide your plans. The SAMR model, created by Dr. Ruben R. Puentadura, helps educators think about the purpose of instructional technology. The SAMR model guides them through the process of determining how technology will enhance the learning experience for students and teachers. District decision-making teams should also use this as a tool when making decisions about technology purchases.

As you can see from the chart below, technology can be used to act as a substitute, augmentation, modification, or redefinition of a task. When technology is used as a substitution, there is no real perceived benefit to using the tool for the student. It is through the process of moving towards redefinition, that students benefit the most from the use of technology.

Figure 1. The SAMR Model, Dr. Puentadura, Ph. D. (2012)
Where Are You on the Continuum of Using Technology?

Educators reading this document may be at various stages in their career and in their proficiency with technology. The ideas you get in this handbook can be shared with your fellow teachers. From a beginner's standpoint, it is always better to start with one strategy and go from there. Do not be afraid to F.A.I.L.

Teacher Danesa Menge, from Oakdale Unified, says, "Whether it is Google Docs, TodaysMeet, SMART Notebook, Padlet, Nearpod, whatever, choose one and go for it full out. It may be great! You and your students may love it, or you may fall flat on your face. But that is okay! We as teachers need to take our successes and failures and model each to our students. F.A.I.L= First. Attempt. In. Learning. We can't truly learn without mistakes. So if something didn't work, try another and build your tech repertoire as you learn. Your students will learn the value of mistakes and perseverance in this process as well."

Think back to the SAMR model. How does that model apply to your own teaching? If you are not currently using much if any technology, is there one lesson or activity you do that go be augmented or reimagined by using tech? The SAMR model need not only apply to student learning. So where are you on the continuum above?

Consider This!

How are you sharing what you're doing with other educators at your site and within your district? How can you respond to teachers who do not feel the same way as you about technology? How can you collaborate with others who may not be at the same level on the continuum as you?

Have you considered trying one new tool this year? How would your students benefit if you tried something new? What is preventing you from wanting to integrate more technology? How can your peers assist you?

Think about the beliefs your fear is based upon. Now think about your students when they try something new. How do they feel? What strategies do you use to help them overcome their fears? Consider trying something new that is fairly risk-free.

What is preventing you from using technology? Is it lack of resources? Lack of training? Is it your grade level? What are other teachers at your site doing with technology? Who is a go-to person that you feel comfortable asking for some ideas?
Using Video Tools

Get students engaged with the content in an interactive way.

Students love videos. They provide sound, narration, animations, reenactments, and in general give students a different type of experience than looking at a textbook. There are ways to use videos to go even deeper into the content or to gain more knowledge from students to be used in a formative way. Here are three video tools that each have a positive use for the classroom:

Edpuzzle- create quizzes, insert questions, insert narration, and create video clips in one easy to use tool and send it to all of your students.

Videonot.es- Students can watch a video and when they pause it to take notes, they can take notes in a special side bar that time stamps the video. When the student clicks on those notes, the video goes back to the time recorded so that students can watch it again, Students can then either save their notes to Google Drive or Evernote, or they can e-mail you or themselves a copy.

Pbslearningmedia.org has taken cartoons and other videos and already created clips for teachers. This eliminates a lot of extra time spent looking through videos to find the right clip for your students.

If you scan the QR code to the right or go to: goo.gl/Owmj80, we have a 10 minute video that explains each of the three tools in greater detail. There is also a link for a 6th grade Science lesson embedded within the video, as well as examples of what types of California Standards you can meet by implementing these instructional strategies.

Into the Classroom

Topic: Online Graphing Calculators
Teacher: Kristan Morales
Teaches: Geometry
District: Temecula Valley USD

Kristan has recently started using the Desmos teacher site. She says, “They have an awesome graphing calculator. When you’re teaching families of functions, for example, teaching quadratics, you can put in y=x^2. Then y=x^2 - 4 and it will graph the equation for you. After trying different combinations, students will see that when you add a number, the graph will just slide up and down.

“When you’re teaching functions, you’re allowing students to see the bigger concept. They can see how changing the function rule changes the graph without getting bogged down with all the graph creating by hand. This allows students to quickly explore families of functions without getting lost in creating so many graphs and getting lost in the graphing tools. The Desmos teacher tools also allow you to build your own activities and they also provide activities for you. One of my favorite activities is playing “Guess Who?” with academic geometry vocabulary. Students have to makes guess about a students geometric figure by asking questions about it and using academic vocabulary.” The use of online graphic calculators like Desmos is an easy way to integrate a choice in tools for composition and construction.
Online Discussions

Students are engaging in online communication every day? Why not model online academic conversations?

The online discussion board is a normal way of conversing in today’s online world. Many students are already online having conversations, but how many use it for academic purposes? Not only are online discussions a great way to use discussion as a formative assessment, but you can also meet the needs of nonverbal students through this tool.

Start with one of the websites listed to the right. They are ranked in order from easiest at the top, to the most tech savvy to the bottom. If you don’t have 1-1, meaning every student has a device, that’s okay. You can set up a center or pass an tablet around the room. If you are teaching older grades, students can get out their cell phones, depending on your schools’ Bring Your Own Device (BYOD) policy.

Here are some ideas for online discussions:

1. Identify research questions and use the board to discuss different investigative design approaches.
2. Compare concepts as a class.
3. Post a sentence or paragraph. Have students revise it. You will see all of their different responses.
4. Post analysis type questions about an article or video and have an online class discussion.
5. Use questions that require a thoughtful response.
6. Have students provide a re-cap of the day’s learnings and then add to each other’s responses.

Example #1: "Ticket Out the Door"

Academic Language Modeling

When students are able to look at each other’s writing, several things happen. The first thing that occurs is that you have a group of students model the appropriate academic language for their peers. The second thing that happens is that other students are able to use the peer models to improve their own writing. From a formative assessment perspective, this is an excellent opportunity for the teacher to review the online chats and look for improvements in student language.
Example #2: Using Discussion Board to Analyze

The following conversation is an excerpt from a real classroom dialogue in a 7th grade classroom.

Teacher: Question #2: How can you create public service announcements as powerful and effective as these?
Student 1: Showing people that they are all the same
Student 2: If we find things that effect most of the world and that need help.
Student 3: We can show everyday problems with the world that people want to solve but at the same time don’t even care.
Student 4: I think we can find a problem in the world that has not been getting much attention and we can somehow find a solution to it.

In the example above, students watched examples of public service announcements as a class. After the students analyzed the videos and came up with commonalities and best practices, they created their own. Take a moment to reflect on the discussions that are currently taking place right now in your own classroom.

Example #3: Students Practice Twitter Chats on Paper

In this example, the students in a 4th grade class read the story "The True Story of the Three Little Pigs". The standard addressed is:

CCSS.ELA-LITERACY.RL.4.6 Compare and contrast the point of view from which different stories are narrated, including the difference between first- and third-person narrations.

Directions: Tweet out your perspective (from either the big bad wolf or the three little pigs) about what really happened in the story. You can only use 140 characters including spaces! Students write their tweets on index cards and tape them under the appropriate hashtag.

