



Transitioning from IFSPs and Holding Initial IEPs: An Infant and Preschool Manual

Revised 2019 – 2020

Riverside County SELPA



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2019 – 2020

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INFANTS

What is Part C?

In 1986, the federal government authorized grants to states to plan and implement a comprehensive, community-based interagency system of early intervention services (Part C) for infants and toddlers with disabilities and their families. State legislation enables California to participate in the Part C program and create a statewide mandate for local educational agencies (LEAs) to serve all infants and toddlers with solely low incidence disabilities. It also required changes in procedures and services for all infants served by LEAs.

The State Department of Developmental Services (DDS) is the lead agency responsible for administration and coordination of the Individuals with Disabilities Education Act (IDEA) Part C grants. Regional Centers are the venue by which DDS fulfills this responsibility. There is an Early Start Interagency Agreement developed with Special Education Local Plan Area (SELPA) for sharing some responsibilities. In our SELPA, the Riverside County Office of Education (RCOE) and Palo Verde USD are the LEAs responsible for the provision of Early Start services for children with a primary focus on children with solely low incidence disabilities (e.g., deaf, blind, deaf-blind, orthopedic impairment, visually impaired).

Infant Services

All services provided to children younger than three are referred to in this document primarily as Infant services, whether the children are infants or toddlers. The official “grade level” for students 0 – 2 is Infant, so this term is used to refer to all children within that age category.

Providers of Infant Services - Similarities Between Them

IFSP Forms

All children, between the ages of birth and three may qualify for infant and toddler services if they demonstrate a need based on the Early Start or Infant Special Education eligibility criteria. If eligibility is met, both IRC and RCOE/Palo Verde will use the Individualized Family Services Plan (IFSP) forms. These forms are specific to the information that must be recorded for this age group of children and are exactly the same, no matter which program the child is under.

Referral to IEP Services

Children on IFSPs (Part C) must all be referred to the LEA for assessment for Part B services, unless exited from Part C prior to the required referral deadline. Part B services are those provided to students between the ages of 3 and 22, and are determined during the IEP assessment process. Part B services are IEP services, and the terms can be used interchangeably. The notification and referral process begins with an IFSP transition conference for the child. The transition conference must be held no later than 90 days before the child’s third birthday or as early as nine months before the third birthday. IFSP team members who are required to attend the meeting include the parent, service coordinator, LEA representative (with parent approval), service providers, and family members or others invited by the parent. The purpose of the transition conference is to discuss the transition from Part C to Part B services. This transition conference is a required part of the IFSP process and the LEA is required to attend.

The team members determine at the time of the transition conference if this will also constitute the referral to the LEA. This decision is indicated on the transition conference paperwork. The referral can coincide with the transition conference, or it may be deferred until closer to the student’s third birthday. This is an important distinction. The transition conference is held when the student is between 27 and 33 months of age. The referral to the LEA must take place no later than 33 months of age. The referral to the LEA starts certain timelines which must be adhered to, potentially causing the student to be younger than is practical at the time of assessment for IEP services if the transition conference is held earlier in the window.

Once the referral is received by the LEA, **the LEA has 15 days in which to respond to the referral.** The response needs to be in the form of either an Assessment Plan (with a Prior Written Notice) or a Prior Written Notice. If the LEA determines the

student has a suspected disability, the Assessment Plan will be presented to the parent/guardian for signature. If the LEA determines that there is not a suspected disability, a Prior Written Notice detailing why the LEA will not be assessing the student is presented to the parent/guardian instead.

Once the parent **returns the signed assessment plan**, the Initial IEP must be held within 60 days of the receipt of the signed AP and prior to the child's 3rd birthday. If the Initial IEP meeting is not held within 60 days or prior to the child's 3rd birthday, compliance issues come into play. These are both areas of Data Identified Non-Compliance (DINC), and adherence to both is closely monitored.

Simultaneous Providers

One note, students can receive services from both IRC and RCOE Infant Circle simultaneously. If this is the case, IRC is the primary provider for the child, with RCOE working under contract for IRC. The referral packet will come from IRC.

Providers of Infant Services – Differences Between Them

Eligibility

Both Early Start (IRC) and Special Education (RCOE/Palo Verde) programs have eligibility criteria. However, the eligibility requirements for each are different. Under state and federal requirements, the three categories of eligibility for Early Start are as follows:

1. *Developmental delay.*
2. *Established risk conditions.*
3. *At risk of a developmental disability (regional centers only).*

In contrast, for special education, the law states that an infant or toddler must have:

1. *At least one of 10 identified disabilities*
2. *Need intensive special education and services because of that disability*

(These identified disabilities are somewhat different from those used to qualify students for Special Education services from 3 – 22.)

Students who qualify for special education automatically qualify for Early Start programs. Students who qualify for Early Start may qualify for Special Education. The one exception to this is that students with **solely** low-incidence disabilities are not eligible for Inland Regional Center services.

Solely Low Incidence Disabilities

With the enactment of the California Early Intervention Services Act in 1993, **LEAs** became responsible for serving all infants and toddlers who have a solely low-incidence disability. Low-incidence disabilities are those that occur in a small percentage of the population, but which have specialized and expensive training and equipment needed to work with the individual. These disabilities include blind/vision impairment, deaf/hearing impairment, and orthopedic impairment. A **solely** low-incidence disability means one or more of these disabilities that is the primary disability and has a significant impact on the child's learning and development. The determination of a solely low-incidence disability is made by the IFSP team. The infant or toddler who has a solely low-incidence disability is not eligible for services from a regional center. In Riverside County SELPA, infants and toddlers with solely low-incidence disabilities are served by RCOE in the Infant Circle program and by Palo Verde USD.

Special Education Status

Remember, in Riverside County SELPA only **Riverside County Office of Education (RCOE)** and **Palo Verde USD** provide **Special Education** services to Infants and Toddlers. Students may also transfer into Riverside County SELPA having received Special Education Infant services from another County Office of Education. IRC provides community services through Early Start which are not part of the Special Education continuum. Because Riverside County SELPA uses the SEIS program for all Special

Education reporting, all infants being served by RCOE and Palo Verde USD will already have a student record created in SEIS. Students receiving only community infant services will not have a SEIS record.

Infant Referral and Original Special Ed Entry Dates

Whether or not an infant program is designated as a Special Education Infant program has several implications to the student record in SEIS. The infant referral dates (located on the Dates & Information Page and CALPADS (Student) tabs of the student record) refer specifically to referral to Special Education Infant programs. If the program is not a Special Ed program (Inland Regional Center), the Infant Referral dates do not get populated. These dates are:

- *22 Date of Initial Referral, Ages 0 - 2*
- *23 Person Initiating Infant Referral, Ages 0 - 2*
- *24 Date District Received Parent Consent, Ages 0 - 2*
- *25 Date of Initial IFSP Meeting, Ages 0 - 2*

Also, because these specific infant services are on the Special Education continuum, the student is given a **Special Education Initial Entry Start Date** which will match the date he/she began receiving IFSP Special Education services. **This date will never change for the student, even if he/she exits and re-enters Special Education later.** A student only enters Special Education for the first time once in their lives. Once that has occurred; the date is recorded and will not change.

Process for Holding an IEP for Students Currently on an IFSP:

IFSPs are only used for students from birth through two years old, so they expire one day prior to the student's third birthday. Before the student turns three, assessments need to be completed to determine if he/she qualifies for services on an IEP. The eligibility criteria for IEP services are different than those for an IFSP, so students may or may not qualify for Special Education services on an IEP. IEP services are available from 3 – 22 years, depending on the eligibility of the student. There are a number of areas that need to be watched when holding these first IEPs for students already on IFSPs. The process you follow will depend on which agency is providing the infant services for the student. All IFSP services are Early Start services. However, **those on the Special Education continuum (from RCOE or Palo Verde) will have very different requirements than those from IRC.** Because of this, we differentiate these services specifically as Special Ed or not Special Ed. This is done for differentiation purposes only. IFSP services are all being provided to children with identified disabilities, no matter who the provider of the services.

Referrals from IRC With No Infant Special Ed Services Being Provided

SEIS Record

A student referral coming in from IRC will not already have a record created in SEIS. In every case, however, it is good practice to search for a record in the SEIS system before creating one, even if you don't expect to locate one. Note: A student who is receiving services from both IRC and Infant Circle will have a SEIS record. In these cases, IRC is the primary agency and the referral packet will come from them. It may or may not have Infant Circle designated on the referral packet, so an LEA may not know the student was receiving Infant Circle services from the referral paperwork. If a Special Education Infant record is discovered in SEIS, please refer to the section in this manual for IFSP Special Education student referrals and follow the guidelines there.

For students not receiving IFSP Special Education services, it is good practice to enter new student in SEIS, placing them in pending as soon as the referral packet is received. That way the assessing team can all be assigned as providers and can keep track in SEIS of the date of the student's third birthday and make sure the IEP is held on time. The student placed in pending will only have a Plan Type of 300 entered once Parent Consent for Initial IEP assessment has been received, however, the student record can be created in the system before that occurs. A Home Page alert will notify the team of the upcoming third birthday. **SELPA recommends that all Initial IEPs be held in SEIS, not on SELPA paper forms/templates.**

Timeline Requirements/Meeting Delay

Although these students are not receiving special education services, they are receiving infant services as described in Part C, so there are requirements in terms of when to hold an Initial IEP. As mentioned above, all students on IFSPs must have their Initial IEPs held by the third birthday, or else the LEA will be considered non-compliant in the area of Third Birthday Delay. If the student does not have an Initial IEP by the third birthday, there may be a CDE acceptable reason for not holding it on time. If there is an acceptable reason, this needs to be documented in SEIS to avoid triggering Data Identified Non-Compliance (DINC) with CDE. If a reason is chosen, the LEA **MUST** have back up documentation to support the reason reported. CDE will begin to ask a random sample of LEAs to send in their back up documentation for any reasons listed for missing DINC timelines.

To report the reason the IEP was not held within the timeline, an LEA can complete the 14.23 Meeting Delay field. This can be found in SEIS, in the Student Record, on the CALPADS (Student) tab. There are several possible acceptable reasons for not holding the Initial IEP on time.

