



SPECIAL EDUCATION PROCEDURAL HANDBOOK

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Section 1: Overview

Purpose

The purpose of Barona Indian Charter School's *Special Education Policies and Procedures Handbook* is to assist school personnel to understand and practice policies that comply with federal, state, and requirements. It is expected that school personnel will serve students with disabilities and their families in a manner consistent with this handbook. Please note that a full manual is provided by our Special Education Local Plan Area (SELPA) which employs a team of experts to research, review, and update their policies and procedures.

This handbook is designed to be used as a:

- Structured process for implementing special education policies.
- Reference for answering questions.
- Staff development tool.
- Source for resources of support and assistance.

It is the commitment and obligation of Barona Indian Charter School and its staff to ensure that students with disabilities have access to a free and appropriate public education (FAPE) in the least restrictive environment (LRE).

This manual will be periodically updated to reflect amendments to federal and state laws or new SELPA requirements.

The Individuals with Disabilities Education Act (IDEA)

IDEA (Individuals with Disabilities Education Act) was enacted by Congress in 1975 and requires schools to identify, locate, and evaluate all children with certain eligible disabilities and to provide special help, education, and related services. IDEA is the federal law that governs special education, requires participating states to have policies and procedures to ensure that a free appropriate public education (FAPE) is available to children between the ages of three to 21-years-old with disabilities in the United States. Furthermore, the California Education Code declares that all public-school students with disabilities or exceptional needs have a right to participate in a free appropriate public education with special education support as needed.

Special education is specially designed instruction, at no cost to parents, to meet the unique needs of the child so that he/she can access the general curriculum and meet state and school district educational standards. These students receive an Individualized Education Plan (IEP) which is considered a legal educational contract.

IDEA [Section 300.39] is a specially designed instruction that meets the unique needs of a child with a disability. It is provided at no cost to parents. Instruction locations can be a classroom, home, hospitals, institutions, or other settings as applicable.

Section 2: Identification and Referral

Introduction

A district has a responsibility to seek out all individuals actively and systematically with exceptional needs. Identification procedures shall include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professionals, and other members of the public. Identification procedures shall be coordinated with school site procedures for referral of pupils with needs that cannot be met with modifications of the general instructional program.

Prior to consideration of a special education referral, all modifications of the general education program and appropriate interventions should be given adequate time to succeed. Once a special education referral is made, all previous attempts to build capacity within the general education program shall be documented in writing as part of the evaluation report generated by the evaluating team.

Referral Process

These procedures serve to identify children who are at risk and/or may require any type of special education services. Only after documented modifications of the general education program and appropriate interventions have been tried, is a referral for a psycho-educational assessment made and an evaluation plan formulated with parental involvement.

Following the assessment in all areas of suspected disability, an Individualized Educational Plan (IEP) Meeting is held to determine if the student meets eligibility criteria and if so, what program and services are required to address the areas of need.

School-age children with severe handicapping conditions may be referred directly for assessment if placement in a general education classroom is neither feasible nor appropriate due to age and/or severity of the handicapping condition respectively.

Timelines (Identification and Referral)

The timelines stipulated here are specified in **Ed Code Section 56043** and must be strictly observed. The timelines are as follows:

- Within 15 calendar days after receiving a referral for assessment, an assessment plan must be developed and presented to the parent or a Prior Written Notice (PWN) documenting the school district refusal of assessment must be generated. Note: *The fifteen (15) day timeline starts from the date that the initial referral was received, verbally or written, not from the date the referral was written and stops due to a school closure in excess of five (5) days.*
- A parent or guardian can have at least 15 calendar days to review the proposed assessment plan prior to providing their consent or dissent.

- ❑ Within 60 calendar days after receiving the signed parent authorization for assessment, an IEP meeting must be held with the parent to discuss the assessment results and to determine eligibility and/or develop an appropriate educational plan. The evaluation plan should be date stamped to indicate receipt by the school district.

Note: The 60 day timeline begins on the date the school district receives the signed assessment plan, not the date the plan was signed by the parent and stops for school closures in excess of five (5) days.

- ❑ Within 30 calendar days after the interim placement of an out-of-SELPA student with an IEP, the IEP team must convene a meeting with the parent to review the current IEP and to develop an appropriate educational plan.

Referral Sources

The following people may initiate the referral process:

- Parents or Legal Guardians
- Public School Personnel
- Private or Parochial School Principal
- Public or Private Agencies

Referral Eligibility

Children from Kindergarten through Eighth Grade who may be suspected of having a disability that impacts their learning may be referred for Special Education services. Barona Indian Charter School services students in grades TK through eighth grade.

Child Find Procedures

To locate all children with handicaps who are not currently receiving the special education services they need, it is the responsibility of the Barona Indian Charter School to employ child find procedures in which contact with families is systematically sought through many avenues such as liaison with private agencies, public information notices, and through business, civic and parent group contacts.

If a school is notified of a child who is disabled and who is not currently receiving services or enrolled in Barona Indian Charter School, the school's responsibility is as follows:

1. The individual receiving the call or visit writes down the date, name and telephone number of the person making the inquiry, along with the name, address, and birth date of the child being referred.
2. Indicate to the person that he/she will receive a call shortly from the Special Education Director.

3. Immediately notify the Special Education Director that a referral for assessment has been made.
4. The Special Education Director contacts the person who called as soon as possible (within 15 days) to discuss the referral and direct that the request be submitted in writing.
*** Please note that while we prefer that referrals be made in writing, the timeline for the referral begins at the time the request is made, verbally or written.*
5. After the Special Education Director discusses the referral, they will determine, with consultation as needed from their site special education team, who would be involved in the assessment for the referred child.

If the referral comes from the parent, a copy of the Parents' Rights/Procedural Safeguards is given to the parent with the evaluation plan.

Each school site must maintain a log of all Special Education Referrals. This log is the responsibility of the site administrator and/or designee.

School-Age Parent Referral (Transitional Kindergarten through 8th Grade)

When parents who have made an initial request for special education referral agree to participate in pre-referral interventions (Gen Ed Support/SST) at the school site rather than pursue assessment, this choice needs to be documented in the child's cumulative record. It is also recommended that this choice be documented in writing by the parents.

However, if a parent wishes to directly refer their child for special education assessment even after the pre-referral intervention process has been explained, the referral must be acted upon with the development of an assessment plan within fifteen days. Parents will be asked to submit this request in writing, but the written request is not necessary before the fifteen-day timeline begins.

Steps to Follow when Parent Requests are Received

1. A written request for initial assessment is received by school district staff. The receiver of the written request shall document his/her name, the date of the request, the name of the person making the request, the first and last name, birthdate and address of the student being referred. Notify the caller that the Special Education Director will be in contact to follow-up.
2. A verbal request shall be put into writing; school district staff shall offer assistance if necessary. The written request shall be date stamped.
3. The person receiving the request shall notify the Special Education Director who will then contact the School Psychologist.

4. Within the 15-day timeline from the initial request for assessment, a parent meeting should be convened to address the concerns related to the request for assessment.
 - a. If the team determines the request for assessment is premature, and the parent agrees, the team will document the parent's consent to rescind their request for assessment, and the assessment process stops. The parent must write a statement withdrawing request for assessment, and the team must document the discussion and any agreed upon interventions that will be implemented, initiating the Student Study Team process.

OR
 - b. If the team determines that an assessment is warranted, an assessment plan is developed. The school psychologist is notified and assumes assessment responsibilities.

OR
 - c. If the team determines the request for assessment is premature, but the parent does not agree, the referral process moves forward. An assessment plan must be developed addressing the areas of suspected disability. Should the only area of suspected disability be speech and language impairment, the speech therapist will assume the role of case manager and develop the assessment plan. For all other areas of suspected disability, the education specialist will assume the role of case manager and the school psychologist will develop the assessment plan with input from all relevant team members.
5. The Prior Written Notice (Initials Only) SEIS form is completed and sent to parents with Parent Rights and Procedural Safeguards.

Student Study Team (SST) (School-Age (TK – 8) Staff Referrals)

Prior to a referral for special education by school district staff, documentation of all pre-referral interventions and general education resources need to be exhausted. This shall provide the documentation necessary for the district referral.

The Student Study Team (SST) is a school-based problem-solving group whose purpose is to intervene early with high-risk students, preventing the need for Special Education and to aid teachers in the areas of curriculum, instructional techniques, and classroom management systems so they are best able to meet the needs of students in their classrooms. The SST can provide support through interventions by identifying both personnel and school resources that can be used to meet the needs of both the referred student and the referring teacher. Pre-referral interventions have been established to fulfill the requirements of federal and state legislation (Article 1, Sections 56300 and 56302).

Support staff and specialists such as the psychologist, speech therapist, and special education teacher may be involved in aiding teachers in the areas of curriculum, instructional strategies, and classroom management systems to meet the needs of referred students. However, the pre-referral intervention process is NOT a special education function and, therefore, the meetings should not be confused with IEP team meetings. The focus of the SST is on assistance to school staff members to help support the students, whereas an IEP Team is a legally mandated group which focuses on special education eligibility and placement options. By providing problem-specific support and assistance, the SST will assure that referrals to special education are appropriate and that all regular education options/modifications have been exhausted, including Response to Instruction and Intervention strategies.

The SST is a general education function. An SST uses the expertise of a variety of educators and the administration for educational planning. The pre-referral intervention process helps develop plans for modifications and adaptations of the general programs to meet the needs of students who are experiencing problems. The documentation process and online program includes the following:

- clarification of the student's needs, review of relevant and accurate information regarding the student's performance
- analysis of all available information and with the designing of classroom interventions which are realistic, effective, and research based.
- development of student academic and/or behavior strategies including planning for curriculum material support, consultation, and monitoring
- planning for training in the crucial areas of how to work with an individual student or group of students
- discussion of student participation in various site intervention options
- reviewing pertinent data for possible Special Education referral after all general education interventions have been exhausted
- or
- recommending Section 504 assessment and consideration.

Response to Instruction and Intervention (General Education Setting)

Response to Instruction and Intervention should be designed to exhaust the general education resources in support of student learning prior to the consideration, except in extreme cases, of any special education resources.

Barona Indian Charter School provides research-based interventions and provide the following:

- The program should provide direct instruction to students.
- Each intervention offered to students should last 6 weeks.
- The intervention should focus on a target skill so that growth may be measured.

- Assessments should be identified for measuring growth. These assessments may be part of the regular classroom assessments, or they may be additional assessments (such as the MAP assessments) used to measure the target skill.

The data is analyzed after each official intervention period to determine effectiveness:

- If the student made sufficient progress, then that student no longer needs specialized intervention.
- If the student made some, but not sufficient progress, additional time or additional interventions will be considered.
- If the student made no progress, that should be noted and a new approach to intervention should be implemented.
- If the student continues to make no progress despite various, formal attempts at intervention, a SST meeting should be scheduled.

SST Intervention Plans Include:

- Baseline data
- Measurable Goals
- Specific Interventions and the Ongoing Collection of Data to Monitor Progress.
- Interventions and strategies must be implemented with fidelity for an adequate (6 weeks) amount of time to measure efficacy.
- It is recommended that interventions be implemented, and progress reviewed every two, four, or six weeks depending on the type of intervention.

SST Mandatory Participants:

- General education teacher(s)
- Family Resource Coordinator
- Administrator or Designee
- Parent

A SST may also include additional participants as the process moves forward:

- School Psychologist
- Speech Language Pathologist
- County or School Nurse
- Special Education Teacher/Director
- Student (based on age)
- School Counselor or School Social Worker
- Other personnel, as appropriate (may include a person knowledgeable of second language acquisition when an English Learner is referred for the process).

Pre-referral intervention processes are an effective way to utilize resources in planning and implementing instructional programs for students. To assist these teams in setting priorities and identifying the best strategies, it is critical that the student's parents be viewed as a resource and that their involvement is solicited. [190(430)]

Current literature on student progress in school stresses the importance of parental involvement in their child's education. Toward this end, it is desirable that parents be involved as soon as student concerns arise, and it is often vital to a successful intervention.

*Note: Because the phrase "Referral for Special Education" triggers the due process timeline, this phrase should **NOT** be used for informal meetings where general classroom modifications are the primary topic of discussion. The phrase should be utilized only after the Special Education identification process has begun.*

Initial Referral for Special Education Assessment

If the student does not make progress after the consistent implementation of interventions and strategies, and the team believes that there is a suspected disability, the student is referred for a special education assessment. When a recommendation for assessment is made, the team must develop an Assessment Plan addressing "all areas of suspected disability." The school psychologist, in collaboration with the SST, develops the Initial Assessment Plan and the Special Education Director is responsible for managing the Initial Assessment/IEP process. Once the parent provides written consent to the evaluation plan, the team has 60-days to complete assessment and hold a meeting to review the results.

