

## **SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES**

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# **SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES**

## **8.1 PURPOSE AND SCOPE**

The SELPA, or school district, will provide a continuum of program options to meet the needs of students with disabilities to ensure a free appropriate public education (FAPE).

The IEP Team will select the program or combinations of programs that can meet the student's needs in the least restrictive environment (LRE), allowing for maximum interaction with typically developing peers and course content consistent with instruction provided to students without disabilities.

## **8.2 LEAST RESTRICTIVE ENVIRONMENT (LRE)**

The Local Education 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.

### **8.2.A Placements**

In determining the educational placement of a child with a disability, including a preschool child with a disability, the LEA must ensure that –

1. Placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and is made in conformity with the LRE provisions.
2. The child's placement is determined at least annually, is based on the child's IEP, and is as close as possible to the child's home.
3. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.
4. In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs.
5. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

### **8.2.B Continuum of Alternative Placements**

The LEA shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum includes instruction in regular classes, special classes, special schools, home

instruction and instruction in hospitals and institutions, and provision of supplementary services (such as resource room or itinerant instruction) in conjunction with regular class placement.

### **8.2.C Non-academic Settings**

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities, the LEA must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The LEA must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

## **8.3 SPECIAL EDUCATION**

Special education means (specially designed instruction) means adapting, as appropriate to the needs of a child with a disability, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability and to ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the LEA that apply to all children.

Special education includes instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education.

Special education includes each of the following if the services meet the definition of specially designed instruction -

- (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service;
- (ii) Travel training; and
- (iii) Vocational education.

The California State Department of Education (CDE) made changes in the 2006/07 school year on how they report special education and related services. Therefore, many districts are aligning their reporting system with the requirements of the state. Moving to designating special education services as specialized academic instruction moves districts away from labeling students and allows more opportunities and flexibility for them when developing services that meet their individual needs.

When districts adopt SAI there will no longer be separate designations by program (i.e., resource specialist and SDC). The IEP will now say specialized academic instruction. If a student's IEP states that a student should receive SAI in a separate class, delivered by a special education teacher, the services may look similar to how they are currently but it wouldn't be called a special day class. Then they will decide if the services are provided in general education, in a separate class, in a separate facility, or the community. Additionally, related services will be listed as they have been previously.

The primary instructional service for most special education services will be listed as Specialized Academic Instruction on the IEP. Related services, as needed by the student will continue to be listed on the services page of the IEP. As specialized academic instruction is identified, one must also identify the amount of service and the location. A student may have more than one line for this service when the locations are different. For example, you may have one line that indicates (SAI) in general education for 10 hours a week, and another line that indicates (SAI) in a separate class for 5 hours per week.

### **8.3.A Specialized Academic Instruction/Resource Specialist Program**

The resource specialist program shall provide, but not be limited to, all of the following:

- (1) Provision for a resource specialist or specialists 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.

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.

No resource specialist shall have a caseload that exceeds 28 pupils unless a waiver has been approved by the State Board of Education.

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

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

At least 80 percent of the resource specialists within the SELPA shall be provided with an instructional aide.

### **8.3.B Specialized Academic Instruction/Special Day Classes**

Special classes may enroll pupils only when the nature or severity of the disability of the individual with exceptional needs is such that education in the regular classes with the use of supplementary aids and services, including curriculum modification and behavioral support, cannot be achieved satisfactorily. These requirements also apply to separate schooling, or other removal of individuals with exceptional needs from the regular educational environment.

In providing or arranging for the provision of activities, the LEA shall ensure that each individual with exceptional needs participates in those activities with nondisabled pupils to the maximum extent appropriate to the needs of the individual with exceptional needs, including nonacademic and extracurricular services and activities.

Placement in a special day class shall not limit or restrict the consideration of other options, including services provided in a vocational education program or any combination of programs and placements as may be required to provide the services specified in a pupil's IEP.

