May 8, 2019

Re: SEEK "Advisory Opinion" to Oxford Advocates for Special Education

Dear Ms. O’Brien:

1. The first SEEK Letter criticism corresponds to page 3 of the Handbook, in the section concerning required membership of the PPT team and how to accomplish the process of assembling the needed team members:

   If the attendance of the Director of PPS is requested at a PPT, the case manager must contact the PPS office to obtain potential dates and times. They must also state if the request is from the parent or PPT Team, along with the reason. If the request is from the PPT Team, a staffing may be appropriate instead.

The SEEK criticism alludes to the fact that there are decisions being made outside of the PPT. This is not the purpose of the staffing. There are times when staff need clarification before a PPT and may request assistance from the director. Through a staffing, questions can be answered and it may be determined their presence is not necessary at the PPT. This by no means precludes parent participation.

2. The next section cited by the SEEK Letter on page 3 reads as follows:

   The PPS representative need not be a direct service provider for the student, but someone who is qualified to interpret and design evaluations. Only one related service person is the minimum requirement. Individuals may not serve multiple roles. A PPS representative is defined as a school psychologist, school social worker, speech language therapist, occupational therapist, and/or physical therapist. An attendance waiver must be signed if the PPS rep cannot attend and a replacement is not available.

Not all students eligible for special education need the services of a PPS representative which for purposes of this Handbook section includes OT, PT, SLP, or counseling staff. Since Oxford Public Schools would like a PPS rep in attendance, one of the staff members will be requested to attend the PPT even if services are not rendered by that particular person. If a PPS rep services the student, they will be invited to the PPT as needed. For instance, if the SLP would like to conduct more testing, the OT may not be needed at that particular PPT. Since this is no longer a requirement by law, the manual will be revised to reflect this. Please note: the “PPS representative” should not be confused with the “representative” of the School District that is qualified to supervise the provision of special education, and knowledgeable about both general education curriculum and the availability of district resources (usually, an administrator).
3. Page 2 of the SEEK Letter criticizes the following provision of the Handbook appearing on page 3 of the Handbook:

There is a process whereby, if mutually agreed by the district and the parent/guardian, a PPT member may be excused from the meeting ... by using form “Planning and Placement Team (PPT) Attendance (Form 633). (State Department of Education Forms). Without requiring consent from the parent/guardian or completing a Form 633, staff may substitute for one another at PPT meetings, as long as they are fulfilling the identical capacity as stated on the “Notice of Planning and Placement Notice”. A PPT attendance waiver form is not needed for an absent administrator, but the administrator designee must be noted in the PPT summary. An administrator or designee is required to attend the PPT; otherwise, the PPT cannot be held and must be rescheduled.

Please note that the attendance waiver (ED633) specifically states that:
- This staff member’s area of the curriculum or related services is not being modified or discussed in this meeting.

OR
- Although the meeting involves a modification to or discussion of this staff member’s area of the curriculum or related services, he/she has submitted in writing, to the parent and IEP team, input into the development of the IEP prior to the meeting.

If a staff member invited to the PPT cannot attend, but another staff member is invited who can serve in the same capacity (i.e. regular ed teacher, OT, etc.), the form isn’t necessary because the role is being fulfilled. Please note that the parent/guardian has the right to refuse the substitution and the PPT can be rescheduled. By agreeing to go ahead with the meeting, parent is giving consent. Any such substitution or absence is noted in the IEP summary.

4. The SEEK Letter next turns to the following language on page 4 of the Handbook:

If you have sent the invitation to the parent/guardian, but they do not show and you make en multiple attempts to reach the parent and offer a phone PPT, you may convene the PPT. Of course you may choose to postpone the meeting, but please be alert to timeline responsibilities. (see Timeline Responsibilities). Make sure all attempts to contact parent are documented in the Contact Log.

The SEEK Letter states that this is “not consistent with the law,” but parent/guardians are reached multiple times to confirm a PPT meeting. To set up a PPT, the case manager contacts the parent for an agreeable date and time. The invite is then sent out to the parent, which constitutes the second parent contact for the meeting. If parents do not show up, staff will try to contact them via email and phone calls. If there is no response, the PPT is usually cancelled unless there are compliance issues that dictate a meeting must be held by a certain date or situations where it is not in the student’s best interest to postpone the PPT. Parents are always given the option to meet in PPT or meet to review the IEP when this must happen. Staff go to great lengths to ensure parents are in attendance either by phone or in person and meaningfully participate.
5. The SEEK Letter next turns its attention to page 6 of the Handbook:

Please remember that as you and the related service providers are preparing for a PPT, the IEP is to be completed as a draft prior to the annual review meeting. A copy of the Draft IEP (pages 4-9) is to be brought to the meeting for the parent/guardians so that they can follow along with you and make suggested changes at the meeting, not to include the summary, recommendations, prior written notice or pages 10, 11, and 12. You have the ability to print a “draft” IEP off of Letters/Reports without the document being finalized. It will automatically be stamped with “DRAFT” over each page of the IEP (the data pages 1-3 and 12 will not be stamped since technically, the “IEP” is only pages 4-11). Although it is not legally required to send the parent/guardian the draft IEP prior to the meeting, best practice is to send a draft to parents at least 2 days prior to the PPT.