- 10 *Parent Refused to Consent*
- 20 *Parent Did Not Make Child Available*
- 40 *School Break*
- 50 *Transfer*
- 60 *School Emergency*
- 70 *Student Emergency*
- 75 *Temporary School Closure*
- 80 *Due Process/Settlement Agreement*
- 85 *Did not pass hearing and/or vision screening*
- 90 *Late Without Cause*

In addition to the Initial IEP being held prior to the third birthday, the IEP team is responsible for holding the Initial IEP within 60 days of receiving the signed copy of the assessment plan from the parent or legal guardian. If it isn't held within that timeline, the LEA will be considered non-compliant in the area of Initial 60-Day Timelines. If the student does not have an Initial IEP within 60 days, there may be a CDE acceptable reason for not holding it on time. If there is an acceptable reason, this needs to be documented in SEIS to avoid triggering Data Identified Non-Compliance (DINC) with CDE. If a reason is chosen, the LEA **MUST** have back up documentation to support the reason reported. CDE will begin to ask a random sample of LEAs to send in their back up documentation for any reasons listed for missing DINC timelines.

To report the reason the IEP was not held within the timeline the 60-Day Timeline, an LEA would also complete the 14.23 Meeting Delay field. This can be found in SEIS, in the Student Record, on the CALPADS (Student) tab. The same field is completed to explain both a late 60-Day Timeline or an IEP not held by the 3rd birthday. There are several possible acceptable reasons for not holding the Initial IEP on time.

- 20 *Parent Did Not Make Child Available*
- 40 *School Break*
- 50 *Transfer*
- 60 *School Emergency*
- 70 *Student Emergency*
- 75 *Temporary School Closure*
- 80 *Due Process/Settlement Agreement*
- 85 *Did not pass hearing and/or vision screening*
- 90 *Late Without Cause*

IEP Meeting Type/IEP Referral Dates

All IEPs held for students who are transitioning from IFSPs are **INITIAL IEPs**. Remember, the student has never had an IEP before, so this first one will be an Initial, not a Transition or Change of Placement.

In addition, **the IEP Referral Dates at the bottom of the Eligibility page in SEIS need to reflect the date the student was referred to the IEP team for this assessment**, not the date the student was referred for his/her IFSP initially.

For initial IEP Placements Only

Date of Initial Referral for Special Education Services:

Person Initiating the Referral for Special Education service:

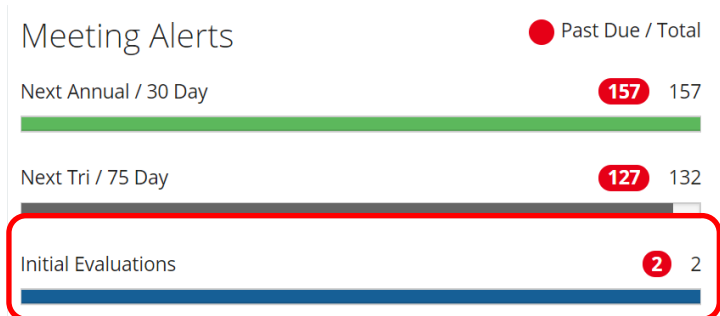
Date assessment plan was provided to parent

Date District Received Parent Consent

Date of Initial Meeting to Determine Eligibility

If all relevant timelines are being met, the referral date would fall before the third birthday, as would the date the assessment plan was provided to the parent, the date consent was received, and the date the Initial IEP meeting was held. There would also be no more than 60 days between the date consent was received and the date the Initial IEP meeting was held.

It works to the assessing team's benefit to enter the student into SEIS as soon as possible and then enter the referral dates directly into SEIS as soon as they occur. If this is done, SEIS can help the team keep track of the timelines required. Once the date received parent consent is entered in, every provider for the student has a 60 day countdown clock started, showing on the Home Page of SEIS. SEIS will also help to keep track of upcoming third birthdays, but these can only occur if the student has been entered into the SEIS program.



Infant Referral Dates/Original Special Ed Entry Date

For students who have received IFSP services through IRC, the four Infant Referral date fields are not completed. These dates refer specifically to Special Education infant services, so students who did not receive Special Ed infant services would not have anything entered into these fields.

The **Special Education Initial Entry Start Date** will be the date the student is scheduled to begin the IEP services, if he/she qualifies for services on the IEP. This date will not predate the third birthday since the LEA cannot provide services prior to the third birthday. If the IEP is being held at the end of the school year, but the student will not begin services until the new school year begins, this will most often be the first day of school for the new year.

Other Data Fields to Watch

Grade Level – One error that keeps reoccurring is in the grade level of the student on the Initial IEP. Even though these IEPs are being held prior to the student’s third birthday, while the student is still 2 years old, the correct grade level to mark on the IEP is preschool, not infant. This is because the student will be three, and preschool age when the IEP goes into effect. We need to make sure that all data fields in the IEP are consistent with one another. So, if the IEP will serve the student as a preschool student, the grade level should also indicate that. Best practice is to enter students into the SEIS system as soon as the referral is received, designating preschool grade level at that time.

Program Setting Code – This is the program setting in which the student receives **special education** services. There are three separate Program Setting fields, each one is dictated by the age of the student, not the grade level. There is an Infant Program Setting field for 0-2 year olds (14.31a), a Preschool Program Setting field for 3–5 year olds (14.31b), and a school age Program Setting field for 6-22 year olds (14.31c). The Infant Program Setting field can only be found in the Student Record of SEIS on the CALPADS (Student) page or on the IFSP forms in SEIS. The Preschool and School age Program Setting fields can be found on both the Educational Settings page of the IEP and the CALPADS (Student) page of the Student Record. Students should only have ONE Program Setting field marked – the one that matches the age of the student at the time the IEP meeting goes into effect. For students transitioning from an IFSP, we would be completing the Preschool Program Setting field.

200	Home
201	Regular Early Childhood Program or Kindergarten
203	Separate Class (less than 50% nondisabled peers)
204	Service Provider Location
300	Separate School
301	Residential Facility

In addition, if 201 Regular Early Childhood Program or Kindergarten is chosen, two additional fields need to be completed. If anything other than 201 is chosen, these fields are not populated. Those fields are:

- 14.32 Early Childhood Program Setting Service Location
- 14.33 Ten or More Weekly Hours in Setting Indicator

14.32 is used to determine if the Special Education services are provided in the same setting or a different one.

To make the determination for the correct preschool program setting code easier, a decision tree has been included in the Appendix at the end of this document. This is the sole field used for the CDE determination for Least Restrictive Environment (LRE) so it is important that it is completed correctly.

% of Time in Regular Ed – There is confusion regarding the proper way to record percentage of time in regular education for preschool students, especially for those who are not attending a school based program. To make matters more confusing, CDE has clarified that the % of time field is NOT used for the calculation they perform to determine least restrictive environment (LRE) for students younger than 6 years old. (It is used only with students 6 – 22 years of age.) This has led to the % of Time in Regular Ed field not being required for reporting in students younger than 6. This does not mean this field does not need to be completed in the Future IEP, however. This field is needed for other types of reporting the SELPA does, especially for students in TK or K grade levels, **so Riverside County SELPA is still requesting this field to be completed for all students on IEPs.**

That still leaves the difficulty in how to calculate the correct percentage of time to put in this field. Since preschool students receive special education support in a variety of environments, percentage of time needs to be determined on a case-by-case basis. The following directions are for the percentage of time calculation for preschool students (ages three through five).

The numerator for this calculation is the amount of time per week the child spends in a regular early childhood program. The denominator for this calculation is the total number of hours the child spends

in early childhood program plus any time the child spends receiving special education and related services outside of a regular early childhood program. The result is multiplied by 100.

The following are some examples of how to calculate percentage of time a preschool student is inside general education:

- Parent brings student to the school/district for 1 hour per week related services only
 - In this scenario, the time the student spends at home is their “natural environment” and will be used for determining time in “regular education”. To determine the amount of time per week to use for this part of the calculation, use the district model for the amount of time in a typical preschool classroom in the district. In the example below, the district preschool program is for 14 hours per week.
 - Numerator = 14, denominator = 14 + 1, $14/15 = .93 \times 100 = 93\%$ GE (7% SE)
- Child participates in Head Start 3.5 hours per day, 4 days per week = 14 hours/week and receives special education related services 1 hour per week
 - Numerator = 14, denominator = 14+1; $14/15 = .93$; $\times 100 = 93\%$ GE (7% SE)
- Child attends State Preschool 3.5 hours per day, 5 days per week = 17.5 hours/week and receives special education related services 1 hour per week
 - Numerator = 17.5, denominator = 18.5; $17.5/18.5 = 0.9459$; $\times 100 = 95\%$ GE (5% SE)
- Child attends special education preschool class 3.5 hours per day, 5 days per week = 17.5 hours per week and is integrated with regular early education program for 1 hour daily for circle time, recess and snacks
 - Numerator = 5, denominator = 5 + 17.5 = 22.5; $5/22.5 = .22 \times 100 = 22\%$ GE (78% SE)
- Child participates in intensive 5.0 hours per day, 5 days per week = 25 hours/week special education program with no interactions with nondisabled peers
 - Numerator = 0, denominator = 25; $0/25 = 0 \times 100 = 0\%$ GE (100% SE)

□

EL Status

One of the more controversial questions with regards to preschool students on IEPs is the question of English Learner (EL) status. The LEAs in Riverside County SELPA have verified that they do not assess students for EL status (currently using the ELPAC assessment, or others for alternate assessments) until the student has started kindergarten in their LEA. These students will not be tagged as EL in the LEA’s Student Information System (SIS) until the assessment has been completed and the assessment has indicated the student qualifies for EL status.

It is important that our IEP documents reflect accurate information regarding the student. So, to help with this confusion, the **Eligibility page of the IEP** has been updated to include an additional field. For preschool students who have not been designated as EL, but whose native language is other than English, we would report those students as “No” for EL, but marked as “EL – Undesignated” as seen below. This is accurate, matches the information in the SIS, and will not cause errors at Data reporting time.