The following standards for special classes shall be met:

- (1) A special class shall be composed of individuals whose needs as specified in the IEPs can be appropriately met within the class.
- (2) Pupils in a special class shall be provided with an educational program in accordance with their IEPs for at least the same length of time as the regular school day for that chronological peer group:
  - (A) When an individual can benefit by attending a regular program for part of the day, the amount of time shall be written in the IEP.
  - (B) When the IEP team determines that an individual cannot function for the period of time of a regular school day, and when it is so specified in the IEP, an individual may be permitted to attend a special class for less time than the regular school day for that chronological peer group.
- (3) The procedure for allocation of aides for special classes shall be specified in the local plan. Additional aide time may be provided when the severity of the disabling conditions of the pupils or the age of the pupils justifies it, based on the IEPs.
- (4) Special class(es) shall be located to promote maximum appropriate interaction with regular educational programs.

The special class shall be taught by a full-time-equivalent teacher whose responsibility is the instruction, supervision, and coordination of the educational program for those individuals enrolled in the special class.

The special class shall be taught by a teacher who holds an appropriate special education credential authorized by the Commission on Teacher Credentialing and who possesses the necessary competencies to teach individuals assigned to the class.

## 8.4 RELATED SERVICES

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

Related services may be provided to individuals or to small groups in a specialized area of educational need, and throughout the full continuum of educational settings. Related services, when needed, are determined by the IEP.

All entities and individuals providing related services shall meet the qualifications and shall be either:

- (A) Employees of the school district or county office, or
- (B) Employed under contract, or
- (C) Employees, vendors or contractors of the State Departments of Health Care Services or State Hospitals, or any designated local public health or mental health agency.

### **Language, Speech and Hearing Development and Remediation**

Language, Speech and Hearing Development and Remediation services include:

- (1) Referral and assessment of individuals suspected of having a disorder of language, speech, or hearing.
- (2) Specialized instruction and services for individuals with disorders of language, speech, and hearing, including monitoring of pupil progress on a regular basis, providing information for the review, and when necessary participating in the review and revision of IEPs of pupils.
- (3) Consultative services to pupils, parents, teachers, or other school personnel.
- (4) Coordination of speech and language services with an individual's regular and special education program.

Caseloads of full-time equivalent language, speech and hearing specialists providing instruction and services within the district, SELPA, or county office shall not exceed a district-wide, SELPA-wide, or county-wide average of 55 individuals unless prior written approval has been granted by the State Superintendent of Public Instruction.

Language and speech development and remediation shall be provided only by personnel who possess:

- (1) a license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs; or
- (2) a credential authorizing language or speech services.

Services may also be provided by speech-language pathology assistants working under the direct supervision of a qualified language, speech, and hearing specialist, and if specified in the IEP. No more than two assistants may be supervised by one qualified language, speech, and hearing specialist. The caseloads shall not be increased by the use of assistants.

### **Audiological Services**

Audiology includes -

- (i) Identification of children with hearing loss;
- (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
- (iv) Creation and administration of programs for prevention of hearing loss;
- (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
- (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

Audiological instruction and services may include:

- (1) Aural rehabilitation (auditory training, speech reading, language habilitation, and speech conservation) and habilitation with individual pupils or groups and support for the hearing-impaired pupils in the regular classroom.
- (2) Monitoring hearing levels, auditory behavior, and amplification for all pupils requiring personal or group amplification in the instructional setting.
- (3) Planning, organizing, and implementing an audiology program for individuals with auditory dysfunctions, as specified in the IEP.
- (4) Consultative services regarding test findings, amplification needs and equipment, otological referrals, home training programs, acoustic treatment of rooms, and coordination of educational services to hearing-impaired individuals.

Audiological services shall be provided only by personnel who possess:

- (1) A license in Audiology issued by a licensing agency within the Department of Consumer Affairs; or
- (2) A credential authorizing audiology services.

### **Orientation and Mobility Instruction**

Orientation and mobility services means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community.

Orientation and mobility services includes teaching children the following, as appropriate:

- (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
- (B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;
- (C) To understand and use remaining vision and distance low vision aids; and
- (D) Other concepts, techniques, and tools.