The SEEK Letter states that it is legally “required to send the parent/guardian the draft IEP prior to the meeting.” Parents are given a copy of the draft if they would like one. Not all parents require this. Staff have been informed that it is always best practice to provide parents information prior to the meeting. Changes will be made to the manual to stress that point further. The highlighted language will be added to the manual.

6. Page 3 of the SEEK Letter next addresses this provision found on page 7 of the Handbook:

The bad news about drop-down menus is that drop-down menus in Frontline IEP™ limit your choices of fill-in’s for any particular field. The good news is that you will no longer misspell your colleagues’ names and Oxford “owns” the drop-down list so it can be adjusted upon request to the Director of Pupil Personnel Services.

SEEK claims that the “drop-down menus in IEP [D]irect, especially as modified by Oxford, precludes [sic] the adoption of an individualized education plan”, “encourages the practice of fitting students into programs, rather than designing programs around students”, and prevent anyone but the PPS Director from “approving of additional supports and services”.

If the PPT recommends accommodations that are needed but are not a part of the Frontline program, staff simply call PPS office and it is added by either the Director or the assistant. Staff do not have full administrative access to the Frontline program and they are not able to add or remove things in the drop down menu. This is not to preclude the PPT from making decisions that are best for children.

7. The SEEK Letter also takes issue with the following language on page 7 of the Handbook concerning the referral process:

Upon receipt of referral a student document must be created in Frontline IEP™ for all parent guardian, and community referrals. The process log shall also be completed. Verbal referrals and written referrals initiate a follow up triage conversation from the school administrator who will also document the phone conversation. The administrator can advise a parent that before a student is referred to a PPT, alternative procedures and programs in general education can be explored and, where appropriate, put into place in the classroom and used. As a result of the consult with the Administrator, the referrer may not proceed and may choose to withdraw the referral. The administrator will note the conversation and the date on the referral form and the
Case Manager will indicate the withdrawn referral in the Frontline IEP™ process log. If the referrer does not choose to withdraw referral, we will proceed with the referral process.

The SEEK Letter suggests that this language is inconsistent with other State and federal guidance providing that when a parent makes a request for an evaluation, such request should not be delayed while SRBI interventions are implemented.

SEEK also takes issue with some similar language concerning a teacher referral to a PPT in the next paragraph:

Except for unusual circumstances, before a referral for special education evaluation is accepted from faculty, it is required that the student has demonstrated a non-response to scientifically, researched-based interventions. Teachers submit referrals to the Principal who may approve and bypass the SRBI Team process, or may deny the referral and direct the teacher to instead refer to the school’s SRBI Team.

Similarly, SEEK disapproves of the following language concerning acceptance of a referral from the SRBI team:

The SRBI Team facilitator completes a referral for special education evaluation and submits it to the Principal. After the Principal approves the referral, the assigned Case Manager proceeds with the referral.

The principal should be part of the referral process as they are signing the referral form as building administrators. Many times, parents do not realize what the referral entails and the principal can explain the process and what other interventions may be available within the regular education setting to provide additional support. If a parent wishes to proceed with the referral, the request is always processed. As noted above, the wording for approves will be changed to signs in the manual. This section will further be changed to directly align with the district SRBI manual, state guidelines and the district SOP. SRBI is not a substitute for special education services, however it is a part of the comprehensive evaluation process when a child is referred to special education.

8. The next SEEK criticism appears with regard to the last statement of this section, but we are including the entire section for context:

Oxford will be using the “45-schoolday” rule to track referrals. The “45-school days” starts when the school receives the referral in writing from any referrer, i.e., DCF worker, a parent/guardian or community member, staff member, Data Team/Intervention Team and ends on the date of the start of services.

For parent/guardian or community members: the clock starts on the day the referrer/parent/guardian hands it in to any certified staff member in the school or the day the school receives it in the mail. This need not be on our standard referral form.

For staff referrals: the clock starts start the day the building administrator approved the referral.
SEEK references the federal regulations at 34 C.F.R. 300.301(C)(1)(i) and states that the “referral starts on the day of parental consent...not on the date of the building administrator’s approval”. The evaluation timeline has a federal guideline (60 days) and a CSDE guideline (45 days). The federal timeline begins when the consent for evaluation is signed and ends when the eligibility PPT is held. The CSDE timeline begins when the referral is received and ends when the IEP is implemented if the student is determined eligible. As long as the referral process is in one of these timelines, the school district is in compliance. Please note, also, that the last statement regarding staff referrals is to ensure the staff member brings the referral to the building administrator to sign in a timely manner. As noted above, The word approves will be changed to signs.