The first time that a child is assessed for special education is called an Initial Evaluation. When a parent consents to an Initial Evaluation by signing the Assessment Plan, he/she has the right to revoke that consent at any time. In this situation, Barona Indian Charter School **cannot** file for Due Process. When a parent revokes consent to an Initial Evaluation, Barona Indian Charter School will write a Prior Written Notice (PWN) stating that the district is ready, willing, and able to evaluate. The Special Education Director will need to be contacted within 24 hours of receiving revocation of consent to Initial Evaluation; either written or verbal. This PWN is completed and sent to parents/guardians via certified mail. A copy of the PWN will be printed and placed in the student's CUME file.

In addition, when a student is recommended for an initial assessment for special education, a parent has the right to decline this assessment and the Barona Indian Charter School **may not** file for Due Process. When a parent does not consent to an initial special education evaluation, the Barona Indian Charter School will write a PWN, stating that the district is ready, willing, and able to evaluate. Call your Special Education Director within 24 hours of receiving revocation of consent to Initial Evaluation; either written or verbal. This PWN is completed and sent to parents/guardian via certified mail. A copy of the PWN will be printed and placed in the student's CUME file.

When a student qualifies for special education through an **Initial Evaluation**, a parent has the right to decline special education services and the Barona Indian Charter School **cannot** file for Due Process. When a parent/legal guardian declines special education services, upon completion

of an Initial Evaluation, the IEP team will meet to review assessment results (with the parent) and offer a proposed IEP. If the parent/legal guardian declines special education services, Barona Indian Charter School will write a PWN stating that the child qualifies for Special Education services and that Barona Indian Charter School is ready, willing, and able to provide these services and offer an IEP. Call your Special Education Director within 24 hours of receiving revocation of consent; either written or verbal. This PWN is completed and sent to parents/guardian via certified mail. A copy of the PWN will be printed and placed in the student's cumulative file.

Within three days of receiving a signed Assessment Plan, the Special Education

Director will:

- Write date received and due date for the 60-day timeline on the bottom of the signed Assessment Plan
- Distribute Assessment plan to the School Psychologist and Service providers
- Schedule the IEP Meeting

***NOTE:** The date of the IEP meeting should be one-two weeks in advance of the due date to account for unforeseen events that may result in meetings having to be rescheduled. It is mandatory that the Initial Assessment and meeting occur within the federally mandated **60-day timeline** (60 calendar days from date of district receiving signed assessment plan). It is the responsibility of the Special Education Director to plan for cancellations by offering multiple meeting dates, via written **Notice of Meeting**, and scheduling meetings in advance of the due date.*

Interim Placement Procedures

Before the expiration of 30 days (from the first day of attendance), the IEP team must convene to review the placement and determine its appropriateness. The team may use reports, information, and/or records from the sending district. *However, if these are not available, are incomplete, or are inadequate, assessment must be conducted in those areas which are needed to develop an appropriate IEP.*

Whenever students enroll in the Barona Indian Charter School, it is critical that we establish whether the child receives special education services and if the child has a current IEP. *Intake procedures for new students should ensure paperwork and files for new enrollees are reviewed for potential special education services.*

Once registration has been completed, the team will proceed in one of the following ways:

1. If the student's **previous IEP is from within our SELPA** (Alpine, Cajon Valley, Dehesa, Jamul, La Mesa-Spring Valley, Lakeside, Lemon Grove, Mtn. Empire, Santee)

- Note that Grossmont Union High School District is also part of the East County SELPA, however, because they are a high school district, we would not have students enrolling in Barona Indian Charter School from GUHSD.
- a. We will continue, without delay, to provide services comparable to those described in the existing approved IEP. If we do not have the exact services listed in the current IEP, we will provide without delay services “most like” those described in the existing approved IEP.
 - i. If the student requires services in a specialized program, the coordinator/program specialist will work with neighboring school district’s (Lakeside) to seek placement.
 - ii. Site team may develop an assessment plan if the team feels that it is necessary.
 - iii. Additional assessment will be necessary if there are questions about service appropriateness, no recent evaluation results on file, or incomplete/inadequate evaluations in the file.
2. If the student’s **previous IEP is from California but outside our SELPA**
- a. An Interim Placement form will be completed by the Special Education Director. We will continue, without delay, to provide services comparable to those described in the existing approved IEP. If we do not have the exact services listed in the existing IEP, we will provide without delay services “most like” those described in the existing approved IEP.
 - b. Site team will develop an assessment plan if the team feels that it is necessary.
 - i. Additional assessment will be necessary if there are questions about service appropriateness, no recent evaluation results on file, or incomplete/inadequate evaluations in the file.
 - c. IEP team will convene within 30 days to review results and hold the 30-day review IEP meeting.
3. If the student’s **previous IEP is from outside of California**
- d. An Interim Placement form will be completed by the Special Education Director. We will continue, without delay, to provide services comparable to those described in the existing approved IEP. If we do not have the exact services listed in the existing IEP, we will provide without delay services “most like” those described in the existing approved IEP, until an assessment is conducted.
 - e. **Site team must develop an assessment plan which evaluates all areas of suspected disability and establishes eligibility under California Education Code criteria.**
 - f. IEP team will convene within 30 days to review results and hold the 30-day review IEP meeting.

- g. If additional assessment time is necessary to determine eligibility or areas of need, the team would document this in the 30-day review notes, determine placement for the remainder of assessment period, and reconvene prior to the end of the 60-day evaluation timeline to complete the IEP meeting.

Note: All Program services including DIS services need to be implemented in duration, frequency, and location as stated in the IEP. It is advisable that a meeting time and date for the 30-day meeting be set at the time of intake to ensure that timelines are met.

Section 504

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

If a student is found to qualify under Section 504 the school site will create a 504 Plan that identifies the student needs and how these needs will be met to allow the student to fully access the educational setting. As a function of the **general education program** at the school site, 504 Plans are written, implemented, and monitored by the site **504 Coordinator** and reviewed annually. It is important to note that 504 Plans are not included under special education law and do not provide students with special education services. Please see your site 504 Coordinator for more information. If you do not know who your 504 Coordinator is, contact your site Administrator.

Legal Reference: 34 C.F.R. Part 104 Section 504 - Civil Rights Mandates

In addition to the Parents' Rights and Procedural Safeguards, all interested persons shall be informed of the following information regarding Section 504. This section refers not only to educational programs and activities, but to accessibility of facilities and to employment practices in public schools.

Section 504 of the Rehabilitation Act of 1973 was enacted to protect the civil rights of all handicapped Americans, both children and adults.

It assures the opportunity to handicapped persons to have access to, and participate in, those activities that are summarily accepted by the majority of American citizens as unquestionable rights.

Programs and activities for the handicapped must be as effective as those provided to the non-handicapped. Equal opportunity must be afforded to the handicapped to participate in nonacademic and extracurricular activities.

No preschool, elementary, secondary, or adult education program receiving or benefiting from federal funds may exclude a child on the basis of handicap. Facilities are to be readily accessible, but this is not required of each or every part of an existing facility.

No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity.

Section 504 incorporates the language of Titles VI and IX of the 1964 Civil Rights Act which guarantees equal treatment of racial minorities and women in order to extend those guarantees to all handicapped persons. Every activity affected by federal financial assistance, from education and employment to transportation and recreational facilities and programs are affected by 504.

Legal Reference

Education Code 56300 "Each district, special education local plan area, or county office shall actively and systematically seek out all individuals with exceptional needs, ages 0 through 21 years, including children not enrolled in public school programs, who reside in the district or are under the jurisdiction of a special education local plan area or a county office."

Education Code 56302 "...Identification procedures shall include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public. Identification procedures shall be coordinated with school site procedures for referral of pupils with needs that cannot be met with modification of the regular instructional program."

Education Code 56303 "A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized."

Education Code 56043 (i) "A pupil's individualized education program shall be implemented as soon as possible following the individualized education program team meeting, pursuant to Section 300.323 (c)(2) of Title 34 of the Code of Federal Regulations and in accordance with Section 56344

Education Code 56325 (a)(1) "...In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, for a period not to exceed 30 days, by which time the local educational agency shall adopt the

previously approved individualized education program or shall develop, adopt, and implement a new individualized education program that is consistent with federal and state law.

(2) In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district operating programs under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved individualized education program, unless the parent and the local educational agency agree to develop, adopt, and implement a new individualized education program that is consistent with federal and state law.

(3) "...the following shall apply to special education programs for individuals with exceptional needs who transfer from an educational agency located outside the State of California to a district within California. In the case of an individual with exceptional needs who transfers from district to district within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, until the local educational agency conducts an assessment,, and develops a new individualized education program, if appropriate, that is consistent with federal and state law.

Section 3: Assessment

Introduction

School districts have an obligation to “identify, locate and evaluate” all children with disabilities ages 3-21 who may be eligible for special education, including those who are attending private schools or are homeless or wards of the court. *34 Code of federal Regulations [C.F.R.] Sec. 300.111; California Education Code (Cal. Ed. Code) Secs. 56300 & 301.* This is called “**child find.**” (see Section 2: Identification and Referral)

Assessment Plans

Special Education Assessments occur for a variety of reasons and for the purpose of determining eligibility and to determining present levels and/or areas of need.

An assessment plan must be developed within 15 days of a referral of a child either by direct referral by a parent, public or non-public service provider (primary care physician, outside service provider, or by the school site).

A new assessment plan must be developed each time the team proposes to conduct any assessment for:

- New Areas of Suspected Disability
- Triennial Reviews
- Other Reviews for Placement or Service Purposes
- Functional Behavior Assessments
- Educationally Related Mental Health Services (ERMHS)
- New Areas of Need (e.g. fine motor, sensory processing, health, etc.)
- Special Circumstance Instructional Assistance (SCIA)
- Kindergarten Transition

An assessment plan should be completed in SEIS. The Parents’ Rights and Procedural Safeguards must be presented and explained to parents prior to completing the assessment plan. At the parents’ option, a meeting may be scheduled to discuss the assessment plan. All correspondence, including the assessment plan, must be written in the primary language of the home or a translator must be available to interpret for the parents.

Carefully design the assessment plan to include all areas of suspected disability and suspected deficit. Any changes to the assessment plan must include parental consent.

If a parent or guardian believes that additional areas of suspected disabilities or deficit should be assessed, this should be captured in the portion of the evaluation plan labeled “I would like the following assessment information considered”. A parent or guardian does not have the right to alter or add to our proposal for assessment on other portions of the assessment plan.

If a parent requests additional assessments in the “I would like the following assessment information considered” portion of the assessment plan, the evaluator must determine with their team whether any changes to the assessment plan will occur and notify the parent of any changes via phone or in writing, made to the assessment plan as a result of their requests. Changes should be made if the requested additions or changes would assist the team in assessing areas of concern or determining eligibility under suspected criteria.

If a parent alters the content of the assessment plan by adding, deleting, or changing the proposed plan in a way that the evaluation team is not in agreement with, a meeting with the parent should be scheduled by an evaluator as soon as possible, to complete a new assessment plan that all members of the evaluation team are in agreement with. The first assessment plan is marked as “void”, the new assessment plan is attached to the old and parent consent is established as the new date, triggering a new 60-day timeline.

It is imperative that the Special Education Director or School Psychologist write the date that the form is received by Barona Indian Charter School as this date marks the start of the 60-day timeline.

When an Assessment Plan is not returned:

- If assessment plan is not returned within 10 calendar days send another Assessment Plan with Procedural Safeguards via Certified Mail (through front office)
- Place Copy of Assessment Plan and Proof of Certified Mail in Special Education File
- Continue ongoing follow-up with parent to obtain signature
- If after 14 calendar days, all attempts to secure a signed assessment plan are not successful, contact your Special Education Director with all documentation for follow-up.

Vision and Hearing Screening

Vision and hearing screenings are required for initial, triennial and transition assessments. It is critical that Vision/Hearing Screenings be completed as early in the 60 Day Timeline as possible because failed screenings may impact assessment results.

It is the responsibility of the case manager to monitor the assessment plan to be sure that all assessments are completed according to the approved plan and that the assessment is completed within the timeline.

If there are outside agencies involved with the student (Regional Center, medical doctors, psychologists, etc.) complete an *Exchange of Information* form if the assessment team determines a need to gather information/records from them. This form can also be used to document parent consent for the district to send student information and records to an outside agency.

An IEP Team Meeting shall be convened within 60 calendar days from the receipt of a signed assessment plan.

If parents have agreed to attend the IEP meeting and does not attend, the team captures this in the meeting notes and reschedules at a mutually agreed upon time and signs attendance only.

ALL IEP meetings should begin prior to or on the due date established by the 60-day timeline. If due to unforeseen issues, an IEP meeting cannot be fully completed by the 60-day due date, the meeting needs to be started by that due date. The IEP Meeting Notes should reflect who was in attendance, any portions of the IEP that were completed, and the reasons/rationale for the need to reconvene and next scheduled IEP team meeting date. Signatures for participation are needed by case manager, parent/guardian, and any other members of the IEP team as necessary.