Orientation and mobility instruction may include:

- (1) Specialized instruction for individuals in orientation and mobility techniques.
- (2) Consultative services to other educators and parents regarding instructional planning and implementation of the IEP relative to the development of orientation and mobility skills and independent living skills.

Orientation and mobility instruction shall be provided only by personnel who possess a credential that authorizes services in orientation and mobility instruction.

### **Instruction in the Home or Hospital**

Special education and related services provided in the home or hospital for school age pupils is limited to those pupils who have been identified as individuals with exceptional needs and for whom the IEP team recommends such instructions or services. Instructions may be delivered individually, in small groups or by teleclass.

For those individuals with exceptional needs with a medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness, the IEP team shall review, and revise, if appropriate, the IEP whenever there is a significant change in the pupil's current medical condition.

When recommending placement for home instruction, the IEP team shall have in the assessment information a medical report from the attending physician and surgeon or the report of the psychologist, as appropriate, stating the diagnosed condition and certifying that the severity of the condition prevents the pupil from attending a less restrictive placement. The report shall include a projected calendar date for the pupil's return to school. The IEP team shall meet to reconsider the IEP prior to the projected calendar date for the pupil's return to school.

Instruction in the home or hospital shall be provided by a regular class teacher, the special class teacher or the resource specialist teacher, if the teacher or specialist is competent to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible. If not, the appropriate related services specialist shall provide such instruction.

The teacher providing the home instruction shall contact the pupil's previous school and teacher to determine:

- (1) The course work to be covered;

- (2) The books and materials to be used;
- (3) Who is responsible for issuing grades and promoting the pupil when appropriate;
- (4) For pupils in grades 7 to 12, the teacher shall confer with the school guidance counselor to determine:
  - (A) For the hours the pupil has earned toward semester course credit in each subject included in the IEP and the grade as of the last day of attendance;
  - (B) Who is responsible for issuing credits when the course work is completed;
  - (C) Who will issue the diploma if the pupil is to graduate.

### **Adapted Physical Education**

Adapted physical education is for individuals with exceptional needs who require developmental or corrective instruction and who are precluded from participation in the activities of the general physical education program, modified general physical education program, or in a specially designed physical education program in a special class. Consultative services may be provided to pupils, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the regular physical education program or specially designed physical education programs.

Adapted physical education shall be provided only by personnel who possess a credential issued by the California CTC that authorizes service in adapted physical education.

### **Physical and Occupational Therapy**

Occupational Therapy means services provided by a qualified occupational therapist and includes

- (A) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
- (B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
- (C) Preventing, through early intervention, initial or further impairment or loss of function.

Physical Therapy means services provided by a qualified physical therapist.

When the district, SELPA, or county office contracts for the services of a physical therapist or an occupational therapist, the following standards shall apply:

- (1) Occupational or physical therapists shall provide services based upon recommendation of the IEP team. Physical therapy services may not exceed the services specified in the Business and Professions Code section 2620. Occupational therapy services may not exceed the services specified in the Business and Professions Code section 2570.2(k).
- (2) The district, SELPA, or county office shall assure that the therapist has available safe and appropriate equipment.

Individuals providing physical or occupational therapy shall be qualified.

- (1) Physical therapy shall be provided only by personnel who possess a valid license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs.
- (2) Occupational therapy shall be provided only by personnel who possess a license in occupational therapy issued by a licensing agency within the Department of Consumer Affairs. Services provided by a Certified Occupational Therapist Assistant shall be supervised by a registered occupational therapist in accordance with professional standards outlined by the American Occupational Therapy Association.

### **Vision Services**

Vision services may include:

- (1) Adaptations in curriculum, media, and the environment, as well as instruction in special skills.
- (2) Consultative services to pupils, parents, teachers, and other school personnel.

An assessment of and provision for services to visually impaired pupils may be conducted by an eye specialist who has training and expertise in low vision disabilities and has available the appropriate low vision aids for the purpose of assessment. The eye specialist may provide consultation to the pupil, parents, teacher and other school personnel as may be requested by an IEP team.