9. The SEEK Letter on page 4 next turns its attention to page 11 of the Handbook:

What to do if we know we will be late?

For ... Not Excusable Reasons
If the reason for the late timeline is NOT excusable, hold the initial Eligibility PPT within timelines and, because Oxford Public Schools do not have sufficient data to determine eligibility, find the student to be “ineligible” at this time by selecting the eligibility status of Not Eligible. This will allow us to reset the 60 calendar-day timeline.

- Any further evaluations will be considered new referral and a new set of entries will be added to the Process Log. The case is treated like a whole new referral.
- A duplicate of the old referral form needs to be in the student’s record with the new referral date.
- The date of the Eligibility Initial Eligibility PPT you just held is the referral date for the process log.
- Oxford Public Schools have to hold a new Referral PPT, which can be directly after the aforementioned Initial Eligibility PPT.
- Oxford Public Schools have to obtain a new Consent for Initial Referral. This also, can be the date of the aforementioned Initial Eligibility PPT.
- Enter all this data into the Process Log.

For ... Excusable Reasons
If the reason for the late timeline is excusable, just hold the Initial Eligibility PPT when you are ready and indicate the excusable reason in the Process Log. It will then be reported to the SDE as such.

SEEK claims that this is “advice to explicitly violate the law”, and characterizes the act of holding a PPT, finding the student not eligible, and then re-referring the student to special education to continue the evaluation process as an “act of subterfuge”. There are times when the team meets to determine eligibility and more testing is required to make a determination. The Evaluation Timeline User Guide (found in the ct.gov portal) states:

The student was found ineligible at this time, but still needs more evaluation. Do I mark the student record as “ineligible” or wait until the further evaluation?
Select an eligibility status of Not Eligible and report the DATE of ELIGIBILITY PPT to complete the student record. Any further evaluations will be considered new initial evaluations and a new student record should be added in Evaluation Timelines. Furthermore, when the next evaluation and determination is complete, report the Evaluation Timelines student record with the date of the original Eligibility PPT as the referral date. Use the date the district received consent for the additional evaluations for the new
DATE OF PARENTAL CONSENT TO EVALUATE. This is guidance given directly from the state and not meant to violate the law.


10. On page 5 of the SEEK Letter, the author takes issue with the following language appearing on page 12 of the Handbook, provided here in the context in which it appears:

**Out-of-State Students**

Since education law is state-by-state, a student who qualifies in another state for special education services may not necessarily be qualified in Connecticut. But until a PPT decides otherwise, this student’s eligibility and entitlement remains intact. Upon review of the incoming, out-of-state IEP, Oxford must, to the extent reasonable, adopt the out-of-state IEP. Should we feel the incoming, out-of-state IEP fails to provide FAPE (Free and Appropriate Public Education) or fails to meet the criteria for eligibility in CT, Oxford is obligated correct this by convening a PPT. (memo Laura Guerrera, October 7, 2016).

An evaluation may be necessary, but remember, an “evaluation” is not a test or assessment; it is an (meeting) evaluation (which looks at all pertinent data and determines eligibility). If the student’s records from the out-of-state school indicate that the student is close to meeting eligibility by Connecticut standards, you do not have to perform a total retest ... you can authorize only the needed assessments. The PPT would additionally conduct a file review to complement the newly authorized assessments. The “Consent to Evaluate” should reflect: “file review” in addition to the additional assessments you intend to administer. All appropriate CSDE eligibility checklists should be completed as well.

Additionally, we must continue to implement the out-of-state IEP until assessments are completed and while the PPT makes a decision on eligibility.

SEEK objects to the language indicating that an “evaluation” is a “meeting (which looks at all pertinent data and determines eligibility. The word meeting is a typo and (as noted above) this will be revised so that it will say evaluation).

As for reevaluating a student, full records are not always sent by the previous school district. Testing may be needed in one area or many. OPS wants to develop the best plan for the student and understand what their individual needs are.

11. Pages 6 and 7 of the SEEK Letter makes a series of objections to a section of the Handbook at pages 13 to 15 referral of preschool age students, including those preschoolers who are coming in from Birth to Three:

*Initial PPT to review referral and consider/plan an evaluation. If evaluation is warranted the team will obtain permission to test. The CSDE Evaluation Timeline must be followed. Date given to parents to evaluate student with overall developmental assessment (DAYC-2)*
Or are being referred as preschoolers independent of the Birth to Three process:

Two (2) to three (3) students attend a session. Evaluation session lasts from 9:30-11:30. The student is evaluated by SLP (communication), OT (gross motor/fine motor), preschool teacher (cognitive) and school psychologist (social-emotional). The school psychologist also takes each parent individually to conduct an interview to complete a developmental history (BASC-3 Structured Developmental History) and the adaptive skills component of the DAYC-2.