English Learner

Yes No

English Learner

Undesignated (Preschool)

Because these students are not yet designated as EL, the other sections of the IEP relating specifically to EL will be completed as if the student is not EL. On the **Goals page of the IEP**, the section of the goal “Linguistically appropriate,” that needs to be

completed for EL students will not be marked for preschool students who have not been designated yet.

- Addresses other educational needs
- Linguistically appropriate
- Transition Goal:
- Education
- Training
- Employment
- Independent Living

On the **Special Factors page of the IEP**, the section that specifically addresses the needs of EL students will remain completely blank. Notice at the top of this section it states, “If the child is an English Learner...” If a student has not been designated as an English Learner, this section is not completed.

If the child is an English Learner, consider the language needs of the child as those needs relate to the IEP:

Does the child need primary language support?

Yes No

Where will ELD services be provided to the student?

- General Education
- Special Education

The student will participate in the following type of program:

- Structured English Immersion
- Alternative Language Program

type or description:

Affirming and Attesting the IEP

Once the Initial IEP meeting is held and completed in SEIS it needs to be Affirmed and Attested, but with students on IFSPs transitioning to IEPs, it is important to understand when the Initial IEP should be Affirmed and Attested. Timing this correctly will avoid many of the problems that tend to crop up with these students in SEIS. **It is important that the student be made Eligible in SEIS and the IEP be Affirmed and Attested on or after the student’s third birthday, not before that date.**

The student is not eligible for Special Education services on an IEP until the age of three. In order to Affirm and Attest an IEP in SEIS, we have to make a student eligible. If we make a student eligible who has not turned three yet, SEIS assumes we are providing Infant services on an IFSP and requires that we complete all the Infant specific Data fields, including making the grade level that of Infant to match the age of the student at eligibility. This is inaccurate and should never be done. The only reason SEIS would require these fields to be completed is if a user is creating the situation by making a student eligible before he/she is indeed eligible. Instead, the SEIS Administrator should wait until the student’s third birthday or later to make the student eligible in SEIS.

Once the student has been made eligible, the IEP can be Affirmed and Attested. Anyone with permission to Affirm and Attest can do so. As long as the IEP meeting was held and the information in SEIS is complete, the IEP can be Affirmed and Attested once the student is three. All necessary documents (signature page, assessment reports, signed Notice of Meeting, signed AP, etc.) can be attached while the IEP is still in the Future IEP. When the IEP is affirmed and attested, all the attached documents will rollover with it to the Current IEP.

If the student does not qualify for Special Education services on an IEP, the IEP is never Affirmed and Attested. Again, we wait until the third birthday or later, make the Plan Type = 900, does not qualify for Special Education services, and take the student out of SEIS as DNQ/Not Providing Srvcs - Plan Type 700/800/900. An Ineligible IEP is automatically created in SEIS from the Future IEP. This can be viewed from the Student Record History page.

Referrals from IFSP Special Ed (RCOE, Palo Verde, those served by IRC through RCOE)

SEIS Record

The process in SEIS to follow for students currently receiving Special Education Infant services is a little different than that followed for IRC IFSP students. Students with Infant Circle/Palo Verde WILL have a SEIS record already created and active with RCOE/Palo Verde. Remember, the student is still being served until the day before the third birthday. So, how can an IEP be held by the district where the student resides (District of Special Education Accountability) as required prior to the student's third birthday? **Because of the new reporting fields, this process changed effective September 2019. Here are the new steps to follow:**

Before this change, students who had a record in SEIS being served as Infants created issues for both the LEA providing Infant services and the LEA that needed to hold the Initial IEP for the student prior to the 3rd birthday. Our method for dealing with this was to add the preschool IEP team to the student's Infant record as shared teachers and to hold the IEP while the record was still with the Infant LEA. There were several problematic issues for both LEAs involved with this process. With the recent changes in data reporting and the change to transactional reporting in the CALPADS system, the process has to be changed. Beginning in 2019/20, CALPADS expects to receive a transaction for the "Exit" of the IFSP and a separate transaction for the Initial IEP.

The Infant Record:

The IFSP team must keep the Infant record until the student's 3rd birthday, as the student needs to be reported as active/eligible in the IFSP District until the student turns 3.

On the student's 3rd birthday, the IFSP team would Exit the student with:

- 70 - Whether the student is returning to regular ed or if the student is being referred to 3-22 year old services.
- 84 – If there was no parent consent for part C to part B.

The Preschool Record:

The Preschool LEA will:

- Create a new record for the student to enter the Initial IEP information.
 - Hold the Initial IEP in SEIS in the Preschool LEA using the new student record.
 - Get the Initial Start Date and Referral dates from the IFSP team to update the IEP record.
 - This will be the record of use going forward in SEIS.
- On the student's 3rd birthday request the IFSP record
 - Download the IFSPs and DRDPs to attach to the IEP record.
 - Mark the Infant record DNR & Duplicate Record.
 - Exit this record in SEIS using the same exit date and exit reason as before.
 - Since this record is marked DNR, it will not create a transaction.
- If the student is Eligible for the IEP, the student's Plan Type is changed to 100 and is made Eligible when appropriate.
- If the student is not Eligible for the IEP, the student Plan Type is changed to 900 and is DNQ'd when appropriate.

When trying to determine if the student already has a SEIS Infant record, an Add Student search can be conducted in SEIS, but beware. Occasionally the student name given at the time of the Infant IFSP meeting, and therefore the name of the student record in SEIS, is not the same exact name or same spelling of the name given when the student is referred for the IEP

assessment. If you suspect the student may have received Infant Special Ed services, but cannot locate a SEIS record to confirm this, you can contact either RCOE or Riverside County SELPA to assist you in this verification.

Timeline Requirements/Meeting Delay

Although these students are not receiving special education services, they are receiving infant services as described in Part C, so there are requirements in terms of when to hold an Initial IEP. As mentioned above, all students on IFSPs must have their Initial IEPs held by the third birthday, or else the LEA will be considered non-compliant in the area of Third Birthday Delay. If the student does not have an Initial IEP by the third birthday, there may be a CDE acceptable reason for not holding it on time. If there is an acceptable reason, this needs to be documented in SEIS to avoid triggering Data Identified Non-Compliance (DINC) with CDE. If a reason is chosen, the LEA **MUST** have back up documentation to support the reason reported. CDE will begin to ask a random sample of LEAs to send in their back up documentation for any reasons listed for missing DINC timelines.

To report the reason the IEP was not held within the timeline, an LEA can complete the 14.23 Meeting Delay field. This can be found in SEIS, in the Student Record, on the CALPADS (Student) tab. There are several possible acceptable reasons for not holding the Initial IEP on time.

- 10 *Parent Refused to Consent*
- 20 *Parent Did Not Make Child Available*
- 40 *School Break*
- 50 *Transfer*
- 60 *School Emergency*
- 70 *Student Emergency*
- 75 *Temporary School Closure*
- 80 *Due Process/Settlement Agreement*
- 85 *Did not pass hearing and/or vision screening*
- 90 *Late Without Cause*

In addition to the Initial IEP being held prior to the third birthday, the IEP team is responsible for holding the Initial IEP within 60 days of receiving the signed copy of the assessment plan from the parent or legal guardian. If it isn't held within that timeline, the LEA will be considered non-compliant in the area of Initial 60-Day Timelines. If the student does not have an Initial IEP within 60 days, there may be a CDE acceptable reason for not holding it on time. If there is an acceptable reason, this needs to be documented in SEIS to avoid triggering Data Identified Non-Compliance (DINC) with CDE. If a reason is chosen, the LEA **MUST** have back up documentation to support the reason reported. CDE will begin to ask a random sample of LEAs to send in their back up documentation for any reasons listed for missing DINC timelines.

To report the reason the IEP was not held within the timeline the 60-Day Timeline, an LEA would also complete the 14.23 Meeting Delay field. This can be found in SEIS, in the Student Record, on the CALPADS (Student) tab. The same field is completed to explain both a late 60-Day Timeline or an IEP not held by the 3rd birthday. There are several possible acceptable reasons for not holding the Initial IEP on time.

- 20 *Parent Did Not Make Child Available*
- 40 *School Break*
- 50 *Transfer*
- 60 *School Emergency*
- 70 *Student Emergency*
- 75 *Temporary School Closure*
- 80 *Due Process/Settlement Agreement*
- 85 *Did not pass hearing and/or vision screening*
- 90 *Late Without Cause*

IEP Meeting Type/IEP Referral Dates

All IEPs held for students who are transitioning from IFSPs are **INITIAL IEPs**. Remember, the student has never had an IEP before, so this first one will be an Initial, not a Transition or Change of Placement. This is true, even though these students have been receiving Special Education services for some length of time.

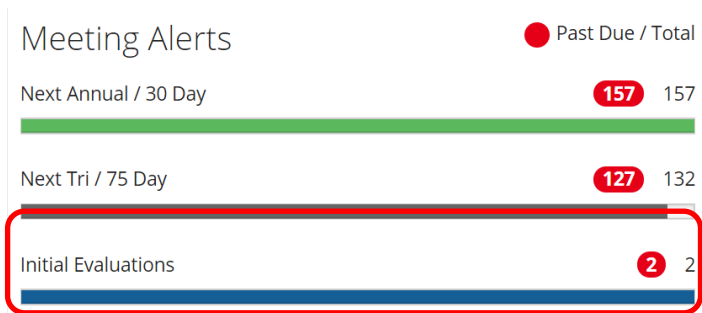
In addition, **the IEP Referral Dates at the bottom of the Eligibility page in SEIS need to reflect the date the student was referred to the IEP team for this assessment**, not the date the student was referred for his/her IFSP initially.

For initial IEP Placements Only

Date of Initial Referral for Special Education Services: <input type="text" value="01/17/2017"/>	Person Initiating the Referral for Special Education service: <input type="text" value="30 Student Study Team/Intervention Plan"/>
Date assessment plan was provided to parent <input type="text" value="01/18/2017"/>	Date District Received Parent Consent <input type="text" value="01/26/2017"/>
Date of Initial Meeting to Determine Eligibility <input type="text" value="04/01/2017"/>	

If all relevant timelines are being met, the referral date would fall before the third birthday, as would the date the assessment plan was provided to the parent, the date consent was received, and the date the Initial IEP meeting was held. There would also be no more than 60 days between the date consent was received and the date the Initial IEP meeting was held.