Vision services shall be provided only by personnel who possess a:

- (1) License as an Optometrist, Ophthalmologist, Physician or Surgeon, issued by a licensing agency within the Department of Consumer Affairs and authorizing the licensee to provide the services rendered, or
- (2) Valid credential authorizing vision instruction or services.

### **Vision Therapy**

Vision therapy may include remedial and/or developmental instruction provided directly by or in consultation with the optometrist, ophthalmologist, or other qualified licensed physician and surgeon provided ongoing care to the individual.

Vision therapy shall be provided by an optometrist, ophthalmologist, or by appropriate qualified school personnel when prescribed by a licensed optometrist, ophthalmologist, or other qualified licensed physician and surgeon.

### **Specialized Driver Training Instruction**

Specialized driver training instruction may include instruction to an individual with exceptional needs to supplement the regular driver training program. The IEP team shall determine the need for supplementary specialized driver training instruction. The need to supplement the regular program shall be based on an assessment of the pupil's health, physical, and/or educational needs which require modifications which cannot be met through a regular driver training program.

Driver training for individuals herein described must be provided by qualified teachers.

### **Counseling and Guidance Services**

Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

Counseling and guidance services may be provided to an individual with exceptional needs who requires additional counseling and guidance services to supplement the regular guidance and counseling program. The IEP team shall determine the need for additional guidance and counseling services.

Counseling and guidance services necessary to implement the IEP may include:

- (1) Educational counseling in which the pupil is assisted in planning and implementing his or her immediate and long-range educational program.
- (2) Career counseling in which the pupil is assisted in assessing his or her aptitudes, abilities, and interests in order to make realistic career decisions.
- (3) Personal counseling in which the pupil is helped to develop his or her ability to function with social and personal responsibility.
- (4) Counseling and consultation with parents and staff members on learning problems and guidance programs for pupils.

Counseling and guidance shall be provided only by personnel who possess a:

- (1) License as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs.
- (2) License as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
- (3) License as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or
- (4) License in psychology, or who are working under supervision of a licensed psychologist, both regulated by the Board of Psychology, within the Department of Consumer Affairs; or
- (5) Pupil Personnel Services Credential, which authorizes school counseling or school psychology.
- (6) License as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

### **Psychological Services and Psychological Services Other than Assessment and Development of the IEP**

Psychological services includes -

- a. Administering psychological and educational tests, and other assessment procedures;
- b. Interpreting assessment results;
- c. Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- d. Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
- e. Planning and managing a program of psychological services, including psychological counseling for children and parents; and
- f. Assisting in developing positive behavioral intervention strategies.

Psychological services other than assessment and development of the IEP may include:

- (1) Counseling provided to an individual with exceptional needs by a credentialed or licensed psychologist or other qualified personnel.
- (2) Consultative services to parents, pupils, teachers, and other school personnel.
- (3) Planning and implementing a program of psychological counseling for individuals with exceptional needs and parents.
- (4) Assisting in developing positive behavioral intervention strategies.
- (5) This term does not include assessment services and the development of an IEP.

Psychological services required by a student's IEP may be rendered by any of the following professionals who possess the credential or license required by law for the performance of particular psychological services by members of that profession:

- (1) Licensed Educational Psychologist pursuant to Business and Professions Code section 4989.14;
- (2) Licensed Marriage and Family Therapist pursuant to Business and Professions Code section 4980.02;
- (3) Licensed Clinical Social Worker pursuant to Business and Professions Code section 4996.9; or
- (4) Licensed Psychologist pursuant to Business and Professions Code section 2903; or
- (5) Pupil Personnel Services Credential that authorizes school psychology.

### **Parent Counseling and Training**

Parent counseling and training means assisting parents in understanding the special needs of their child, providing parents with information about child development and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

Parent counseling and training may include:

- (1) Assisting parents in understanding the special needs of their child, and
- (2) Providing parents with information about child development.