The objection appears to be that this language concerning the use of the BASC-3 and the DAYC-2 assessment tools constitutes a form of “predetermination” of the evaluation process, in direct contravention of the requirement that children be evaluated in all suspected areas of disability. The SEEK Letter also objects to the following language as being indicative of an “assembly line testing process”:

The team complete[s] the report as a group after the students leave. Scores are cross-referenced among team members. An excel worksheet has been developed to use in conjunction with the report template. If the child is Average in an area the report lists the 3 (highest) tasks they were able to complete. If there is a deficit in an area, the report should list the 3 tasks they were able to do and the 3 they were not able to do. These items then drive the objectives on the IEP.

The SEEK Letter also objects to the following language on page 14 of the Handbook as providing “encouragement to delay a determination of eligibility based on autism”:

If Autism concerns are present the team can accept the B-3 classification of Autism and may choose to do the CARS/GARS as a validation tool to supplement the ASD classification. The team may also choose to use a Developmental Delay classification and conduct a comprehensive autism evaluation when the child is older.

At the eligibility PPT, each child and their classification is determined on an individual basis. There is no cookie-cutter approach. Not all evaluations are conducive for the younger child and the Team decides what best meets the child’s needs. The district will work once again with the state department of education to ensure our practices continue to be compliant; the district remains mindful of the needs for an individual assessment of the child’s eligibility, needs and programming.

12. The SEEK Letter at pages 7-8 also raises concerns about the section of the Handbook concerning eligibility for speech and language services and practices designed to provide SRBI-type interventions prior to referral of a child for a speech and language evaluation, such as the following on pages 15 and 16 of the Handbook:

1. For preschool program: Student will be looked at globally. In general, the team will use 1.5 standard deviations from norm in 2 areas of development will be used as a guide. In addition, clinical opinion will be utilized.
2. For itinerant speech for receptive/expressive language: student will be looked at globally. In general, the team will use 1.5 standard deviations in receptive and/or expressive language skills only will be used as a guide. In addition, clinical opinion will be utilized.

and

If SRBI phonological stim strategies have not been successful after 2 cycles of 8 weeks the SLP will discuss with parent and set up another course of SRBI intervention or go to initial PPT for permission to test.
and

*If student only qualifies for articulation due to phonological disorder or at risk for apraxia student will be identified as developmental delay.*

The district will work with the state to ensure that practices are aligning with state guidance. This procedure was recommended by a consultant who works with several districts to provide this guidance in the area of speech and language.

13. On page 8 of the SEEK Letter, the author references the following language from the Handbook as being objectionable because “no reevaluation meeting can be held without evaluations to review” and “a mutually agreeable evaluation is not an Independent Educational Evaluation”:

*If the consent is not received in 10 days, the consent is considered refused. We can choose to go to due process and get the evaluation awarded by a hearing officer, or we can choose not to administer any assessments. For reevaluations, we may assess in areas that do not require consent (such as progress monitoring data and records review), but in any case, we must provide the reevaluation meeting. Consent must be obtained for any type of evaluation including Assistive Technology screenings, AT evaluations, and Auditory Processing Evaluations. You may continue to ask for consent for standardized tests and administrate them when and if you get written consent. Phone consent is not allowable. When consent for testing forms are filled out, please put only the role of the evaluation and not “mutually agreeable” unless parent is asking for an IEE.*

Under Evaluation Procedures on the Consent for Reevaluation (ED627), it is stated:

- The tests/evaluation procedures listed below were recommended
- The PPT has determined that no additional tests/evaluations are needed to determine continuing eligibility for special education services (and no parent consent is required) because: (specify)

*Parents, please be aware that you have the right to request an assessment to determine continuing eligibility for special education services and that the school district is not required to conduct such an assessment unless requested by parents.*

Therefore, the comment by SEEK that reevaluations require evaluation can be considered incorrect. Although no additional evaluations may be needed, other student criteria is reviewed.

As for the term “mutually agreeable”, OPS must still determine that if a parent requests an outside evaluator that the specialist meets the district’s qualifications; this true even with an IEE. See district criteria for Independent Educational Evaluation Evaluators. While we believe that this is legally accurate, we are happy to consider any changes to the working to the extent that there is a perceived need for clarification.

14. Also on page 8 of their Letter, SEEK also objects to the inclusion of the following statement in the description of how the district will respond to an IEE request:

*Although we are not de facto denying the request for the IEE, our practice is to convene a PPT to discuss the concerns resulting in the request for the IEE.*

The SEEK Letter cites 34 C.F.R. 300.502(b)(4) as evidence that the practice of convening a PPT meeting “to interrogate the parents as to the reason for the IEE runs afoul of the regulations”. The Handbook also contains the following language, not cited by SEEK, which appears to be consistent with the BSE’s current position:
The district may ask the parent/guardian to explain the reason for the request in order to have more information upon which to make a decision to grant or deny the request, or in order to focus the evaluation request on the area of disagreement. The parent/guardian is not required to provide a reason, and if s/he refuses to provide a reason, the request will be promptly granted or the district will pursue Due Process on the basis of the available information.

