

SAUSD Board of Education Warrant Listing

June 09, 2011

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<u>Check #</u>	<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
84153524	US FOODSERVICE INC Child Nutrition: School Programs	CARR INTERMEDIATE SCHOOL CENTURY HIGH SCHOOL FOOD 4 THOUGHT GODINEZ FUNDAMENTAL HIGH SCHOOL LATHROP INTERMEDIATE SCHOOL MACARTHUR FUNDAMENTAL INTERMEDIATE SCHOOL MCFADDEN INTERMEDIATE SCHOOL MENDEZ FUNDAMENTAL INTERMEDIATE SCHOOL SADDLEBACK HIGH SCHOOL SANTA ANA HIGH SCHOOL SEGERSTROM HIGH SCHOOL SIERRA PREPARATORY ACADEMY SPURGEON INTERMEDIATE SCHOOL VALLEY HIGH SCHOOL VILLA FUNDAMENTAL INTERMEDIATE SCHOOL WILLARD INTERMEDIATE SCHOOL	\$65,206.65
Grand Total :			\$5,438,489.71

AGENDA ITEM BACKUP SHEET**June 14, 2011****Board Meeting**

TITLE: Approval of Listing of Agreements/Contracts With Santa Ana Unified School District and Various Consultants Submitted for Period of May 10, 2011 Through May 24, 2011

ITEM: Consent

SUBMITTED BY: Michael P. Bishop, Sr., CBO, Associate Superintendent, Business Services

PREPARED BY: Jonathan Geiszler, Manager, Purchasing

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval of the listing of agreements/contracts with Santa Ana Unified School District and various consultants submitted for the period of May 10, 2011 through May 24, 2011.

RATIONALE:

Consultants have been requested by various sites to enhance educational programs and professional staff development for the District staff.

The attached list shows various consultants that will provide services throughout the District. A detailed list is attached for consultants under \$250,000.

FUNDING:

Not Applicable

RECOMMENDATION:

Approve the listing of agreements/contracts with the Santa Ana Unified School District and various consultants submitted for the period of May 10, 2011 through May 24, 2011.

AGENDA ITEM BACKUP SHEET
June 14, 2011

Board Meeting

TITLE: Approval of Submission of Lois Lenski Covey Foundation, Inc. Grant

ITEM: Consent

SUBMITTED BY:  Michael Bishop, Sr., CBO, Associate Superintendent, Business Services

PREPARED BY: Ricardo Enz, Director, Technology

Alexandra Ito, Assistant Director, Instructional Technology

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval for the submission of the Lois Lenski Covey Foundation, Inc Grant.

RATIONALE:

This annual grant opportunity offers school libraries serving disadvantaged children a source of funding for library book collections generally or to expand holdings in specific areas. It is funded by the Lois Lenski Covey Foundation, Inc., a charitable institute whose purpose is to assist organizations in their efforts to provide books to children.

Previously awarded grants have ranged from \$500 to \$3,000 per school. The Foundation gives priority to applications from libraries with real need and limited book budgets. Funds are earmarked for purchasing books and are not intended for administrative or operational use. Grant applications must be postmarked by June 15, 2011 and funds will be awarded before December 15, 2011.

The goal of the Lois Lenski Foundation Grant application is to support the acquisition of quality library materials to support literacy and provide curriculum support for SAUSD schools.

FUNDING:

Lois Lenski Covey Foundation, Inc. Grant: \$3,000 (per individual grant)

RECOMMENDATION:

Approve the submission of the Lois Lenski Covey Foundation, Inc. Grant.

GRANT SUMMARY

Title:	Lois Lensky Covey Foundation, Inc. Grant
Funding Source:	Lois Lensky Covey Foundation, Inc.
Due Date	June 15, 2011
Contact Person:	Ricardo Enz, Director, Technology Alexandra Ito, Assistant Director, Instructional Technology
Amount/Duration:	\$500 - \$3,000
Target Population (e.g. Grade Level/s):	K-5
Budget Impact:	None
Indirect Rate:	Not Applicable
Personnel Impact:	None
Survey Questions:	<i>None without prior District approval and parent consent</i>
Grant Program Description	
<p>The Lois Lenski Covey Foundation, Inc. provides grants for public libraries, school libraries, and charitable organizations that have lending libraries where children up to 8th grade may check out books to read or to use for gathering information. The Foundation gives to libraries or organizations that serve economically or socially at-risk children, have limited book budgets, and demonstrate real need. In order for a library to be considered, it must have been in operation for at least three years. The library grant program provides grants for purchasing fiction and non-fiction children's books, not for administrative purposes. Funds may be used to expand library book collections generally or in specific areas. Since the foundation does not accept applications from districts as a whole, each school is applying for funds to meet the unique collection development needs of its own library. Schools were selected for application based on having collections below the district average number of elementary books per pupil (20) and/or above the average age (17 yrs.)</p>	
Goals/Objectives:	<p>Three-Year Strategic Plan – District Goals</p> <ul style="list-style-type: none"> • Academic achievement – equip students to achieve their highest academic potential. • Prepared students – assure that students are prepared to succeed in higher education and to accomplish their life goals. • Quality academic programs – offer rigorous and outstanding learning opportunities that will be aligned with state standards and federal guidelines. • Strategic allocation of resources – use resources efficiently and strategically to support District goals.
Activities:	Obtain books to promote reading achievement, engage students in literacy activities, and encourage the love of reading that is foundational to academic success.

AGENDA ITEM BACKUP SHEET

June 14, 2011

Board Meeting

TITLE: Approval of Rejection of Government Code §910 and §910.2 Claim
Against District – File No. 11-92988 MH

ITEM: Consent

SUBMITTED BY: Michael P. Bishop, Sr., CBO, Associate Superintendent, Business Services

PREPARED BY: Camille Boden, Executive Director of Risk Management

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval to reject the Government Code §910 and §910.2 claim against the District, File No. 11-92988 MH

DESCRIPTION OF DAMAGE/INJURY:

Claimant-parent requests reimbursement for medical bills.

FUNDING:

Not Applicable

RECOMMENDATION:

Approve recommendation to reject Government Code §910 and §910.2 claim File No.11-92988 MH against the District.

AGENDA ITEM BACKUP SHEET
June 14, 2011

Board Meeting

TITLE: Approval of Rejection of Government Code §910 and §910.2 Claim
Against District – File No. 11-92846 MH

ITEM: Consent

SUBMITTED BY: Michael P. Bishop, Sr., CBO, Associate Superintendent, Business Services

PREPARED BY: Camille Boden, Executive Director of Risk Management

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval to reject the Government Code §910 and §910.2 claim against the District, File No. 11-92846 MH

DESCRIPTION OF DAMAGE/INJURY:

Claimant-parent requests reimbursement for medical bills.

FUNDING:

Not Applicable


RECOMMENDATION:

Approve recommendation to reject Government Code §910 and §910.2 claim File No. 11-92846 MH against the District.

June 14, 2011

Board Meeting

TITLE: Ratification of Substitute Subcontractor for Site Concrete for Willard Intermediate School Under Modernization Program

ITEM: Consent
SUBMITTED BY: Joe Dixon,  Assistant Superintendent, Facilities & Governmental Relations
PREPARED BY: Todd Butcher, Director of Construction

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board ratification to substitute the subcontractor for site concrete at Willard Intermediate School as per Public Contract Code Section 4107; "when the subcontractor listed in the bid, after having had a reasonable opportunity to do so, fails or refuses to execute a written contract or fails or refuses to meet the bond requirement for the scope of work specified." Board approval of subcontractor substitution is not required by code, but is presented for transparency purposes.

RATIONALE:

Angeles Contractor, Inc. is the contractor for Willard Intermediate School construction project under the Modernization Program. Angeles Contractor, Inc. has requested the substitution from Two Horse Construction, Inc. to Masterline Construction, Inc. as the site concrete subcontractor due to Two Horse Construction, Inc.'s failure to execute a written contract. The District has followed Public Contract Code Section 4107 by sending notification to Two Horse Construction, Inc.

FUNDING:

Not Applicable

RECOMMENDATION:

Ratify substitute subcontractor to Masterline Construction, Inc. for site concrete at Willard Intermediate School under the Modernization program.