Example: I just had a cold- not my fault I sneezed #bigbadwolf

What Are the Benefits?

Addresses Speech and Language goals
Meets students’ technology strengths
Strengthensthe writing skills of all learners
Shows students how to have online conversations in an academic setting.
Creates an environment of respect and rapport
Uses questioning and discussion techniques
Engages students in learning
Offers an alternative for students to express what they know.
Can be used as a formative assessment tool.

What's next? Are there other benefits that aren't listed?
Students need options and ways to engage in self-reflection. According to wordpress.org, blogs are "websites that maintain an ongoing chronicle of information. They can feature diary-type commentary and links to articles on other websites. Blogs range from the personal to the political, and can focus on one narrow subject or a whole range of subjects. In addition, many blogs focus on a particular topic, such as web design, home staging, sports, or mobile technology."

Blogs in the classroom can range from online journals to discuss a students' weekend activities or hobbies, or a way to discuss their perspective of the current literature theme.

Some of the standards that support blogging include:

- **CCSS.ELA-Literacy.W.K.6**
  With guidance and support from adults, explore a variety of digital tools to produce and publish writing, including in collaboration with peers.

- **CCSS.ELA-Literacy.W.1.8**
  With guidance and support from adults, recall information from experiences or gather information from provided sources to answer a question.

- **CCSS.ELA-Literacy.W.4.6**
  With some guidance and support from adults, use technology, including the Internet, to produce and publish writing as well as to interact and collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of one page in a single sitting.

**Use blogging to:**

- Create an on-going conversation about a topic of interest
  - Provide links to research

- Have students document the research process of an assignment throughout the quarter, semester, etc.

- Write about weekly reading assignments. Other classmates must comment on each other's blogs about the content.

- Have students in lower grades create a class blog; they can take turns writing a short opinion piece about a current topic of study.

**Some great blogging websites include:** kidblog.org, edublogs.org, education.weebly.com

Blogging invites family members to review online content and be involved with their student's work.

Blogging can expand your classroom's community involvement by having students write about community issues and sharing their work with local agencies that are trying to make a difference.
# Nine Types of Curriculum Adaptations

| Quantity * ● | Adapt the number of items that the learner is expected to learn or number of activities student will complete prior to assessment for mastery.  
*For example:* Reduce the number of social studies terms a learner must learn at any one time. Add more practice activities or worksheets. |
| Time * | Adapt the time allotted and allowed for learning, task completion, or testing.  
*For example:* Individualize a timeline for completing a task; pace learning differently (increase or decrease) for some learners. |
| Level of Support * | Increase the amount of personal assistance to keep the student on task or to reinforce or prompt use of specific skills. Enhance adult-student relationship; use physical space and environmental structure.  
*For example:* Assign peer buddies, teaching assistants, peer tutors, or cross-age tutors. Specify how to interact with the student or how to structure the environment. |
| Input * | Adapt the way instruction is delivered to the learner.  
*For example:* Use different visual aids, enlarge text, plan more concrete examples, provide hands-on activities, place students in cooperative groups, pre-teach key concepts or terms before the lesson. |
| Difficulty * ● | Adapt the skill level, problem type, or the rules on how the learner may approach the work.  
*For example:* Allow the use of a calculator to figure math problems; simplify task directions; change rules to accommodate learner needs. |
| Output * | Adapt how the student can respond to instruction.  
*For example:* Instead of answering questions in writing, allow a verbal response, use a communication book for some students, allow students to show knowledge with hands on materials. |
| Participation * | Adapt the extent to which a learner is actively involved in the task.  
*For example:* In geography, have a student hold the globe, while others point out locations. Ask the student to lead a group. Have the student turn the pages while sitting on your lap (kindergarten). |
| Alternate Goals ● | Adapt the goals or outcome expectations while using the same materials. When routinely utilized, this is only for students with moderate to severe disabilities.  
*For example:* In a social studies lesson, expect a student to be able to locate the colors of the states on a map, while other students learn to locate each state and name the capital. |
| Substitute Curriculum ● *Sometimes called “functional curriculum”* | Provide different instruction and materials to meet a learner’s individual goals. When routinely utilized, this is only for students with moderate to severe disabilities.  
*For example:* During a language lesson a student is learning toileting skills with an aide. |

*This adaptation is an accommodation if the student can demonstrate mastery of the standard on an assessment.* The key concept is: Will the student ultimately master the same material but demonstrate that mastery in alternate ways or with alternate supports? If standards are not fundamentally or substantially altered, then this adaptation is an accommodation to a learning or performance difference.  
● *This adaptation is a modification if the student will not demonstrate mastery of the standard on an assessment.* If routinely utilized, these adaptations are modifications and require individualized goals and assessment.
What is a Multi-Tiered System of Support?

MTSS is a FRAMEWORK and model for continuous improvement to meet all students where they need support.

It is not a curriculum or program.

Implementation requires...

- Leadership
- A paradigm shift in how district, schools, and classrooms function
- Systems adapt to meet student needs based off data collection
- Union-management collaboration for successful implementation
- A change in some job responsibilities and systems
- A culture of continuous improvement and growth
- Buy-in at all levels of the educational ecosystem- minimum 80% school site staff (per school)
Progress Monitoring
Diagnostic- pre-learning
Formative- during learning
Summative- after learning

Universal Design
the "what" of learning
the "how" of learning
the "why" of learning

Differentiation
CONTENT- change in material being learned
PROCESS- change in the way students access material
PRODUCT- way in which student show what they have learned
FLEXIBLE GROUPING- way in which we group students to meet a need

Data Collection
Used to promote continuous improvement at the district, site, and classroom levels

ACADEMIC
Universal Design for Learning
Differentiation

BEHAVIOR
Restorative Justice
Trauma Informed Classrooms
Positive Behavioral Interventions
Social-Emotional Learning
Mindfulness

COLLECT DATA
THIS TELLS US WHAT STUDENTS NEED

Progress Monitoring procedures

Adapted from the California Department of Education MTSS Modules, 2016
Few

Progress Monitoring
Data Collection
Targeted Interventions
General Ed Setting
No more than 15% of student population

Some

Universal Screenings for Academics and Behavior
Universal Design for Learning Core Instruction
Differentiated Instruction
General Ed Setting
California State Standards
Data Collection
Progress Monitoring

All

Have not responded to Tier 1 and 2
Individualized services
Strategic LCAP Plan can support this

A Multi-Tiered System
PBIS is a framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students.

PBIS is a FRAMEWORK, not a curriculum or program.