The comment SEEK makes regarding interrogating parents is incorrect. Asking a parent what they disagree with will help the team to be more collaborative and help the evaluators understand where the issue might be. While it is not required, it can guide the discussion. This wording can be changed.

15. At pages 8 and 9 of the SEEK Letter, the author takes issue with the following language from page 20 of the Handbook:

There should be no surprises at PPTs for anybody. Staffing meetings are allowable prior to the PPT. A staffing meeting may or may not be necessary, but at a minimum, the Case Manager shall review the PPT agenda and student concerns with the building administrator prior to the PPT. If parents present information for a student that they have created to be included in an IEP, consider this information and note it in the summary, but do not include it as part of the IEP. Parents are a member of the team and need to have the opportunity to meaningfully participate. They do not create programs for students to be used in school.

SEEK states that the above prevents working collaboratively with parents. The district by no means is trying to take an “us vs. them” approach. Having staff discuss evaluations or progress of students in a meeting helps them to better prepare for the actual PPT. Asking parents what they are requesting is procedural. Staff are continually seeking parental input when developing IEPs and programs for students. SEEK’s position statement is completely false. However, for the purposes of clarification, the above highlighted portions will be removed from the manual.

16. On page 9 of the SEEK Letter, the author objects to the following language appearing on page 20 of the Handbook, which we have included in context:

Services with Budgetary Impact

Please alert the Director of PPS of any additional services that the team may be recommending that may impact budget. Although in no way do we intend to supersede the authority of PPTs. It is important however for planning purposes that the PPS department be informed of any additional service, consultation, equipment, technology, etc., which is not currently provided by Oxford, and may have budgetary impact. must be reviewed with the Director of Pupil Personnel Services prior to the PPT. This applies to any new item such as paraprofessionals, outside evaluations, special transportation, assistive technology and out-of-district placements. Ultimately it is the authority of the PPT to make any changes or decisions about a student’s educational program.

So often, when asked why a particular related service (such as transportation) is on the IEP, Case Managers respond: “Because it was on the IEP last year”. So please review ALL services, accommodations and modifications on the IEP and do not assume that they are required next year simply because they were required for FAPE last year.
SEEK objects to asking that staff review any major items with budgetary impact with the Director of PPS prior to a PPT meeting. Asking staff to review items that may impact budget with the Director in no way is in violation with the predetermination rule that they are referencing. Many times staff have been collecting data to support the recommendations of items such as evaluations or additional services like support staff. It is always the decision of the PPT to make these determinations and the team is never dissuaded from this discussion. It is more for fiscal planning purposes than predetermining programs for children which we do not do. As noted above, we can certainly modify the language of this section so that it more accurately captures this intent.

17. On page 9 of the SEEK Letter, the author objects to the following language contained on page 21 of the Handbook, again provided here in the context in which it appears:

Preparation for the Annual Review

We believe that all students should engage in and practice the skills of self-advocacy. There is an expectation that students meaningfully contribute to the PPT process and understand their own strengths and need areas. Therefore, there should be an age-appropriate discussion between the Case Manager and the student in preparation for their Annual Review. (see PPT Preparation)

Meaningful parent/guardian participation is an important part of our Oxford Strategic Plan. One of our strategies is to communicate with parent/guardians and increase meaningful parent/guardian participation. So we urge service providers to contact parent/guardians on a regular basis, and call each parent/guardian at least 2 times per year.

Prior to the Annual Review PPT, the Case Manager must make sure that recommended goals and objectives from all service providers are ready for review as well as drafted present levels of performance. After conferring with the service providers, the Case Manager will contact the parent/guardian prior to the Annual Review to discuss proposed goals and objectives, to give the parent/guardians a preview of their student’s performance, and to hear any parent/guardian concerns for which we can then be prepared at the meeting. Go To Table of Contents 22

Please offer them a phone conference if they are unable to physically attend the PPT. We support all students attending their PPTs, however ALL students 15 and older must be invited to their PPTs. Upon parent request, the student (under 18) may be dismissed from portions of the PPT.

SEEK objects to staff obtaining parental participation in the IEP development process by calling parents and speaking to them on the phone, when in fact, staff are encouraged to prepare in advance of PPT meetings and contacting parents prior is one such avenue. Parents are encouraged to be active participants, despite SEEK objecting to the second paragraph of this section in which it is suggested that staff obtain parental participation in the IEP development process by calling parents and speaking to them on the phone, because “parental participation occurs, in the first instance, at PPT meetings”. This is inconsistent with previous claims that SEEK is making and it taken completely out of context.