June 14, 2011

Board Meeting

TITLE: Ratification of Substitute Subcontractor for Site Concrete at Edison Elementary School Under Overcrowding Relief Grant Program

ITEM: Consent

SUBMITTED BY: Joe Dixon,  Assistant Superintendent, Facilities & Governmental Relations

PREPARED BY: Todd Butcher, Director of Construction

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board ratification to substitute the subcontractor for site concrete at Edison Elementary School as per Public Contract Code Section 4107; “when the subcontractor listed in the bid, after having had a reasonable opportunity to do so, fails or refuses to execute a written contract or fails or refuses to meet the bond requirement for the scope of work specified.” Board approval of subcontractor substitution is not required by code, but is presented for transparency purposes.

RATIONALE:

Silver Creek Industries is the contractor for Edison Elementary School construction project under the Overcrowding Relief Grant. Silver Creek Industries has requested the substitution from Beta Construction, Inc. to Wilmer Construction, Inc. as the site concrete subcontractor due to Beta Construction, Inc.’s failure to execute a written contract. The District has followed Public Contract Code Section 4107 by sending notification to Beta Construction, Inc.

FUNDING:

Not Applicable

RECOMMENDATION:

Ratify substitute subcontractor to Wilmer Construction, Inc. for site concrete at Edison Elementary School under the Overcrowding Relief Grant program.

June 14, 2011

Board Meeting

TITLE: Ratification of Substitute Subcontractor for Elevator at Edison Elementary School Under Overcrowding Relief Grant Program

ITEM: Consent

SUBMITTED BY: Joe Dixon, Assistant Superintendent, Facilities & Governmental Relations

PREPARED BY: Todd Butcher, Director of Construction

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board ratification to substitute the subcontractor for elevator at Edison Elementary School as per Public Contract Code Section 4107; "when the subcontractor listed in the bid, after having had a reasonable opportunity to do so, fails or refuses to execute a written contract or fails or refuses to meet the bond requirement for the scope of work specified." Board approval of subcontractor substitution is not required by code, but is presented for transparency purposes.

RATIONALE:

Silver Creek Industries is the contractor for Edison Elementary School construction project under the Overcrowding Relief Grant. Silver Creek Industries has requested the substitution from Phoenix Modular Elevator to T.L. Shield & Associates, Inc. as the elevator subcontractor due to Phoenix Modular's failure to execute a written contract. The District has followed Public Contract Code Section 4107 by sending notification to Phoenix Modular Elevator.

FUNDING:

Not Applicable

RECOMMENDATION:

Ratify substitute subcontractor to T.L. Shield & Associates, Inc. for elevator at Edison Elementary School under the Overcrowding Relief Grant program.

AGENDA ITEM BACKUP SHEET

June 14, 2011

Board Meeting

TITLE: Acceptance of Gifts in Accordance With Board Policy 3290 – Gifts, Grants, and Bequests

ITEM: Action



SUBMITTED BY: Cathie Olsky, Ed.D., Deputy Superintendent

BACKGROUND INFORMATION:

The purpose of this agenda item is for Board acceptance of gifts, grants, and bequests on behalf of school sites and the District. For purposes of determining the estimated value of a gift, the District does not perform an appraisal or other such valuation, rather simply reports the value of the gift as provided by the donor.

RATIONALE:

The Board may accept any bequest or gift of money or property on behalf of the District. While greatly appreciating suitable donations, the Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all District students. The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of District philosophy and operations. If the Board believes the District will be unable to fully satisfy the donor's conditions, the gift shall not be accepted. Gift books and instructional materials shall be accepted only if they meet District criteria. At the Superintendent or designee's discretion, a gift may be used at a particular school.

FUNDING:

Not Applicable

RECOMMENDATION:

Accept gifts in accordance with Board Policy (BP) 3290 – Gifts, Grants, and Bequests.

AGENDA ITEM BACKUP SHEET
June 14, 2011

Board Meeting

TITLE: High School Advanced Placement Art History Textbook
Recommended for Adoption

ITEM: Action

SUBMITTED BY: Dawn Miller, Assistant Superintendent, Secondary Education

PREPARED BY: Edward Winchester, Director, Secondary Student Achievement/
Charter Schools

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board adoption of the High School Advanced Placement Art History textbook in accordance with Board Policy (BP) and Administrative Regulation (AR) 6145.5 – Advanced Placement.

RATIONALE:

The Advanced Placement textbook will introduce students to a full year of college coursework through the intense study of Art History. In the textbook, students examine major forms of artistic expression from the ancient world to the present and from a variety of cultures. They learn to look at and analyze works of art within their historical context, and to articulate what they see or experience in a meaningful way. A meaningful way to experience works of art is learning to frame an understanding that relates how and why works of art communicate visual meaning.

The Administration is presenting the High School Advanced Placement Art History Textbook for adoption.

FUNDING:

General Fund: \$3,955.80 (anticipated cost)

RECOMMENDATION:

High School Advanced Placement Art History textbook recommended for adoption.

**TEXTBOOK RECOMMENDED FOR ADOPTION
BOARD MEETING: JUNE 14, 2011**

<u>DEPT/COURSE</u>	<u>RECOMMENDED TEXTBOOKS</u>	<u>TYPE OF ADOPTION</u>
	High School Visual & Performing Arts	
AP Art History	Thomson/Wadsworth <u>Gardner's Art Through the Ages</u> <u>13th Edition– Student Edition</u> ISBN: 978-0495799863	Basic

AGENDA ITEM BACKUP SHEET
June 14, 2011

Board Meeting

TITLE: Approval of Submission of Orange County Department of Education Advancement Via Individual Determination Districtwide Initiative Grant for 2011-12 School Year

ITEM: Action

SUBMITTED BY: Dawn Miller, Assistant Superintendent, Secondary Education

PREPARED BY: Kathy Apps, GATE Program Specialist

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval for the submission of the OCDE Advancement Via Individual Determination (AVID) Districtwide Initiative Grant for 2011-12 school year.

RATIONALE:

This grant will be awarded for the purpose of improving articulated AVID program practices across the District. The cross-district implementation of AVID strategies is critical to the success of the program at the 13 intermediate and high school sites with AVID programs. Articulation both vertically and horizontally between intermediate and high schools across grade levels is a significant factor in increasing the AVID student's confidence and skills in meeting the challenge of rigorous college preparation classes. This grant will be used for the collaboration and professional development of AVID teachers, focusing on sharing best pedagogical research-based classroom practices.

The funding is an in-kind 1:1 match.

FUNDING:

Orange County Department of Education AVID Program (up to \$24,000)

RECOMMENDATION:

Approve the submission of the Orange County Department of Education AVID District-wide Initiative Grant for 2011-12 school year.

GRANT SUMMARY

Title:	OCDE District-Wide AVID Initiative Grant
Funding Source:	Orange County Department of Education (funded by Orange County Community Foundation)
Due Date:	June 17, 2011
Contact Person:	Kathy Apps, GATE Program Specialist
Amount/Duration:	Up to \$24,000 for one year (ending June 30, 2012)
Target Population (e.g. Grade Level/s)	Grades 6-12 Schools with AVID Programs
Budget Impact:	\$24,000 of in-kind match
Indirect Rate:	9.3%
Personnel Impact:	Up to 10 days of District AVID Liaison time
Survey Questions:	<i>None without prior District approval and parent consent</i>
Grant Program Description	
<p>SAUSD intermediate and high schools that have AVID programs participate in a certification process to assure that the students receive quality program services. There is a need for cross-site collaboration of AVID teachers to align program processes in order to maximize student achievement and district resources. SAUSD will use the grant funding to provide release days for District-wide AVID teacher collaboration, professional development and classroom visitations.</p>	
Goals /Objectives	<ul style="list-style-type: none"> • Alignment of AVID program implementation processes across the District • Provide AVID elective teachers cross-district collaboration time to discuss best pedagogical practices (e.g. lesson design and delivery) • Provide opportunities for cross-site classroom visits and observation of AVID classrooms in action • Provide funding resources for professional development activities that will increase rigor and achievement in AVID schools
Activities:	<ul style="list-style-type: none"> • Cross-site classroom observations and visits • Collaboration days (teachers are released three days throughout the school year (data chats, demonstration lessons and developing AVID teacher leadership) • Professional development activities such as OCDE workshops

AGENDA ITEM BACKUP SHEET**June 14, 2011****Board Meeting**

TITLE: Approval of Memorandum of Understanding with Community Action Partnership of San Luis Obispo County, Inc. Migrant and Seasonal Head Start Programs

ITEM: Action

SUBMITTED BY: Doreen Lohnes, Assistant Superintendent, Support Services 

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval of a Memorandum of Understanding (MOU), attached, with the Community Action Partnership of San Luis Obispo (CAPSLO) County, Inc. This is the new agency responsible for two Migrant and Seasonal Head Start Programs classrooms at El Jardin Center in Santa Ana for preschool students. This MOU will clarify the working relationship between SAUSD and CAPSLO regarding the identification of, and services for, students with disabilities.