It works to the assessing team's benefit to enter the student into SEIS as soon as possible and then enter the referral dates directly into SEIS as soon as they occur. If this is done, SEIS can help the team keep track of the timelines required. Once the date received parent consent is entered in, every provider for the student has a 60 day countdown clock started, showing on the Home Page of SEIS. SEIS will also help to keep track of upcoming third birthdays, but these can only occur if the student has been entered into the SEIS program.



Infant Referral Dates/Original Special Ed Entry Date

For students who have received Special Education IFSP services, the four Infant Referral date fields are already completed in the student record with RCOE. These records are already in the SEIS system, but due to the new process, this Infant record will not be transferred into the preschool LEA until after the third birthday and the Initial IEP has most likely been held. Therefore, the Infant Referral Date fields would be populated in the preschool record after the Infant Record has been transferred.

The **Special Education Initial Entry Start Date** is one of the key fields that will be different between Special Ed IFSP students and non-Special Ed IFSP students. The Special Education Initial Entry Start Date (Original Special Ed Entry Date) records the very first date ever the student receives Special Education services. Because these students have already been receiving

Special Ed services, this date will have already been given to the student when he/she started Infant SpEd services. The team holding the Initial IEP will need to use that same date given originally.

Other Data Fields to Watch

Grade Level – One error that keeps reoccurring is in the grade level of the student on the Initial IEP. Even though these IEPs are being held prior to the student’s third birthday, while the student is still 2 years old, the correct grade level to mark on the IEP is preschool, not infant. This is because the student will be three, and preschool age when the IEP goes into effect. We need to make sure that all data fields in the IEP are consistent with one another. So, if the IEP will serve the student as a preschool student, the grade level should also indicate that. Best practice is to enter students into the SEIS system as soon as the referral is received, designating preschool grade level at that time.

Program Setting Code – This is the program setting in which the student receives **special education** services. There are three separate Program Setting fields, each one is dictated by the age of the student, not the grade level. There is an Infant Program Setting field for 0-2 year olds (14.31a), a Preschool Program Setting field for 3–5 year olds (14.31b), and a school age Program Setting field for 6-22 year olds (14.31c). The Infant Program Setting field can only be found in the Student Record of SEIS on the CALPADS (Student) page or on the IFSP forms in SEIS. The Preschool and School age Program Setting fields can be found on both the Educational Settings page of the IEP and the CALPADS (Student) page of the Student Record. Students should only have ONE Program Setting field marked – the one that matches the age of the student at the time the IEP meeting goes into effect. For students transitioning from an IFSP, we would be completing the Preschool Program Setting field.

200	Home
201	Regular Early Childhood Program or Kindergarten
203	Separate Class (less than 50% nondisabled peers)
204	Service Provider Location
300	Separate School
301	Residential Facility

In addition, if 201 Regular Early Childhood Program or Kindergarten is chosen, two additional fields need to be completed. If any option other than 201 is chosen, these fields are not populated. Those fields are:

14.32 Early Childhood Program Setting Service Location

14.33 Ten or More Weekly Hours in Setting Indicator

14.32 is used to determine if the Special Education services are provided in the same setting or a different one.

To make the determination for the correct preschool program setting code easier, a decision tree has been included in the Appendix at the end of this document. This is the sole field used for the CDE determination for Least Restrictive Environment (LRE) so it is important that it is completed correctly.

% of Time in Regular Ed – There is confusion regarding the proper way to record percentage of time in regular education for preschool students, especially for those who are not attending a school based program. To make matters more confusing, CDE has clarified that the % of time field is NOT used for the calculation they perform to determine least restrictive environment (LRE) for students younger than 6 years old. (It is used only with students 6 – 22 years of age.) This has led to the % of Time in Regular Ed field not being required for reporting in students younger than 6. This does not mean this field does not need to be completed in the Future IEP, however. This field is needed for other types of reporting the SELPA does, especially for students in TK or K grade levels, **so Riverside County SELPA is still requesting this field to be completed for all students on IEPs.**

That still leaves the difficulty in how to calculate the correct percentage of time to put in this field. Since preschool students receive special education support in a variety of environments, percentage of time needs to be determined on a case-by-case basis. The following directions are for the percentage of time calculation for preschool students (ages three through five).

The numerator for this calculation is the amount of time per week the child spends in a regular early childhood program. The denominator for this calculation is the total number of hours the child spends in early childhood program plus any time the child spends receiving special education and related services outside of a regular early childhood program. The result is multiplied by 100.

The following are some examples of how to calculate percentage of time a preschool student is inside general education:

- Parent brings student to the school/district for 1 hour per week related services only
 - In this scenario, the time the student spends at home is their “natural environment” and will be used for determining time in “regular education”. To determine the amount of time per week to use for this part of the calculation, use the district model for the amount of time in a typical preschool classroom in the district. In the example below, the district preschool program is for 14 hours per week.
 - Numerator = 14, denominator = 14 + 1, $14/15 = .93 \times 100 = 93\%$ GE (7% SE)
- Child participates in Head Start 3.5 hours per day, 4 days per week = 14 hours/week and receives special education related services 1 hour per week
 - Numerator = 14, denominator = 14+1; $14/15 = .93$; $\times 100 = 93\%$ GE (7% SE)
- Child attends State Preschool 3.5 hours per day, 5 days per week = 17.5 hours/week and receives special education related services 1 hour per week
 - Numerator = 17.5, denominator = 18.5; $17.5/18.5 = 0.9459$; $\times 100 = 95\%$ GE (5% SE)
- Child attends special education preschool class 3.5 hours per day, 5 days per week = 17.5 hours per week and is integrated with regular early education program for 1 hour daily for circle time, recess and snacks
 - Numerator = 5, denominator = 5 + 17.5 = 22.5; $5/22.5 = .22 \times 100 = 22\%$ GE (78% SE)
- Child participates in intensive 5.0 hours per day, 5 days per week = 25 hours/week special education program with no interactions with nondisabled peers
 - Numerator = 0, denominator = 25; $0/25 = 0 \times 100 = 0\%$ GE (100% SE)

□

EL Status

One of the more controversial questions with regards to preschool students on IEPs is the question of English Learner (EL) status. The LEAs in Riverside County SELPA have verified that they do not assess students for EL status (currently using the ELPAC assessment, or others for alternate assessments) until the student has started kindergarten in their LEA. These students will not be tagged as EL in the LEA’s Student Information System (SIS) until the assessment has been completed and the assessment has indicated the student qualifies for EL status.

It is important that our IEP documents reflect accurate information regarding the student. So, to help with this confusion, the **Eligibility page of the IEP** has been updated to include an additional field. For preschool students who have not been designated as EL, but whose native language is other than English, we would report those students as “No” for EL, but marked as “EL – Undesignated” as seen below. This is accurate, matches the information in the SIS, and will not cause errors at Data reporting time.

English Learner

Yes No

English Learner

Undesignated (Preschool)

Because these students are not yet designated as EL, the other sections of the IEP relating specifically to EL will be completed as if the student is not EL. On the **Goals page of the IEP**, the section of the goal “Linguistically appropriate,” that needs to be

completed for EL students will not be marked for preschool students who have not been designated yet.

- Addresses other educational needs
- Linguistically appropriate
- Transition Goal:
- Education
- Training
- Employment
- Independent Living

On the **Special Factors page of the IEP**, the section that specifically addresses the needs of EL students will remain completely blank. Notice at the top of this section it states, “If the child is an English Learner...” If a student has not been designated as an English Learner, this section is not completed.

If the child is an English Learner, consider the language needs of the child as those needs relate to the IEP:

Does the child need primary language support?

Yes No

Where will ELD services be provided to the student?

- General Education
- Special Education

The student will participate in the following type of program:

- Structured English Immersion
- Alternative Language Program

type or description:

Infant Services on the IEP

All Infant Special Education services will be reported exclusively through the RCOE Infant record only so the IEP team will not include any Infant services on the Initial IEP.

Affirming and Attesting the IEP

Once the Initial IEP meeting is held and completed in SEIS it needs to be Affirmed and Attested, but with students on IFSPs transitioning to IEPs, it is important to understand when the Initial IEP should be Affirmed and Attested. Timing this correctly will avoid many of the problems that tend to crop up with these students in SEIS. **It is important that the student be made Eligible in SEIS and the IEP be Affirmed and Attested on or after the student’s third birthday, not before that date.**

The student is not eligible for Special Education services on an IEP until the age of three. In order to Affirm and Attest an IEP in SEIS, we have to make a student eligible. If we make a student eligible who has not turned three yet, SEIS assumes we are providing Infant services on an IFSP and requires that we complete all the Infant specific Data fields, including making the grade level that of Infant to match the age of the student at eligibility. This is inaccurate and should never be done. The only reason SEIS would require these fields to be completed is if a user is creating the situation by making a student eligible before he/she is indeed eligible. Instead, the SEIS Administrator should wait until the student’s third birthday or later to make the student eligible in SEIS.

Once the student has been made eligible, the IEP can be Affirmed and Attested. Anyone with permission to Affirm and Attest can do so. As long as the IEP meeting was held and the information in SEIS is complete, the IEP can be Affirmed and Attested once the student is three. All necessary documents (signature page, assessment reports, signed Notice of Meeting, signed AP, etc.) can be attached while the IEP is still in the Future IEP. When the IEP is affirmed and attested, all the attached documents will rollover with it to the Current IEP.

If the student does not qualify for Special Education services on an IEP, the IEP is never Affirmed and Attested. Again, we wait until the third birthday or later, make the Plan Type = 900, does not qualify for Special Education services, and take the student out of SEIS as DNQ/Not Providing Srvcs - Plan Type 700/800/900. An Ineligible IEP is automatically created in SEIS from the Future IEP. This can be viewed from the Student Record History page.

Special Circumstances with Initial IEPs for IFSP Students

LEA Determination That No Initial IEP is Needed

A Notification referral will be received by the LEA from IRC and/or RCOE of all children “potentially eligible” for IEP services. However, occasionally a child on an IFSP does not need to be assessed for an initial IEP. This may be due to the difference in the qualification for IFSP services and IEP services or because the child has made significant gains with early intervention. This details the ways in which this determination can be made and the processes to follow once it has been made.