Roles and Responsibilities of the Assessment Team

The members of the IEP team, including the assessors, must perform the following tasks:

1. Evaluate all areas of suspected disability.
2. Determine present levels of functioning and baselines of educational performance.
3. Consider any independent assessments submitted by the parents. If outside agencies (Regional Center, medical doctors, psychologists, etc.) are involved with the student, complete a Release of Information (ROI) form when the assessment team determines a need to gather information/records from these agencies. (See SEIS Document Library for ROI)
4. Provide a Multidisciplinary written report that is reviewed in the context of an IEP meeting within the 60-day timeline. The personnel who assess the pupil shall prepare a written report, or reports as appropriate, of the results of each assessment. If parents request a report in advance of the meeting, it must be provided as soon as the report is available. Best practice suggests that reports are provided to parents prior to the meeting.

Initial Assessments

An Assessment Plan will be developed that addresses all areas of suspected disability and student need.

The Assessment Plan is sent to parents with Parent Rights and Procedural Safeguards within 15 days of the referral for assessment.

The Special Education Director needs to write the date on the assessment plan when the plan is signed and returned, as this date begins the 60-day assessment timeline.

The Special Education Director must:

- Inform all assessors that consent has been received, and the evaluation may begin.
- Establish an IEP date to review assessment results with parents.

The initial assessment of any student considered for special education services must be conducted by a multidisciplinary team of professionals. The assessment **must** include tools to evaluate in all areas of suspected disability and areas of concern which may include some or all of the following:

1. Health history
2. Current Vision and Hearing (within the calendar year)
3. Motor abilities
4. Language functioning/communication
5. Processing Skills
6. General ability/cognition
7. Self-help, orientation, and mobility skills
8. Academic performance
9. Adaptive Skills
10. Social and emotional status
11. Career and vocational abilities and interests

Note: Assessments must include a recent vision and hearing screening and an observation of the student in his/her classroom to determine what environmental factors and peer/teacher interactions might affect the child's functioning. If the child is not yet of school age or is not in school, the observation shall take place in an environment appropriate for an individual of that age. The school observation must be conducted by someone other than the classroom teacher.

Process for Vision/Hearing Screenings for Initial Assessments

If the student has not been assessed through the school's normal grade level vision and hearing screenings, within 5 school days of receiving signed Assessment Plan from parent, the Special Education Director will send a copy of the assessment plan and make a written request for Vision and Hearing Screening to the Barona Indian Charter School Administrative Assistant/Clerk to contact the county nurse for such screenings to be conducted.

Triennial Review or Re-Evaluation Procedures

All special education students must be reassessed at least every three years or upon parent request, but no more than once per year unless agreed upon by the school team and parents. This reassessment must include the review of existing data on the pupil, including assessments and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher/related services providers' observations.

Triennial assessments serve three purposes:

1. **Accountability**—The effectiveness of the student's IEP should be analyzed. Re-evaluations should include a review of progress by examining data on past and present levels of performance. Data may include grades, school discipline records, curriculum-based measures or norm-based measures and any previous assessment data. Lack of progress should

stimulate IEP changes in curriculum, instructional techniques, behavioral strategies or the education environment, or a reassessment of the nature of the disability.

2. **Planning**—Evaluation information should be utilized to determine whether modifications to the special education services received are needed in order for the child to meet the annual goals and participate, as appropriate, in the general curriculum. Factors such as behavior, current skill levels, and communication skills should be considered. Future needs must be addressed, especially at transition points in the child’s educational program. Transition planning might address confirmation of disability, community living skills, vocational training, or plans for post-secondary education.

3. **Continued Eligibility** —A complete re-evaluation of a child’s disability must be conducted if:
- (a) a parent or teacher requests assessment in particular areas of suspected disability
 - (b) the child may no longer have a disability that requires special education or related services
 - (c) the child may be eligible for additional related services, or
 - (d) the child is not making educational progress

Steps to Conducting Triennial Assessments

1. The Special Education Director obtains re-evaluation information from Special Education Information System (SEIS) and communicates due dates with the necessary IEP team members to conduct assessments.
2. The assessment team members (special education teacher, psychologist, DIS service providers) will collaborate to determine a recommendation to make to the parent, and whether to conduct a triennial review or a re-evaluation. This discussion and decision should occur at least 60 days prior to the triennial due date to allow time for formal assessment if determined necessary or requested by the parent.

Other Reasons for Assessment

The need for assessment may be triggered for reasons other than discussed above. These other reasons for assessment may include:

- Request by a parent or staff member
- Changes of placement
- To gather new information to make service recommendations or fine tune a student’s existing IEP

Considerations for Assessment

Assessment of English Learners (EL) Students

Assessment of students whose primary language is not English shall be done by appropriately credentialed personnel who are linguistically competent in both the oral and written skills of the child's primary language and who also have knowledge of the cultural and historical heritage of the child. When such personnel are not available, an interpreter, who is preferably a district employee, may be used. However, when an interpreter is used or when materials and procedures which may attenuate the validity of the assessment are used, this must be noted in the case study report.

Factors to consider when assessing English Learners include:

- Language Factors
 - Different linguistic backgrounds
 - Different levels of proficiency in English
 - Different levels of proficiency in Native Language
- Educational Factors
 - Varying levels of education in Native Language
 - Varying levels of education in English
 - Varying degrees of exposure to standardized assessments
- Cultural Factors
 - Varying degrees of acculturation

Non-Discriminatory Assessments Include:

1. Assessment for the purposes of intervention
2. Assessment with Authentic and Alternative Procedures
3. Assessment of the Learning Ecology
4. Assessment of Language Proficiency
5. Assessment of prior opportunities for learning
6. Assessment of relevant cultural and linguistic factors
7. Evaluation, Revision, and Re-evaluation of Hypothesis
8. Determination of and Language of Formal Assessment
9. Reduction of bias in traditional assessments
10. Utilization of multiple data sources prior to conclusions

Educationally- Related Mental Health Services (ERMHS) Evaluation

Prior to an ERMHS Referral and Assessment:

- The IEP team develops goals and implements interventions/services to address mild to moderate social, emotional, and/or behavioral needs that interfere with the student's educational progress

- Interventions and services may include Positive Behavioral Supports (PBS), Behavior Intervention Plan (BIP), Functional Behavioral Assessment (FBA), Specialized Academic Instruction (SAI), programmatic and school site accommodations, Social-Emotional goals, Behavior goals
- Collect data and monitor student progress frequently (no less than every 2 weeks) to determine if additional goals, services, and interventions are successful
- Modify goals, services, and behavior plan as appropriate
- If progress is not being made, the team may recommend an ERMHS Assessment to consider the need for more intensive school-based counseling services
- If after 4-6 weeks, student has not made adequate progress, an ERMHS Assessment may need to be initiated

Initial ERMHS Assessment

Within 7 calendar days of receiving the signed Assessment Plan from the parent for the ERMHS assessment, the referring School Psychologist and Special Education Director will complete the ERMHS Packet. The Special Education Director will contact the School Psychologist at Specialized Therapy Services about conducting the assessment. Barona Indian Charter School contracts with Specialized Therapy Services for ERMHS services and assessments. The following information will be made available to the School Psychologist during assessment and to the ERMHS provider once the assessment is complete.

Copies of the following District Documents:

1. SEIS Signed Assessment Plan,
2. Current IEP and any amendments (may be required to send last 2 years worth of documents to provide the necessary background information on mental health over a period of time),
3. Most recent psychoeducational report
4. Barona Indian Charter School attendance records, discipline records, and report cards

Additional documents to print and include if available:

- FBA/BIP
- Previous mental health assessments
- Discharge paperwork from hospitalizations
- Relevant medical reports
- Independent evaluations
- Contact info for others working with student (CASA, Social Worker, Foster parent, Wraparound providers, TBS providers, advocate, attorney, etc.)

School Psychologist/Special Education Director is responsible for:

- Ensuring all documentation is given to the ERMHS assessment provider along with the ERMHS service provider, should the student qualify.
- Ensuring that the IEP meeting is scheduled within the required 60-day timeline to discuss the results of the assessment with the parent/guardian.

Reporting Assessment Results

The assessment report shall include, per Education Code section 56327, but not be limited to, all the following:

- Whether the pupil may need special education and related services (eligibility statement)
- The basis for making the determination
- The relevant behavior noted during the observation of the pupil in an appropriate setting
- The relationship of that behavior to the pupil's academic and social functioning
- The educationally relevant health and development, and medical findings, if any
- For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that cannot be corrected without special education and related services
- A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate
- The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136 of the education code.

Important: An IEP team meeting must be held with parents, regardless of whether a student qualifies for special education and/or related services. A copy of the assessment report is to be given to the parents after the results have been explained to them. An IEP which reflects special education eligibility or non-eligibility is generated at the meeting. If the student is eligible for special education services, the IEP must be based upon the student's unique needs.

Eligibility decisions must be based on three factors:

1. The eligibility criteria
2. The adverse effects on a student's educational performance
3. Requirement for special education and related services

The parent must be given:

- A copy of all reports
- A copy of the completed IEP

Steps for a DNQ (Does Not Qualify)

1. Hold an IEP meeting to review assessment results
2. Complete the following forms in SEIS:
 - a. present levels page
 - b. notes page
 - c. SLD form as appropriate
 - d. signature page
3. Upload all reports into SEIS
4. Notify the Special Education Director that the student Does Not Qualify (DNQ) and request that he/she be removed from SEIS caseload.
5. Create a Special Education File. The file will be labeled with the students last name, first

name and the acronym **DNQ**.

6. The file shall include a copy of the Assessment Report, signed Assessment Plan, Meeting Notice, and the completed pages from SEIS: This file will be stored at the school site with Special Education files. The maintenance of this file will follow the district's Records Policy.

Independent Educational Evaluations (IEE's)

If a parent disagrees with the school's assessment, a parent has the right to an independent educational evaluation (IEE) at the district's expense. However, the school may decide to initiate a due process hearing to show that its assessment is appropriate. Even if the school's assessment is deemed appropriate and reimbursement is denied, the parent still has the right to an independent assessment at their own cost. The assessment shall be conducted by a California credentialed or a licensed professional examiner who is not employed by and does not routinely provide assessments for the State Department of Education or Barona Indian Charter School. Regardless of who ultimately pays for the assessment, the results must be considered with respect to the provision of free and appropriate public education of the pupil (EDC § 56329).

The team needs to document that an independent assessment report of findings was considered in conjunction with the assessment data generated by school staff. This documentation is to include the name of the assessor, his/her title, and the date of assessment.

If a parent disagrees with an assessment completed by the school staff and request an additional assessment or an Independent Educational Evaluation, please notify the Special Education Director immediately on how to proceed.

Placement Criteria for Special Education Programs

It is the policy of the Barona Indian Charter School that, to the maximum extent appropriate, everyone with exceptional needs shall be educated with pupils who are not disabled. It is our policy that assignment to special classes, separate schooling, or other removal of the pupil from the general educational environment shall occur only when the nature and severity of the disability is such that education in general classes with supplementary aids and services cannot be achieved to meet the current needs of the student.

General Criteria for Educational Placement

The placement criteria for special education programs/services is designed to provide guidelines for Individualized Education Program (IEP) Teams and parents in considering pupils for special education programs and services.

Placement in special education programs requires certain general criteria be met before students are eligible, which are:

- A student shall qualify as an “Individual with Exceptional Needs”, if his or her educational needs cannot be met with modification of the regular program and the results of the assessment demonstrate that the degree of the pupil’s impairment requires special education in one or more program options authorized by the California Education Code.
- A student has been evaluated by a multidisciplinary team in all areas of suspected disability utilizing nondiscriminatory tests.

Pupils shall be placed in special education programs/services in accordance with their functional, age-appropriate needs. Placement may be reevaluated at any time to determine a change in the Individualized Education Program (IEP) for a student.

Legal References

*Education Code 56320 “Before any action is taken with respect to the initial placement of an individual with exceptional needs in Special Education instruction, an individual assessment of the pupils educational needs shall be conducted, by qualified persons, in accordance with requirements including, but not limited to, **all** the following:*

(a) Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory.....the materials and procedures shall be provided in the pupil’s native language or mode of communication, unless it is clearly not feasible to do so.”

(b) Tests and other assessment materials meet all the following requirements:

(1) Are provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer....”

(2) Are used for purposes for which the assessments or measured are valid and reliable.

(3) Are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.