COLLECT DATA
TELLS US WHAT STUDENTS NEED

Restorative Justice
Trauma Informed Classrooms
Positive Behavioral Interventions
Social-Emotional Learning
Menu of Evidence-Based Supports

Targeted/Intensive (High-risk students) Individual Interventions (3-5% need)

Selected (At-risk Students)

Classroom & Small Group Strategies
(10-25% of students respond)

Universal (All Students)
School/classwide, Equity & Culturally Relevant & Responsive Systems of Support
(75-90% of students respond)

POSITIVE RELATIONSHIPS WITH ALL STUDENTS; PROGRESSIVE RESPONSE TO PROBLEM BEHAVIOR

- FBA-based Behavior Intervention Plan
- Replacement Behavior Training
- Cognitive Behavioral Counseling/Therapy
- Family therapy/Wrap Around/Agencies included

- Behavioral contracting
- Self monitoring
- School-home note
- Mentor-based program
- Differential reinforcement
- Positive Peer Reporting
- Small group SEL or SS training

- Schoolwide PBIS
- SEL curriculum
- Good behavior game
- 17 Proactive classroom management
- Physiology for learning: Diet, Exercise, Sleep hygiene, stress management
## Essential Questions for PBIS Implementation

<table>
<thead>
<tr>
<th>Evaluation Question</th>
<th>Tools/Data Source to Measure Impact Relative to the Training or Coaching Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>If your district is considering implementation, here is what you should think about:</td>
<td></td>
</tr>
<tr>
<td>What steps has your district taken to evaluate the district readiness for PBIS?</td>
<td>Hexagon Tool</td>
</tr>
<tr>
<td>Are there resources within the region or state to assist district professional development plan efforts?</td>
<td>California PBIS Coalition</td>
</tr>
</tbody>
</table>
| Are resources being allocated in the LCAP to support this?                          | Priority 6: School Climate  
As measured by all of the following, as applicable:  
a. Pupil suspension rates.  
b. Pupil expulsion rates.  
c. Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness. |
| Additional questions for consideration:                                             |                                                                                |
| 1. What steps have been taken to include educator voice in this process?            |                                                                                |
| 2. What types of supports will be in place for educators throughout this process?  |                                                                                |
| 3. What needs to be bargained? Do we already have contract language in place to facilitate this process? |                                                                                |
| If your district is already implementing PBIS, here is what you should think about: |                                                                                |
| Are school teams implementing PBIS with fidelity?                                  | PBIS Evaluation: Tiered Fidelity Inventory                                      |
| Are school teams ready to move to next tier?                                       | PBIS Evaluation: Tiered Fidelity Inventory Readiness Data/Inventory             |
| As a result of participating in PBIS training and receiving coaching, are student outcomes improving? | Local data: Office Discipline Referrals and Suspension reports  
LCAP Priority 6 Indicator                                                                 |
|                                                                                   | Additional data might include: Attendance, School Climate Survey                |
| Are successes and struggles across all school teams within the district used to revise district professional development action plan? | PBIS PD Blueprint: Trainer/Coaches  
Self-Assessment  
(District Professional Development Action Plan) |
| Are schools maintaining PBIS efforts? (annual review) | District Capacity Assessment and District wide Evaluation Plan (Tiered Fidelity Inventory, Student Outcome Data) |
| Are there resources within the region or state to assist district professional development plan efforts? | California PBIS Coalition |

### Additional questions for consideration:

1. Is there union representation on the PBIS implementation team at the district level and site level?
Social and Emotional Learning (SEL) is the process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, establish and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships and make responsible decisions. SEL is critical to developing competencies besides academic content knowledge that are necessary to succeed in college and in careers. Effective SEL programming begins in preschool and continues through high school. SEL programming is based on the understanding that the best learning emerges in the context of supportive relationships that make learning challenging, engaging, and meaningful.

Social and emotional skills are critical to being a good student, citizen, and worker. Workforce demands aside, many call for the 21st century classroom to be student-centered and to support individual learning needs. Moreover, students’ ability to learn well depends not just on instruction, but also on factors such as the school climate, a sense of belonging with peers, positive relationships with educators, and the feedback they receive.

Neuroscience research demonstrates that emotion and cognition are inextricably linked; emotions are critical for all people to understand, organize and make connections between even “pure” academic concepts.

Many risky behaviors (e.g., drug use, violence, bullying, and dropping out) can be prevented or reduced when multiyear, integrated efforts are used to develop students’ social and emotional skills. This is best done through effective classroom instruction, student engagement in positive activities in and out of the classroom, and broad parent and community involvement in program planning, implementation, and evaluation.

As Maurice Elias, the head of Rutgers University’s Social Emotional Learning Lab, has stated, schools have a “moral and ethical imperative” to take responsibility for students’ well-being, not just their academic knowledge.

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Core SEL Competencies

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Outcomes Associated with the Five Competencies

The short-term goals of SEL programs are to:

- Promote students’ self-awareness, self-management, social-awareness, relationship and responsible decision-making skills
- Improve student attitudes and beliefs about self, others, school, and community.

These, in turn, provide a foundation for better adjustment and academic performance as reflected in more positive social behaviors and peer relationships, fewer conduct problems, less emotional distress, improved grades and test scores.

There is a growing awareness in the U.S. among educators and policymakers about the importance of social and emotional development for successful student performance, especially in preschool and elementary school. The five sets of SEL competencies are important from very early in life, but are especially relevant as children begin to spend time with adults outside the home and to socialize with peers.

Social and emotional skills play a role in determining how well-equipped children will be to meet the demands of the classroom and if they are able to engage fully in learning and benefit from instruction.

Multi-Tier Systems of Support (MTSS)

“For SEL skills applied for students at the Tier 1 level, the access to these skills is embedded within the authentic curricula. Some students may need more specific skill training and practice utilizing Tier 2 and Tier 3 interventions (such as small group or individual situations, settings or programs).”

Mosley, IDEA Resource CADRE, 2016

Powerful Evidence Supporting the Impact of Enhancing Students’ SEL

Research shows that SEL can have a positive impact on school climate and promote a host of academic, social, and emotional benefits for students. Durlak, Weissberg et al.’s recent meta-analysis of 213 rigorous studies of SEL in schools indicates that students receiving quality SEL instruction demonstrated:

- **Better academic performance**: achievement scores an average of 11 percentile points higher than students who did not receive SEL instruction;
- **Improved attitudes and behaviors**: greater motivation to learn, deeper commitment to school, increased time devoted to schoolwork, and better classroom behavior;
- **Fewer negative behaviors**: decreased disruptive class behavior, noncompliance, aggression, delinquent acts, and disciplinary referrals; and
- **Reduced emotional distress**: fewer reports of student depression, anxiety, stress, and social withdrawal.

Resources

www.CASEL.org  The Missing Piece
A National Teacher Survey on How Social and Emotional Learning Can Empower Children and Transform Schools
Is Co-Teaching the Norm in Your District?

There has been a steady increase in reports from associations that their districts are moving towards co-teaching models in an effort to mainstream or provide inclusion models for students with IEPs. Co-teaching is a model of instruction where a general education teacher and special education teacher work together in the same classroom with a group of students. There are at least eight different models of co-teaching, varying from the general ed teacher doing all of the teaching, and the special ed teacher working with a small group of students, to the model where both teachers simultaneously teach the content and use supports in their instruction to help all students.

When done right, co-teaching can be a great model; however, if a district forces teachers to work together, doesn’t provide ample planning time, and neglects training, it can spell disaster for students and the staff alike.