- When the IFSP transition meeting is held a representative from the LEA is required to be present. The purpose of the meeting is to discuss the transition from Infant to Preschool services prior to the child’s third birthday. If at this time the team agrees that the student is performing at age expectancies and does not appear to have educationally related needs, **the team may determine that no further assessment or services are warranted at that time.** This would be well documented on the transition document.
- The LEA would provide parent with a Prior Written Notice (PWN) indicating that an assessment was considered and determined not to be recommended by the transition team. The LEA would indicate that the option of assessment is available should concerns exist.
- If there is not enough information for the LEA to make this determination with the IFSP team at the transition conference, the referral will be made to the LEA no less than 90 days prior to the student’s third birthday.
- Once the referral is received, the LEA has 15 days in which to offer an Assessment Plan or a PWN to the parent.
- Best practice is to use caution when offering a PWN refusing assessment at this stage. It is recommended that these decisions be made in a team setting, rather than by a single individual. If the IFSP transition team did not determine the student had no need of further assessment, the LEA will want to document well any decisions not to assess the student once the referral is received. When issuing a PWN refusing assessment, the LEA needs to show the student does not have any areas of suspected disability. This can be difficult to document well for students who have been receiving services for a disability on an IFSP.
- Once the determination is made not to assess for an IEP, (If the child is receiving services from RCOE), the student would be exited from SEIS using an Exit Date one day prior to the third birthday and an Exit Reason of 70 – Returned to regular education/No longer eligible for special education/Successful completion of IEP/IFSP/ISP. A comment should be entered during the exit process to explain that the team determined no assessment was warranted by the IEP assessment team. Students on IFSPs through IRC are not in SEIS, so there is no need to document further in the SEIS system.

Parent Refused Assessment

Parents have the right to refuse to have the child receiving services on an IFSP referred to the LEA for Initial IEP assessment. There is a process that both IRC and RCOE follow in this instance. Occasionally, parents refuse assessments that have already been initiated by the LEA.

Parent Refuses Referral to District of Residence – The parent would notify IRC and/or RCOE of their intent to decline a referral to the District of Residence and a letter would be received by the district with this information and listing the directory information for the child and parent. However no further records would be forthcoming. This does not end the district’s responsibility. Under Child Find, **the district still has a responsibility to offer a full assessment in every area of suspected disability and the receipt of this information is still considered a referral,** even though the parent has specifically stated they do not want the referral.

As with all referrals, the district has 15 days from receipt to either offer an Assessment Plan or a Prior Written Notice (PWN). If a PWN is sent, it should offer a full assessment in every area of suspected disability should the parent change his/her mind, unless the district does not suspect a disability. Before the 15 days is up, the district is encouraged to engage the parent in conversation to determine what the child's needs may be. This will fulfill the Child Find obligation and assist in completing an assessment plan, should one be needed. The parent has the right to decline, but will often accept an Assessment Plan once the district has had an opportunity to speak with them and allay all concerns. Throughout this process it is important to document, document, document.

At the end of this process, if the child is receiving services from RCOE and if no Initial IEP will be conducted, the student would be exited from SEIS using an Exit Date 1 day prior to the third birthday and an Exit Reason of 84 – Part C to B No parental consent – The parent did not provide consent to transition the student from Part C IFSP to Part B IEP. Because the student is being exited from the RCOE system, a comment should be entered by RCOE personnel during the exit process to explain that the parent refused referral to the LEA. The PWN can be attached to the record in SEIS to complete the documentation. Since the record will not be transferred to the preschool LEA, the PWN can be attached to the record by sending it to RCOE or Riverside County SELPA to be attached.

After Referral is Made Parent Refuses Assessment or Revokes Permission to Assess - If the district has initiated an assessment plan and parent does not provide consent for an initial assessment, or the parent fails to respond to a request to provide the consent, the LEA may, but is not required to, pursue the initial assessment utilizing the procedural safeguards procedures, including mediation and due process procedures. (34 CFR § 300.300(a); EC § 56501(a)(3) and § 56506(e)) The LEA does not violate its obligation for child find, evaluation and eligibility determination if it declines to pursue the assessment (34 CFR § 300.300(a)(3)(ii); EC § 56321(2)(3)). If the LEA prevails in a due process hearing, the assessment may be conducted without parent consent (EC 56321).

In SEIS, once the student record is created, it is usually not deleted. The record of what occurred is generally kept for future reference in case the student is referred for Special Education assessment in the future. **For students who have not had IFSP Special Education services**, the process to remove a student from Pending in SEIS before the Initial IEP is held is easy. The student record in SEIS will reside with the district and will not be reported to CALPADS. This is how that record is taken out of SEIS:

- *Mark the student record Do Not Report (DNR).*
- *Enter a Meeting Delay reason of 50 Transfer.*
- *Take the student out of Pending by changing the Eligibility Status to DNQ/Not Providing Svcs - Plan Type 700/800/900.*
- *The date the student was found Ineligible would be listed as the date of parent notification of revocation.*
- *A comment should be written to describe what occurred. It might read something like, "Parent Refused to Consent to Initial assessment. The Initial IEP meeting was never held."*

For students who have IFSP Special Education services, the student record in SEIS resides with RCOE. This will mean that the record will not be transferred to the LEA. Instead the student will be exited from the RCOE SEIS system one day prior to the student's third birthday. Because the student is being exited from the RCOE system, a comment should be entered by RCOE personnel during the exit process to explain why the Initial IEP is not held for the student.

Initial IEPs for Students Who Do Not Qualify for IEP Special Ed Services

When a student who has been served on an IFSP is assessed for Special Education services through an IEP, he/she may or may not qualify for continued services. The way this is handled in SEIS doesn't differ for the depends on whether or not the student has had Special Education services as an Infant.

Students Without Infant Special Ed Services – In general terms, when an Initial IEP is conducted in SEIS, and the IEP team determines the student does not meet the terms for eligibility, the IEP is considered to be a DNQ IEP (Does Not Qualify). The IEP team sends a Student Change Notice to the SEIS Administrators for their LEA stating the student's eligibility status needs to be changed to DNQ/Not Providing Services - Plan Type 700/800/900. The student's plan

type is changed to 900-Ineligible and the eligibility status is updated, removing the student from Pending. These students have minimum data reported in the End of Year report of the year their non-eligibility for Special Education was determined. This process would be followed whether the student had Infant Special Education services prior to this Initial IEP or not.

Students With Infant Special Ed Services – There is just a minor difference for students have had Special Education Infant services. While it is true that the student is not eligible for an IEP (DNQ), it is also true that the student has had SpEd services before this IEP. Before we remove the student from SEIS as a DNQ, we need to enter the Special Ed Entry Date and the Infant referral dates from the Infant record. This means that the infant record needs to be transferred in and the data transferred into the preschool record before the preschool record is taken out of SEIS as a DNQ.

Initial IEPs for Students Who Qualify, But the Parent Delays the Start Date

Another group of students who cause a little confusion are those whose IEPs are held, the students qualify for Special Education, the IEP team puts a start date in the IEP, but the parent does not enroll or start the student for a prolonged period of time. There are several things to note for students in this situation.

Initiation of IEP Date – This date is determined by the IEP team and reflects when the program is ready for the student to begin and when this IEP is ready to go into effect, not the date the student actually started receiving Special Education services. This date does not change if the student does not begin on time.

Special Education Initial Entry Start Date – This date represents the first date EVER the student RECEIVES SpEd. If this date was already given for a student on IFSP SpEd services, the date will not be adjusted from that first date. However, if the student has never received SpEd services prior to this Initial IEP, the date should reflect the date the student actually started. The IEP team will enter a date in this field when they are affirming the Initial IEP, so it is important that the student be enrolled and actually attending when that occurs so that the affirmed Initial IEP transaction have all correct data contained within it.

Pending/Eligible Status in SEIS – Eligible status in SEIS means that a student is being served for SpEd by the LEA. Pending is where a record resides in SEIS until the student enrolls and begins services. It is important that students who are not being served by the district, are not sitting as Eligible in SEIS. If a student record has been made Eligible, and the IEP is Affirmed and Attested, it is assumed the LEA is serving the student per that IEP. If the student has not even begun in the program, then we are reporting incorrect data to CALPADS. To combat this, we should not make students eligible and affirm Initial IEPs in SEIS until we know whether or not the students will actually receive services. Instead, the student can remain for a short time in Pending as a Plan Type 300 student. However, a student who has been determined eligible, but isn't receiving services needs to be dealt with in a relatively short amount of time.

Make sure to document all the different means and ways you have tried to get in touch with the family to have services begin including:

- Detailed records of telephone calls made or attempted and the results of those calls.
- Copies of correspondence sent to the parents or guardians and any responses received.
- Detailed records of visits made to the home or place of employment of the parent or guardian and the results of those visits.

If possible, you should continue the Initial IEP meeting to document the reasons the parent has not brought the student in for services. This would be a continuation of the Initial IEP rather than an Amendment because we can't Amend an IEP that hasn't even been put into effect yet. If the parent has changed his/her mind about accepting the offer of FAPE and no longer wants SpEd services, the student can be taken out of SEIS as qualifying, but not receiving services – Plan Type 800. If the parent will not return phone calls or respond to any communication attempts, the LEA can determine this constitutes refusal of the offer of FAPE and can "close out" the Initial IEP by taking the student out as Plan Type 800. For specific procedures or timelines to follow, and the type of notification necessary, please refer

to your own LEA procedures. Different legal opinions have been given on this topic, so follow the legal advice given to your LEA. In all cases, if a student is taken out as Plan Type 800, and the parent later contacts the LEA asking for SpEd services, a new Initial IEP needs to be held. It will require its own referral dates, not the ones used previously, but does not need to take a full 60 days to conduct. The previous assessments can be used along with any additional data the assessors need to determine if the student qualifies for SpEd services at this time.