Parent counseling and training shall be provided only by personnel who possess a:

- (1) Credential that authorizes special education instruction; or
- (2) Credential that authorizes health and nursing services; or
- (3) License as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs; or
- (4) License as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
- (5) License as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or
- (6) License as a Psychologist, or who are working under the supervision of a licensed Psychologist, both regulated by the Board of Psychology, within the Department of Consumer Affairs; or
- (7) Pupil Personnel Services Credential that authorizes school counseling or school psychology or school social work.
- (8) License as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

### **Health and Nursing Services**

School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

Health and nursing services may include:

- (1) Providing services by qualified personnel.
- (2) Managing the individual's health problems on the school site.
- (3) Consulting with pupils, parents, teachers, and other personnel.
- (4) Group and individual counseling with parents and pupils regarding health problems.
- (5) Maintaining communication with health agencies providing care to individuals with disabilities.

### **Social Worker Services**

Social work services in schools includes -

- (1) Preparing a social or developmental history on a child with a disability;
- (2) Group and individual counseling with the child and family;
- (3) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

- (4) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- (5) Assisting in developing positive behavioral intervention strategies.

Social work services may include:

- (1) Individual and group counseling with the individual and his or her immediate family.
- (2) Consultation with pupils, parents, teachers, and other personnel regarding the effects of family and other social factors on the learning and developmental requirements of individual pupils with exceptional needs.
- (3) Developing a network of community resources, making appropriate referral and maintaining liaison relationships among the school, the pupil with exceptional needs, the family, and the various agencies providing social, income maintenance, employment development, mental health, or other developmental services.

Social worker services shall be provided only by personnel who possess a:

- (1) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
- (2) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs; or
- (3) credential authorizing school social work.
- (4) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

### **Rehabilitative Counseling Services/Specially Designed Vocational Education and Career Development**

Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs.

Specially designed vocational education and career development for individuals with exceptional needs regardless of severity of disability may include:

- (1) Providing prevocational programs and assessing work-related skills, interests, aptitudes, and attitudes.
- (2) Coordinating and modifying the regular vocational education program.

- (3) Assisting individuals in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community.
- (4) Establishing work training programs within the school and community.
- (5) Assisting in job placement.
- (6) Instructing job trainers and employers as to the unique needs of the individuals.
- (7) Maintaining regularly scheduled contact with all work stations and job-site trainers.
- (8) Coordinating services with the Department of Rehabilitation and other agencies as designated in the IEP.

Specially designed vocational education and career development shall be provided only by personnel who possess:

- (1) An adult education credential with a career development authorization; or
- (2) A credential that authorizes instruction in special education or vocational education; or
- (3) A Pupil Personnel Services Credential that authorizes school counseling.

### **Recreation Services**

Recreation includes -

- a. Assessment of leisure function;
- b. Therapeutic recreation services;
- c. Recreation programs in schools and community agencies; and
- d. Leisure education.

Recreation services include but are not limited to:

- (1) Therapeutic recreation services which are those specialized instructional programs designed to assist pupils in becoming as independent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into regular recreation programs.
- (2) Recreation programs in schools and the community which are those programs that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills; and, the provision of nonacademic and extracurricular leisure activities and the utilization of community recreation programs and facilities.
- (3) Leisure education programs which are those specific programs designed to prepare the pupil for optimum independent participation in appropriate leisure activities, including teaching social skills necessary to engage in leisure activities, and developing awareness of personal and community leisure resources.

Recreation services shall be provided only by personnel who possess:

- (1) A certificate issued by the California Board of Recreation and Park Certification; or
- (2) A certificate issued by the National Council for Therapeutic Recreation; or
- (3) The National Recreation and Park Association, authorizing services in recreation or therapeutic recreation.

### **Specialized Services for Low Incidence Disabilities**

Specialized services for low-incidence disabilities may include:

- (1) Specially designed instruction related to the unique needs of pupils with low-incidence disabilities provided by teachers credentialed
- (2) Specialized services related to the unique needs of pupils with low-incidence disabilities provided by qualified individuals such as interpreters, note-takers, readers, transcribers, and other individuals who provide specialized materials and equipment.