So where to start? Research\(^1\) shows the best way to start means:

- Teachers need to volunteer and agree to co-teach
- Co-teaching should be implemented gradually
- Attention needs to be given to IEP setting changes that an inclusive classroom may invoke
- Goals and support services need to reflect the new learning experiences that students will receive in general education classes

Associations that are aware of this type of change in working conditions should be talking to their districts and working out a solid plan for support. Here are some questions for consideration:

- What supports will be provided for teachers BEFORE and DURING this process?
- What is the plan for on-going training?
- IF there isn’t training beforehand, how will teachers prepare for this type of service model?
- How will schedules be arranged for planning?
- How will partnerships be decided?
  - Will teachers be given choice on who they partner with?
- What are the considerations and contract language for evaluation?
- How will schedules be arranged for mutual planning time?
- What models are the district looking at and will there be a choice based on comfort level for teachers?

The Santa Clara County Office of Education has an Inclusion Collaborative that offers trainings and information for educators on inclusion practices. Their website is: [http://www.sccoe.org/depts/students/inclusion-collaborative/Pages/default.aspx](http://www.sccoe.org/depts/students/inclusion-collaborative/Pages/default.aspx)

For additional resources from CTA and to use the CTA Co-Teaching Planner, go to [http://ctaipd.org/co-teaching/](http://ctaipd.org/co-teaching/).

## Co-Teaching Planning Tool

<table>
<thead>
<tr>
<th>Special Education Resources Instruction &amp; Professional Development</th>
<th>Interpersonal Communication</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do I tend to communicate with others?</td>
<td></td>
</tr>
<tr>
<td>How do I prefer others to communicate with me in a way that feels respectful and honest?</td>
<td></td>
</tr>
<tr>
<td>What types of communication am I not comfortable with?</td>
<td></td>
</tr>
<tr>
<td>What is a communication skill that I need to work on?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Physical Arrangement</th>
<th>What are some ways that we can arrange the classroom so that it sends a message of collaboration between teacher/teacher and student/student?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mid-Year Reflection: What has worked with this arrangement? What hasn’t? What needs to change?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Curriculum Familiarity</th>
<th>Special Educator: How comfortable am I with the content area? What do I need to be successful if I need additional knowledge in this area?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Educator:</strong> What expertise can I share with my partner teacher to help facilitate the process of co-teaching?</td>
<td></td>
</tr>
<tr>
<td>Who are the students in the classroom who need accommodations for...</td>
<td></td>
</tr>
<tr>
<td><strong>IEPS:</strong></td>
<td></td>
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<tr>
<td><strong>504s:</strong></td>
<td></td>
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<tr>
<td><strong>ELs:</strong></td>
<td></td>
</tr>
</tbody>
</table>
Other students who may benefit:

<table>
<thead>
<tr>
<th>General Educator: How familiar am I with making accommodations and using the principles of Universal Design for Learning in my daily instruction? What do I need to be successful if I need additional knowledge in this area?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Educator: What expertise can I share with my partner teacher to help facilitate the process of co-teaching?</td>
</tr>
<tr>
<td>Both educators: How familiar am I with the universal tools, designated supports, and accommodations used on the SBAC that affect my students? (Answer if grades 3-8, 11 only)</td>
</tr>
</tbody>
</table>

### Instructional Planning

| What is my style of lesson planning? How can we incorporate our two styles together? |
**Instructional Presentation**

- What are our strengths and weaknesses of presentations and activities?
- What can my partner bring to my style to enhance it or make the classroom experience better?
- What can I teach my partner?

**Classroom Management**

- What is my style of classroom management?
- What is my partner’s style?
- What are some agreed upon rules we can live with to start the school year?

**Assessment**

- How do I assess students normally?
- How can I adapt my assessments to fit the needs of my students?
Careful coordination of each level of responsibility (district, school, teacher, specialists) is essential to ensure the continuous linguistic and academic progress of all ELs. More guidance on assessing ELD progress is provided in chapter 8.

**Program Supports**

Districts and schools exist within the context of the community, and district and school professionals work with parents, families, community members, and organizations to create the structures necessary for effective schooling. Within the school, specific supports exist to sustain and augment classroom curriculum, instruction, and assessment.

Although the classroom is the hub of learning for all students in a school, other school supports are necessary to ensure student success. Five specific types of support—specialists and other staff, libraries and teacher librarians, expanded learning programs, parents and families, and partnerships—are discussed here. Beyond these five, many other forms of support exist within schools, including counseling, health services, extracurricular activities, technology centers, and more. What unifies all of these efforts is the goal to support effective first instruction and provide additional instructional services as needed.

**Specialists and Other Staff**

These individuals may be language development specialists, special education teachers/specialists, reading/language arts specialists, psychologists, speech and language specialists, or other support personnel. Their expertise is particularly important in analyzing student data and recommending effective instructional practices, and specialists serve as a resource to individual teachers and collaborative groups. They often lead processes such as student study teams or student success teams bringing many professionals and the family together to identify appropriate strategies, services, and interventions.

Classroom teachers and specialists work together to determine how to support students to read complex texts, contribute meaningfully to academic conversations, and produce argumentative, informative, and narrative writing. English learners, SELs, and students who are experiencing reading and writing difficulties may need additional services, such as diagnostic assessments, tutorials, small group instruction, and modified instruction. A coordinated plan of instruction for all students, regardless of the type of literacy needs they have, should be developed for the school, grade, and/or department. In many cases specialists and other school staff teach with classroom teachers, or co-teach, to support students within their classroom setting. See figure 11.8 for information on models of co-teaching.

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*Although the classroom is the hub of learning for all students in a school, other school supports are necessary to ensure student success.*

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*A coordinated plan of instruction for all students, regardless of the type of literacy needs they have, should be developed for the school, grade, and/or department. In many cases specialists and other school staff teach with classroom teachers, or co-teach, to support students within their classroom setting.*
Figure 11.8. Models of Co-Teaching

<table>
<thead>
<tr>
<th>Co-Teaching Model</th>
<th>Description</th>
<th>Advantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Teach, One Observe</td>
<td>One teacher (either the general educator or specialist) provides instruction to the whole class or group while the other observes one or more specific students.</td>
<td>• Opportunity to observe student behavior and understanding of content in the classroom context</td>
</tr>
<tr>
<td>One Teach, One Assist</td>
<td>One teacher provides instruction while the other teacher assists students as needed.</td>
<td>• Individualized support is provided</td>
</tr>
<tr>
<td>Station Teaching</td>
<td>Each teacher provides instruction on different content at a station in the classroom. Students rotate from one to another. There may also be a station at which they work independently.</td>
<td>• Lower adult-student ratio • Increased student participation • Co-planning provides opportunity for professional learning</td>
</tr>
<tr>
<td>Parallel Teaching</td>
<td>Both teachers provide the same instruction at the same time to different groups of students.</td>
<td>• Lower adult-student ratio • Increased student participation • Increased opportunity to monitor understanding • Co-planning provides opportunity for professional learning</td>
</tr>
<tr>
<td>Supplemental Teaching</td>
<td>One teacher provides instruction to students working on grade level. The other teacher meets with a small group of students to provide remediation, enrichment, or re-teaching, as appropriate.</td>
<td>• Instruction addresses the needs of the learners</td>
</tr>
<tr>
<td>Alternative Teaching</td>
<td>Each teacher meets with a different group and presents the same information using different approaches based on the needs of the learners.</td>
<td>• Instruction addresses the needs of the learners • Instructional time is maximized</td>
</tr>
<tr>
<td>Team Teaching</td>
<td>Co-teachers share instruction. Both are actively involved in the lesson, each moving in and out of the lead role.</td>
<td>• Students benefit from the skills of both teachers • Co-planning provides opportunity for professional learning</td>
</tr>
</tbody>
</table>
Education Code Ch. 5.5. Behavioral Interventions