Contacting the Parent and Documenting Attempts to Get the Student Enrolled – When working with families to complete enrollment, there may be times when it is difficult to get them in to actually enroll and begin the student. Because we are required to report students from the time we receive Parent Consent for Initial Assessment, this means the students must be enrolled in the LEA’s Student Information System while they are undergoing Initial Evaluation. If processes have not changed yet to include all necessary enrollment paperwork and processes at the point of SpEd referral, they will need to change to accommodate this. It is too late to handle enrollment once the student has been determined eligible and needs to begin receiving services. This change may help some students receive services sooner than they have in the past when enrollment had to occur prior to having a student begin services. It does not, however, make it easier to get all the documents needed for enrollment at the time of referral. LEAs may find it works to their advantage in the long run to work more closely with the parents of young students to get all enrollment paperwork completed and submitted to the LEA in a timely manner. In addition, the LEA shall take whatever action is necessary to ensure that the parent or guardian understands the process of enrollment, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English.

Dates for All Initial IEPs Made Easy

No matter the circumstances, the date fields on the Future IEP in SEIS cause much confusion. In order to help clear up this confusion, let look at those fields a little differently.

Dates Always Done the Same Way

This is true even if you are meeting prior to the student turning three, or if the student has had infant SpEd services.

IEP Date will always be the date you begin your Initial IEP meeting.

Last Annual and **Last Eval** Dates will also be the same as the Initial IEP meeting.

Next Annual will be one year after the Last Annual.

Next Eval will be three years after the Last Eval.

Service end dates on the Services page will always be the same as the Next Annual date. Services never last past the Annual Date, even if the student doesn’t begin services for several months after the IEP Meeting Date.

Dates That May Fluctuate, Depending on Circumstances

Original SpEd Entry Date

This will always reflect the date the student first received SpEd services.

- For Special Ed IFSP students, this date does not change when you hold the Initial IEP. It remains when the student entered SpEd as an Infant.
- For students who did not receive Special Ed IFSP services, this date will reflect the date the IEP team has determined the student is eligible to start Special Education services.
 - If the student is already three, this could match the date of the IEP meeting.
 - If the student is not yet three, this could match the date of the third birthday.
 - If the IEP meeting is being held at the end of the school year, or during the summer, and/or the student doesn’t turn three until school is not in session, this could be the first day of school.

- The student may or may not start on that date. Preschool parents are notorious for waiting a long time to enroll the students in school programs and actually beginning.

Initiation Date of the IEP

This will reflect when this IEP is scheduled to take effect.

- If the student has not been in Infant Circle, this will match the Original SpEd Entry Date.
- If the student has been in Infant Circle, it would reflect the first date the student is eligible to begin your SpEd program.
 - This could match the date of the IEP meeting if you are holding it on or after student’s third birthday.
 - This could match the date of the third birthday.
 - This could match the date of the first day of school, or the first day after winter break, or the date transportation is scheduled to begin, or Monday.

Service Start Dates

These will reflect the date the student is scheduled to begin each service. They will usually match the Initiation Date of the IEP, unless the team has determined that a specific service should begin later.

Initial IEPs for Preschoolers not previously on an IFSP

Putting the record in SEIS

A student undergoing an Initial IEP in SEIS may or may not already have a SEIS Student Record in existence. Whenever a new record needs to be added in SEIS, it is good practice to search for a record in the SEIS system before creating one, even if you don’t expect to locate one. Preschool students undergoing Initial IEPs may have been assessed for Special Education services and not qualified in the past, either in your LEA or in another one. All DNQ IEPs held in SEIS LEAs are held in SEIS so there would be a record of that in SEIS. If it exists, that record should be continued to continue the story of this particular student.

It is good practice to enter new student in SEIS, placing them in pending as soon as Parent Consent is received and the student is reportable. The student should be marked right away with a Meeting Type 30 and Plan Type 300 indicating the student is undergoing Initial Evaluation. In addition, all providers on the assessing team should be added as providers to the student. That way the assessing team can all keep track in SEIS of the 60 day timeline. **Initial IEPs need to be held in SEIS, not on SELPA paper forms/templates.**

Problem IEP Fields

IEP Referral Dates

The IEP Referral Dates at the bottom of the Eligibility page in SEIS need to reflect the date the student was referred to the IEP team for this Initial assessment. Occasionally the student will have undergone a previous Initial IEP. If that is the case, please ensure the referral dates for this Initial IEP are not the same as the previous ones. This has been a new referral for Special Education assessment and those dates should be reflected here. These dates should be entered into SEIS as soon as they happen.

For initial IEP Placements Only

Date of Initial Referral for Special Education Services:

 01/17/2017

Person Initiating the Referral for Special Education service:

30 Student Study Team/Intervention Plan

Date assessment plan was provided to parent

 01/18/2017

Date District Received Parent Consent

 01/26/2017

Date of Initial Meeting to Determine Eligibility

 04/01/2017

While there is no requirement that an Initial IEP be held before a student’s third birthday unless the student was on an IFSP, there is still a requirement that all Initial IEPs be held within 60 Days of receiving Parent Consent for assessment. Therefore, if timelines are being met, there would be no more than 60 days between the date consent was received and the date the Initial IEP meeting was held.

Grade Level

Students who are undergoing Initial IEPs, regardless of the age at assessment, will never be a grade level in SEIS younger than preschool. That means there will be no students who are Infant grade level listed as such on an Initial IEP. The LEA who will serve the student will do so only after the student turns three years old, meaning he/she will at least be preschool grade level when the IEP takes effect. Grade level should be listed as preschool or higher on every Initial IEP.

EL Status

One of the more controversial questions with regards to preschool students on IEPs is the question of English Learner (EL) status. The LEAs in Riverside County SELPA have verified that they do not assess students for EL status (currently using the ELPAC assessment, or others for alternate assessments) until the student has started kindergarten in their LEA. These students will not be tagged as EL in the LEA’s Student Information System (SIS) until the assessment has been completed and the assessment has indicated the student qualifies for EL status.

It is important that our IEP documents reflect accurate information regarding the student. So, to help with this confusion, the **Eligibility page of the IEP** has been updated to include an additional field. For preschool students who have not been designated as EL, but whose native language is other than English, we would report those students as “No” for EL, but marked as “EL – Undesignated” as seen below. This is accurate, matches the information in the SIS, and will not cause errors at Data reporting time.

English Learner

Yes No

English Learner

Undesignated (Preschool)

Because these students are not yet designated as EL, the other sections of the IEP relating specifically to EL will be completed as if the student is not EL. On the **Goals page of the IEP**, the section of the goal “Linguistically appropriate,” that needs to be completed for EL students will not be marked for preschool students who have not been designated yet.

- Addresses other educational needs
- Linguistically appropriate
- Transition Goal:
- Education
- Training
- Employment
- Independent Living

On the **Special Factors page of the IEP**, the section that specifically addresses the needs of EL students will remain completely blank. Notice at the top of this section it states, “If the child is an English Learner...” If a student has not been designated as an English Learner, this section is not completed.

If the child is an English Learner, consider the language needs of the child as those needs relate to the IEP:

Does the child need primary language support?

Yes No

Where will ELD services be provided to the student?

- General Education
- Special Education

The student will participate in the following type of program:

- Structured English Immersion
- Alternative Language Program

type or description:

Program Setting Code – This is the program setting in which the student receives **special education** services. There are three separate Program Setting fields, each one is dictated by the age of the student, not the grade level. There is an Infant Program Setting field for 0-2 year olds (14.31a), a Preschool Program Setting field for 3–5 year olds (14.31b), and a school age Program Setting field for 6-22 year olds (14.31c). The Infant Program Setting field can only be found in the Student Record of SEIS on the CALPADS (Student) page or on the IFSP forms in SEIS. The Preschool and School age Program Setting fields can be found on both the Educational Settings page of the IEP and the CALPADS (Student) page of the Student Record. Students should only have ONE Program Setting field marked – the one that matches the age of the student at the time the IEP meeting goes into effect. For students transitioning from an IFSP, we would be completing the Preschool Program Setting field.

- 200 *Home*
- 201 *Regular Early Childhood Program or Kindergarten*
- 203 *Separate Class (less than 50% nondisabled peers)*
- 204 *Service Provider Location*
- 300 *Separate School*
- 301 *Residential Facility*

In addition, if 201 Regular Early Childhood Program or Kindergarten is chosen, two additional fields need to be completed. If any option other than 201 is chosen, these fields are not populated. Those fields are:

14.32 Early Childhood Program Setting Service Location

14.33 Ten or More Weekly Hours in Setting Indicator

14.32 is used to determine if the Special Education services are provided in the same setting or a different one.

To make the determination for the correct preschool program setting code easier, a decision tree has been included in the Appendix at the end of this document. This is the sole field used for the CDE determination for Least Restrictive Environment (LRE) so it is important that it is completed correctly.

Preschool % of Time

There is confusion regarding the proper way to record percentage of time in regular education for preschool students, especially for those who are not attending a school based program. To make matters more confusing, CDE has clarified that the % of time field is NOT used for the calculation they perform to determine least restrictive environment (LRE) for students younger than 6 years old. (It is used only with students 6 – 22 years of age.) This has led to the % of Time in Regular Ed field not being required for reporting in students younger than 6. This does not mean this field does not need to be completed in the Future IEP, however. This field is needed for other types of reporting the SELPA does, especially for students in TK or K grade levels, **so Riverside County SELPA is still requesting this field to be completed for all students on IEPs.**

That still leaves the difficulty in how to calculate the correct percentage of time to put in this field. Since preschool students receive special education support in a variety of environments, percentage of time needs to be determined on a case-by-case basis. The following directions are for the percentage of time calculation for preschool students (ages three through five).

The numerator for this calculation is the amount of time per week the child spends in a regular early childhood program. The denominator for this calculation is the total number of hours the child spends in early childhood program plus any time the child spends receiving special education and related services outside of a regular early childhood program. The result is multiplied by 100.