An “educational interpreter” provides communication facilitation between students who are deaf or hard of hearing, and others, in the general education classroom and for other school-related activities, including extracurricular activities, as designated in a student's IEP.

Interpreting services includes the following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services. Interpreting services includes special interpreting services for children who are deaf-blind.

An educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter and Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

Specialized services for pupils with low-incidence disabilities shall be provided only by personnel who possess a credential that authorizes services in special education or clinical rehabilitation services in the appropriate area of disability.

### **Services for Pupils with Chronic Illness or Acute Health Problems**

Specialized services include but are not limited to:

- (1) Individual consultation;
- (2) Home or hospital instruction; and
- (3) Other instructional methods using advanced communication technology.

For pupils whose medical condition is in remission or in a passive state, the IEP team shall specify the frequency for monitoring the pupil's educational progress to assure that the illness does not interfere with the pupil's educational progress.

When a pupil identified experiences an acute health problem which results in his or her non-attendance at school for more than five consecutive days, upon notification of the

classroom teacher or the parent, the school principal or designee shall assure that an IEP team is convened to determine the appropriate educational services.

If there is a pattern of sporadic illness, the IEP team shall convene to consider alternative means for the pupil to demonstrate competencies in the required course of study so that the cumulative number of absences do not prevent educational progress.

### **Related Services for the Deaf and Hard of Hearing**

Instruction and services for deaf and hard of hearing pupils shall be provided by an individual holding an appropriate credential, who has competencies to provide services to the hearing impaired and who has training, experience and proficient communication skills for educating pupils with hearing impairments. Such services may include but need not to be limited to:

- (1) Speech, speech reading and auditory training.
- (2) Instruction in oral, sign, and written language development.
- (3) Rehabilitative and educational services for hearing impaired individuals to include monitoring amplification, coordinating information for the annual review, and recommending additional services.
- (4) Adapting curricula, methods, media, and the environment to facilitate the learning process.
- (5) Consultation to pupils, parents, teachers, and other school personnel as necessary to maximize the pupil's experience in the regular education program.

A specially trained instructional aide, working with and under the direct supervision of the credentialed teacher of the deaf and hard-of-hearing, may assist in the implementation of the pupil's educational program.

### **Assistive Technology Service**

Assistive technology service means any service that directly assists an individual with exceptional needs in the selection or use of an assistive technology device that is educationally necessary. The term includes the evaluation of the needs of an individual with exceptional needs including a functional evaluation of the individual in the individual's customary environment; coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education programs and rehabilitation plans and programs; training or technical assistance for an individual with exceptional needs or, where appropriate, the family of an individual with exceptional needs or, if appropriate, that individual's family; and training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with exceptional needs.

Assistive technology services shall be provided only by personnel who possess a:

- (1) License in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs, where the utilization of assistive technology services falls within the scope of practice of physical therapy; or

- (2) License in Occupational Therapy issued by a licensing agency within the Department of Consumer Affairs; or
- (3) License in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs or a valid document, issued by the California CTC, where the function of the assistive technology service is augmentative communication; or
- (4) Baccalaureate degree in engineering with emphasis in assistive technology; or
- (5) Baccalaureate degree in a related field of engineering with a graduate certificate in rehabilitation technology or assistive technology; or
- (6) Certification from the Rehabilitation Engineering and Assistive Technology Society of North America and Assistive Technology Provider (RESNA/ATP); or
- (7) Certificate in assistive technology applications issued by a regionally accredited post-secondary institution; or
- (8) Credential that authorizes special education of physically impaired, orthopedically impaired, or severely impaired pupils.

### **Behavioral Intervention**

Behavioral interventions shall be designed or planned only by personnel who have a:

- (1) Pupil Personnel Services Credential that authorizes school counseling or school psychology; or
- (2) credential authorizing the holder to deliver special education instruction; or
- (3) license as a Marriage and Family Therapist certified by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
- (4) license as a Clinical Social Worker by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
- (5) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or
- (6) license in psychology regulated by the Board of Psychology, within the Department of Consumer Affairs; or
- (7) master's degree issued by a regionally accredited post-secondary institution in education, psychology, counseling, behavior analysis, behavior science, human development, social work, rehabilitation, or in a related field.