(c) Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

- (d) *Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.*
- (e) *".....no single measure or assessment is used as the sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil.*
- (f) *The pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history shall be obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136.*
- (g) *The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136."*

Education Code 56321 "(a) If an assessment for the development or revision of the individualized education program is to be conducted, the parent or guardian of the pupil shall be given, in writing, a proposed assessment plan within 15 days of the referral for assessment not counting days between the pupil's regular school sessions or terms or days of school vacation in excess of five schooldays from the date of receipt of the referral, unless the parent agrees, in writing to an extension. However, in any event, the assessment plan shall be developed within 10 days after the commencement of the subsequent regular school year or the pupil's regular school term as determined by each district's school calendar for each pupil for whom a referral has been made 10 days or less prior to the end of the regular school year. In the case of pupil school vacations, the 15-day time shall recommence on the date that the pupil's regular schooldays reconvene. A copy of the notice of a parent's or guardian's rights shall be attached to the assessment plan. A written explanation of all the procedural safeguards under the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 and following), and the rights and procedures contained in Chapter 5 (commencing with Section 56500) shall be included in the notice of a parent's or guardian's rights, including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process, whether the process is optional; and the type of representative who may be invited to participate.

(b) The proposed assessment plan given to parents or guardians shall meet all the following requirements:

(1) Be in language easily understood by the general public.

(2) Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is clearly not feasible.

(3) Explain the types of assessments to be conducted.

(4) State that no individualized education program will result from the assessment without the consent of the parent.

(c) The local educational agency proposing to conduct an initial assessment to determine if the child qualifies as an individual with exceptional needs shall obtain informed consent from the parent of the child before conducting the assessment, ... If the parent of the child does not provide consent for an initial assessment, or the parent fails to respond to a request to provide consent, the local educational agency may pursue the initial assessment utilizing the procedures described in Section 1415 of Title 20 of the United States Code and in accordance with paragraph (3) of subdivision (a) of Section 56501 and subdivision (e) of Section 56506. The parent or guardian shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent.

(d) The local educational agency shall not be required to obtain informed consent from the parent of a child for an initial assessment to determine whether the child is an individual with exceptional needs under any of the following circumstances...

(1) Despite reasonable efforts to do so, the local educational agency cannot discover the whereabouts of the parent of the child.

(2) The rights of the parent of the child have been terminated in accordance with state law.

Section 4: Eligibility

Introduction

Determination of eligibility and placement of a student in a special education program and/or related services is the responsibility of the IEP team. In accordance with California Administrative Code Title 5 Regulations, the criteria outlined in this section are designed to provide guidelines for IEP teams in considering pupils for special education programs and services.

General Criteria for Special Education Placement

Placement in a special education program requires certain general criteria be met before a student is considered eligible. These criteria are:

1. A student shall qualify as an Individual with Exceptional Needs if his/her educational needs cannot be met with modification of the general education program, including Section 504 accommodations, and the results of the assessment demonstrate that the degree of the pupil's impairment requires special education in one or more program options authorized by the California Education Code.
2. A student has been identified as having a disability and was evaluated by a multidisciplinary team in all areas of suspected disability utilizing nondiscriminatory assessment tools.

Students will be provided special education services and placed in programs in accordance with their individual instructional needs. Placement may be reevaluated at any time to determine necessary changes in the student's IEP to ensure educational benefit.

3030. Eligibility Criteria

A pupil shall qualify as an individual with exceptional needs, pursuant to Section 56026 of the Education Code, if the results of the assessment as required by Section 56320 demonstrate that the degree of the pupil's impairment as described in Section 3030 (a through j) requires special education in one or more of the program options authorized by Section 56361 of the Education Code. The decision as to whether the assessment results demonstrate that the degree of the pupil's impairment requires special education shall be made by the individualized education program team, including personnel in accordance with section 56341 (d) of the Education Code. The individualized education program team shall consider all the relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decision of the individualized education program team as to the pupil's eligibility for special education. The specific processes and procedures for implementation of these criteria shall be developed by each Special Education Local Plan Area and be included in the local plan pursuant to Section 56220 (a) of the Education Code.

Specific handicapping conditions which are used for determination of eligibility are as follows:

- Autism
- Deaf Blind
- Deafness
- Emotional Disturbance
- Hard of Hearing
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired
- Specific Learning Disability
- Speech and/or Language Impairment
- Traumatic Brain Injury
- Visual Impairment

Eligibility worksheets have been developed to assist IEP teams and evaluators in ensuring that all criteria for eligibility have been established.

AUTISM (AUT)

California Code of Regulations Article 3.1 Section 3030 (b1)

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

1. *Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in subdivision (b)(4) of this section.*
2. *A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in subdivision (b)(1) of this section are satisfied.*

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

DEAF/BLIND (DB)

California Code of Regulations Article 3.1 Section 3030 (b2)

A pupil has concomitant hearing and visual impairments, the combination of which causes such severe communication, developmental, and educational problems that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

DEAFNESS (DEAF)

California Code of Regulations Article 3.1 Section 3030 (b3)

A pupil has a (severe to profound) hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

EMOTIONAL DISTURBANCE (ED)

California Code of Regulations Article 3.1 Section 3030 (b4)

A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect a pupil's educational performance:

- 1. An inability to learn which cannot be explained by intellectual, sensory, or health factors.*
- 2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.*
- 3. Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.*
- 4. A general pervasive mood of unhappiness or depression.*
- 5. A tendency to develop physical symptoms or fears associated with personal or school problems.*
- 6. Emotional Disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.*

The following descriptions are provided to clarify these criteria:

An inability to learn which cannot be explained by intellectual, sensory, and health factors:

Thought Disorders:

1. Content of Thought (Delusional Thinking)
2. Form of Thought
3. Marked loosening of association (idea shift from one subject to another unrelated subject with no awareness that topics had changed)
 - a. Incoherence
4. Hallucinations, Bizarre Delusions

An inability to build or maintain satisfactory interpersonal relationships with peers and teachers:

1. The student demonstrates intensive withdrawal or avoidance of large numbers of persons or circumstances

2. Regressive behavior
 - a. Regress into behavior that they have previously abandoned
 - i. Examples may include thumb sucking, crying readily, baby talk, temper tantrums, wet or soiled pants
3. A marked avoidance in communicating with teachers and peers
4. Does not play, socialize, or engage in recreation with others

Inappropriate types of behavior or feelings under normal circumstances:

1. Lack of appropriate fear reactions
2. Flat, blunt, distorted, or excessive affect
3. Bizarre behaviors
4. Self-mutilation
5. Unexplained rage reactions and/or uncontrollable explosive or acting out disorders, such as physical violence or verbal abuse which occurs in different settings
6. Delusions and/or hallucinations
7. Laughs or cries inappropriately in common social or academic situations in a non-manipulative fashion
8. Emotions vacillate unpredictably from one extreme to another, shows no ability to control oneself
9. Lack of contact with reality
10. Obsessive thoughts and/or compulsive behavior

General pervasive mood of unhappiness or depression:

1. Lack of interest or pleasure in almost all activities
2. Poor appetite or significant weight loss or increased appetite or significant weight gain
3. Insomnia
4. Loss of energy
5. Recurrent thoughts of death, suicidal ideation, wishes to be dead, suicide attempt
6. Excessive guilt causing severe depression
7. Socially withdrawn, isolating oneself
8. Feeling of worthlessness

A tendency to develop physical symptoms or fears associated with personal or school problems:

Phobias, such as:

1. Persistent and irrational fear of a specific object, activity, or situation that results in compulsive avoidance behavior.
2. Intense, disabling anxiety, often reaching panic proportions when the object, situation, or activity is approached
3. Separation Anxiety Disorder may be intense and pervasive enough to qualify
4. Somatoform Disorders (Physical symptoms suggesting physical disorders for which there are no demonstrable organic findings or known physiological mechanisms). Examples can be found in DSM 5.

In addition to having an emotional condition which is manifested as one of these five characteristics, there are also three limiting criteria. These limiting criteria must be a direct result of the identified emotional condition. These are:

1. Over a Period of Time – This requirement rules out temporary adjustment reactions and provides the LEA staff with the opportunity to utilize behavioral interventions. Generally, these characteristics should be exhibited over a period of at least six months.
2. To a Marked Degree – This addresses both the pervasiveness (demonstrated in a variety of settings - home, school, and community) and the intensity of the negative behaviors. The demonstrated behaviors must produce significant distress, either to the individual or to his environment, and must be primarily related to his ED condition.
3. Adversely Affects Educational Performance. - Most importantly, the negative behaviors of the child must be demonstrated to occur in the school setting and to result in an impairment of the child’s ability to benefit from that setting. If the child is able to demonstrate progress in the regular educational program or in a “less restrictive” setting, then classification of that child as ED is neither necessary nor appropriate.

There are several ways in which an adverse effect upon educational performance can be determined. Adverse educational performance can be defined as achievement that is significantly lower than one would reasonably expect for that child’s level of cognitive functioning. Impact upon learning can also be demonstrated by the child’s quality and degree of task completion, on-task behavior, group participation and peer-teacher interaction.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

ESTABLISHED MEDICAL DISABILITY (EMD)

California Education Code Chapter 4.45 Section 56441.11

A preschool child, between the ages of three and five years, qualifies as a child who needs early childhood special education services if the child meets the following criteria:

1. *Is identified as having one of the following disabling conditions, as defined in Section 300.8 of Title 34 of the Code of Federal Regulations, or an established medical disability, as defined in subdivision (d):*
 - a. *For the purposes of this section, “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.*

For your information, a list of medical conditions or congenital syndromes that may be appropriate is provided.

CHROMOSOMAL ABNORMALITIES

Down Syndrome
Turner Syndrome
Klinefelter's syndrome
D syndrome
E syndrome
Cri du chat syndrome
Williams syndrome

ENVIRONMENTALLY CAUSED MALFORMATIONS

Thalidomide
Congenital rubella syndrome
Syphilis
Cytomegalovirus
Toxoplasma gondii
Erythroblastosis fetalis
X-ray irradiation
Fetal alcohol syndrome

SKELETAL AND MUSCULAR SYSTEM MALFORMATIONS

Acrania
Cleft lip/Cleft palate
Muscular dystrophy
Osteogenesis imperfecta

NEUROLOGICAL DISORDERS

Spina bifida
Cerebral palsy
Epilepsy
Encephalitis
Hydrocephalus

METABOLIC DISORDERS

Hypoglycemia
Hyperglycemia
Galactosemia
Phenylketonuria
Homocystinuria
Hartnup disease
Tay Sachs disease
Niemann-Pick disease
Sulfatide lipidosis
Hurler syndrome
Sanfilippo syndrome
Cretinism

POSTNATAL HANDICAPPING CONDITIONS

Anoxic Deprivation
Meningitis
Retrolental fibroplasia
Cerebral palsy
Child with limb deficiency
Physical trauma

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

HEARING IMPAIRMENT (HI)

California Code of Regulations Article 3.1 Section 3030 (b5)

A pupil has a hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

INTELLECTUAL DISABILITY (ID)

California Code of Regulations Article 3.1 Section 3030 (b6)

A pupil has significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a pupil's educational performance.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

MULTIPLE-DISABILITIES (MD)

California Code of Regulations Article 3.1 Section 3030 (b7)

Concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf blindness.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

ORTHOPEDIC IMPAIRMENT (OI)

California Code of Regulations Article 3.1 Section 3030 (b8)

A pupil has a severe orthopedic impairment which adversely affects the pupil's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease (poliomyelitis, bone tuberculosis), and impairments from other causes (e.g. cerebral palsy, amputations, and fractures or burns that cause contractures).

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

OTHER HEALTH IMPAIRMENT (OHI)

California Code of Regulations Article 3.1 Section 3030 (b9)

A pupil has limited strength, vitality, or alertness including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that: is due to chronic or acute health problems such as asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome that adversely affects a pupil's educational performance.

In accordance with Section 56026(e) of the Education Code, such physical disabilities shall not be temporary in nature.

Regarding pupils with Attention Deficit and Hyperactivity Disorders:

Education Code Article 2.6 Section 56339

A pupil whose educational performance is adversely affected by a suspected or diagnosed attention deficit disorder or attention deficit hyperactivity disorder and demonstrates a need for special education and related services by meeting eligibility criteria specified in subdivision (f) or (i) of Section 3030 of Title 5 of the California Code of Regulations or Section 56337 and subdivision (j) of Section 3030 of Title 5 of the California Code of Regulations for the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 and following) categories of "other health impairments," "serious emotional disturbance," or "specific learning disabilities," is entitled to special education and related services

If a pupil with an attention deficit disorder or attention deficit hyperactivity disorder is not found to be eligible for special education and related services pursuant to subdivision (a), the pupil's instructional program shall be provided in the general education program.

It is the intent of the Legislature that local educational agencies promote coordination between special education and regular education programs to ensure that all pupils, including those with attention deficit disorders or attention deficit hyperactivity disorders, receive appropriate instructional interventions.