RATIONALE:

The basic intent of this agreement is to coordinate services for students with disabilities, ages three to five years, served by the agencies.

The main points of the MOU are:

1. Define which services will be provided by each agency, coordinate services for individuals with exceptional needs (ages three years to compulsory school age) in the most effective manner and to delineate the responsibilities of these agencies for the delivery of services;
2. Ensure that cooperative arrangements between local education agencies, LEA and CAPSLO Migrant/Seasonal Head Start are developed, implemented and preserved.
3. Ensure that infants and preschool children eligible for special education and related services receive a free, appropriate public education (FAPE), as required by law, in the least restrictive environment.
4. Ensure interagency coordination, smooth and timely transition of children from one agency to another;
5. Ensure that each agency maintains communication and shares leadership responsibility at the local level so that available resources are utilized in the most effective manner.

This agreement is entered into in order to provide a systematic, effective, continuum of service options to individuals with exceptional needs and their parents. The implementation of this agreement will ensure interagency coordination, smooth, timely transition of children from agency to agency, and effective utilization of agency resources to meet the needs of individuals with exceptional needs.

FUNDING:

Not Applicable

RECOMMENDATION:

Approve the Memorandum of Understanding with Community Action Partnership of San Luis Obispo County, Inc. Migrant and Seasonal Head Start Programs

INTERAGENCY AGREEMENT

BETWEEN

COMMUNITY ACTION PARTNERSHIP
OF SAN LUIS OBISPO COUNTY, INC.
MIGRANT AND SEASONAL
HEAD START PROGRAMS

&

SANTA ANA UNIFIED SCHOOL DISTRICT



2010-2011

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LOCAL INTERAGENCY AGREEMENT

This agreement is between the Community Action Partnership of San Luis Obispo County, Inc. Migrant and Seasonal Head Start (MSHS) program and the Santa Ana Unified School District.

The purpose of this local agreement is to provide guidelines and working procedures for staff and designees of the Santa Ana Unified School District and the Community Action Partnership of San Luis Obispo County, Inc. Migrant and Seasonal Head Start Program; the grantees responsible for the implementation of the State Interagency Agreement. The State-level agreement is between the California Department of Education and the Administration for Children, Youth and Families (ACYF), California Region IX Head Start Programs.

The basic intent of this agreement is to coordinate services for individuals with exceptional needs, ages three to five years, inclusive, served by the agencies, and to delineate the responsibilities of these agencies for the delivery of services.

This agreement is entered into in order to provide a systematic, effective, continuum of service options to individuals with exceptional needs and their parents. The implementation of this agreement will ensure interagency coordination, smooth, timely transition of children from one agency to another, and effective utilization of agency resources to meet the needs of individuals with exceptional needs.

Review of Interagency Agreement

It is our plan to annually review this agreement and make changes, as necessary or as required by new legislation. No additions, deletions, or modifications may be made to this agreement without the joint, written approval of the parties to the agreement.

This document is in effect until replaced by a revised interagency agreement signed by all parties.

The current date of adoption is: 2010-2011 Program Year

William Castellanos, CYFS Division
Director
CAPSLO

Date

Mrs. Doreen Lohnes
Santa Ana Unified School District

Date

PURPOSE STATEMENT

The purpose of this agreement is to provide guidelines and working procedures between local education agencies of the Santa Ana Unified School District and the Community Action Partnership of San Luis Obispo County, Inc. Migrant/Seasonal Head Start Program for the provision of services to preschool children eligible for special education in compliance with federal and state laws and regulations, under IDEA law of 2004 and the Head Start Law of 2007.

It is the intent of this agreement to:

1. Define which services will be provided by each agency, coordinate services for individuals with exceptional needs (ages three years to compulsory school age) in the most effective manner and to delineate the responsibilities of these agencies for the delivery of services;
2. Ensure that cooperative arrangements between local education agencies, LEA and CAPSLO Migrant/Seasonal Head Start are developed, implemented and preserved.
3. Ensure that infants and preschool children eligible for special education and related services receive a free, appropriate public education (FAPE), as required by law, in the least restrictive environment.
4. Ensure interagency coordination, smooth and timely transition of children from one agency to another;
5. Ensure that each agency maintains communication and shares leadership responsibility at the local level so that available resources are utilized in the most effective manner.

PROGRAM MANDATES

Responsibilities of Local Education Agencies

1. Mandated to serve eligible children with disabilities from age three through compulsory school age.
2. Provide assessment in all areas of suspected disability upon receipt of a written request for assessment.
3. Hold an IEP team meeting within 60 days of receipt of written parental authorization for assessment. At this meeting, the assessment results are reviewed, eligibility determined and, if appropriate, special education services are determined.

Responsibilities of Migrant/Seasonal Head Start Program

1. Recruit, enroll and serve eligible children ages three to compulsory school age. A minimum of 10% of children with disabilities will be enrolled in the program, including severe disabilities if the IEP team deems Head Start as an appropriate placement for the child, and the family is eligible for Migrant or Seasonal services.
2. Screen children and begin needed services by 45 calendar days after the child enters the program. Screening consists of standardized health screening and developmental screening which includes speech, hearing and vision.
3. Refer children found to be "at risk" to the appropriate professionals for diagnostic evaluation.
4. Implement IEP, when appropriate, to provide the appropriate services for children with disabilities.
5. Work with other agencies in order to provide services for children with disabilities.

AGREEMENT TOPIC AREAS

1. CHILD FIND/SCREENING/REFERRAL:

All children with disabilities who require special education must be identified, located and evaluated. (California Education Code sections 56300-56302, IDEA Part B Regulations 34 CFR section 300.220, Head Start – 45 CFR 1304.20(b), 1308.4, 1308.6(b),(c),(e))

<p align="center">EDUCATION Santa Ana Unified School District</p>	<p align="center">CAPSLO/Migrant Seasonal Head Start (MSHS)</p>
<ol style="list-style-type: none"> 1. Shall include Migrant Seasonal Head Start in the child-find system. 2. The local LEA will assign a case carrier who will contact MSHS personnel as indicated on the referral. 3. Each LEA shall exchange with CYFS Disabilities Coordinator or designated staff: <ol style="list-style-type: none"> a. Special education eligibility criteria and program information. The child's difficulties shall not be due primarily to unfamiliarity with the English language; temporary physical disabilities; social maladjustment; or environmental, cultural or economic factors. b. Procedures to request consultation about program eligibility and referral for special education. c. Copies of all current IEP forms, parent rights and procedures. 4. Will coordinate with MSHS in screening activities. Appropriate district liaison will participate, upon request, in MSHS pre-referral consultation. 	<ol style="list-style-type: none"> 1. Shall participate in the local education agency's (LEA's) child-find system. 2. MSHS will designate a coordinator of services for children with disabilities, who will ensure designated staff disseminates referrals to LEA. 3. MSHS will exchange with LEA case carriers: <ol style="list-style-type: none"> a. MSHS eligibility criteria and program information; b. MSHS enrollment procedures, general eligibility requirements, slot sharing, dual enrollment, variations, and program options being offered; c. Procedures for identification of and provision of disability services for MSHS d. Results of developmental, hearing and vision screenings as requested by LEA 4. MSHS screens all children enrolled. For children suspected to be in need of special education, CYFS Disabilities Coordinator, or designee, will refer to the LEA special education program

- | | |
|--|---|
| <p>5. LEA accepts referral for special education eligibility determination and within 15 days develops an Assessment Plan, when appropriate.</p> | <p>4. CYFS Disabilities Coordinator, or designee, will notify/support the parent and will follow appropriate referral procedure to notify the district of residence for assessment and consideration of special education eligibility. MSHS will provide a signed release of information with the referral enabling MSHS and the district of residence to exchange information.</p> |
|--|---|