18. At the bottom of page 9 of the SEEK Letter, the author objects to the following language on page 22, again presented in context so that the entire passage is clear:
Senior Annual IEPs

Senior annual IEPs will be drafted with current goals and services until the end of the school year. Since this is an annual, changes and deletions to goals and services may be made to the IEP. **Service dates will begin 10 school days from the parents' receipt of “prior Written notice”, unless school based team members and parents agree to begin changes sooner, and end date is last day of school.**

Please note under Prior Written Action:
1. PWN action = Implement IEP
2. PWN action = Exit from special education
3. **PWN date = 10 school days** 10 schools days from receipt of prior written notice (usually, **15 school days**).
4. Reason for action = Student has met exit criteria
5. Enter evaluations and other areas
6. Other Actions/Comments - Use dropdown for student being on track for graduation but make sure graduation date is put in.

NOTE: You will no longer be filling out the bottom exit information on PWN. This will prevent the student from being grayed out and not being included in state reports.

All seniors must have some form of the following verbiage in IEP summary:
1. Summary of performance information
2. Student will meet all graduation requirements by June provided student completes and passes Capstone project and required classes during the remainder of the school year. If student does not graduate, he/she will continue to be eligible for special education support services.

SEEK objects to the prior written notice date of “10 school days.” We will revise the 10 school days references as listed above to meet this requirement. The handbook will further be revised to clarify the term “team and parents”. For this purpose, the handbook will be revised to reflect “school based team” so that there is a distinction made, but not to preclude parents from the process.

It appears that SEEK takes objection to the section of the handbook regarding high school seniors. In no way are we saying that we ignore the case of high school seniors who require transition services. It is very clearly stated that if a student does not graduate, he/she will continue to be eligible for special education support services. In many cases we have provided services for students who require additional transition services past his/her senior year. The PPT determines if a student requires such services or is prepared to graduate with a diploma making them no longer eligible for services. Staff will be provided with guidance relative to this section of the handbook as well as making the language in this section more explicit.

19. On page 10 of the SEEK Letter, the author objects to the following language contained on page 23 of the Handbook:
Progress for ESY will be entered as "O." If the student attended, the progress note will be "Student name' participated in ESY and maintained skills acquired during the prior school year." Other progress marking may be appropriate to annotate on the IEP. Please note that the use of the "O" as merely a suggestion as typically students attend ESY for maintenance purposes. This is by no means a directive to predetermine progress. In addition to sending home annotated goals and objectives for ESY, provide a written summary of ESY summary and performance.

If the only purpose for ESY services is for a student to maintain skills, the marking of “O” would be appropriate. We do recognize; however, that there are some students who have emerging skills who would make forward progress in an ESY program. The handbook will be revised to provide guidance to staff for those students who will have progress other than maintenance. Guidance will also be included to instruct staff to provide more explicit information when reporting progress to parents so that there is no confusion about their child’s progress. Prior to the SEEK opinion letter, staff have been working to redesign the ESY program and have included criteria that is consistent with the updated state guidelines. This information is available on the district website.

20. On pages 11 and 12 of the SEEK Letter, the author objects to the following language contained on page 31 of the Handbook, concerning provision of homebound instruction to special education students:

A Planning and Placement Team meeting is required to consider homebound instruction for any reason for students with disabilities. A special education student on homebound instruction or in an interim alternative education placement requires an IEP for that duration. Any specialized instruction provided should be indicated in the service grid on page 11. For example, if the student will be receiving specialized instruction in reading for 2 hours/week during the homebound instruction that would be indicated on the grid. The homebound tutor will be the implementer and the special education teacher will be responsible. Any counseling services must be continued as part of homebound instruction.

In no way is this section meant to stray from the regulation of homebound instruction. This is simply to guide staff on the completion of the IEP for students who are receiving homebound instruction. The handbook will be revised to include the language/standard from the regulations so that there is no confusion.

21. On page 12 of the SEEK Letter, the author takes issue with the following language concerning the use of the page of the IEP used to record the child’s current levels of performance:

Present Levels of Academic Achievement and Functional Performance should be used to provide a holistic view of the student through a variety of means, including current classroom-based assessments, district and/or state assessments, and classroom-based observations. Standardized assessments may not necessarily provide the adequate information needed to determine the educational needs of a student. Curriculum-based assessments, portfolios, running record, student work, etc. may be appropriate information sources for identifying present levels of academic and functional performance. Present Levels of Academic Achievement and Functional Performance are intended to provide a place for the PPT to include a general summary of performance levels rather than to provide a detailed report of all evaluation results. Detailed evaluation information should be found in separate evaluation reports.
This section is not meant to eliminate information or to provide less comprehensive data in the IEP. The IEP contains a summary of information and unfortunately there is limited space to report all information from evaluation reports in detail. The handbook will be revised so that language reflects referencing the evaluations in as much detail as possible, but also to make mention of these so that a receiving school or related service providers read the evaluations, which is expected anyway.