It is further the intent of the Legislature that regular education teachers and other personnel be trained to develop an awareness about attention deficit disorders and attention deficit hyperactivity disorders and the manifestations of those disorders, and the adaptations that can be implemented in regular education programs to address the instructional needs of pupils having these disorders.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

SPECIFIC LEARNING DISABILITY (SLD)

California Code of Regulations Article 3.1 Section 3030 (b10)

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken, or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

(A) Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(B) In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a severe discrepancy between intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether a severe discrepancy exists shall take into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:

- 1. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.*
- 2. When standardized tests are invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.*
- 3. If the standardized tests do not reveal a severe discrepancy as defined in subdivisions 1. or 2. above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists because of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:*
 - a. Data obtained from standardized assessment instruments*
 - b. Information provided by the parent*
 - c. Information provided by the pupil's present teacher*
 - d. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores*
 - e. Consideration of the pupil's age, particularly for young children and*
 - f. Any additional relevant information*
- 4. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.*

(C) Whether or not a pupil exhibits a severe discrepancy as described in subdivision (b)(10)(B) above, a pupil may be determined to have a specific learning disability if:

- 1. The pupil does not achieve adequately for the pupil's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or State-approved grade-level standards:
 - a. Oral expression*
 - b. Listening comprehension*
 - c. Written expression*
 - d. Basic reading skills*
 - e. Reading fluency skills*
 - f. Reading comprehension*
 - g. Mathematics calculation*
 - h. Mathematics problem solving**
- 2. The pupil does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in subdivision (b)(10)(C)(1) of this section when using a process based on the pupil's response to scientific, research-based intervention*

OR

- 1. The pupil exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 C.F.R. sections 300.304 and 300.305*

AND

The findings under subdivisions (b)(10)(C)(1) and (2) of this section are not primarily the result of:

- 1. A visual, hearing, or motor disability*
- 2. Intellectual disability*
- 3. Emotional disturbance*
- 4. Cultural factors*
- 5. Environmental or economic disadvantage*
- 6. Limited English proficiency.*

To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:

1. Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in general education settings, delivered by qualified personnel; and
2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.

In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil's learning environment in accordance with 34 C.F.R. section 300.310. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age. The eligibility determination must be documented in accordance with 34 C.F.R. section 300.311.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

Speech and Language Impairment (SLI)

California Code of Regulations Article 3.1 Section 3030 (b11)

A pupil has a language or speech disorder as defined in Section 56333 of the Education Code, and it is determined that the pupil's disorder meets one or more of the following criteria:

1. *Articulation Disorder*
 - a. *The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.*
 - b. *A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.*
2. *Abnormal Voice*
 - a. *A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.*
3. *Fluency Disorders*
 - a. *A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.*
4. *Language Disorder*
 - a. *The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:*

- i. *The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or*
- ii. *The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed above and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited sample of a minimum of fifty utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.*

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

TRAUMATIC BRAIN INJURY (TBI)

California Code of Regulations Article 3.1 Section 3030 (b12)

An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

VISUAL IMPAIRMENT (VI)

California Code of Regulations Article 3.1 Section 3030 (b13)

An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Eligibility Criteria

As outlined above and in the Eligibility Worksheet.

Considerations for English Learners

It is critical to differentiate between a student who is not achieving in the classroom because English is not his/her primary language and a student who is not achieving due to a handicapping condition.

Note: For a student to be eligible under Specific Learning Disability or Speech and Language Impaired, a student must be identified as having a language disorder or learning disability in their primary language because of assessment in his/her primary language.

Exiting Criteria

A student shall no longer be eligible for a particular special education program/service when the IEP team determines that:

1. The individual is no longer an individual with exceptional needs as evidenced by no longer meeting eligibility criteria based on the data gathered and considered by the assessment team.
2. The student's needs are better served by alternative categorical or general education program(s) and/or services(s).

The decision to exit a student is based on the least restrictive environment where the student can receive a meaningful benefit from the educational program as well as the child no longer exhibiting needs that require special education services and support.

If the team determines that a child is ready to exit from Special Education the process should include the following components and considerations:

1. The determination of the Individualized Education Program team to recommend exiting from special education should be supported by assessment results in the form of a written report.
2. A staffing may be arranged by the school site team with a Special Education Director if needed in order to review assessment results and discuss placement options and any special considerations.
3. General Education team will be notified and invited to participate in the staffing and IEP meeting.
4. The Individualized Education Program team will have a conversation about the structures and accommodations that will be in place to support the student's transition into a general education setting.
5. All stakeholders will be involved in discussing the transition support and communicating regarding the change in placement occurring with the student.
6. Parents and the receiving general education teacher will be notified of whom to contact with any questions or concerns that arise after the child is exited from Special Education services.

Legal Reference

Education Code 56026 and 56320: Article 3.1, Section 3030.

A child shall qualify as an individual with exceptional needs, pursuant to Education Code section 56026, if the results of the assessment as required by Education Code section 56320 demonstrate that the degree of the child's impairment as described in subdivisions (b)(1) through (b)(13) requires special education in one or more of the program options authorized by Education Code section 56361. The decision as to whether the assessment results demonstrate that the degree of the child's impairment requires special education shall be made by the IEP team, including personnel in accordance with Education Code section 56341(b). The IEP team shall consider all the relevant material which is available on the child. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the child's eligibility for special education.

Section 5: Individualized Education Program (IEP)

Introduction

The Individualized Education Program (IEP) is a written plan determined in a meeting of the IEP team, including the parent, and developed for each child with a disability.

The IEP will show a direct relationship between any assessment, present levels of performance, identified areas of need, the student's goals, and the educational services to be provided.

Education Code 56342 "An individualized education program team shall meet whenever any of the following occurs:

- a. A pupil has received a formal assessment
- b. The pupil demonstrates a lack of anticipated progress
- c. The parent or teacher requests a meeting to develop, review, or revise the individualized education program
- d. At least annually, to review the pupil's progress, the individualized education program, and the appropriateness of placement, and to make any necessary revisions. The individualized education program team conducting the annual review shall consist of those persons specified in subdivision (b) of Section 56341 (see below). Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review."
- e. When a student is transitioning from Preschool to T/K or Kindergarten.

The Law and the Individualized Education Program

56340. Each district shall initiate and conduct meetings for the purposes of developing, reviewing, and revising the Individualized Education Program of each individual with exceptional needs.

The Role of the IEP Team

IEP Team is responsible for developing, reviewing, and revising IEP's for students receiving help in the Special Education Department by the Instructional Aides and/or the Education Specialist/Special Education Director at Barona Indian Charter School.

IEP Team Members

Required Members

1. One or both of the pupil's parents/legal guardians, or surrogate.
 - If parents are divorced or separated, and both parents retain educational rights, BOTH parents must be notified of the meeting. Only one needs to attend.

2. A general education teacher if the student is, **or may be**, participating in general education.
 - It is required that a general education teacher be part of an IEP team when developing, reviewing, and revising the student's IEP to the extent appropriate.
 - If the student has more than one general education teacher responsible for carrying out a portion of the IEP, Barona Indian Charter School may designate which teacher or teachers will serve as team members considering the best interest of the student.
3. At least one special education teacher, or where appropriate, at least one special education provider. The special education teacher or service provider should be the person who is or will be responsible for implementing the IEP.
4. LEA/Barona Indian Charter School Representative who is:
 - qualified to provide or supervise the provision of special education services
 - Is knowledgeable about the general education curriculum
 - Is knowledgeable about the availability of resources
 - Has the authority to commit Barona Indian Charter School resources and ensure that the IEP services will actually be provided.
5. An individual who can interpret the instructional implications of evaluation results. This person may be one of the above members.

Additional Team Members:

6. Other individuals who have knowledge or special expertise regarding the student, including related services personnel.
7. The student with exceptional needs, if appropriate
 - If transition is being discussed, the student must be invited to participate at the IEP team meeting.
8. Agencies providing transition services.
9. If the public agency is considering a private school placement, it shall ensure that a representative of the private school attends the meeting or participates through other means.
10. Part C Early Intervention Service Coordinator (if parent requests)

When does the IEP team meet?

- A student has received a formal assessment. (*Initial or triennial*)
- A student's placement or instruction is to be initiated, changed, or terminated. (*Initial, amendment, transition*)
- A demonstrated lack of progress exists in a special education program (*amendment*)
- Within 30 days of a written request from a parent to review the IEP.
- A teacher requests an IEP review.

- At least annually for review of the IEP (*annual*)
- For a re-evaluation every three years and reestablishment of eligibility for special education. (*triennial*)
- Within 30 days after the school year begins for referrals made within 20 days prior to the end of the school year. (*Initial or triennial*)
- Within 30 days of a pupil's transfer into the SELPA from a previous special education placement. (*30-day interim placement review*)
- Within 60 days of receipt of written parental consent for assessment. (*Initial or triennial*)
- As part of disciplinary proceedings related to suspension/expulsion of students with disabilities. (*Manifestation determination*)

Notice of Meeting

The law states under 34 CFR § 300.322 - Parent participation in the IEP Process.

Each public agency must take steps to ensure that one or both parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including-

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend.

(2) Scheduling the meeting at a mutually agreed on time and place.

(3) The notice required under this section must:

- Indicate the purpose, time, and location of the meeting and who will be in attendance.
- Inform the parents of the provisions in § 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act). ***The Notice of Meeting in SEIS includes all the legal requirements, as long as it is completed correctly and in its entirety.***
- To meet the legal requirements of ensuring parent participation, ALL IEP meetings should be scheduled far enough in advance to afford parents at least 10 days notice, in writing via the SEIS Notice of Meeting.

Audio-Recorded IEP Meetings

The state of California allows for IEP meetings to be audio recorded, but not to be videotaped.

The parent or guardian has the right to electronically record the proceedings of IEP meetings on an audio recorder. The parent or guardian **must** notify the members of the IEP team of their intent to record a meeting at least 24 hours prior to the meeting.

When a parent informs the district of his/her intent to record an IEP meeting, it is the practice of Barona Indian Charter School not to record. Parents should be directed to bring their own recording equipment and be responsible for starting and stopping the recording. At the conclusion of the IEP

meeting, ensure that the audio recording has been stopped before engaging in non-IEP related conversations.

The Function of an IEP Meeting

Initial IEP Meeting is held upon completion of the Initial Evaluation, the IEP team meets to determine whether the student is an individual with exceptional needs and to discuss the assessment results, determine eligibility, review the educational recommendations, and develop an IEP if the student qualifies for Special Education Services.

Annual IEP Meeting is held at least once an annual basis (*never longer than 12 months from the last annual*), the IEP team reviews the student's progress and the appropriateness of placement, and makes any necessary revisions based on that review.

Triennial IEP Meetings are held at least every 3 years, when the IEP team must re-evaluate a student with an IEP to determine if the student continues to be eligible for special education services and to determine the student's educational needs. The Triennial Review should be combined with the Annual IEP whenever possible to align the dates.

Amendment IEP Meeting is when an additional IEP meeting may be necessary to address components of the student's IEP and make minor changes prior to the annual IEP or make corrections.

Kindergarten Transition IEP Meetings are held due to California Education Code section 56445 (a) requires that children eligible for and transitioning to a kindergarten age program be reassessed and a meeting held prior to entering an elementary setting.

A parent may request an IEP Meeting outside of the scheduled review date. This meeting must occur within 30 calendar days of the written parent request (not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of 5 school days). It is the responsibility of the Special Education Director to coordinate IEP meetings for students on his/her caseload and ensure that the Annual/Triennial timeline is met.

Best Practice

- Start the scheduling process far in advance
- Schedule the IEP meeting at least 30 days prior to the due date to account for meetings that get cancelled
- If you do not receive the signed Meeting Notice back within a week of sending, call the parent to confirm that they received it and can meet. Ask the parent to sign the Meeting Notice and return it
- If you do not receive the signed Meeting Notice back within a week and you are unable to reach the parent, send another meeting notice home and reach out again in a week if you have not received it back

- If the parent verbally agreed to an IEP meeting date and time, the Special Education Director will follow up via written Notice of Meeting with the agreed upon date and time

Holding the IEP Meeting Without Parent Participation

Pursuant to IDEA at 34 CFR Sec. 330.345 (d), Conducting an IEP meeting without a parent in attendance

A meeting may be conducted without a parent in attendance if the school district is unable to convince the parents that they should attend. In this case, the Barona Indian Charter School must have a record of its attempts to arrange a mutually agreed on time and place, such as these:

- (1) detailed records of telephone calls made or attempted and the results of those calls
- (2) copies of correspondence sent to the parents and any responses received
- (3) detailed records of visits made to the parent’s home or place of employment and the results of those visits.

Barona Indian Charter School must make a “good faith effort” to include the parent in the IEP process. Because “good faith effort” is not measurable, it is the responsibility of Barona Indian Charter School to prove. It is the responsibility of the Special Education Director to show “good faith effort” in convincing the parent that their participation in the IEP process is important. The best way to show “good faith effort” is to send multiple Notice of Meetings and document any efforts to work with parents to problem solve barriers in participation.

If no parent or guardian can attend the meeting, Barona Indian Charter School shall use other methods to ensure parent or guardian participation, including individual or conference telephone calls. The Special Education Director should work with the site Principal for support with challenging situations.