2. ASSESSMENT/EVALUATION:

Each child who is suspected of having a disability and needing special education that is referred for assessment shall have the benefits of a multi-disciplinary assessment process, and no single procedure shall be used as sole criterion for assessment. (California Education Code sections 56320-56321(a), IDEA PART B, 34 CFR Part 300.532, Head Start – 45 CFR 1308.6)

EDUCATION Santa Ana Unified School District	CAPSLO/Migrant Seasonal Head Start(MSHS)
1. Coordinate with MSHS to ensure parents are informed of their rights.	1. Coordinate with LEA to ensure parents are informed of their rights.
2. LEA shall develop an assessment plan when appropriate and utilize screening results and additional information provided by MSHS in the development of the plan.	2. MSHS shall provide additional information, including screening results to assist in the development of an assessment plan.
3. LEA shall obtain written parental consent to Assessment Plan and implement the plan, providing a copy to the local MSHS program.	3. MSHS shall obtain written parental consent and participate with the LEA in implementation of the assessment plan, as appropriate.
4. LEA shall be responsible for assessment, according to the Individuals with Disabilities Education Act, California Education Code, and corresponding regulations, of all children referred for assessment to determine eligibility for special education. The LEA:	4. MSHS shall be responsible for health screening/assessment (medical, dental, nutritional, and development) not performed by the LEA as part of the assessment for conditions resulting from a disability.
a. Shall respond and process referrals within applicable legal timelines. (EC 56321(a))	
b. Shall conduct assessments using appropriately qualified personnel. (EC 56320)	
c. Shall conduct assessments so as not to be racially, culturally, or sexually discriminatory. (EC 56001(j) and 56320)	
d. Shall conduct assessment in all areas of suspected disability. (EC 56320(f))	
e. Within 60 days of receiving a signed consent for assessment, shall conduct a meeting to develop the IEP.	

<p>(EC 56344)</p> <p>For children enrolled in Migrant Seasonal and (Region XII) programs, develop the IEP, as soon as possible following the determination that the child needs special education related services.</p>	
<p>f. The assessment shall be conducted using a multidisciplinary team of professionals. (EC 56441.6 and 56426.6)</p>	
<p>g. The assessment shall be administered in the child's primary language unless it is clearly not feasible to do so. (EC 56320(b)(1))</p>	
<p>5. LEA shall be responsible for informing parents of assessment results at the IEP meeting MSHS should be invited.</p>	<p>5. CYFS Disabilities Coordinator or designee may assist parent(s) as appropriate and necessary when parent(s) receive assessment results.</p>
<p>6. LEA will release, with written parental consent, assessment information and the diagnostic summary to MSHS.</p>	<p>6. CYFS Disabilities Coordinator or designee will review assessment information and CYFS staff will keep copy in Child's File, along with IEP copy to guide curriculum and individualization plans for child.</p>

3. INDIVIDUALIZED EDUCATION PROGRAM (IEP):

An Individual Education Plan must be developed and implemented for each child with a disability to receive special education and related services in the least restrictive environment (California Education Code section 56340-56382 – section 56445 (a-d), IDEA PART B, section 300.550-300.554; 45 CFR 1304.20(f)(2)(iv), 1308.19)

NOTE: Both LEAs and Migrant Seasonal Head Start have responsibilities for development and implementation of IEPs. When children are eligible for both LEA special education and MSHS, it is intended that the IEP process be collaborative between the two agencies.

- ◆ For children eligible for CA special education, LEA special education IEP forms and procedures are used.
- ◆ Under new HS law 2007, MSHS is no longer required to provide a Head Start only IEP for children who do not qualify for services under the LEA

EDUCATION Santa Ana Unified School District	CAPSLO/Migrant Seasonal Head Start (MSHS)
1. Shall develop an IEP for each child who has been assessed by the LEA within 60 days of receipt of the parent's written consent for assessment. (EC 56344)	1. Not applicable.
2. The LEA shall include MSHS personnel in the development of the IEP when the child is enrolled in MSHS or is being considered for enrollment in MSHS. (EC 56341 (b)(2) and (c))	2. MSHS shall participate in the development and implementation of the IEP for preschool age children with disabilities, consistent with the requirements of 45 CFR 1308.19 (45 CFR 1304.20(f)(2)(iv))
3. Send written notification to MSHS of IEP meetings for children enrolled or planning enrollment in Head Start.	3. When the LEA develops the IEP, a representative from MSHS shall participate in the IEP meeting and placement decision for any child meeting Head Start eligibility requirements. (45 CFR 1308.19 (c))
4. Not applicable.	4. Provide all comprehensive child development services to all children enrolled in MSHS. (45 CFR 1308.4(c))
5. The IEP team shall meet at least annually to review the child's progress (EC 56343 (d)) and include the child's current teacher and parents.(EC 56341 (b)(1)(2)(3))	5. Shall participate at least annually in IEP reviews. (45 CFR 1308.19(e)(7))

6. The LEA will provide MSHS with a copy of the IEP with parent consent.

6. MSHS will ensure the confidentiality of LEA IEPs.

4. SERVICE DELIVERY:

Children with disabilities and their families shall receive educational and related services as identified in the IEP. (34 CFR 300.500(a), California Education Code, Chapter 4 and section 56441.1(a), Head Start – 45 CFR 1308.4(h))

<p align="center">EDUCATION Santa Ana Unified School District</p>	<p align="center">CAPSLO/Migrant Seasonal Head Start (MSHS)</p>
<p>1. Shall consider as appropriate settings:</p> <ul style="list-style-type: none"> a. The regular public or private nonsectarian preschool program. b. The child development center or family day-care home. c. The child's regular environment, that may include the home. d. A special site where preschool children with disabilities and children who are not disabled are located close to each other and have an opportunity to share resources and programming. e. A special education program with children who are not disabled attending and participating. f. A public LEA setting which provides an age-appropriate environment, materials and services, and defined by the superintendent. (EC 56441.4(a-f)) <p>2. Shall provide or ensure that services are provided in the child's primary language unless it is clearly not feasible to do so. (EC 56345(b)(2) and 5CCR 3001(s))</p>	<p>1. Shall include options of:</p> <ul style="list-style-type: none"> a. Joint placement of children with other agencies; b. Shared provision of services with other agencies; c. Shared personnel to supervise special education services, when necessary to meet state requirements on qualifications; d. Administrative accommodations such as having two children share one enrollment slot when each child's IEP calls for part-time service because of their individual needs; and e. Any other strategies to be used to ensure that special needs are met. These may include: <ul style="list-style-type: none"> i. Increased staff; ii. Use of volunteers; and iii. Use of supervised students in such fields as child development, special education, child psychology, various therapies and family services to assist the staff. (45 CFR 1308.4(j)(1-5)) <p>2. Staff and program consultants must be able to serve and effectively communicate, to the extent feasible, with children and families with no or limited English proficiency. (45 CFR 1304.52(b)(4)) MSHS programs can assist with identifying or providing interpreters.</p>

3. The Orange County LEA office shall work to coordinate services with MSHS.
(EC 56195.7(d))

3. MSHS shall work to coordinate services with the LEA.
(45 CFR 1308.4(a)(2), (1), and (m))

5. TRANSITION:

Young children with disabilities and their families shall be assessed and receive support in planning transitions between special education, Head Start and Kindergarten/elementary programs. (California Education Code (Chapter 4.45, section 56445(a-d)); Code – 45 CFR 1308, section 1308.21, subpart G and section 1308.4(g))

EDUCATION Santa Ana Unified School District	CAPSLO/Migrant Seasonal Head Start (MSHS)
<ol style="list-style-type: none"> 1. Establish a system with the MSHS grantee to ensure a smooth transition of children with disabilities from LEA early intervention programs. 2. Procedures for immediate interim 30 day placement for children with an IEP moving into another LEA shall be implemented according to CA EC 56325. 3. Shall establish a system with MSHS/Regional to ensure a smooth transition of children with disabilities into the next placement. 	<ol style="list-style-type: none"> 1. Shall establish a system with the LEA to ensure a smooth transition of children with disabilities from infant toddler programs into MSHS programs. (45 CFR 1308.4(g)) 2. If a child enters MSHS with an IEP completed within two months prior to entry, services must begin within the first two weeks of program attendance. (45 CFR 1308.19(k)) 3. Shall establish a system with the LEA to ensure a smooth transition of children with disabilities from MSHS programs into the next placement. (45 CFR 1308.3(g))

6. PROCEDURAL SAFEGUARDS:

Young children with disabilities and their families shall be afforded procedural safeguards and confidentiality of records requirements according to IDEA, (IDEA PART B, Regs. Section 300.500-300.515), California Education Code sections 56500.1 – 56507; and Head Start 45 CFR 1308.6, and 1308.21 (a)(6).