22. At pages 12 and 13 of the SEEK Letter, the author criticizes the following language from the Handbook at page 41 concerning completion of the post-secondary outcome goal statements in the IEP:

Employment
..is defined as participating in competitive employment (e.g., same wages, benefits, and skill requirements as any other individual) – with or without support such as a job coach or Personal Care Assistant (PCA). If competitive employment is not a viable option (do NOT automatically assume that this is the case), then focus on tasks that an individual can do that will assist him/her to provide meaningful contributions to his/her community become a useful, viable, responsible member of society or some type of community (e.g., doing chores, performing tasks for the community in which individual resides, volunteer work). A student can initially focus on ALL of the skills that would be necessary to entertain any type of employment that might include independent living/life skills for some students. Volunteer work and community service can help students to select a job or career.

The PPS department in Oxford has always encouraged staff to hold high standards for those students who require intensive post-secondary services to be successful. It is offensive that the SEEK opinion letter has indicated that the district is manifesting “prejudice against individuals with severe disabilities.” The SEEK author characterizes the language concerning the need for a child with a disability to become a “useful, viable responsible member of society.” This criticism is unfounded and there is no proof from the handbook language that this is the case. As noted above, we will review the language in this section to ensure a greater level of sensitivity as well as include the BSE guidance on development of post-secondary outcome goal statements (PSOGs).

23. At page 13 of the SEEK Letter, the author criticizes the following language from page 42 of the Handbook concerning best practices for writing goals and objectives:

How many Goals to write?
IEPs must address the student’s special education needs and only the student’s special education needs. Don’t confuse this with the need to describe everything the student will experience in school. During the IEP development process, identify the most urgent needs to be addressed in the upcoming year.
Acknowledge long-term goals within Present Level Statements and address more specific skills (1-year annual goals) in the student’s Goals and Objectives. For each goal, there must be a minimum of two (2) objectives.

This concern appears to indicate that the needs of children are not being addressed in a global manner. This is simply to say that in a year’s time, we need to prioritize so that students can receive maximum benefit for the areas of greatest skills deficit. However, I am not opposed to revising this portion of the handbook and using a consultant from SERC or an area RESC to assist staff with best practices in goal writing.
24. On page 13 of the SEEK Letter, the author criticizes the highlighted portion of the following section, quoted here at length to provide context:

 Extracurricular Activities

We typically have some variability among schools regarding reporting students’ participation in extracurricular activities at Annual Review Meetings. It appears that we may be underreporting this data ... we report that very few of our students participate in extracurricular activities.

This particular item is somewhat unique in that it asks for one year’s worth of past information, not future, or proposed services like most items on the IEP. The specific question to be answered for this item is: “Has the student participated in school sponsored extracurricular activities with non-disabled peers since the last Annual Review?”

Use the following to guide you for a “Yes” response:
- The extracurricular activity was school sponsored and has a stated purpose. This would not include, for example, an after school activity run by a community organization, but would include an interscholastic or intramural sport or homework club,
- There was a minimum of 50% non-disabled peers in this extracurricular activity,
- There was an adult supervisor or advisor usually associated with the school,
- The extracurricular activity met on a regular basis (at least 5 times per year). This would exclude activities such as assemblies, field trips, or food drives,
- The student attended at least 50% of the sessions,
- Student participation was totally voluntary,
- The extracurricular activity was not offered for academic credit, and
- The extracurricular activity is likely listed as an activity in the high school or middle school student handbook.

The section of the handbook is to alert staff to the importance of reporting and guiding staff on how to do so, as this section had historically been ignored. The majority of this section is taken directly from the CSDE BSE IEP Manual and Forms (revised July 2018). The reporting in this section could help the team in the meeting to discuss what activities may be available and how students may better access them. It should be noted that students who wish to participate in extracurricular activities, such as sports, dances and trips (including overnight) have successfully done so over the past seven years with support as needed. If proof of this support is needed, time sheets are available showing additional staff and/or para support to students so that they can meaningfully participate in these activities with their non-disabled peers.