If the Special Education Director has offered, via written Notice of Meeting, three unique dates and/or times for the IEP meeting and has **documented efforts to include the parent and is still unable to convince the parent to attend the IEP meeting**; the Special Education Director will:

1. Send home the Unable to Obtain Parent Attendance at an IEP Meeting After Multiple Attempts Letter (contact Special Education Director and School Administration)
2. Hold the IEP meeting with all IEP members
3. Send home a copy of the IEP with IEP team member signatures.
4. Call parents to schedule a time to review the IEP either in person or via phone.
5. Place a copy of the IEP, signed by IEP members in attendance, copies of the Meeting Notices and accompanying letter in the student’s Special Education file.
6. If a parent returns IEP signed, place a copy of the signature page in the student Special Education file and upload into SEIS.

Note: *If the team is UNABLE to obtain parent signature/consent for new IEP, the services on the last agreed upon IEP will be implemented with the new IEP goals. A student’s services and/or placement cannot be changed without parent’s consent. Contact the Special Education Director*

for next steps. If parent responded, via Notice of Meeting, that they did not intend to participate in the IEP meeting and request that the meeting proceed without them, the school may hold the meeting and proceed without the parent (follow steps #3-6 above). The Special Education Director should convey to the parent(s) the importance of their attendance and offer to reschedule the meeting at a time that is mutually convenient

Amending an IEP

Changes made to an IEP after the initial or annual review may be made through an amendment. In some circumstances the parent and school may agree not to convene an IEP meeting to make *minor* changes to the Annual IEP. In other circumstances, the parent and school may determine to convene an IEP Amendment Meeting to make more significant changes to the Annual IEP. Any addition or discontinuation of services is considered a significant change and should occur in an IEP meeting. When an Amendment to the IEP is made, the Special Education Director is responsible for the following:

Amendment not Requiring an IEP (Minor Change)

Minor changes include correcting clerical errors such as dates, updating front page information, etc.

1. Discuss the recommended changes to the IEP with the Parent and obtain verbal consent for the changes.
2. Document the changes in an IEP Amendment form in SEIS.
3. Update any IEP pages necessary to reflect changes (i.e. change to a goal must be updated on the goal page.)
4. Case Manager or Related Service Provider signs the Amendment page
5. Send 2 copies of the Amendment and IEP pages to the parent. Parent should keep one Amendment for their records and return signed copy to the Special Education Director/Related Service Provider.
6. Attach signed amendment and updated IEP pages to the CURRENT IEP in the student Special Education file.
7. If the Amendment is initiated by a Related Service provider, the Related Service Provider is responsible for the above, but the Special Education Director should be notified of Amendment.

NOTE: This process is never used to replace the Annual/Triennial Review meetings.

Amendment Requiring an IEP Meeting (Significant Changes)

Significant changes include changes to goals, services, present level information

1. Schedule an IEP meeting and notify parents via written Notice of Meeting.
2. At the IEP meeting document the changes in an IEP Amendment form in SEIS and update any IEP pages necessary to reflect changes (IE: change to goal must be updated on the goal page.)
3. IEP Team members sign the IEP Amendment.

4. Attach signed Amendment and updated IEP pages to the CURRENT IEP in the student Special Education file.
5. Provide parents with a copy of the signed Amendment.
6. If the Amendment is initiated by a Related Service provider, the Related Service Provider is responsible for the above, but the Special Education Director should be notified of the Amendment.

The Purpose of the General Education Teacher at the IEP Meeting

The IEP team for each child with a disability must include at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) (see §300.344(a)(2)).

Since all students with disabilities in Barona Indian Charter School are participating in the general education environment, all IEP meetings must include a general education teacher on the team. The General Education teacher is essential to the discussion about the child's involvement and progress in the general curriculum and participation in the regular education environment. Regulations state that the general education teacher must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including:

1. the determination of appropriate positive behavioral interventions and strategies for the child, and
2. the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the child consistent with the IEP content requirements in §300.347(a)(3). (See §300.346(e))

Excusal of IEP Team Members

IDEA 2004 permits the excusal of certain IEP team members on occasion:

- If the member's area of curriculum or related service is not being modified or discussed
- If the member's area is being modified or discussed and the member submits written input to the parent and district members of the team beforehand
- If an IEP team member is to be excused, parent must consent to the excusal in writing prior to the meeting.
- If parent does not consent, the meeting must be rescheduled to be held with the IEP team member.
- If a parent approves to the excusal of an IEP team member, the Special Education Director is responsible for completing excusal form in SEIS and sending it home for signature.
- A copy of the form must be attached to the IEP and placed within the student's Special Education file.

After the Meeting

Parents should leave each IEP meeting with a signed copy of the agreed upon IEP. The IEP should be affirmed in SEIS within 2 days. The original, affirmed signed IEP, shall be placed in the student's special education file. It is the responsibility of the Special Education Director to ensure that all General Education teachers, Related Services Providers, and appropriate school staff have

access to the IEP; are knowledgeable of the content of the IEP and are informed of their specific responsibilities related to implementing the IEP including but not limited to; the specific accommodations, modifications and supports that shall be provided for the student.

After parental consent has been obtained, IEP implementation should occur “as soon as possible” (Ed. Code 65043i). If the Parent Refuses to Consent to the Annual/Triennial IEP. The school must seek to obtain informed consent from the parent before providing special education and related services to the student. Without consent to implement the proposed IEP, the previously signed IEP will continue to be implemented, unless the parent and the school agree otherwise. Having a current, approved IEP is of the utmost importance and action should be taken immediately if the parent does not consent. If the parent does not sign the IEP at the end of the meeting, document in the meeting notes, and contact your Special Education Director immediately. If the parent requests time to review the IEP before signing, follow up with the parent in a timely manner.

IEP Facilitation

- Introduction of team members
- State purpose of Meeting
- Provide parent a copy and explanation of Procedural Safeguards
- Review meeting agenda
- Review assessment results (if initial or triennial)
- Determine if student meets/continues to meet special education eligibility (initial or triennial)
- Review progress towards previous goals
- Develop new IEP (if continuing to qualify)

Components of the Individualized Education Program (IEP)

Front Page

- Indicate purpose of meeting
- Include student demographic information; check with parent/guardian to ensure current address, phone number, e-mail, etc.
- Check dates to ensure accuracy (current IEP, next annual, last evaluation, next evaluation). Use the **calculate last** and **calculate next** buttons to ensure correct dates are recorded.
- Ensure school of residence and school of attendance is accurate.
- Indicate disability; Primary and Secondary, if applicable. (*initial or triennial*)
- Explanation of how a student's disability affects involvement in the general curriculum. (*initial or triennial*)

Present Levels of Academic Achievement and Functional Performance

- Indicate student strengths, preferences, and interests. Include information gathered from parent.
- Capture concerns of parents/guardians in relation to student’s educational progress.

- Provide current achievement and functional performance levels across areas focusing on what the student **CAN** do. Areas to be addressed:
 - Academic/Pre-academic/Functional Skills
 - reading, writing, math, pre-academic/school readiness
 - Communication Development
 - If student receives speech services, collaborate with SLP to complete this section
 - Gross/Fine Motor
 - If student receives APE, OT, PT collaborate with service provider to complete this section
 - Social/Emotional/Behavioral
 - Health (include most recent vision and hearing screening from school nurse)
 - Ask for parent input in updating health section
 - Include medications/doses taken
 - Pre-vocational/Vocational
 - Adaptive/Daily Living Skills
- indicate areas of need to be addressed in the goals

Special Factors

- Indicate student need for assistive technology
 - Access to computer, word processor
 - Need for communication devices (AAC)
- Describe low incidence services, equipment, materials
 - Low incidence disabilities include OI, DHH, VI
- Describe educational considerations for students who are visually impaired or hard of hearing
- Describe language needs for students who are English Language Learners
- Indicate whether a student's behavior impedes the learning of self or others
 - If YES, describe behavior in observable terms (what does behavior look like)
 - Specify positive behavior supports, strategies and interventions to be used
 - If YES is marked, IEP must include behavior goal(s)
 - Indicate whether student has a Behavior Intervention Plan

Participation in Statewide Assessments

- California Assessment of Student Performance and Progress (CAASPP)
 - Math and ELA Grades 3-8 and 11; Science Grades 5, 8 and once in high school
 - Indicate necessary accommodations for each area
- California Alternate Assessment (CAA)
 - Students with most significant disabilities working in a curriculum based on alternate standards
- English Language Proficiency Assessment (ELPAC)
 - indicate testing supports needed
- Physical Fitness Assessment
 - Grades 5, 7 and 9

- indicate accommodations needed
- Indicate accommodations/modifications for other state and district assessments
- Same or similar accommodations to those of state assessment should be provided for curriculum and school assessment

Goals/ Benchmarks/ Objectives

- There must be a direct correlation between the annual goal(s) and the present level of educational performance.
- Goals should be written for each agreed upon area of need.
 - See areas outlined in present levels section
- Indicate area of need goal will address
- Include baseline statement
 - Baselines should be specific about current level of functioning in each goal area
 - Baseline should be directly related to the proposed goal
 - Example baseline based on sample goal below:
 - “Tom reads first grade level text at 75 WPM with an average of 9 errors”
- Goals must be measurable and include the following components: **timeframe**, **conditions**, **behavior**, **criterion**, **mastery**, **measurement**
 Example: *By August 18, 2020, when presented with 2nd grade level text, Tom will read 96 WPM with 5 or fewer errors in 8 out of 10 opportunities as measured by teacher kept records.*
- Goals should be specific about expected progress in one year and how the student will get there (e.g. prompts)
- Goals answer the questions:
 - Who? will achieve
 - What? skill or behavior will be targeted
 - How? in what manner or at what level
 - Where? in what setting or under what conditions
 - When? beginning when, in what increments, ending when
- Determine who will be responsible for implementing and recording progress towards goal (may be more than one person)
- Benchmarks/short-term objectives are required **only** for children with disabilities who take alternate assessments aligned to alternate achievement standards and preschool students (2004 Amendments to IDEA)
- Benchmarks/Objectives should identify reasonable steps between the baseline and the goal
- If only modifications or accommodations are needed, no IEP goal for that area is required.
- Progress reporting
 - Progress towards goals should be reported each reporting period (aligned to school report cards)
 - At the annual meeting, review goal progress for met or not met in each area.

Offer of FAPE/Services

- Describe service options considered (continuum of services)

- General Education with accommodations or modifications, General Education with Special Education related services, special day class, specialized regional program, non-public school
- Include a statement of service options considered:
 - “The IEP team considered the continuum of service options, including, but not limited to general education, designated instructional supports, specialized academic instruction, special day class and non-public school. Considering _____ needs, the IEP teams specific service recommendations are outlined below:”
- Consider potential harmful effects when choosing LRE. Examples include
 - missing classroom instruction when pulled out for services
 - decreased access to typical peers when in a self-contained classroom

Accommodations / Modifications

- Modification—a change in what is being taught to or expected from the student.
 - Example: Making an assignment easier so the student is not doing the same level of work as other students.
- Accommodation— a change that helps a student overcome or work around a disability, provides a greater level of access to the learning environment
 - Example: Allowing a student who has trouble writing to give his answers orally; providing extended time to complete assignments
- Common modifications or accommodations
 - Scheduling (extra time, breaking up assignments)
 - Setting (small group, one-on-one)
 - Materials (audio books, copies of notes, large print)
 - Instruction (reducing difficulty, reducing reading level)
 - Student response (answer orally, use word processor)
- Supplementary Aids and Services-- those services and other supports that are provided in general education classes or other educationally related settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate.
 - Examples of Supplementary Aids and Services include:
 - Supports to address environmental needs
 - Levels of staff support needed
 - Planning time
 - Specialized equipment needs
 - Pacing and presentation of instruction
 - Materials
 - Personnel training

Special Education and Related Services

- Indicate Special Education services including:
 - How often (number of times per day or week)
 - How long (number of minutes)

- Where (e.g. general education classroom, speech room, etc.)
- When (starting and ending dates)
- Related Services--Sometimes support services that are developmental, or corrective are required in order for a student with a disability to benefit from his or her education. These can be, but are not limited to:
 - Audiology services
 - Counseling services
 - Occupational therapy
 - Orientation and mobility services
 - Parent counseling and training
 - Physical therapy
 - Psychological services
 - Recreation
 - Rehabilitation counseling services
 - School health services
 - Sign language interpreters
 - Social work services in schools
 - Speech and language pathology services
 - Transportation

Extended School Year (ESY)

- Barona Indian Charter School does not offer ESY services

Educational Setting

- Indicate district of service and school of attendance
- Indicate school type, federal setting, and preschool setting (if applicable)
- Indicate participation in physical education
- If services are NOT provided at school of residence, indicate rationale for school of attendance
 - *Examples: "school of residence does not have necessary program available"*
- Calculate percent of time student is both outside and inside the general education environment (see SPED calculator)
- Participation statement
 - *"Student will not participate in the general education environment for (reading, writing and math) because (student requires small group and individual instruction with modified curriculum and supports in order to progress in the general education environment and to meet IEP goals)."*
- Indicate promotion criteria
- Indicate how and when parents will be informed of progress
- Indicate outside service agencies student is affiliated with
- Indicate whether student is eligible for Mental Health Services
 - Mental health language and services must be included on the IEP
- Indicate whether student will need transportation

- For students in 8th grade and higher, indicate anticipated graduation course
 - Diploma
 - Certificate of completion

Signature and Parent Consent

- All participating members of the IEP team will sign and date for attendance at the meeting
- Parents will initial relevant areas of consent
 - Provide explanation of each area if necessary
- Final parent signature and date allow IEP to be implemented
- Ask Medi-Cal question (state mandate) and have parent sign if in agreement
- “If my child is or may become eligible for public benefits (Medi-Cal), I authorize the district to access Medi-Cal health insurance benefits for applicable services.”