EDUCATION Santa Ana Unified School District	CAPSLO/Migrant Seasonal Head Start (MSHS)
<ol style="list-style-type: none"> 1. Shall implement all rights and protections of IDEA, including procedural safeguards for IDEA (34 CFR 300.500-300.515), for all individuals with exceptional needs and their parents who are provided special education by the LEA according to California Education Code of Regulations, Title 5 regulations, and federal law and regulations. 2. Shall inform MSHS personnel and parents verbally and in writing of individual rights and protections under IDEA (in their primary language). (EC 56321(a)&(b)) 3. Shall inform MSHS in writing of procedural safeguards and due process hearing and complaint procedures for all children who are provided special education by the LEA and enrolled in MSHS. (EC 56500.1(a)&(b)) 	<ol style="list-style-type: none"> 1. Shall ensure that all rights and protections of IDEA, including confidentiality of records requirements, prior notice, and placement in the least restrictive environment, are provided for all children with disabilities and their parents, according to appropriate state and federal laws and regulations. (45 CFR 1308.6(e)(3)&(4) and 1308.21 (a)(6)) 2. Shall inform parents verbally and in writing of individual rights and protections under IDEA in their primary language. (45 CFR 1308.21(a)(6)) Shall maintain confidentiality, inform parents of their rights to review their child's records and obtain informed parental consent for evaluation, and maintain other procedural safeguards in a manner to assure that parents understand. (45 CFR 1308.6(e)(4)) 3. Inform parents verbally and in writing of procedural safeguards, and participate in hearings when requested.

7. TRAINING AND TECHNICAL ASSISTANCE:

Training and technical assistance shall be provided for the implementation of early education programs for preschool children with disabilities. (California Education Code sections 56441.13 – IDEA PART B Regs. (34 CFR section 300.382) – 45 CFR Ch 41, subpart B section 1306.23; 45 CFR 1308.4(0) (7))

<p align="center">EDUCATION Santa Ana Unified School District</p>	<p align="center">CAPSLO/Migrant Seasonal Head Start (MSHS)</p>
<ol style="list-style-type: none"> 1. The LEA or LEA shall notify the MSHS Disabilities Coordinator of training opportunities appropriate for special education, early education and due process. 2. Appropriate LEA personnel shall participate in MSHS-sponsored training programs, as deemed appropriate. 	<ol style="list-style-type: none"> 1. MSHS shall notify the LEA and LEA's contact person of training opportunities being provided or sponsored by CAPSLO which are appropriate for special education, early education and due process. 2. MSHS personnel shall participate in LEA/District/County training programs, as deemed appropriate.

8. FUNDING:

EDUCATION Santa Ana Unified School District	CAPSLO/Migrant Seasonal Head Start (MSHS)
<ol style="list-style-type: none"> 1. Shall finance the cost of special education and related services for all individuals with exceptional needs as specified in the IEP, and for whom the LEA, in accordance with the Local Plan, is mandated to provide special education and related services. 2. May, by mutual agreement with MSHS, <u>combine fiscal and service resources</u> in a manner different than #1, above, provided the combination results in increased services to children with disabilities. 	<ol style="list-style-type: none"> 1. Shall pay for the cost of comprehensive child development services provided to all children enrolled in MSHS.* 2. May, by mutual agreement with LEAs, <u>combine fiscal and service resources</u> in a manner different than #1, above, provided the combination results in increased services to children with disabilities.
<ol style="list-style-type: none"> 3. No agency shall presume or determine eligibility for another agency. 	<ol style="list-style-type: none"> 3. No agency shall presume or determine eligibility for another agency

* Comprehensive child development services provided to all children enrolled in MSHS include: educational, social services, health (nutrition, medical, dental, mental health), and parent involvement.

9. DISPUTE RESOLUTION:

Special education and Head Start staff at the state and local levels should address any disputes through a mutually agreed upon process (IDEA 34 CFR Part 300, section 300.142; CCR, title 2, Division 9, Article 9, section 60600).

<p align="center">EDUCATION Santa Ana Unified School District</p>	<p align="center">CAPSLO/Migrant Seasonal Head Start (MSHS)</p>
<ol style="list-style-type: none"> 1. In the event that misunderstandings or disputes occur between agencies with regard to policies and procedures necessary to accomplish the objectives of this agreement, the staff of the LEA and MSHS will meet to develop a mutually agreeable solution. These disputes should be resolved at the lowest administrative level possible. 2. MSHS and the LEA agree to the principles and steps listed below to resolve disputes. Nothing in these dispute resolution procedures precludes a parent from initiating due process or complaint procedures. <ol style="list-style-type: none"> a. Case Manager: The case/service managers involved in the situation should meet in an attempt to resolve the conflict. b. Conflicts which cannot be resolved by the case managers shall be referred to the LEA Director of Special Education and the MSHS Deputy Director/HS Director. They shall discuss the point(s) of difference. c. Any issue that is unresolved by Step B (above) shall be referred to the CAPSLO CYFS Division Director and/or Executive Director and to the LEA Director (or his/her designee) for resolution. 3. During any dispute between agencies all children must continue to receive the appropriate services currently being provided. 	<ol style="list-style-type: none"> 1. In the event that misunderstandings or disputes occur between agencies with regard to policies and procedures necessary to accomplish the objectives of this agreement, the staff of the LEA and MSHS will meet to develop a mutually agreeable solution. These disputes should be resolved at the lowest administrative level possible. 2. MSHS and LEA agree to the principles and steps listed below to resolve disputes. Nothing in these dispute resolution procedures precludes a parent from initiating due process or complaint procedures. <ol style="list-style-type: none"> a. Case Manager: The case/service managers involved in the situation should meet in an attempt to resolve the conflict. b. Conflicts which cannot be resolved by the case managers shall be referred to the LEA Director of Special Education and the MSHS Deputy Director/HS Director. They shall discuss the point(s) of difference. c. Any issue that is unresolved by Step B (above) shall be referred to the CAPSLO CYFS Division Director and/or Executive Director and to the LEA Director (or his/her designee) for resolution. 3. During any dispute between agencies all children must continue to receive the appropriate services currently being provided.

APPENDICES

APPENDIX A-1: DEFINITIONS

APPENDIX A-1: DEFINITIONS

LEA Definitions

Appropriate

Education

EC 56001 and C56040

FAPE, as in 'free, appropriate, public education,' is an educational program and related service(s) as determined on an individual basis which meets the unique needs of each individual with exceptional needs. Such an educational program and related service(s) shall be based on goals and objectives as specified in an individualized education program (IEP) and determined through the process of assessment and IEP planning in compliance with state and federal laws and regulations. Such an educational program shall provide the equal opportunity for each individual with exceptional needs to achieve his or her full potential, commensurate with the opportunity provided to other individuals.

Dual Enrollment

Subchapter 1. Special Education 5 CCR 3001 (m)

"Dual enrollment" means the concurrent attendance of the individual in a public education agency and a nonpublic school and/or a nonpublic agency.

IEP

EC 56032

"Individualized education program" means a written document described in Sections 56345 and 56345.1 for an individual with exceptional needs that is developed, reviewed, and revised in a meeting in accordance with Sections 300.340 to 300.350, inclusive, of Title 34 of the Code of Federal Regulations and this part. It also means "individualized family service plan" as described in Section 1436 of Title 20 of the United States Code if the individualized education program pertains to an individual with exceptional needs younger than three years of age.

IEP Team

EC 56341 (g) A member of the individualized education program team may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if both of the following occur: (1) The parent and the local educational agency consent to the excusal after conferring with the member. (2) The member submits in writing to the parent and the individualized education program team, input into the development of the individualized education program prior to the meeting.

Expanded IEP Team

2 CCR 60020 (c) "Expanded IEP team" means a team which is constituted in accordance with section 56341 of the Education Code and pursuant to section 7572.5 of the Government Code. This team includes a representative of the county mental health department.