25. On page 14 of the SEEK Letter, the author takes issue with part of the following grid appearing on page 57 of the Handbook:
| Option 2 | Evaluators | 5 days prior to Eligibility PPT | • Evaluations – enter in Evaluation/Reports, mark when completed and enter into the Document Repository.  
• Send packet including evaluations to PPT Secretary |
| --- | --- | --- | --- |
| PPT Members | 3 days from Eligibility PPT |  • Receive signed consent for special education  
• Request finalization of IEP by the School Psychologist |
| PPT Members | 3 days from Eligibility PPT | • Complete Draft IEP  
• Much of the Draft IEP (pages 4-12) is completed (e.g., accommodations, present levels, testing accommodations, modifications) prior to the PPT meeting for consideration. Pages 4, 5, 6, 7, 8, 9, are provided as a draft document at the meeting. The Meeting Summary, the Recommendations the Prior Written Notice are not to be completed and/or distributed prior to the meeting. |
| PPT Secretary | 5 days from Eligibility PPT | • Process Log – eligibility meeting convened  
• Enter special education status in PowerSchool  
• The IEP is mailed/emails to each parent/guardian and the original is filed in the PPS Special Education file.  
• Upload all evaluations and PPT documents into the Document Repository. |

The commentary from the SEEK author relates to the second section labeled “3 days from Eligibility PPT” which provides that much of the draft IEP has already been completed and reviewed at the meeting by this point. The SEEK author comments that the “IEP team includes parents as equal participants” and it is “up to the Team to draft the IEP”. This comment from the SEEK opinion stating that “IEP team includes parents as equal participants” and it is “up to the Team to draft the IEP” does not take into account that this section is for the school team on how to complete the IEP document after the meeting is held and input has been given by the parents. In other sections of the SEEK opinion, the author references that a DRAFT IEP should be provided to the parents prior to the meeting so that it can be reviewed as the PPT. This seems to be conflicting statement; however, staff have been instructed as best practice to provide parents with a draft prior to the PPT and this section is merely guidance on mechanics of the process. If language needs to be revised for more staff clarification, the district can do so.

26. Further on page 14 of the SEEK Letter, the author comments on the following passage found on page 70 of the Handbook:

- Details of assessments can be presented to parent/guardians before the PPT. Allow only Generally schedule 5 – 10 minute summaries at the PPT.

The SEEK author objects to the setting of rigid time limits for review of evaluations at PPT meetings as being “inappropriate” and states that if parents wish to “discuss and delve into the details of assessments, they have the right to do so without regard to the amount of time it takes.”

The SEEK author does not include the language in the handbook that encourages school based evaluator to offer parents time to meet before the meeting to review their report in greater details and to answer any questions so that they can be prepared for the PPT. If this occurs then a short
summary of the evaluation can be provided as the handbook suggests. The handbook is not suggesting that the reports should not be reviewed in greater detail as the SEEK opinion is suggesting. This is taken out of context. Additionally, parents are not limited on the time that they can meet for a PPT; however, staff have been encouraged to let parents know that they have “x amount of time” scheduled for this meeting and if more time is needed an additional meeting can be held. In meetings that I have attended, this statement has been made clear to parents, as in many cases meetings have lasted in excess of 2 hours, which causes conflict for staff who require classroom coverage or are missing related service times with other children. The handbook language can be revised to clarify this point further so that the reader does not make the assumption that we are limiting the time allowed for meetings or evaluation review.

27. Further on page 14 of the SEEK Letter, the author cites the following passage from page 70 of the Handbook as being problematic:

The PPT is authorized to describe the “program” or “placement” (interchangeable terms) but not the “location” of the placement; that is an administrative prerogative. The fact remains however, that the “location” of the services is very important to the family as well as to the staff. Understanding that “location” is not a PPT responsibility, the participants can certainly discuss “location” after the PPT has been formally adjourned.

The SEEK author disputes the assertion that “program” and “placement” are interchangeable terms, and asserts that “placement” is determined last after the “program” is designed. The point being made by the Handbook paragraph cited above is that parents will often ask for a particular teacher to implement the services, or a different school and those decisions to act upon such requests from parents can be made outside of the PPT. These are administrative decisions that the PPT has no control of. Sometimes programs must be relocated to different buildings and staff, and this is an administrative decision on the part of the school district that the PPT does not control. If recommended, the language can be further refined in the handbook to clarify this information.

28. Pages 14 and 15 of the SEEK Letter cite to additional provisions of the Handbook regarding ESY services that appear on pages 72 and 121 of the Handbook, and the SEEK author is stating that these provisions inappropriately limit the availability and type of ESY services provided to students in district.

The purpose of these forms is to provide guidance to teams when making decisions for students with regard to ESY in the PPT meeting. In no way are these forms meant to limit services provided to children during ESY. The handbook will be revised to include specific language from the BSE and the CSDE to ensure compliance.

It is my hope that this clarification helps you to further understand the intent of the handbook. It was not written with the intent of violating the rights of children and families or to prelude parents from the PPT process. This document, which was based upon a handbook from a national vendor, was created to help staff with the mechanics of the IEP and perhaps provide clarification to questions that may occur. I look forward to further review of this document and any additional revisions that may be suggested by either legal counsel or by a private consultant contracted by the district. I would alternatively be open to fully adopting the handbook that is being developed by the BSE anticipated for the end of the 2018-2019 school year in favor of the current handbook being used. This may help to alleviate any further questions or concerns with interpretation of noncompliance with IDEA or procedural compliance.

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