Meeting Notes

- capture relevant team discussions, parent concerns, additional parent input
- document parent and team consent as each area of the IEP document is discussed

Key points for effective IEP Team Meetings

- Determination of Special Education eligibility and placement must include parent participation and consent.
- The IEP decisions must be made only with the active participation of all team members, including the parents, during the meeting.
- In no case should decisions concerning eligibility or placement be made prior to the IEP Team Meeting.
- Team members should be aware that individuals with disabilities are required to meet eligibility in only one eligibility category.
- There must be a direct correlation between the IEP goals and services provided.
- A student's eligibility for Special Education does not dictate placement.
- The IEP drives the program; the program does not drive the IEP.

Section 6: Special Education Programs and Services

Introduction

It is the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general 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.

Continuum of Placement & Programming Options

Barona Indian Charter School ensures that a continuum of program options is available to meet the unique needs of individuals with exceptional needs for special education and related services, as required by the Individuals with Disabilities Education Act (IDEA). Special Education is a service, not a place. All students that are eligible for Special Education services shall be fully educated with their non-disabled peers appropriate in order to ensure that they are receiving a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).

A Free Appropriate Public Education (FAPE) consists of the special education and related services that are provided to the student at public expense, under public supervision and direction and without charge to the parents.

Services must meet the standards established by state and federal law and be provided in accordance with each individual student's IEP to provide educational benefit.

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

- General Education Programs
- Related Services
- Specialized Academic Instruction (SAI) up to 49% of the day
- Specialized Academic Instruction (SAI) 51% or more of the day
- Nonpublic, Nonsectarian Schools
- Residential Program
- Instruction in the Home or Hospital

The appropriate level of service for a student is determined by the IEP team based upon the student's identified areas of need and goals, not on the student's disability category. Level of service is based on evaluation/assessment results and data gathered for Present Levels of Performance that lead to identified needs requiring goal development. Related services are provided as required for the student to benefit from his/her educational program.

Students with highly specialized service needs may require placement in one of the neighboring District's Specialized Programs. An IEP team will include the Special Education Director prior to offering a specialized placement.

Least Restrictive Environment

The philosophy of least restrictive environment applies to all students in special education. Maximum interaction between disabled and nondisabled students occurs at Barona Indian Charter School when appropriate and in accordance with the student's Individualized Education Plan.

Special Education Program (Students with Mild/Moderate Disabilities)

The Barona Indian Charter School Special Education Program is an integrated model providing direct and indirect services to students. Students may be referred by teachers, parents, and/or through the Student Study Team/Response to Intervention process. After comprehensive assessment and upon the determination of an eligibility, students may receive services in the Special Education Program. Placement and service recommendations are based on the required level of service(s) to implement the student's individualized goals and objectives. Special and general educators work cooperatively to implement Individualized Education Program goals in the least restrictive environment. Students in the Special Education Program may receive instruction in the regular classroom when appropriate under the direction of the Special Education teacher or Instructional Aide or individualized small group instruction on a pull-out basis. When adaptations or modifications of regular curriculum do not meet students' needs, specialized instruction will be implemented.

The major focus of the special education program is to serve students with identified disabilities. Through the use of a pre-referral problem-solving process, Student Study Team, the Special Education Teacher may work in conjunction with the Response to Intervention (RTI) and General Education staff through shared teaching strategies/instructional materials.

The Special Education Teacher serves students in the least restrictive environment to maximize learning and increase self-esteem. The integrated resource specialist program functions by having special and general educators work collaboratively to contribute skills and resources to carry out IEP goals.

Related Services

Related services refers to developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes, but not limited to:

Speech-Language Pathology

Audiology Services

Interpreting Services

Psychological Services

Physical and Occupational Therapy

Counseling Services
Orientation and Mobility Services
DHH or VI Services
Adapted Physical Education
Transportation
Health and Nursing
Intensive Behavior Services

Related Services are provided throughout the full continuum of educational settings in the Least Restrictive Environment. Due to the size of Barona Indian Charter School, the service provider for the related services may be through the SELPA or contracted service provider.

Related Services DOES NOT include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device, or the replacement of that device, such as a cochlear implant.

How does a student qualify for Related Services?

After the completion of an assessment the IEP team meets to review assessment results and determine whether the student requires related services to benefit from special education. (The IEP team includes at minimum: Parent, Special Education Director, Education Specialist, Administrator, General Education Teacher, and Service Provider conducting the Assessment.) Related Service providers work with students in groups or on a one-to-one basis, either in a general education classroom, a special education classroom, or other appropriate setting. Related Services instruction focuses on the goals in the student's IEP. The Special Education Director is responsible for notifying all related service providers of upcoming IEPs of students on his/her caseload. *Speech and Language Pathologists are considered Case Managers for students who meet eligibility for Special Education with a Speech and/or Language Impairment and receive no Specialized Academic Instruction.*

Speech and Language Therapy

Speech and language services are provided for children who meet state eligibility criteria in one or more of the following areas: receptive and/or expressive language, articulation/phonology, voice, fluency, or social/pragmatic language skills which can negatively impact a student's educational performance.

Students may be referred by teachers, parents, and/or the Student Study Team. After thorough assessment, any student in the school meeting eligibility criteria may receive speech and language services. Goals and objectives are determined based on the results of the evaluation and are developed to improve students' speech and language skills as they relate to their ability to access their educational programs. Services may be structured to be integrated within the general or special education classroom setting, in a pull-out model, or in consultation with the student's teacher.

Levels of service are determined by the IEP team and are specified on the IEP. A decision to discontinue services must be predicated on an evaluation which demonstrates that the student's functioning is commensurate with their ability level, or their speech and language abilities fall within the average range.

Orthopedically Impaired Program

Students with orthopedic impairments (OI) attending schools within the East County SELPA may be referred for OI support by the Special Education Director. The OI program serves those students identified as having a severe orthopedic impairment which adversely affects educational performance. Such orthopedic impairments include those caused by congenital anomalies, diseases, and other causes. Itinerant OI teacher specialists provide assistance and consultation as needed to school personnel, students, and families. Services provided include evaluating school and classroom environments to ensure physical access, obtaining, adapting, and modifying classroom furniture and equipment. Additional supports include facilitating educational access to the curriculum by providing instructional materials, information about appropriate accommodations and specific instructional strategies to increase engagement, participation, and achievement of students with orthopedic impairments.

Counseling

Counseling support services, supplementary to the regular social work counseling program, may be offered to implement social/emotional goals and objectives. These services are offered on a short-term basis as determined by the IEP team. When short term intervention is not sufficient, a referral to Mental Health Services through the Educationally Related Mental Health Services (ERMHS) process is considered by the IEP team.

Occupational Therapy

Eligible special education students may be referred for an occupational therapy evaluation. There may be interventions recommended to try in the General Education setting prior to full services being provided. If the interventions are unsuccessful, it may be decided to generate new strategies or refer the student for further assessment by completing an evaluation plan. In such case, the IEP process is followed.

Itinerant Program for the Visually Impaired (VI)

Students whose vision impairment adversely affects access to their educational program can be referred for Itinerant services from the East County SELPA VI Department. The referral is made by the Barona Indian Charter School Special Education Director. The SELPA TVI (Teacher of the Visually Impaired) and/or Orientation and Mobility Teacher (O&M) audiologist will complete assessments and review medical records in order to determine the type and severity of visual impairment and to determine eligibility for services. The itinerant VI and/or O&M services are provided at the student's school of attendance in accordance with the IEP. Services include teaching compensatory skills, consultation, and providing materials/equipment

for individual student needs. After qualifying with a medical report regarding status of “corrected vision,” services are accessed via the IEP process.

Audiological/Deaf and Hard of Hearing Itinerant Services (DHH)

Students whose hearing impairment adversely affects progress in their educational program can be referred for Itinerant services from the East County SELPA Deaf and Hard of Hearing department. This department is based in the East County SELPA office at 924 East Main Street, El Cajon. The referral is made by the Barona Indian Charter School Special Education Director. The SELPA DHH teacher and/or audiologist will complete assessments and review medical records to determine the type and severity of hearing loss and to determine eligibility for services. The itinerant DHH and/or audiologist services are provided at the student’s school of attendance in accordance with the IEP.

The Special Education Director and Barona Indian Charter School IEP team shall also consider the continuum of services and programs for students residing in Barona Indian Charter School area who are Deaf or Hard of Hearing (D/HH) and/or Visually Impaired (VI) and require an even more restrictive or specialized program. The Barona Indian Charter School IEP team shall always consider LRE within the district first by providing Related Services at our Barona Indian Charter School. However, due to the size of the Barona Indian Charter School, when a student requires specialized programs and supports that are not available at Barona Indian Charter School, alternative program and service options outside the school district are considered. Students in Barona who are enrolled in their resident school and require D/HH services are served by a D/HH Specialist through the East County SELPA.

When a student has DHH, audiological, or VI services on the IEP, the Special Education Director shall share SEIS records with the assigned DHH, Audiology and VI Specialist and include these providers in all IEP meetings and assessments.

Students in Barona who require specialized programs to receive FAPE are served through Inter or Intra SELPA agreements. The IEP teams shall consult with the Special Education Director to identify and access these program options. Some students who are DHH and/or VI require services and support in the most restrictive setting through one of the State Special Schools that provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind. There are two specialized schools in California: The California Schools for the Deaf in Fremont and Riverside; and at The California School for the Blind in Fremont. Residential and day school programs are available to students from infancy to age 21 at the three State Schools. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education (CDE) website at <http://www.cde.ca.gov/sp/ss/> and consult with Barona Indian Charter School’s Special Education Director.

Section 7: Roles and Responsibilities of Team Members

Introduction

The IEP process is designed to provide a free and appropriate education, in the least restrictive environment, for a child with a disability. The IEP document is a legally binding contract governed by the laws and regulations under IDEA. When an IEP is signed, all team members (parents, Education Specialists, General Education teachers, Related Service providers and Administrators), agree to implement what is in the contract. It is the responsibility of each team member to implement the IEP as it relates to their setting.

It is the role of the Case Manager to “manage” this contract and ensure all aspects are implemented. It is not the role of the Case Manager to implement every aspect of the IEP; but to implement his/her sections and ensure other sections are being implemented. When sections of the IEP are not being implemented, it is the role of the Special Education Director to be aware of this and intervene. As an IEP team it is of the utmost importance all team members understand what is required in the IEP and ensure it is being implemented across all settings.

Team Member Role and Responsibilities

The School Site Administrator/Principal:

A Site Administrator is a certified administrator with an Administrative Credential. The main roles and responsibilities of a Site Administrator are to oversee, supervise, and direct the work of certificated and classified staff as it relates to the implementation of the IEP; and to implement systems that support staff in the implementation of the IEP. In addition, the Site Administrator serves as the LEA Administrator at all IEP meetings or designates another administrator to act as an Admin Designee, at the IEP meeting.

- Ensures Case Managers/Special Education Director and General Education teachers meet prior to the start of the school year to review IEP at a glance for each student
- Meets with the special education team before the end of the school year to ensure there is a plan for how and when IEPs will be held for the following school year
- Implements a system for scheduling general education representative(s) for IEP meetings, if required during the school day’s teaching time.
- Ensures there is a plan for appropriate Special Education teacher or classroom paraprofessional coverage in the event of absences or new student needs; and a back-up plan when there are multiple absences
- Attends and actively participates in the duration of IEP meetings as LEA Administrator

The General Education Teacher:

The main roles of the General Education classroom teacher are to plan, coordinate, schedule, and evaluate curriculum and instructional outcomes within a secure and positive classroom environment for all students, including those with disabilities.