Individual with Exceptional Needs

EC 56026 "Individuals with exceptional needs" means those persons who satisfy all the following:
(a) Identified by an individualized education program team as children with disabilities, as that phrase is defined in subparagraph (A) of paragraph (3) of section 1401 of title 20 of the United States Code.

(b) Their impairment, as described by subdivision (a), requires instruction, services, or both, which cannot be provided with modification of the regular LEA program.

(c) Come within one of the following age categories:

(1) Younger than three years of age and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education.

(2) Between the ages of three to five years, inclusive, and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education; or between the ages of three and five years, inclusive, and identified by the district, special education local plan area, or county office pursuant to section 56441.11.

Interagency Agreement

2 CCR 60010 (I) "Local interagency agreement" means a negotiated written document which defines each agency's role and responsibilities for serving individuals with exceptional needs and assist in promoting coordination of these services.

Responsible LEA

EC 56030 "Responsible local agency" means the school district or county office designated in the local plan as the entity whose duties shall include, but are not limited to, receiving and distributing regionalized services funds, providing administrative support, and coordinating the implementation of the plan.

LEA

EC 56195.1 (d) The service area covered by the local plan developed under this article shall be known as the special education local plan area.

Referral for Assessment

EC 56029 "Referral for assessment" means any written request for assessment to identify an individual with exceptional needs made by a parent, teacher, or other service provider.

Special Education

EC 56031 "Special Education" means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, whose educational needs cannot be met with modification of the regular instruction program, and related services, at no cost to the parent, that may be needed to assist these individuals to benefit from specially designed instruction.

Established Medical Disability

EC 56441.11 (d) "Established medical disability" is defined as a disabling medical condition or congenital syndrome that the individualized education program team determines has a high predictability of requiring special education and services. This definition applies to preschool children between the ages of three and five years, and who need early childhood special education services.

Severely Disabled

EC 56030.5 "Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6.

Migrant Seasonal Head Start Eligibility Information

Age of Children and Family Income Eligibility

45 CFR, Section 1305.4, (a) To be eligible for Head Start services, a child must be at least three years old by the date used to determine eligibility for public school in the community in which the Head Start program is located, except in cases where the Head Start program's approved grant provides specific authority to serve younger children. Examples of such exceptions are programs serving children of migrant families and Early Head Start programs. (b)(1) At least 90 percent of the children who are enrolled in each Head Start program must be from low-income families. (2) Except as provided in paragraph (b)(3) of this section, up to ten percent of the children who are enrolled may be children from families that exceed the low-income guidelines but who meet the criteria that the program has established for selecting such children and who would benefit from Head Start services. *To be eligible for Migrant Seasonal Head Start families must prove that 51% of their income comes from working in agriculture.*

Selection Process

45 CFR, Section 1305.6(a) Each Head Start program must have a formal process for establishing selection criteria and for selecting children and families that considers all eligible applicants for Head Start services. The selection criteria must be based on those contained in paragraphs (b) and (c) of this section. (b) In selecting the children and families to be served, the Head Start program must consider the income of eligible families, the age of the child, the availability of kindergarten or first grade to the child, and the extent to which a child or family meets the criteria that each program is required to establish in Sec. 1305.3(c)(6). *Migrant programs must also give priority to children from families whose pursuit of agricultural work required them to relocate most frequently within the previous two-year period.* (c) *At least 10 percent of the total number of enrollment opportunities in each grantee and each delegate agency during an enrollment year will be children with disabilities who meet the definition for children with disabilities in Sec. 1305.2(a).* An exception to this requirement will be granted only if the responsible HS official determines, based on such supporting evidence he or she may require, that the grantee made a reasonable effort to comply with this requirement but was unable to do so because there was an insufficient number of children with disabilities in the recruitment area who wished to attend the program and for whom the program was an appropriate placement based on their Individual Education Plans (IEP) or Individualized Family Service Plans (IFSP), with services provided directly by Head Start or Early Head Start in conjunction with other providers. (d) Each Head Start program must develop at the beginning of each enrollment year and maintain during the year a waiting list that ranks children according to the program's selection criteria to assure that eligible children enter the program as vacancies occur.

Eligibility Criteria for Children with Disabilities in Head Start

Excerpts from 45 CFR, Section 1308, Head Start Program Performance Standards on Services for Children with Disabilities

Eligibility Criteria: Health Impairment

Section 1308.7

(a) A child is classified as health impaired who has limited strength, vitality or alertness due to a chronic or acute health problem which adversely affects learning.

(b) The health impairment classification may include, but is not limited to, cancer, some neurological disorders, rheumatic fever, severe asthma, uncontrolled seizure disorders, heart conditions, lead poisoning, diabetes, AIDS, blood disorders, including hemophilia, sickle cell anemia, cystic fibrosis, heart disease and attention deficit disorder.

(c) This category includes medically fragile children such as ventilator dependent children who are in need of special education and related services.

(d) A child may be classified as having an attention deficit disorder under this category who has chronic and pervasive developmentally inappropriate inattention, hyperactivity, or impulsivity. To be considered a disorder, this behavior must affect the child's functioning severely. To avoid overuse of this category, grantees are cautioned to assure that only the enrolled children who most severely manifest this behavior must be classified in this category.

(1) The condition must severely affect the performance of a child who is trying to carry out a developmentally appropriate activity that requires orienting, focusing, or maintaining attention during classroom instructions and activities, planning and completing activities, following simple directions, organizing materials for play or other activities, or participating in group activities. It also may be manifested in overactivity or impulsive acts which appear to be or are interpreted as physical aggression. The disorder must manifest itself in at least two different settings, one of which must be the Head Start program site.

(2) Children must not be classified as having attention deficit disorders based on:

(i) Temporary problems in attention due to events such as a divorce, death of a family member or post-traumatic stress reactions to events such as sexual abuse or violence in the neighborhood;

(ii) Problems in attention which occur suddenly and acutely with psychiatric disorders such as depression, anxiety and schizophrenia;

(iii) Behaviors which may be caused by frustration stemming from inappropriate programming beyond the child's ability level or by developmentally inappropriate demands for long periods of inactive, passive activity;

(iv) Intentional noncompliance or opposition to reasonable requests that are typical of good preschool programs; or

(v) Inattention due to cultural or language differences.

(3) An attention deficit disorder must have had its onset in early childhood and have persisted through the course of child development when children normally mature and become able to operate in a socialized preschool environment. Because many children younger than four have difficulty orienting, maintaining and focusing attention and are highly active, when Head Start is responsible for the evaluation, attention deficit disorder applies to four and five year old children in Head Start but not to three year olds.

(4) Assessment procedures must include teacher reports which document the frequency and nature of indications of possible attention deficit disorders and describe the specific situations and events occurring just before the problems manifested themselves. Reports must indicate how the child's

functioning was impaired and must be confirmed by independent information from a second observer.

Guidance for Paragraph (a): Many health impairments manifest themselves in other disabling conditions. Because of this, particular care should be taken when classifying a health impaired child.

Guidance for Paragraph (b): Because AIDS is a health impairment, grantees will continue to enroll children with AIDS on an individual basis. Staff need to be familiar with the Head Start Information Memorandum on Enrollment in Head Start Programs of Infants and Young Children with Human Immunodeficiency Virus (HIV), AIDS Related Complex (ARC), or Acquired Immunodeficiency Syndrome (AIDS) dated June 22, 1988. This guidance includes material from the Centers for Disease Control which stresses the need for a team, including a physician, to make informed decisions on enrollment on an individual basis. It provides guidance in the event that a child with disabilities presents a problem involving biting or bodily fluids. The guidance also discusses methods for control of all infectious diseases through stringent cleanliness standards and includes lists of federal, state and national agencies and organizations that can provide additional information as more is learned. Staff should be aware that there is a high incidence of visual impairment among children with HIV and AIDS.

Guidance for Paragraph (c): Teachers or others in the program setting are in the best position to note the following kinds of indications that a child may need to be evaluated to determine whether an attention deficit disorder exists:

- (1) Inability of a child who is trying to participate in classroom activities to be able to orient attention, for example to choose an activity for free time or to attend to simple instructions;
- (2) Inability to maintain attention, as in trying to complete a selected activity, to carry out simple requests or attend to telling of an interesting story; or
- (3) Inability to focus attention on recent activities, for example on telling the teacher about a selected activity, inability to tell about simple requests after carrying them out, or inability to tell about a story after hearing it.