SEC. 41. Section 56520 of the Education Code is amended to read:

56520. (a) The Legislature finds and declares all of the following:

(1) That the state has continually sought to provide an appropriate and meaningful educational program in a safe and healthy environment for all children regardless of possible physical, mental, or emotionally disabling conditions.

(2) That some schoolage individuals with exceptional needs have significant behavioral challenges that have an adverse impact on their learning or the learning of other pupils, or both.

(3) That Section 1400(c)(5)(F) of Title 20 of the United States Code states that research and experience demonstrate that the education of children with disabilities can be made more effective by providing incentives for positive behavioral interventions and supports to address the learning and behavioral needs of those children.

(4) That procedures for the elimination of maladaptive behaviors shall not include those deemed unacceptable under Section 49001 or those that cause pain or trauma.

(b) It is the intent of the Legislature:

(1) That children exhibiting serious behavioral challenges receive timely and appropriate assessments and positive supports and interventions in accordance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing regulations.

(2) That assessments and positive behavioral interventions and supports be developed and implemented in a manner informed by guidance from the United States Department of Education and technical assistance centers sponsored by the Office of Special Education Programs of the United States Department of Education.

(3) That when behavioral interventions, supports, and other strategies are used, they be used in consideration of the pupil’s physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and that ensure a pupil’s right to placement in the least restrictive educational environment.
(4) That behavioral intervention plans be developed and used, to the extent possible, in a consistent manner when the pupil is also the responsibility of another agency for residential care or related services.

(5) That training programs be developed and implemented in institutions of higher education that train teachers and that in-service training programs be made available as necessary in school districts and county offices of education to ensure that adequately trained staff are available to work effectively with the behavioral intervention needs of individuals with exceptional needs.

SEC. 42. Section 56521.1 is added to the Education Code, to read:

56521.1. (a) Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

(b) Emergency interventions shall not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior.

(c) No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the schoolsite administrator or law enforcement agency, as applicable to the situation.

(d) Emergency interventions shall not include:

(1) Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.

(2) Employment of a device, material, or objects that simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained in those procedures.

(3) An amount of force that exceeds that which is reasonable and necessary under the circumstances.

(e) To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified within one schoolday if an emergency intervention is used or serious property damage occurs. A behavioral emergency report shall immediately be completed and maintained in the file of the individual with exceptional needs. The behavioral emergency report shall include all of the following:

(1) The name and age of the individual with exceptional needs.

(2) The setting and location of the incident.

(3) The name of the staff or other persons involved.

(4) A description of the incident and the emergency intervention used, and whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.
(5) Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.

(f) All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator.

(g) If a behavioral emergency report is written regarding an individual with exceptional needs who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an individualized education program (IEP) team meeting to review the emergency report, to determine the necessity for a functional behavioral assessment, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both.

(h) If a behavioral emergency report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan.

SEC. 43. Section 56521.2 is added to the Education Code, to read:

56521.2. (a) A local educational agency or nonpublic, nonsectarian school or agency serving individuals with exceptional needs pursuant to Sections 56365 and 56366, shall not authorize, order, consent to, or pay for the following interventions, or any other interventions similar to or like the following:

(1) Any intervention that is designed to, or likely to, cause physical pain, including, but not limited to, electric shock.

(2) An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.

(3) An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.

(4) An intervention that is designed to subject, used to subject, or likely to subject, the individual to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma.

(5) Restrictive interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained personnel as a limited emergency intervention.

(6) Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.

(7) An intervention that precludes adequate supervision of the individual.

(8) An intervention that deprives the individual of one or more of his or her senses.
(b) In the case of a child whose behavior impedes the child’s learning or that of others, the individualized education program team shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior, consistent with Section 1414(d)(3)(B)(i) and (d)(4) of Title 20 of the United States Code and associated federal regulations.

SEC. 44. Section 56523 of the Education Code is amended to read:

56523. (a) The Superintendent shall repeal those regulations governing the use of behavioral interventions with individuals with exceptional needs receiving special education and related services that are no longer supported by statute, including Section 3052 and subdivisions (d), (e), (f), (g), and (ab) of Section 3001 of Title 5 of the California Code of Regulations, as those provisions existed on January 10, 2013.

(b) This chapter is necessary to implement the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and associated federal regulations. This chapter is intended to provide the clarity, definition, and specificity necessary for local educational agencies to comply with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and shall be implemented by local educational agencies without the development by the Superintendent and adoption by the state board of any additional regulations.

(c) Pursuant to Section 1401(9) of Title 20 of the United States Code, special education and related services must meet the standards of the department.

(d) As a condition of receiving funding from the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), a local educational agency shall agree to adhere to this chapter and implementing federal regulations set forth in this chapter.

(e) The Superintendent may monitor local educational agency compliance with this chapter and may take appropriate action, including fiscal repercussions, if either of the following is found:

(1) The local educational agency failed to comply with this chapter and failed to comply substantially with corrective action orders issued by the department resulting from monitoring findings or complaint investigations.

(2) The local educational agency failed to implement the decision of a due process hearing officer based on noncompliance with this part, provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or the federal implementing regulations, wherein noncompliance resulted in the denial of, or impeded the delivery of, a free appropriate public education for an individual with exceptional needs.

(f) Commencing with the 2010–11 fiscal year, if any activities authorized pursuant to this chapter and implementing regulations are found be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, state funding provided for purposes of special education pursuant to Item 6110-161-0001 of Section 2.00 of the annual Budget Act shall first be used to directly offset any mandated costs.
(g) The Legislature hereby requests the Department of Finance on or before December 31, 2013, to exercise its authority pursuant to subdivision (d) of Section 17557 of the Government Code to file a request with the Commission on State Mandates for the purpose of amending the parameters and guidelines of CSM-4464 to delete any reimbursable activities that have been repealed by statute or executive order and to update offsetting revenues that apply to the mandated program.

SEC. 45. Section 56525 of the Education Code is amended to read:

56525. (a) A person recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst may conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs.

(b) This section does not require a district, special education local plan area, or county office to use a Board Certified Behavior Analyst to conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs.

