

# Policy and Procedure Review Protocol

Disproportionality: State Performance Plan Indicator (SPPI) 9, SPPI 10, Placement, and Discipline

## Compliance Test Indicators for SPPI 9, SPPI 10, Placement, and Discipline

Compliance Item & Legal Citation	Compliance Test	Compliance Standard	Other Considerations
<b>3-3-6.1</b>  20 <i>USC</i> 1414(d)(4)(A)(i), 34 <i>CFR</i> 300.324 (b)(1)(i), 30 <i>EC</i> 56380(a)(1).	Do local education agency (LEA) policies and procedures include a provision that the individualized education program (IEP) team periodically review but, not less frequently than annually, the student's IEP including progress toward annual goals and progress in the general curriculum when developing new goals?	Evidence indicates that the IEP team reviewed student progress toward attainment of prior IEP goals.	Check the IEP for a statement that indicates the IEP team reviewed the student's progress toward previous annual goals, benchmarks and in the general education curriculum. Look at report cards, progress reports, or other materials in the student file.
<b>4-3-5</b>  20 <i>USC</i> 1414(a)(1)(D)(i)(I), 34 <i>CFR</i> 300.504, 34 <i>CFR</i> 300.300.	Does the LEA have policies and procedures to ensure parent participation in all educational placement decisions?	The LEA shall ensure that the parent of each student with exceptional needs is a member of any group deciding the educational placement of the child.	Review LEA/District policies and procedures for parent involvement in any placement decisions, including discipline.
<b>6-6-1.1</b>  20 <i>USC</i> 1412 (a)(6)(B), 20 <i>USC</i> 1414(b)(3)(A)(i), 34 <i>CFR</i> 300.503(c)(1),	Does the LEA's document explaining the procedural safeguards contain information about nondiscriminatory assessment and independent educational evaluations, including the	Procedural Safeguards notice must include required contents.	Review procedural safeguards.

34 <i>CFR</i> 300.304(c)(1)(i).	fact that testing and evaluation materials and procedures used for the purpose of evaluation and placement are selected and administered so as not to be racially, culturally, or sexually discriminatory?		
<b>10-2-7</b>  30 <i>EC</i> 44253.1 to 30 <i>EC</i> 44253.10.	Do LEA policies and procedures include a provision that teachers who provide instruction to English learners with disabilities have appropriate special education credentials, as well as supplementary authorization to provide English language development and primary language support (e.g., CLAD, BCLAD, or equivalent)?	District must have documentation of teacher qualifications.	Review LEA/District policies and procedures. Review qualifications of staff serving children with disabilities.
<b>11-1-2</b>  <i>EC</i> 56205(a), 20 <i>USC</i> 1401, 20 <i>USC</i> 1412(a)(24), <i>CFR</i> 300.173.	Do LEA policies and procedures include a provision to address the inappropriate overidentification and disproportionate representation by race and ethnicity of students as individuals with exceptional needs?	The Special Education Local Plan Area (SELPA) must have policies, procedures and programs that comply with state and federal laws and regulations.	Review SELPA local plans, policies, and procedures to ensure that required content is included.

### Compliance Test Indicators for Discipline

Compliance Item & Legal Citation	Compliance Test	Compliance Standard	Other Considerations
<b>4-3-11</b>  20 <i>USC</i> 1415(k)(1)(A), (B),	Does the LEA have policies and procedures to ensure relevant disciplinary procedures applicable to all children are carried out only when	The LEA must have evidence that IEP teams determine the placement was appropriate, and the student's IEP was being implemented, as part	Look for policies and written procedural materials that summarize a determination review.

and (C), 34 <i>CFR</i> 300.530 - 537, 30 <i>EC</i> 48915.5(a).	it has been determined that the placement was appropriate, the IEP was implemented as written, and that the behavior was not a manifestation of the disability?	of the manifestation determination.	
<b>4-3-3.7</b>  20 <i>USC</i> 1415 (k)(1)(E), 34 <i>CFR</i> 300.530(e)(1)(i).	Do LEA policies and procedures include a provision that in making the manifestation determination, the IEP team will review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability?	The LEA must review all relevant information, including student records, IEP, any teacher observations, and information provided by the parent as part of the manifestation determination.	Look for policies and written procedural materials that describe the required elements of a determination review.

### Compliance Test Indicators for SPPI 9

Compliance Item & Legal Citation	Compliance Test	Compliance Standard	Other Considerations
<b>2-2-2.5</b>  20 <i>USC</i> 1414 (b)(3)(B), 34 <i>CFR</i> 300.304 (c)(1)(i), 30 <i>EC</i> 56320(a).	Does the LEA have policies and procedures to ensure testing and assessment materials and procedures are selected and administered so as not to be racially or culturally discriminatory?	Testing and assessment materials and procedures must result in nondiscriminatory assessments.	The LEA has local procedures/handbooks, local test selection committee recommendations, or other documentation that demonstrates that tests ordered by the District are appropriate.

## Compliance Test Indicators for SPPI 10

Compliance Item & Legal Citation	Compliance Test	Compliance Standard	Other Considerations
<b>10-2-4</b>  34 <i>CFR</i> 300.320, 5 <i>CCR</i> 11516.	Does the LEA have policies and procedures to ensure the IEP of students identified as English learners include a determination of whether the ELPAC will be administered with or without modifications or accommodations, or whether English proficiency will be measured using an alternate assessment?	For an English Learner, the IEP must include a determination of whether the ELPAC is administered with or without modifications, accommodations or through an alternate means.	Review LEA/District policies and procedures describing required assessments for English Learners and students with disabilities.

## Compliance Test Indicators for Placement

Compliance Item & Legal Citation	Compliance Test	Compliance Standard	Other Considerations
<b>5-1-5.1</b>  34 <i>CFR</i> 300.116 (b).	Does the LEA have policies and procedures to ensure all placements are determined annually, made as close as possible to the student's home, and in the school that the student would attend if nondisabled unless the IEP team determines otherwise?	The IEP is reviewed annually and lists the school at which the child will receive services.	Review LEA policies and procedures for placement and service provisions.

<p><b>5-1-5.2</b></p> <p>34 <i>CFR</i> 300.116 (d).</p>	<p>Does the LEA have policies and procedures to ensure that in selecting the least restrictive environment (LRE), consideration is given to any potential harmful effect of the placement on the child or on the quality of services that he or she needs?</p>	<p>IEPs teams are required to discuss (consider) the potential harmful effects of placement, the quality of services and needed modifications.</p>	<p>Review written policies, procedures and IEP materials used by the LEA for evidence of required considerations. Evidence of the required considerations may be addressed in assessment reports or may be addressed in IEP meeting notes. There may be check-offs on the IEP. The legal requirement for these considerations does not state where the evidence of the considerations must be documented, only that the considerations occur.</p>
<p><b>5-1-3.1</b></p> <p>34 <i>CFR</i> 300.115, 30 <i>EC</i> 56360, 30 <i>EC</i> 56361 20 <i>USC</i> 1412(a)(5), 34 <i>CFR</i> 300.320(a)(5), 30 <i>EC</i> 56361(a).</p>	<p>Do LEA policies and procedures include a provision that it has a full continuum of services and placements, including regular education programs, as appropriate, for each individual with disabilities?</p>	<p>Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum required must include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.</p>	<p>To the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.</p>