These indicators should only be used after the children have had sufficient time to become familiar with preschool procedures and after most of the children are able easily to carry out typical preschool activities.

Culturally competent staff recognize and appreciate cultural differences, and this awareness needs to include understanding that some cultural groups may promote behavior that may be misinterpreted as inattention. Care must be taken that any deviations in attention behavior which are within the cultural norms of the child's group are not used as indicators of possible attention deficit disorder.

A period of careful observation over three months can assure that adequate documentation is available for the difficult task of evaluation. It also provides opportunity to provide extra assistance to the child, perhaps through an aide or special education student under the teacher's direction, which might improve the child's functioning and eliminate the behavior taken as evidence of possible attention deficit disorder.

Attention deficit disorders are not the result of learning disabilities, emotional/behavioral disabilities, autism or mental retardation. A comprehensive psychological evaluation may be carried out in some cases to rule out learning disability or mental retardation. It is possible, however, in some instances for this disability to coexist with another disability. Children who meet the criteria

for multiple disabilities (e.g., attention deficient disorder and learning disability, or emotional/behavioral disorder, or mental retardation) would be eligible for services as children with multiple disabilities or under their primary disability.

Teacher and parent reports have been found to provide the most useful information for assessment of children suspected of having attention deficit disorder. They are also useful in planning and providing special education intervention. The most successful approach may be a positive behavior modification program in the classroom, combined with a carryover program in the home. Prompt and clear response should be provided consistently. Positive reinforcement for appropriate behavior, based on rewards such as stickers or small items desired by the child has been found effective for children with this disorder, along with occasional withholding of rewards or postponing of desired activities in the face of inappropriate behavior. Effective programs suggest that positive interactions with the child after appropriate behavior are needed at least three times as often as any negative response interactions after inappropriate behavior. Consultants familiar with behavior modification should be used to assist teachers in planning and carrying out intervention which can maintain this positive to negative ratio while shaping behaviors. These behavior interventions can be provided in mainstream placements with sufficient personnel.

Suggested Primary Members of A Head Start Evaluation Team for Health Impaired Children:

Physician.

Pediatrician.

Psychologist.

Other specialists related to specific disabilities.

Possible Related Services: (Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

Family counseling.

Genetic counseling.

Nutrition counseling.

Recreational therapy.

Supervision of physical activities.

Transportation.

Assistive technology devices or services.

Eligibility Criteria: Emotional/Behavioral Disorders

Section 1308.8.

(a) An emotional/behavioral disorder is a condition in which a child's behavioral or emotional responses are so different from those of the generally accepted, age appropriate norms of children with the same ethnic or cultural background as to result in significant impairment in social relationships, self-care, educational progress or classroom behavior. A child is classified as having an emotional/behavioral disorder who exhibits one or more of the following characteristics with such frequency, intensity, or duration as to require intervention:

- (1) Seriously delayed social development including an inability to build or maintain satisfactory (age appropriate) interpersonal relationships with peers or adults (e.g., avoids playing with peers);
- (2) Inappropriate behavior (e.g., dangerously aggressive towards others, self-destructive, severely withdrawn, non-communicative);
- (3) A general pervasive mood of unhappiness or depression, or evidence of excessive anxiety or fears (e.g., frequent crying episodes, constant need for reassurance); or
- (4) Has a professional diagnosis of serious emotional disturbance.

(b) The eligibility decision must be based on multiple sources of data, including assessment of the child's behavior or emotional functioning in multiple settings.

(c) The evaluation process must include a review of the child's regular Head Start physical examination to eliminate the possibility of misdiagnosis due to an underlying physical condition.

Guidance for Paragraph (a): Staff should insure that behavior which may be typical of some cultures or ethnic groups, such as not making eye contact with teachers or other adults or not volunteering comments or initiating conversations are not misinterpreted. The disability, social service and parent involvement coordinators should consider providing extra attention to children at-risk for emotional/behavioral disorders and their parents to help prevent a disability. Members of the Council of One Hundred, Kiwanis, Urban League, Jaycees, Rotary, Foster Grandparents, etc. may be able to provide mentoring and individual attention. Suggested Primary Members of a Head Start Evaluation Team for Emotional/behavioral Disorders:

- Psychologist, psychiatrist or other clinically trained and state qualified mental health professionals.

- Pediatrician.

Possible Related Services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

- Behavior management.

- Environmental adjustments.

- Family counseling.

- Psychotherapy.

- Transportation.

- Assistive technology.

Eligibility Criteria: Speech or Language Impairments

Section 1308.9

(a) A speech or language impairment means a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's learning.

(b) A child is classified as having a speech or language impairment whose speech is unintelligible much of the time, or who has been professionally diagnosed as having speech impairments which require intervention or who is professionally diagnosed as having a delay in development in his or her primary language which requires intervention.

(c) A language disorder may be receptive or expressive. A language disorder may be characterized by difficulty in understanding and producing language, including word meanings (semantics), the components of words (morphology), the components of sentences (syntax), or the conventions of conversation (pragmatics).

(d) A speech disorder occurs in the production of speech sounds (articulation), the loudness, pitch or quality of voice (voicing), or the rhythm of speech (fluency).

(e) A child should not be classified as having a speech or language impairment whose speech or language differences may be attributed to:

(1) Cultural, ethnic, bilingual, or dialectical differences or being non-English speaking; or (2)

Disorders of a temporary nature due to conditions such as a dental problem; or

(3) Delays in developing the ability to articulate only the most difficult consonants or blends of sounds within the broad general range for the child's age.

Guidance for Paragraph (a): Staff familiar with the child should consider whether shyness, lack of familiarity with vocabulary which might be used by testers, unfamiliar settings, or linguistic or cultural factors are negatively influencing screening and assessment results. Whenever possible, consultants trained in assessing the speech and language skills of young children should be selected. The child's ability to communicate at home, on the playground and in the neighborhood should be determined for an accurate assessment. Review of the developmentally appropriate age ranges for the production of difficult speech sounds can also help reduce over-referral for evaluation.

Suggested Primary Members of a Head Start Evaluation Team for Speech or Language Impairment:

Speech Pathologist.

Language Pathologist.

Audiologist.

Otolaryngologist.

Psychologist.

Possible Related Services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

Environmental adjustments.

Family counseling.

Language therapy.

Speech therapy.

Transportation.

Assistive technology devices or services.

Eligibility Criteria: Mental Retardation

Section 1308.10.

- (a) A child is classified as mentally retarded who exhibits significantly sub-average intellectual functioning and exhibits deficits in adaptive behavior which adversely affect learning. Adaptive behavior refers to age-appropriate coping with the demands of the environment through independent skills in self-care, communication and play.
- (b) Measurement of adaptive behavior must reflect objective documentation through the use of an established scale and appropriate behavioral/anecdotal records. An assessment of the child's functioning must also be made in settings outside the classroom.
- (c) Valid and reliable instruments appropriate to the age range must be used. If they do not exist for the language and cultural group to which the child belongs, observation and professional judgment are to be used instead.
- (d) Determination that a child is mentally retarded is never to be made on the basis of anyone test alone.

Guidance for Paragraph (a): Evaluation instruments with age-appropriate norms should be used. These should be administered and interpreted by professionals sensitive to racial, ethnic and linguistic differences. The diagnosticians must be aware of sensory or perceptual impairments that the child may have (e.g., a child who is visually impaired should not be tested with instruments that rely heavily on visual information as this could produce a depressed score from which erroneous diagnostic conclusions might be drawn).

Suggested primary members of a Head Start evaluation team for mental retardation:

Psychologist.

Pediatrician.

Possible related services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

Environmental adjustments.

Family counseling.

Genetic counseling.

Language therapy.

Recreational therapy.

Speech therapy.

Transportation.

Nutrition counseling.

Eligibility Criteria: Hearing Impairment Including Deafness

Section 1308.11

- (a) A child is classified as deaf if a hearing impairment exists which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, and learning is affected. A child is classified as hard of hearing who has a permanent or fluctuating hearing impairment which adversely affects learning; or
- (b) Meets the legal criteria for being hard of hearing established by the State of residence; or
- (c) Experiences recurrent temporary or fluctuating hearing loss caused by obits media, allergies, or eardrum perforations and other outer or middle ear anomalies over a period of three months or more. Problems associated with temporary or fluctuating hearing loss can include impaired listening skills,

delayed language development, and articulation problems. Children meeting these criteria must be referred for medical care, have their hearing checked frequently, and receive speech, language or hearing services as indicated by the IEPs. As soon as special services are no longer needed, these children must no longer be classified as having a disability.