Questions: Policy & Program Services | Bip@cde.ca.gov | 916-323-2409

Last Reviewed: Thursday, March 10, 2016
Ed Code and Regulations Around Safe Classrooms

Ed Code 44014- Physical Attack of a LEA Employee

44014. (a) Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or physically threatened by any pupil, it shall be the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed in the public school system who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred. Failure to make the report shall be an infraction punishable by a fine of not more than one thousand dollars ($1,000).

(b) Compliance with school district governing board procedures relating to the reporting of, or facilitation of reporting of, the incidents specified in subdivision (a) shall not exempt a person under a duty to make the report prescribed by subdivision (a) from making the report.

(c) A member of the governing board of a school district, a county superintendent of schools, or an employee of any school district or the office of any county superintendent of schools, shall not directly or indirectly inhibit or impede the making of the report prescribed by subdivision (a) by a person under a duty to make the report. An act to inhibit or impede the making of a report shall be an infraction, and shall be punishable by a fine of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000).

(d) Neither the governing board of a school district, a member of the governing board, a county superintendent of schools, nor an employee of a school district or of the office of any county superintendent of schools shall impose any sanctions against a person under a duty to make the report prescribed by subdivision (a) for making the report.
Removal For Up to Ten School Days

- School personnel may remove a child with a disability for up to 10 school days in a school year for any violation of school rules, and may remove for additional periods of up to 10 school days for separate acts of misconduct, as long as the removals do not constitute a pattern.

- Schools do not need to provide services during the first 10 school days in a school year that a child is removed.

Removal For More Than Ten Days

- School personnel can remove a child to an interim alternative educational placement for up to 45 days if the child brings a gun or a dangerous weapon to school or a school function, or for possession or sale of illegal drugs or controlled substances.

- Schools can also request a due process hearing officer in an expedited hearing to remove a child for up to 45 days if keeping the child in his or her current placement is substantially likely to result in injury to the child or to others.

- When commencing a removal (after removal for more than 10 school days in a school year), the parents must be notified and a child's IEP team must meet to assess the child's troubling behavior and develop a behavioral assessment plan or review the child's behavioral intervention plan to address that behavior.

- Schools must provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of his or her IEP.

- Removal of a child for more than 10 school days in a school year is considered a change of placement, and a manifestation determination is required to determine whether the behavior was a manifestation of the child's disability. The parent may challenge the determination in an expedited due processing hearing.

- A child with a disability cannot be long-term suspended or expelled from school for behavior that is a manifestation of his or her disability.

A pupil who has not been determined to be eligible for special education and who has engaged in behavior that violated any rule or code of conduct may assert the protections afforded to pupils in special education programs.

Copies of the special education and disciplinary records of a pupil with exceptional needs must be transmitted for consideration by law enforcement authorities when a criminal act committed by that pupil is reported.
Whenever any school district employee is attacked, assaulted, or physically threatened by a pupil, it is the duty of the employee and the supervisor who has knowledge of the incident to promptly report the matter to the law enforcement authorities. Failure to make such a report is an infraction punishable by a fine of not more than $1,000. Any employee of any school district who attempts to impede the making of a required report is guilty of an infraction and may be assessed a fine of not less than $500 or more than $1,000. No board, board member, or county or district employee shall impose any sanctions against a person for making this report. Ed. Code § 44014.

In case of assault with a deadly weapon or force likely to produce great bodily injury against any person, the principal is required to notify law enforcement authorities prior to suspension or expulsion.

In cases of unlawful possession, use, sale, furnishing, or being under the influence of any controlled substance, alcoholic beverage or intoxicant, the principal may notify law enforcement authorities prior to suspension or expulsion.

The willful failure of a principal to make such a report is an infraction punishable by a fine to be paid by the principal of not more than $500. A principal is immune from civil or criminal liability for such report unless the report was false and the principal knew the report was false or the report was made
regulation, or a criminal statute). These must be articulable facts supporting that reasonable suspicion. Neither indiscriminate searches of lockers nor more discreet individual searches of a locker, purse or a person, here a student, can take place absent the existence of reasonable suspicion. Respect for privacy is the rule—a search is the exception. In Re William G (1985) 221 Cal.Rptr. 118 (emphasis added).

However, no school employee shall conduct a search that involves: a) conducting a body cavity search of a pupil manually or with an instrument or b) removing or arranging any or all of the clothing of a pupil to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the pupil. ED. CODE § 49050.

The Attorney General has issued an opinion that the use of metal detectors in schools is not unconstitutional where a substantial safety problem exists and the use is governed by formally adopted uniform procedures which minimize the intrusion and the opportunity for the exercise of arbitrary discretion. Such procedures should include at least advance notice of the search, truly random selection of students to be searched, and a second walk-through where the metal detector is activated. OPS. CAL. ATTY. GEN. 92-201 (1992).

4. DETENTION

A pupil may be detained for up to one hour after school for disciplinary reasons except a pupil may not be detained so as to miss regular bus transportation. Pupils may not be detained during lunch for disciplinary reasons. 5 CAL. CODE REG. §§ 307, 352, 353. A school district may adopt reasonable rules and regulations authorizing a teacher to restrict a pupil’s recess time for disciplinary purposes. ED. CODE § 44807.5.

5. SUSPENSION BY TEACHER

A teacher may suspend any pupil from his/her class or class period for any act listed above, for the day of suspension and the day following. The suspension must be immediately reported to the principal and the student sent to the principal for further action. The teacher must also request a parent/teacher conference with a counselor regarding the suspension as soon as possible. The pupil shall not be returned to the class from which the pupil was suspended without the concurrence of the teacher and principal. ED. CODE § 48910.

The district shall adopt a policy authorizing teachers to require the parent or guardian of a pupil suspended by the teacher to attend a portion of the school day in the classroom from which the pupil was suspended. Parents are to be notified of the policy prior to its implementation, and are to meet with the school administrator after the classroom visitation. ED. CODE § 48900.1.

Parents are protected against unfair treatment in their employment in retaliation for being absent from work for forty hours per year (not to exceed eight hours per month) for each child to participate in the child’s school. LABOR CODE § 230.8.
A teacher may also recommend a pupil for suspension from school, but the final decision lies in the hands of school administrators after following detailed procedures. These suspensions may last for no more than five (5) consecutive school days and the student has certain rights to at least an informal conference before being suspended. "Wherever practicable," the referring teacher is to be present. If the student poses "a clear and present danger," however, suspension can precede the conference. ED. CODE § 48911. Once the student returns, the teacher can require him/her to complete missed assignments or tests. ED. CODE § 48913.

In a given year, a student cannot be suspended for more than twenty (20) school days from a given school, or thirty (30) school days if he/she transfers to another school. ED. CODE § 48903.

“Suspension” means removal of a pupil from instruction for adjustment purposes. It does not mean reassignment to another class at the same school where the pupil will receive instruction. ED. CODE § 48925. However, if the pupil poses no imminent danger to campus safety, they may be assigned to “a supervised suspension classroom,” separated from other students, to complete schoolwork assigned by the pupil’s regular teacher or the supervising teacher. ED. CODE § 48911.1.