The following are some examples of how to calculate percentage of time a preschool student is inside general education:

- Parent brings student to the school/district for 1 hour per week related services only
 - In this scenario, the time the student spends at home is their “natural environment” and will be used for determining time in “regular education”. To determine the amount of time per week to use for this part of the calculation, use the district model for the amount of time in a typical preschool classroom in the district. In the example below, the district preschool program is for 14 hours per week.
 - Numerator = 14, denominator = 14 + 1, $14/15 = .93 \times 100 = 93\%$ GE (7% SE)
- Child participates in Head Start 3.5 hours per day, 4 days per week = 14 hours/week and receives special education related services 1 hour per week
 - Numerator = 14, denominator = 14+1; $14/15 = .93$; $\times 100 = 93\%$ GE (7% SE)
- Child attends State Preschool 3.5 hours per day, 5 days per week = 17.5 hours/week and receives special education related services 1 hour per week
 - Numerator = 17.5, denominator = 18.5; $17.5/18.5 = 0.9459$; $\times 100 = 95\%$ GE (5% SE)
- Child attends special education preschool class 3.5 hours per day, 5 days per week = 17.5 hours per week and is integrated with regular early education program for 1 hour daily for circle time, recess and snacks
 - Numerator = 5, denominator = 5 + 17.5 = 22.5; $5/22.5 = .22 \times 100 = 22\%$ GE (78% SE)
- Child participates in intensive 5.0 hours per day, 5 days per week = 25 hours/week special education program with no interactions with nondisabled peers.
 - Numerator = 0, denominator = 25; $0/25 = 0 \times 100 = 0\%$ GE (100% SE).

Monitoring the 60 Day Timeline

The IEP team is responsible for holding the Initial IEP within 60 days of receiving the signed copy of the assessment plan from the parent or legal guardian. If it isn't held within that timeline, the LEA will be considered non-compliant in the area of Evaluation Delay.

The Role of Referral Dates in this Process

It works to the assessing team's benefit to enter the student into SEIS, creating or transferring an already existing SEIS record as soon as possible. Once the student record exists in SEIS, the IEP team should enter the referral dates directly into the Eligibility page of the Future IEP in SEIS as soon as they occur. If this is done, SEIS can help the team keep track of the timelines required.

For initial IEP Placements Only

Date of Initial Referral for Special Education Services:

 01/17/2017

Person Initiating the Referral for Special Education service:

30 Student Study Team/Intervention Plan

Date assessment plan was provided to parent

 01/18/2017

Date District Received Parent Consent

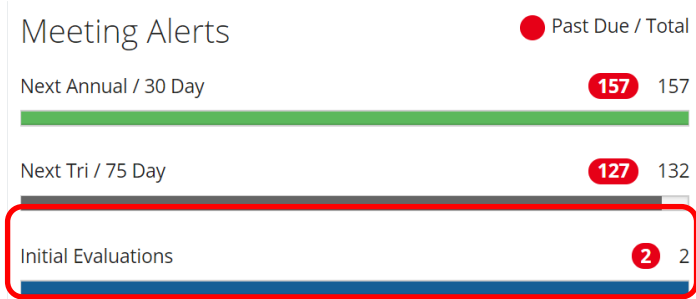
 01/26/2017

Date of Initial Meeting to Determine Eligibility

 04/01/2017

Using the SEIS Home Page

It works to the assessing team's benefit to enter the student into SEIS as soon as possible and then enter the referral dates directly into SEIS as soon as they occur. If this is done, SEIS can help the team keep track of the timelines required. Once the date received parent consent is entered in, every provider for the student has a 60 day countdown clock started, showing on the Home Page of SEIS.



Meeting Delay Reasons

The IEP team is responsible for holding the Initial IEP within 60 days of receiving the signed copy of the assessment plan from the parent or legal guardian. If it isn't held within that timeline, the LEA will be considered non-compliant in the area of Initial 60-Day Timelines. If the student does not have an Initial IEP within 60 days, there may be a CDE acceptable reason for not holding it on time. If there is an acceptable reason, this needs to be documented in SEIS to avoid triggering Data Identified Non-Compliance (DINC) with CDE. If a reason is chosen, the LEA **MUST** have back up documentation to support the reason reported. CDE will begin to ask a random sample of LEAs to send in their back up documentation for any reasons listed for missing DINC timelines.

To report the reason the IEP was not held within the timeline the 60-Day Timeline, an LEA would also complete the 14.23 Meeting Delay field. This can be found in SEIS, in the Student Record, on the CALPADS (Student) tab. The same field is completed to explain both a late 60-Day Timeline or an IEP not held by the 3rd birthday. There are several possible acceptable reasons for not holding the Initial IEP on time.

- 20 *Parent Did Not Make Child Available*
- 40 *School Break*
- 50 *Transfer*
- 60 *School Emergency*
- 70 *Student Emergency*
- 75 *Temporary School Closure*
- 80 *Due Process/Settlement Agreement*
- 85 *Did not pass hearing and/or vision screening*
- 90 *Late Without Cause*

Completing the Initial IEP Meeting

Affirming and Attesting

When to Affirm and Attest

Once the Initial IEP meeting is held and completed in SEIS it needs to be Affirmed and Attested, but it is important to understand when the Initial IEP should be Affirmed and Attested. Timing this correctly will avoid many of the problems that tend to crop up in SEIS. **It is important that the IEP be Affirmed and Attested on or after the student's third birthday, not before that date. It is also important that the student is only made eligible in the school year he/she will be receiving services.**

The student is not eligible for Special Education services on an IEP until the age of three. In order to Affirm and Attest an IEP in SEIS, we have to make a student eligible. If we make a student eligible who has not turned three yet, SEIS assumes we are providing Infant services on an IFSP and requires that we complete all the Infant specific Data fields, including making the grade level that of Infant to match the age of the student at eligibility. This is inaccurate and should never be done. The only reason SEIS would require these fields to be completed is if a user is creating the situation by making a student eligible before he/she is indeed eligible. Instead, the SEIS Administrator should wait until the student's third birthday or later to make the student eligible in SEIS.

It is also important to make the student eligible and subsequently Affirm and Attest the IEP in the school year when IEP services will begin. If the Initial IEP is being held near the end of one school year, but the IEP team agrees the student will not begin services until the new school year, the student will need to remain as Plan Type 300, still undergoing Initial Evaluation.

Who Can Affirm and Attest

Once the student has been made eligible, the IEP can be Affirmed and Attested. Anyone with permission to Affirm and Attest can do so. As long as the IEP meeting was held and the information in SEIS is complete, the IEP can be Affirmed and Attested once the student is three, the IEP is set to provide services, and the student begins receiving services. All necessary documents (signature page, assessment reports, signed Notice of Meeting, signed AP, etc.) can be attached while the IEP is still in the Future IEP. When the IEP is affirmed and attested, all the attached documents will rollover with it to the Current IEP.

Students Who Do Not Qualify for SpEd (DNQ)

If the student does not qualify for Special Education services on an IEP, the IEP is never Affirmed and Attested. We wait until the third birthday or later, make the Plan Type = 900, does not qualify for Special Education services, and take the student out of SEIS as DNQ/Not Providing Svcs - Plan Type 700/800/900. An Ineligible IEP is automatically created in SEIS from the Future IEP. This can be viewed from the Student Record History page.

Students Who Qualify for SpEd, but Do Not Receive Services Right Away

Initial IEP Held at the End of One School Year, Services Begin at the Beginning of the Next School Year

Sometimes, in order to meet 60 day timelines, Initial IEP meetings are held at or near the end of the school year, or even after the school year has completed. The date the student will begin services is something every Initial IEP team should specify in the IEP document. Due to the timing of the IEP meeting, the IEP team may determine that the student would not benefit from receiving services until the new school year begins. If that is the team's determination, there are certain date fields of the IEP that will need to be completed a certain way.

IEP Meeting Date – This will always reflect the date of the meeting, regardless of when the student will begin services.

Last Annual/Last Eval – This will match the IEP meeting date.

Next Annual/Next Eval – These will be one year and three years (consecutively) after the Last field they match.

Original SpEd Entry Date – Unless the student has had Special Ed services previously, this date will be the first day of the new school year.

Initiation of IEP Date – This will be the first day of the new school year.

Every Service Start Date – These will all begin on the first day of the new school year, unless the IEP team has decided to begin the service after that date.

Every Service End Date – These will all end no later than the Next Annual date of the IEP (one year after the date of the Initial IEP meeting). If the IEP team determines a service should end before the one year mark is reached, that date can be entered instead.

Parent Elects to Have the Student Not Receive SpEd Services After All

In some cases, students who qualify for Special Education services, end up never receiving services after all. In these cases, the parents consented to assessment, participated in the Initial IEP, but decided once FAPE was offered that they did not want to take advantage of the services after all. The reasons for this vary. Sometimes the parent does not want or is not able to bring the student into a school site during the school day to receive service one time per week. Sometimes the parent works in another city and the child is in daycare outside of the district boundaries, and logistics do not work for receiving services. Sometimes the type of services the student qualifies for are not the type of services the parent was looking for. Whatever the reason, a parent does not have to accept the district offer of FAPE. If the parent declines the offer of FAPE, and indicates this on the Signature page of the IEP, the LEA is under no further obligation to pursue the matter.

In SEIS, these students are marked as **Plan Type 800, Eligible, no IEP/IFSP/ISP, Other Reasons**, and taken out of SEIS as DNQ/Not Providing Srvcs - Plan Type 700/800/900. This means the student qualified, but never received SpEd services from the district.

Problems with Finalizing the IEP

Assessment Cannot Be Completed due to Parent Revoking Consent or Moving Before IEP

These are handled differently in SEIS because we will report the student who has moved to CALPADS, but will not report the student whose consent is being revoked.

For students whose consent for SpEd assessment has been revoked, the process to follow is:

- Go to the Parent Consent Date field and remove the date.
- Go to field 14.20 Meeting Type and deselect 30 - Pending Initial Evaluation
- Go to field 14.24 Education Plan type Code and deselect Plan Type 300
- Click the Change Eligibility icon and check the DO NOT REPORT check box
 - A DNR comment can be entered to indicate that consent was revoked
- From the Change Eligibility Status To drop down, select DNQ or Not Providing Services
- Enter the date and type a comment if necessary (This information will be placed in the History tab of the student record)

Whether the family moves from the LEA partway through assessment, or after assessment is completed but before the Initial IEP is held doesn't matter. In all cases where the parent consent is not revoked, but the assessment will not continue, these students are not DNQ students, they are students who did not complete the process and need to be reported as such. There are important pieces to consider:

1. The assessment results that have been completed before this point should be written up in a complete or incomplete report describing what assessments had been completed and the results that had been received.
2. The student cannot be reported to CALPADS as having had an Initial IEP with a determination made, because one hasn't been.
3. The fact that this will not continue does need to be reported. We do this by entering a Meeting Delay Reason.
4. The record needs to be preserved as is in case the student is referred for Special Education assessment again, or so the receiving LEA can complete the Initial assessment that has been started.