To provide behavioral intervention, including implementation of behavior intervention plans, but not including development or modification of behavior intervention plans, an LEA shall deliver those services using personnel who (1) possess the abovementioned qualifications or (2) under the supervision of qualified personnel, possess a high school diploma or its equivalent and receive the specific level of supervision required in the pupil's IEP.

### **Transportation Services**

Transportation includes -

- (1) Travel to and from school and between schools;
- (2) Travel in and around school buildings; and
- (3) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Additional information about guidelines for use by Individualized Education Program (IEP) Teams when determining required transportation services can be found on CDE's website: <http://www.cde.ca.gov/sp/se/lr/trnsprtgdlns.asp>

### **Individual and Small Group Instruction/Early Education Program (3-5)**

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

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

- (1) Observing and monitoring the child's behavior and development in his or her environment.
- (2) Presenting activities that are developmentally appropriate for the preschool child and are specially designed, based on the child's exceptional needs, to enhance the child's development. Those activities shall be developed to conform with the child's individualized education program and shall be developed so that they do not conflict with his or her medical needs.
- (3) Interacting and consulting with the family members, regular preschool teachers, and other service providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's individualized education program in the appropriate setting and necessary to reinforce the expansion of his or her skills in order to promote the child's educational development. These interactions and consultations may include family involvement activities.
- (4) Assisting parents to seek and coordinate other services in their community that may be provided to their child by various agencies.
- (5) Providing opportunities for young children to participate in play and exploration activities, to develop self-esteem, and to develop pre-academic skills.
- (6) Providing access to various developmentally appropriate equipment and specialized materials.
- (7) Providing related services that include parent counseling and training to help parents understand the special needs of their children and their children's development.

The duration of group services shall not exceed four hours per day unless determined otherwise by the individualized education program team.

### **Transition Services**

Transition services means a coordinated set of activities for a child with a disability that -

- (1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary

- education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- (2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes -
- (i) Instruction;
  - (ii) Related services;
  - (iii) Community experiences;
  - (iv) The development of employment and other post-school adult living objectives; and
  - (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

### **Travel Training**

Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live and learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

### **Other Related Services**

Other related services not identified shall be provided only by staff who possess a:

- (b) license to perform the service issued by an entity within the Department of Consumer Affairs or another state licensing office; or
- (c) credential issued by the California CTC authorizing the service.

## **8.5 CONTINUUM OF PROGRAM OPTIONS**

The SELPA shall ensure that a continuum of program options is available to meet the needs of individuals with exceptional needs for special education and related services.

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

- (a) Regular education programs.
- (b) A resource specialist program.
- (c) Designated Instruction and Services/Related Services.
- (d) Special classes.
- (e) Nonpublic, nonsectarian school services.
- (f) State special schools.
- (g) Instruction in settings other than classrooms where specially designed instruction may occur.
- (h) Itinerant instruction in classrooms, resource rooms, and settings other than classrooms where specially designed instruction may occur.

- (i) Instruction using telecommunication, and instruction in the home, in hospitals, and in other institutions.

In addition to the continuum of program options listed, a local educational agency may contract with a hospital (health care facility licensed by the State Department of Health Care Services) to provide designated instruction and services required by the individual with exceptional needs, as specified in the individualized education program. However, a local educational agency shall not contract with a sectarian hospital for instructional services. A local educational agency shall contract with a hospital for related services required by the individual with exceptional needs only when no appropriate public education program is available.

Notes:

Non-Public, Non Sectarian Schools

Nonpublic, nonsectarian school means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college.

State Special Schools

Placements in state special schools shall be made only as a result of recommendations from the individualized education program team, upon a finding that no appropriate placement is available in the local plan area.

Referrals for further assessment and recommendations to the California Schools for the Deaf and Blind or the Diagnostic Centers shall not constitute placements in state special school.