6. CIVIL ACTION

The parent or guardian of any minor whose willful misconduct results in injury or death to any pupil, employee, or volunteer in a district or who willfully cuts, defaces, or injures the property of any such person is liable for damages not to exceed $10,000. The parent or guardian is also liable for all property belonging to the district loaned to a minor and not returned upon demand. ED. CODE § 48904.

A teacher may request the school district to take legal action against a pupil (or the pupil's parents) when the teacher or his/her property is injured or damaged by the pupil while (1) located on district property, (2) being transported to or from a district activity, (3) present at a district activity, or (4) in retaliation for an employee's lawful acts in the line of duty. ED. CODE § 48905.
<table>
<thead>
<tr>
<th></th>
<th>What's Working</th>
<th>What Needs Improvement</th>
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<tr>
<td>IEP Practices</td>
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<td>Classroom Practices</td>
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<td>Workload</td>
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<tr>
<td><strong>Rights, Responsibilities, and Best Practices for IEP Meetings</strong></td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td>Describe a successful IEP meeting you have been in? Why do you think it was successful?</td>
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<tr>
<td>Describe an unsuccessful IEP meeting? Why do you think it wasn’t successful?</td>
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<tr>
<td>Describe your role in the IEP meeting.</td>
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<tr>
<td>What practices have worked for you in the past to help an IEP meeting be successful?</td>
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<td>What is one concern or question you want addressed today?</td>
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<tr>
<td>What is one piece of advice from this training you could offer your colleagues?</td>
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</table>
The BCTF’s Committee for Action on Social Justice (CASJ) has developed a lens that applies social justice and critical theory to all aspects of our professional lives. This tool provides a framework in our union and in our schools to help guide policy, plan actions, and evaluate resources for social change. Social justice theory focuses on equity for all and critical theory requires action and systemic change. These two concepts form the basis of the BCTF social justice lens.

Central to all is a commitment to equity requiring systemic change. Often bandage-type solutions are inadequately used to solve urgent and emerging problems. Our social justice lens was developed to assist us to both zoom in to sharpen our focus, to broaden our perspective, and to develop and expand the scope of our work within the bigger picture. It provides a common language to communicate about our work and ensures that we are moving beyond short-term, immediate reactions. It is applicable to the classroom and to our work within and beyond our own union.

The lens has four distinct interconnecting filters—access, agency, advocacy, and solidarity action. Each represents an aspect of social justice work, and, while we may focus on one filter at a time, the true potential of these filters lies in engaging with all four simultaneously. Participatory democracy, transformative practice, and systemic change found on the rotating outer ring of the lens are necessary to achieve the ultimate goal of equity found at the centre of the lens.

Access is the gateway to inclusion and participation. It hinders or enables an individual or group to take part. As teachers, we recognize the inherent socially just nature of the public education system and strongly voice our concerns to ensure that all students have real access to all programs and educational opportunities. Institutions only open to a privileged or select few have a high social injustice quotient. Restricted societies close off opportunities.

Agency means that individuals know their rights. They have the capacity and the ability to voice their concerns and to take actions that create change for the better. Learning how to think critically about the world is a key strategy to develop their agency. In conjunction, a social justice education is imperative for developing socially responsible, democratic participation in a civil society.

Advocacy is a deliberate process of influencing outcomes so that change can occur. It requires a set of skills that allows a person to understand a problem and effect change using varied strategies and tactics. Developing the skills to successfully advocate for oneself or on behalf of others involves awareness (knowing what’s happening), analysis (seeing the different parts, their impact, and the importance to the whole), and action plans (knowing what to do and how to do it). Action plans include a purpose, a message, a way to express the message, and an audience. Advocacy can be done individually or in groups.

Solidarity action refers to working with others to act for the collective betterment. It requires us to recognize injustice, to work across differences to find a common ground, and to achieve equity. Solidarity action requires coalition building within a group and networking with other groups. Examples of skills that help to achieve solidarity action can include empathy, co-operation, coalition building, and effective mediation and conflict-resolution skills.

Participatory democracy, transformative practice, systemic change, and civil society, like the ultimate goal of equity, are to be kept in mind when developing plans to advance access, agency, advocacy, and solidarity action. Invoking these concepts, we challenge the control of elites, whether they are ruling classes in society or the power structures in our work places. We also must look inside to examine how our own privilege affects our values and actions. These are some ways we choose to do socially just work and the means by which we will achieve greater equity.
A social justice lens checklist

by Marianne Neill, CASJ—Peace and Global Education Action Group member

Here is a checklist that you can use to assess whether programs, resources, events, and so forth meet the criteria of the social justice lens. If not, you may want to identify alternatives that do satisfy these criteria. Note that some criteria may not apply to the specific item you are evaluating. A scenario using the social justice lens follows the checklist.

Access
- values a welcoming and inclusive approach to all people equally
- values openness to the ideas and opinions of others as equal participants
- teaches the value of multiple perspectives
- demonstrates respect for democratic processes and civil society
- values community and co-operation
- responsive to all others equally

Agency
- develops understanding of one’s right to create change
- encourages belief in one’s ability to affect one’s own reality
- nurtures action and empowerment of everyone equally
- develops ability to think critically about social problems
- develops leadership skills
- values recognition and respect for the agency of others
- actively encourages leadership in working towards positive change that benefits everyone
- encourages people to find their own voice
- empowers people
- values participatory democracy
- contributes to the development of ability to participate in the world
- contributes to the development of ability to change the world

Advocacy
- builds skills needed to effect systemic change using various strategies
- develops an understanding of one’s position and privilege in society
- develops awareness of social realities
- develops analytical ability
- develops awareness of how to respond to make change
- develops voice and agency to enhance the ability to influence outcomes
- empowers the voice of disenfranchised and minorities

Solidarity action
- promotes transformative work for the betterment of others
- nurtures an understanding that an injury to one is an injury to all
- values co-operation and coalition-building
- works across differences to find common-building
- advocates broad interconnections and common goal-setting and actions
- shows recognition of the strength in unity
- shows effectiveness in mediating and resolving conflict to build alliances
- encourages collaboration with disenfranchised or minorities
- nurtures ability to take action with empathy

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School Bus
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How socially just is my classroom?

by Sasha Wiley-Shaw, CASJ—Status of Women Action Group member

When I look at my classroom through my teacher’s eyes, I see a wide variety of individual circumstances, learning needs, and skills. On the surface, it may appear to be just an average classroom; however, when I look at it applying the social justice lens, a range of challenges and opportunities emerge, and by addressing the question of how socially just my classroom is, I can provide a richer learning environment that fuels positive social change.

Here, divided into the areas of the lens, are issues I would look at in my classroom.

