

## **Lewis Center for Educational Research**

### **AR 6164.4 INSTRUCTION IDENTIFICATION OF INDIVIDUALS WITH EXCEPTIONAL NEEDS**

**Adopted: 3-28-07**

**Revised: June 12, 2023**

### **Identification, Referral, and Evaluation for Special Education**

The Lewis Center for Educational Research (“LCER”) shall follow applicable state and federal law and regulations and Special Education Local Plan Area (“SELPA”) policy with respect to the identification, referral, and assessments of students for special education and related services.

### **Individualized Education Program (“IEP”) Team Meetings**

LCER shall convene IEP team meetings with the legally required composition within all legally applicable timelines, in accordance with state and federal law and regulations and Desert Mountain SELPA policy.

If a student’s general or special education teacher requests a review of student’s assigned class, LCER will ensure this review is conducted. A mandatory IEP meeting shall be convened if the review indicates a change to the student’s placement, instruction, related services, or any combination thereof may be required. The Director of Student Support Services shall be responsible for completing the review within fifteen (15) school days of the teacher’s request.

### **Procedural Safeguards**

Parents/guardians shall receive written notice of their rights in accordance with state and federal law and regulation, and SELPA policy.

Please contact the Director of Student Support services for a copy of your procedural safeguards.

### **Nonpublic, Nonsectarian Services**

LCER may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program at one of LCER’s schools is not available in accordance with Education Code section 56366 and Section 3062 of Title 5 of the California Code of Regulations. When entering into agreements with nonpublic, nonsectarian schools (“NPSs”) or agencies (“NPAs”), LCER shall consider the needs of the individual student and the recommendations of the IEP team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student’s IEP.

In accordance with Education Code section 56366.1, when entering into a Master Contract with an NPS where LCER has not previously placed a student, LCER personnel shall conduct an

onsite visit to the NPS at the time of placement. LCER personnel shall also conduct at least one onsite monitoring visit to the NPA during each school year in which the LCER has a student attending pursuant to a Master Contract. The monitoring visit shall include the following:

- A review of services provided to the student through the individual service agreement between LCER and the NPS;
- A review of progress the student is making toward the student's IEP goals;
- A review of progress the student is making toward the goals set forth in the student's behavior intervention plan;
- If applicable, an observation of the student during instruction;
- A walkthrough of the facility; and
- Any other reviews and/or observations deemed necessary by LCER.

LCER shall follow state and federal law and regulations and SELPA policy when contracting with nonpublic, nonsectarian schools or agencies.

### **Resource Specialist Program**

LCER shall employ or contract with certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to:

1. Providing instruction and services to students whose needs have been identified in an IEP developed by the IEP team and who are assigned to regular classroom teachers for a majority of the school day. Students shall not be enrolled in a resource specialist program for the majority of the school day without approval of the IEP team.
2. Providing information and assistance to students with disabilities and their parents/guardians.
3. Providing consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members.
4. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program.
5. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team.
6. At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life.
7. Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes.

LCER's resource specialist program shall be under the direction of a resource specialist who possesses:

1. A special education credential or clinical services credential with a special class authorization.
2. 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.
3. Demonstration of competencies required for a resource specialist as established by the Commission on Teacher Credentialing.

The President/CEO or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law and/or SELPA policy. No resource specialist shall have a caseload which exceeds twenty-eight (28) students, unless a valid waiver is obtained through the State Board of Education, consistent with Title 5, California Code of Regulations, section 3100.

### **Information on the Number of Individuals with Exceptional Needs**

Information regarding the number of individuals with exceptional needs who are being provided special education and related services shall be provided in accordance with state and federal law and regulation and SELPA policy.

### **Independent Educational Evaluations**

#### **A. IEE at Parent Expense**

LCER acknowledges that a parent/guardian has the right to obtain an independent educational evaluation(s) ("IEE") at their own expense at any time. In these circumstances, the President/CEO or designee(s) shall ensure that the student's IEP team shall consider the results of the IEE when determining an offer of a FAPE for the student. However, the results of an IEE will not dictate the IEP team's determinations.

If a parent/guardian requests reimbursement for an IEE assessment obtained by the parent/guardian at their own expense, the President/CEO or designee(s) shall ensure that the unilaterally obtained IEE meets the following criteria:

1. The parent disagreed with the school's evaluation and the school received a request within a reasonable time after receipt of the results of the evaluation.
2. The parent timely and upon request provided the school with written consent to exchange information with the examiner.
3. The private evaluation meets all criteria contained in this Policy.

The parent timely provided a copy of the written evaluation report and all other documents\tests related to the report.

4. The examiner attends the relevant IEP team meeting by phone or in person to discuss their findings and provides protocols of all assessments to LCER personnel.

The reimbursement will be in an amount no greater than the actual cost to the parents. Parents may only be reimbursed for one (1) IEE for each assessment area or discipline with which they disagree.

In all cases, if LCER initiates a due process hearing to show that LCER's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

B. IEE at Public Expense

LCER recognizes that federal and state laws provide parents/guardians of students with disabilities with the right to obtain an IEE, at public expense, when the parent/guardian disagrees with an assessment conducted by LCER within the last two (2) years. Parents may only receive one (1) IEE for each assessment area or discipline with which they disagree.

The President/CEO or designee(s) shall ensure that when a parent/guardian requests an IEE at public expense, LCER shall provide the parent/guardian with a copy of their Procedural Safeguards *and*, without unnecessary delay, either:

1. Initiate a due process hearing to show that the evaluation, completed by LCER, is appropriate; or
2. Provide the parent/guardian with information about where an IEE may be obtained, LCER's criteria applicable for IEEs, and ensure that an IEE is provided at public expense.

Should the LCER grant the parent's request for an IEE, the President/CEO or designee(s) shall ensure the following:

1. The criteria under which the IEE is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that LCER uses when it initiates an evaluation.
2. LCER does not impose conditions or timelines related to obtaining an IEE at public expense.
3. All assessments shall be completed by persons competent to perform the assessment as determined by LCER. Parent has the right to choose the examiner.

4. If the original evaluation completed by LCER included in-class observation of the student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting.
5. A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above as defined by LCER.
6. The evaluator must prepare and sign a full evaluation report containing:
  - a. A list of all information/data reviewed.
  - b. A clear explanation of the testing and assessment results.
  - c. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format.
  - d. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
  - e. Recommendations for IEP team consideration for educational programming and, if appropriate, placement that is educationally relevant and realistic within a public educational setting.

The cost determination for an IEE shall be comparable to the costs incurred by LCER when it uses its own employees or contractors to complete an assessment, whenever possible and shall reflect reasonable and customary rates for such services in the area. As a result, the President/CEO or designee(s) shall provide a parent/guardian with a recommended cost ceiling. The cost ceiling shall be updated (*once every three (3) years*) and determined by averaging the cost of the following three factors:

1. The cost of an assessment provided by an LCER employee.
2. The cost of an assessment provided by a neighboring local educational agency.
3. The cost of an assessment provided by a private service provider, with appropriate qualification, within 40 miles from an LCER school.

The President/CEO or designee(s) shall ensure a parent/guardian may demonstrate that unique circumstances, related to the student's education need(s), justify a financial waiver of any for the cost as defined by LCER.

The President/CEO or designee(s) shall ensure a parent/guardian voluntarily have their private health insurance pay the costs of the IEE if covered by their insurance. However, LCER recognizes that federal and state laws specify that parents/guardians are not required to have private insurance cover the costs of an IEE if the process would result in a financial cost to the parent/guardian including but not limited to:

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