The process for achieving all of these is to:

- Attach the report(s) written to the student record in SEIS.
- Go to field 14.20 Special Education Meeting Type Code and verify that code 30 - Pending Initial Evaluation is selected
- Go to field 14.24 Education Plan Type Code verify Plan Type 300 - Pending Initial Evaluation is selected

- Go to field 14.23 Meeting Delay and select 50 Transfer.

After the student is reported to CALPADS with a 300 Education Plan Type and delay reason, the student status can be changed to DNQ. To do this:

- Mark the student record Do Not Report (DNR).
- Take the student out of Pending by changing the Eligibility Status to DNQ/Not Providing Srvcs - Plan Type 700/800/900.
- The date the student was found Ineligible would be listed as the date of parent notification of revocation, or the date the family moved.
- A comment should be written to describe what occurred. It might read something like, "Student moved during Initial assessment. The Initial IEP meeting was never held."

Parent Will Not Attend Initial IEP Meeting

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

- Detailed records of telephone calls made or attempted and the results of those calls.
- Copies of correspondence sent to the parents or guardians and any responses received.
- Detailed records of visits made to the home or place of employment of the parent or guardian and the results of those visits.
 - The LEA shall take whatever action is 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.
 - The LEA shall give the parent or guardian a copy of the individualized education program, at no cost to the parent or guardian.

Parent Will Not Consent to Initial IEP

No pupil shall be required to participate in all or part of any special education program unless the parent is first informed, in writing, of the facts that make participation in the program necessary or desirable, and of the contents of the IEP, and after this notice, consents, in writing, to all or part of the IEP. If the parent does not consent to all the components of the IEP, then those components of the program to which the parent has consented shall be implemented so as not to delay providing instruction and services to the pupil. (EC 56346(e))

If parent agrees only in part or does not agree with the IEP, document the areas they are not in agreement with and steps to resolve the disagreement on the IEP Team Meeting Comments page of the Future IEP. A Prior Written Notice (PWN) should also be used as appropriate.

The student will not be made eligible in SEIS until the parent consents to the IEP and the student is enrolled in the LEA.

Parent Consents to Initial IEP, However Student Does Not Start Program

This is one of the more difficult areas to determine because how you handle it will depend on many different moving parts. If the student remains in Pending in SEIS, and the parent has not enrolled the student in the program, here are the appropriate steps to follow:

The LEA shall maintain a record of its attempts to contact the parent, as follows:

- Detailed records of telephone calls made or attempted and the results of those calls.
- Copies of correspondence sent to the parents or guardians and any responses received.

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

The intent would be to get the student to begin services, or to call an IEP Meeting to discuss why the student has not been started with services. Our focus should always be on getting the student enrolled and receiving appropriate services. The options for how to deal with this from this point will differ depending on the particular situation that occurs and the procedures followed in each LEA.

If attempts to contact the parent are unsuccessful, the LEA may take the student out of SEIS by changing the eligibility status to DNQ, and plan type 800, and note in the student record that the student remains eligible for services and that the parent will need to request an IEP meeting to re-establish services when the student is able to participate. If a parent indicates they actually meant to decline the IEP instead of accepting it, that can be documented on the IEP and the student can also be taken out of SEIS as DNQ plan type 800.

If the parent indicates they have concerns about the IEP, a meeting would need to be called and the concerns documented and hopefully resolved. Some LEAs may choose to file for due process for a student who qualifies for more involved services when the student never enrolls and starts.

In SEIS, this would be handled by following these steps:

- The student would be changed to Plan Type 800 – Eligible, not receiving services.
- The student would be taken out of SEIS as DNQ/Not Providing Srvcs - Plan Type 700/800/900.

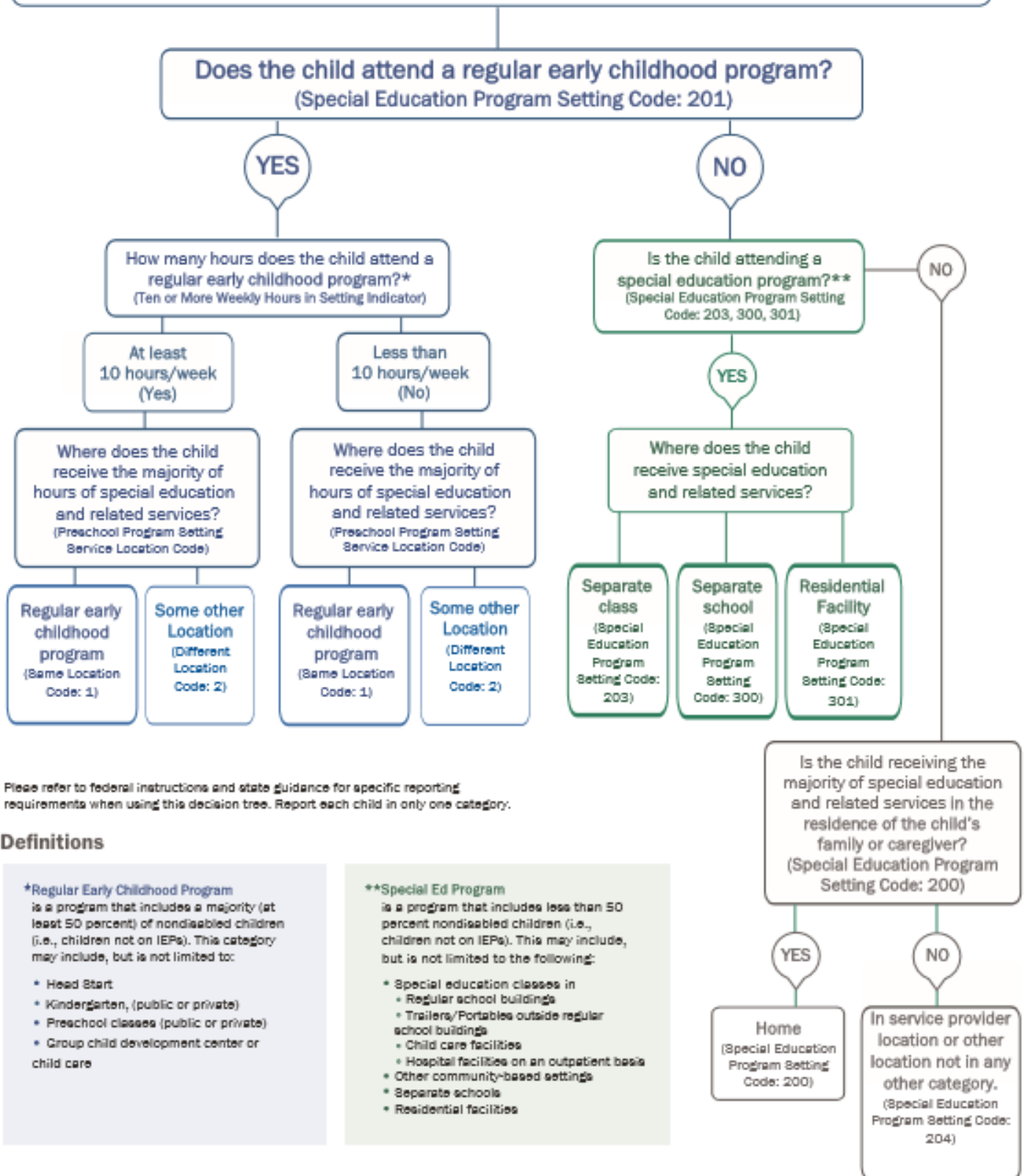
Following these steps will report the student as being assessed for an Initial assessment, qualifying, and never being served as a Special Education student.

Parent Declines the Initial IEP, then Decides Later to Accept the Offer of FAPE

Sometimes a parent declines the offer of FAPE on the Initial IEP. This may be due to logistical problems on the part of the parent with taking the student to services, the parent not wanting the student to receive the services being offered, deciding to place the student into a preschool program or daycare instead, or any number of other reasons. Whether the parent has declined the offer of FAPE on the Initial IEP, or the district has exited the student due to non-attendance (see above), the student was removed from SEIS as plan type 800. For plan type 800 students, the student is still eligible to receive Special Education services. If the parent decides at any time after this point that he/she wants the student to receive services, **an Initial IEP must be held before the student can start.**

For this Initial IEP, new referral dates need to be listed. The referral begins when the parent notifies the district that he/she is interested in Special Ed services and must be responded to within 15 days with either an Assessment Plan or a Prior Written Notice (PWN). If the previous Initial IEP was recent enough, the assessment from that meeting can be used again, negating the need for further testing. However, if too much time has passed to make an accurate determination regarding continued eligibility, the IEP assessment team will need to conduct additional testing. This will necessitate having a new Assessment Plan signed by the parent. The IEP assessment team can determine how much further assessment is needed. In some cases only academic assessment may be warranted; in others a new full assessment may need to be completed.

Decision Tree for Reporting Educational Environments for Children Ages 3-5 with IEPs



Please refer to federal instructions and state guidance for specific reporting requirements when using this decision tree. Report each child in only one category.

Definitions

***Regular Early Childhood Program** is a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children not on IEPs). This category may include, but is not limited to:

- Head Start
- Kindergarten, (public or private)
- Preschool classes (public or private)
- Group child development center or child care

****Special Ed Program** is a program that includes less than 50 percent nondisabled children (i.e., children not on IEPs). This may include, but is not limited to the following:

- Special education classes in
 - Regular school buildings
 - Trailers/Portables outside regular school buildings
 - Child care facilities
 - Hospital facilities on an outpatient basis
- Other community-based settings
- Separate schools
- Residential facilities