Guidance for Paragraph (a): An audiologist should evaluate a child who has failed rescreening or who does not respond to more than one effort to test the child's hearing. If the evaluation team determines that the child has a disability, the team should make recommendations to meet the child's needs for education and medical care or habilitation, including auditory training to learn to use hearing more effectively.

Suggested Primary Members of a Head Start Evaluation Team for Hearing Impairment:

Audiologist.

Otolaryngologist.

Possible Related Services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

Auditory training.

Aural habilitation.

Environmental adjustments.

Family counseling.

Genetic counseling.

Language therapy.

Medical treatment.

Speech therapy.

Total communication, speech reading or manual communication.

Transportation.

Use of amplification.

Assistive technology devices or services.

Eligibility Criteria: Orthopedic Impairment

Section 1308.12

(a) A child is classified as having an orthopedic impairment if the condition is severe enough to adversely affect a child's learning. An orthopedic impairment involves muscles, bones, or joints and is characterized by impaired ability to maneuver in educational or non-educational settings, to perform fine or gross motor activities, or to perform self-help skills and by adversely affected educational performance.

(b) An orthopedic impairment includes, but is not limited to, spina bifida, cerebral palsy, loss of or deformed limbs, contractures caused by burns, arthritis, or muscular dystrophy.

Guidance for Paragraph (a): Suggested Primary Members of a Head Start Evaluation Team for Orthopedic Impairment:

Pediatrician.

Orthopedist.

Neurologist.

Occupational Therapist. Physical Therapist. Rehabilitation professional. Possible Related Services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

Environmental adjustments.

Family counseling.

Language therapy.

Medical treatment.
Occupational therapy.
Physical therapy.
Assistive technology.
Recreational therapy.
Speech therapy.
Transportation.
Nutrition counseling.

Eligibility Criteria: Visual Impairment Including Blindness

Section 1308.13

(a) A child is classified as visually impaired when visual impairment, with correction, adversely affects a child's learning. The term includes both blind and partially seeing children. A child is visually impaired if:

- (1) The vision loss meets the definition of legal blindness in the State of residence; or
- (2) Central acuity does not exceed 20/200 in the better eye with corrective lenses, or visual acuity is greater than 20/200, but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(b) A child is classified as having a visual impairment if central acuity with corrective lenses is between 20/70 and 20/200 in either eye, or if visual acuity is undetermined, but there is demonstrated loss of visual function that adversely affects the learning process, including faulty muscular action, limited field of vision, cataracts, etc.

Guidance for Paragraph (a): Primary Members of an Evaluation Team for Visual Impairment including Blindness:

Ophthalmologist.
Optometrist.

Possible Related Services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

Environmental adjustments.
Family counseling.
Occupational therapy.
Orientation and mobility training.
Pre-Braille training.
Recreational therapy.
Sensory training.
Transportation.
Functional vision assessment and therapy.

Eligibility Criteria: Learning Disabilities

Section 1308.14

(a) A child is classified as having a learning disability who has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in imperfect ability to listen, think, speak or, for preschool age children, acquire the precursor skills for reading, writing, spelling or doing mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, and aphasia.

(b) An evaluation team may recommend that a child be classified as having a learning disability if:

(1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in (a) above when provided with appropriate learning experiences for the age and ability; or

(2) The child has a severe discrepancy between achievement of developmental milestones and intellectual ability in one or more of these areas: oral expression, listening comprehension, pre-reading, pre-writing and pre-mathematics; or

(3) The child shows deficits in such abilities as memory, perceptual and perceptual motor skills, thinking, language and non-verbal activities which are not due to visual, motor, hearing or emotional disabilities, mental retardation, cultural or language factors, or lack of experiences which would help develop these skills.

(c) This definition for learning disabilities applies to four and five year old children in Head Start. It may be used at a program's discretion for children younger than four or when a three year old child is referred with a professional diagnosis of learning disability. But because of the difficulty of diagnosing learning disabilities for three year olds, when Head Start is responsible for the evaluation it is not a requirement to use this category for three year olds.

Guidance for Paragraph (a): When a four or five-year-old child shows signs of possible learning disabilities, thorough documentation should be gathered. For example, specific anecdotal information and samples of the child's drawings, if appropriate, should be included in the material given to the evaluation team.

A Master's degree level professional with a background in learning disabilities should be a member of the evaluation team.

Possible Related Services: (Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

Vision evaluation.

Neurology.

Psychology.

Motor development.

Hearing evaluation.

Child psychiatry.

Pediatric evaluation.

Eligibility Criteria: Autism

Section 1308.15

A child is classified as having autism when the child has a developmental disability that significantly affects verbal and non-verbal communication and social interaction, that is generally evident before age three and that adversely affects educational performance.

Guidance: A child who manifests characteristics of the condition after age three can still be diagnosed as having autism. Autism does not include children with characteristics of serious emotional disturbance.

Suggested possible members of a Head Start evaluation team:

Psychologist.

Pediatrician.

Audiologist.

Psychiatrist.

Language pathologist.

Possible related services:

(Related services are determined by individual need. These "possible related services" are merely

examples and are not intended to be limiting.)

- Family support services.
- Language therapy.
- Transportation.

Eligibility Criteria: Traumatic Brain Injury

Section 1308.16

A child is classified as having traumatic brain injury whose brain injuries are caused by an external physical force, or by an internal occurrence such as stroke or aneurysm, with resulting impairments that adversely affect educational performance. The term includes children with open or closed head injuries, but does not include children with brain injuries that are congenital or degenerative or caused by birth trauma.

Guidance: Traumatic brain injury does not include congenital brain injury. Suggested possible members of an evaluation team included:

- Psychologist.
- Physical therapist.

Speech or language pathologist. Possible related services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

- Rehabilitation professional.
- Occupational therapy.
- Speech or language therapy.
- Assistive technology.

Eligibility Criteria: Other Impairments

Section 1308.17

(a) The purposes of this classification, "Other impairments," are:

(1) To further coordination with LEAs and reduce problems of recordkeeping;
(2) To assist parents in making the transition from Head Start to other placements; and (3) To assure that no child enrolled in Head Start is denied services which would be available to other preschool children who are considered to have disabilities in their state.

(b) If the State Education Agency eligibility criteria for preschool children include an additional category which is appropriate for a Head Start child, children meeting the criteria for that category must receive services as children with disabilities in Head Start programs. Examples are "preschool disabled," "in need of special education," "educationally handicapped," and "non-categorically handicapped."

(c) Children ages three to five, inclusive, who are experiencing developmental delays, as defined by their state and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who by reason thereof need special education and related services may receive services as children with disabilities in Head Start programs.

(d) Children who are classified as deaf-blind, whose concomitant hearing and visual impairments cause such severe communication and other developmental problems that they cannot be accommodated in special education programs solely for deaf or blind children are eligible for

services under this category.

(e) Children classified as having multiple disabilities whose concomitant impairments (such as mental retardation and blindness), in combination, cause such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments are eligible for services under this category. The term does not include deaf-blind children, for recordkeeping purposes.

Guidance: This category was included to ensure that any Head Start child who meets the State eligibility criteria as developmentally delayed or state-specific criteria for services to preschool children with disabilities is eligible for needed special services either within Head Start or the State program.

Suggested primary members of an evaluation team for other impairments meeting state eligibility criteria for services to preschool children with disabilities.

Pediatrician. Psychologist.

Other specialists with expertise in the appropriate area(s). Possible Related Services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.)

Occupational therapy.

Speech or language therapy.

Family Counseling.

Transportation.

Information on assistance or joint services for deaf-blind children can be obtained through LEA's.

A child who is deaf and has speech and language impairments would not be considered to have multiple disabilities, as it could be expected that these impairments were caused by the hearing loss.

Suggested primary members of a Head Start evaluation team:

Audiologists.

Special educators.

Speech, language or physical therapists.

Psychologists or psychiatrists.

Rehabilitation professional.

Possible related services:

(Related services are determined by individual need. These "possible related services" are merely examples and are not intended to be limiting.) Speech, language, occupational or physical therapists as needed.

Assistive technology devices or services.

Mental health services.

Transportation.