<table>
<thead>
<tr>
<th>ACCESS</th>
<th>AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do all students have access to learning and success in my classroom?</td>
<td>Is my classroom a place where students see themselves and are treated as individuals with the right and ability to cause change?</td>
</tr>
<tr>
<td>• Do I use multiple presentation methods to try to address the needs of different learning styles or challenges?</td>
<td>• Do students have a genuine voice that is heard when it comes to setting classroom policies?</td>
</tr>
<tr>
<td>• Do all students have access to the supplies they are expected to use in my classroom?</td>
<td>• Do I make sure to include stories of individuals in my teaching materials so that my students are exposed to models of personal agency?</td>
</tr>
<tr>
<td>• Are there students who have life situations that may get in the way of their ability to live up to my homework policies or standards?</td>
<td>• Do I support my students in finding effective ways to take action, whether they encounter injustice in society or chafe against a non-progressive school policy?</td>
</tr>
<tr>
<td>• Do all students feel safe and supported in asking questions when they need clarification or don’t understand?</td>
<td>• Do I explicitly value and emphasize the importance of students developing their own opinions on issues?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SOLIDARITY ACTION</th>
<th>ADVOCACY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do we study issues of social injustice with an eye to transforming hierarchies and eliminating inequity?</td>
<td>Do students gain the skills needed to improve the lived experiences of others?</td>
</tr>
<tr>
<td>• When generalizations are made that presume levels of affluence or membership in dominant groups, do I problematize them and encourage students to consider how things might be different for other groups or in other places?</td>
<td>• Do I have classroom policies that promote cooperation and students supporting one another?</td>
</tr>
<tr>
<td>• When students experience problems or injustice, do I guide them to make connections to global issues or systems?</td>
<td>• Do I explicitly emphasize empathy skills and encourage students to imagine themselves in someone else’s position?</td>
</tr>
<tr>
<td>• Do I actively undertake to help students understand the power of collective action?</td>
<td>• Do students have the framework necessary to understand individual hardship as resulting from systemic inequity?</td>
</tr>
<tr>
<td>• Do we examine hierarchies and power structures with regard to how they privilege certain groups or world views over others?</td>
<td>• Are students aware of legal frameworks and decision-making processes that shape our society and are they aware of how to have a voice in them?</td>
</tr>
<tr>
<td>• Do we deconstruct inequality and view it as systemic rather than accidental or individually constructed?</td>
<td>• Are students informed about political organizations, advocacy groups, and NGOs through which they can help work for social change?</td>
</tr>
</tbody>
</table>
Our social justice lens as a tool

<table>
<thead>
<tr>
<th>ACCESS</th>
<th>AGENCY</th>
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</table>
| Are everyone’s perspectives and opinions considered in the decision-making?  
  - Is every IEP member listened to and treated in a respectful manner?  
  - Does every IEP member talk respectfully about the student/situations? | What mechanisms are used so that everyone understands how they can participate in the process and have a voice?  
  - For example, round table discussion, Robert’s Rules of Order, talking stick.  
  - How does the organization overcome systemic or hierarchical barriers to ensure that all points of view are considered? |

<table>
<thead>
<tr>
<th>SOLIDARITY ACTION</th>
<th>ADVOCACY</th>
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| What processes are in place to include all members in the outcome?  
  - How does the team effectively come to an agreement when conflict arises?  
  - Do the teachers of the student work together behind the scenes to create a better learning environment for the student?  
  - When there is disagreement, how does the team make a decision about what is best for the child? | What is the process for considering multiple solutions to a final response/solution?  
  - How is the voice of the student considered in the final team decision?  
  - What mechanisms are in place to ensure that decisions are implemented?  
  - How do IEP team members participate in supporting the needs of the student? |
Our social justice lens as a tool

<table>
<thead>
<tr>
<th>THEME/IDEA/QUESTION/CONCERN</th>
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Black line master
### Setting Priorities

<table>
<thead>
<tr>
<th>Option 1: _____________</th>
<th>Option 2: _____________</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Importance</strong></td>
<td><strong>A. Importance</strong></td>
</tr>
<tr>
<td>1=Critically Important</td>
<td>1=Critically Important</td>
</tr>
<tr>
<td>2=Important</td>
<td>2=Important</td>
</tr>
<tr>
<td>3=Somewhat Important</td>
<td>3=Somewhat Important</td>
</tr>
<tr>
<td><strong>B. Urgency</strong></td>
<td><strong>B. Urgency</strong></td>
</tr>
<tr>
<td>1=Critically Urgent</td>
<td>1=Critically Urgent</td>
</tr>
<tr>
<td>2=Urgent</td>
<td>2=Urgent</td>
</tr>
<tr>
<td>3=Somewhat Urgent</td>
<td>3=Somewhat Urgent</td>
</tr>
<tr>
<td><strong>C. Difficulty</strong></td>
<td><strong>C. Difficulty</strong></td>
</tr>
<tr>
<td>1=Easy</td>
<td>1=Easy</td>
</tr>
<tr>
<td>2=Moderately Difficult</td>
<td>2=Moderately Difficult</td>
</tr>
<tr>
<td>3=Difficult</td>
<td>3=Difficult</td>
</tr>
</tbody>
</table>

**Total Score \(A \times B \times C\)**
Problem Analysis

1. Prioritize your situations using the Setting Priorities tool.
2. Use the *Developing a lens* tool to analyze the most immediate problem you are facing:

   **Developing a lens:**
   1. What we want – Defining equity outcomes
   2. What we need – Identifying what is necessary for change
   3. Who needs to be involved – Identifying and involving all stakeholders
   4. What must we know? – analyzing data, making assessments, understanding root causes of disparity.
      a. Is there information that I am missing that might help me develop a plan or understand the problem better? Who might have that information?
   5. What helps or stands in the way? – identifying policies, practices that help or hinder.
   6. What we must do? – developing a plan and how it will be monitored and evaluated

3. What are some alternatives to the current problem?
5. How can I approach the people responsible for helping me solve this?
## Scenarios

### Workload

Your new Special Ed director has notified all staff that there are too many students receiving services for more than 50% of the day. You are being directed to re-write IEPs with less services for students.

**How might you develop a lens for this situation?**

### Classroom Practices

You are a high school Algebra Readiness teacher. You have 36 students in your 5th period class. 18 students have IEPs and there is no paraprofessional support even. You feel that trying to meet the accommodations of 18 students in one classroom is too time consuming and the RSP teacher is so busy, they haven’t had a chance to meet with you yet. In addition, there are other Algebra Readiness teachers at your site who don’t have any students with IEPs. You were told that you have all of the students because you are such a great teacher.

**How might you develop a lens for this situation?**

### IEP Practices

You are an elementary SDC teacher and provide services for every student on your campus. You have a child on your caseload that needs to be in the general education 5th grade classroom for part of the day.

The student needs help with social skills. **The 5th grade teacher is already overwhelmed and does not agree at the IEP team meeting to the accommodations you are suggesting the student needs. In addition, they say they do not have the time to accommodate the child's behavior plan.**

The child has a behavior goal and every time they exhibit an appropriate response to (x), they are supposed to get their card stamped. When the card gets 20 stamps, they get to turn it in for a prize in your classroom. In addition, the student is reading at a 2nd grade level.

The parents want their child in this general ed classroom and the administration is not offering any support during the meeting.

**How might you develop a lens for this situation?**