- Plans and provide appropriate, evidence-based instruction and supports in order for students with an IEP to receive educational benefit and make progress on goals
- Maintains communication with students, parents/guardians, and service providers
- Reviews the IEP for each student in his/her class and ensure applicable components are being implemented in the general education setting
- Maintains a copy of the IEP-at-a-Glance for each student in his/her class
- Completes report cards for students in his/her class, with consultation from the Education Specialist
- Meets with the Education Specialist on a regular basis to collaborate on the accommodations, modifications, and supports that are necessary in the general education setting
- Informs on the progress and performance of students with an IEP as it relates to progress on goals and present levels of performance for the IEP
- Provides work samples as it relates to progress on IEP goals when asked to do so by the Special Education Director
- Communicates concerns and problem solves for areas of need
- Collaborates on progress reports and report card completion
- Communicates with the Special Education Director, the classroom expectations, routines and procedures to classroom paraprofessional support staff as it relates to supporting all students
- Communicates classroom expectations, routines, and procedures as it relates to supporting the unique needs of a student with an IEP
- Attends scheduled IEP meetings as the General Education Teacher and provide input into the development of appropriate goals, accommodations, modifications, and supports
- Contacts the Special Education Director with questions or concerns regarding a student with an IEP in his/her class.

The Special Education Case Manager/Director:

Case Manager is a certificated Education Specialist or Speech Language Pathologist with an Education Specialist or Speech Language Pathology credential, who is responsible for coordinating the instruction and related services for students with IEPs assigned to his/her caseload. In the event the Case Manager requires support in obtaining compliance in the following areas, he/she shall consult with the Special Education Director or Site Administration to problem solve.

- Implements the scheduling of the administrator's participation and staff members required for all IEP meetings

- Ensures the classroom paraprofessional schedule is created and managed so all student needs are met through school wide support assignments
- Routinely reviews the classroom support aide schedule to analyze changing needs
- Supports the supervision and training of classroom paraprofessional and any support aide staff
- Ensures progress on IEP goals are being updated at every report card period
- Ensures a copy of progress on IEP goals is sent home, as well as a copy filed, at each report card period
- Completes Interim Progress Reports for students on his/her caseload, with consultation from the General Education teacher.
- Conducts in-class assessments or information needed to support the goals review component of the Annual Evaluation, each year.
- Accurately administer and score standardized, norm referenced assessments; sending results to School Psychologist and assessment team members no later than 10 days prior to IEP meeting date.
- Monitors annual timelines and utilize site system for scheduling and inviting team members well in advance of IEP due date to ensure legal timelines are met. Remember to consider any additional people who may need to be invited such as interpreter, SELPA itinerant teacher, etc. and include them in the scheduling
- Contacts parents well in advance to schedule IEPs within legal timelines notices and sends notice to parents prior to the IEP meeting.
- Develops a Draft IEP before every Initial, Annual, or Triennial IEP meeting

The Case Manager Shall:

Ensure original IEP documents are maintained in the student's Special Education file at the school site:

- Affirmed IEPs with original signature page
- Signed Assessment Plans
- Signed Parent Notifications of Meetings
- Signed Assessment Reports
- Prior Written Notices (PWN)
- Progress on Goals Form
- Behavior Intervention Plans (BIP)

Additional items that may be included in the student file:

- Completed Assessments, MAP Testing Results, State Testing Report
- Parent and/or Staff Consult Contact Log
- Vision and Hearing Reports or other health documents provided to you

A copy of the following documents should be **uploaded to SEIS** following the IEP Meeting:

- Signed Assessment Plans
- Signed Parent Meeting Notice
- Signed Assessment Reports

- IEP Meeting Signature page
- Prior Written Notices (PWN)

Note: At Barona Indian Charter School, the Special Education Director often also serves as the Case Manager for all students in the Special Education Department. The Director also often serves as the Educational Specialist for all student support services being implemented.

The Special Education Director:

The Special Education Director is generally a special educator or administrator with advanced training who consults with and coordinates specialist services of the educational specialist and related service providers. At Barona Indian Charter School, the Special Education Director:

- Reviews IEP Annual and Triennial due dates in August and creates a proposed IEP Meeting Schedule so that teachers/staff have an ample time to prepare.
- Attends and actively participates in the duration of IEP meetings as an Administrative Designee for the site Principal, or as another participant when the Principal is the LEA Administrator.
- Supports new special education staff members through training on SEIS and developing IEPs.
- Monitors data, prepares reports, and oversees the compliance of the Barona Indian Charter School special education CALPADS and SEIS documents to support compliance.
- Attends SELPA Director’s Council meetings, professional development, or trainings to maintain understanding of any changes and/or modifications of SEIS, CALPADS, or special education laws that arise throughout the school year and are presented through the SELPA.

Surrogate Parent Appointment

The school district must assign an individual as a surrogate parent when the parents of a student with a disability cannot be identified, or the district is unable to locate the whereabouts of a parent. A surrogate parent may be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code and the child is referred to special education or already has an IEP. A surrogate parent can be a relative or adult with whom the student is residing, an appointed social worker, or a person identified by the East County SELPA who has knowledge of special education processes and procedures.

[20 USC 1415(b)(2); EC 56050; 34 CFR 300.519; GC 7579.5 and 7579.6].

Section 8: Procedural Safeguards, Prior Written Notice, and Progress Reporting

Introduction

It is the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations. Barona Indian Charter School abides by this policy and provides a copy or offers another copy and/or review of the Notice of Procedural Safeguards at every IEP meeting.

Parent Notice of Procedural Safeguards

The Notice of Procedural Safeguards is an explanation of the procedural rights and safeguards that are available to the parents of a child with a disability under the Individuals with Disabilities Education Act (IDEA). Parent means a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent), a guardian (but not the State if the child is a ward of the State) or an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare or a surrogate parent. Federal and state law require that the district establish and maintain a notice of parental procedural safeguards and provide that notice to the parents or legal guardians of a child with a disability at certain specified times.

The written Notice of Procedural Safeguards must be given to parents at these times:

- At least one time a school year, generally at the annual IEP review meeting
- Upon an initial referral or parent request for an evaluation
- Whenever the parent requests a copy
- Each time the parents are presented with an assessment plan
- With a Prior Written Notice
- When the decision is made to make a removal that constitutes a change of placement for the child for disciplinary purposes
- The first time each year that the parent files a state complaint against the school
- The first time each year that the parent files a due process complaint against the school

The Case Manager/Special Education Director (Speech and Language Pathologist if the child is speech language only) is responsible for providing Notice of Procedural Safeguards to parents/guardians during all required times.

The LEA Administrator or Special Education Director is responsible for providing the Notice of Procedural Safeguards when the decision is made to make a removal that constitutes a change of placement for the child for disciplinary purposes.

The Procedural Safeguards should be sent with any expulsion paperwork. The special education office is responsible for providing the Notice of Procedural Safeguards the first time each year that the parent files a State or due process complaint against the district.

It is recommended that the Case Manager/Special Education Director familiarize themselves with the Notice of Procedural Safeguards and offer to review it with parents at the beginning of the IEP meeting. It is appropriate to answer factual questions parents may have regarding the procedural safeguards; however, it is not appropriate to provide any interpretation of the law. If parents have additional questions, direct them to the last page of the Notice of Procedural Safeguards, which lists contact numbers for agencies that can provide information and assistance in understanding their procedural rights.

It is also recommended that case managers print copies of the procedural safeguards from the SEIS document library to ensure that the most up to date version is being used. Case managers should have printed copies in different languages, as appropriate for caseload, available in rooms where IEP meetings are frequently held.

PRIOR WRITTEN NOTICE (PWN)

Prior Written Notice refers to the public agency's obligation to inform parents, within a reasonable time, before it takes specific actions, or refuses to take specific actions:

- Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child
- Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

PWN must include:

- A description of the action proposed or refused by the school
- an explanation of why the school proposes or refuses to take the action
- a description of each evaluation procedure, assessment, record, or report the school used as a basis for their decision
- a statement that the parents of a child with a disability have protection under the procedural safeguards and, how the parents can obtain a copy of them
- sources for parents to contact to obtain assistance in understanding these provisions
- a description of other options that the IEP Team considered and the reasons why those options were rejected
- a description of other factors relevant to the school's proposal or refusal

PWN must be:

- written in language understandable to the general public
- provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so

- If the native language or other mode of communication of the parent is not a written language, the school must take steps to ensure:
- that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication
- that the parent understands the content of the notice

PWN to a Parent is to:

- provide comprehensive documentation of the proposed and refused actions made
- make sure the LEA and the parents are “on the same page” about a child’s educational program
- provide the parents with an opportunity to voice any concerns or suggestions
- provide sufficient information to ensure that the parent understands the rationale behind an LEA’s decision making regarding a particular proposed or refused action
- ensure that informed parental consent is obtained, as necessary
- assist the parent in determining the basis for any disagreement(s) with the proposed and/or refused actions addressed in the prior written notice and whether to seek resolution of any dispute through local dispute resolution procedures, a state complaint, mediation, or a due process hearing

Additionally, the U.S. Department of Education (USED) Office of Special Education Programs (OSEP) opined that:

The purpose for providing prior written notice is: to ensure that a parent understands the special education and related services which an LEA has proposed or refused to provide to a student. If a parent does not understand the services being proposed, it follows that the parent could not have agreed to the proposed services. It is the responsibility of the Special Education Director at Barona Indian Charter School to contact the school Principal if there is a disagreement with the proposed and/or refused actions on behalf of the parent or school district.

In addition, it is the responsibility of the Special Education Director to contact the principal when the IEP team believes that the parent may not be clear about the school’s proposed and/or refused actions. This often occurs when the team has made several recommendations and/or changes to the IEP. The Special Education Director will work with the team to determine whether a PWN is necessary and will draft a letter on behalf of Barona Indian Charter School.

Parental Consent

A parent is considered to have given consent only when (s)he:

- Is fully informed of all information relevant to the activity for which consent is sought, in his/her native language, or other mode of communication
- Understands and agrees in writing to the carrying out of the activity, and the consent describes the activity and lists any records that will be released and to whom
- Understands that his/her consent is voluntary and may be revoked at any time

Activities Requiring Written Parental Consent

- Initial Evaluation
- Reevaluation/Triennials
- Initial Provision of Special Education and Related Services
- Authorization to Request/Release Information
- Use of an Individual Family Support Plan (IFSP) (preschoolers)

NOTE: Signed Assessment Plans, signed IEPs, and signed Requests/Releases of Information forms constitute written parental consent.

Revocation of Consent

- At any time, after the initial provisions of special education and related services, a parent may revoke consent in writing, and this action is not retroactive. Once the parent revokes consent, the district must provide a written notice and exit the student from all special education and related services
- If in the future the parent seeks special education services, the assessment shall be treated as an initial assessment

Progress Reporting to Parents

Special Education teachers are encouraged to have frequent regular contact with parents concerning their child's progress. The content of these meetings or conversations shall include progress on Individualized Education Program (IEP) objectives, as well as any other information which would enable the school and home to work more cooperatively together to benefit the student.

The schedule for informing parents of their child's progress on IEP goals and objectives should coincide with the required general education report card grading periods. The IEP team should determine how this will be accomplished.

One option generally agreed with is in Progress Summary reports. The Special Education Teacher would indicate the method to be utilized on the Educational Setting page of the SEIS IEP. At Barona Indian Charter School, the general education student report card is provided to parents on a **Trimester basis**. The Special Education Teacher should enclose the Progress Summary Report with the students report card at each of the Trimester dates.

Section 9: Student Admissions, Transfers and Student Records

Introduction

Students transferring into any school district with an IEP, shall begin to receive special education services that are comparable to those identified in the most recently agreed upon IEP within a “reasonable amount of time”. A reasonable amount of time is often defined as within 10 school days. (EDC § 56325).

Transfers within the East County SELPA

If a student transfers within the East County Special Education Local Planning Area (SELPA), the receiving special education teacher/director should contact the previous service provider to request access to the student’s IEP through SEIS. Once access is granted, the student shall begin receiving comparable services without delay unless the parent and district agree to develop, adopt, and implement a new IEP. Please take notice of the dates on the IEP to determine if the student’s IEP is within the realm of requiring an Annual or Triennial Evaluation.

*Important Information: An IEP received from a District within our **East County SELPA** refers to the following elementary Districts: Alpine Union, Cajon Valley Union, Dehesa School District, Jamul-Dulzura Union, Lakeside Union, La Mesa-Spring Valley, Lemon Grove, Mountain Empire Unified, and Santee.*

Note: Our SELPA area High School District is Grossmont Union High.

An IEP received from within our SELPA does not need to be rewritten if:

- Goals are currently appropriate
- Timeline meet requirements
- Parents agree to continuation of current goals

Transfers from Outside the SELPA

When a student transfers from a special education program outside the SELPA, an Interim Placement Form (in SEIS) is completed by the Special Education Director after the student is placed in a comparable program for a period not to exceed 30 days. The district encourages placement of transferring students in the least restrictive environment. The team may use information, records, and reports from the student’s previous program. At that time Barona Indian Charter School may, with parental consent, adopt the previously approved IEP. However, if records are not available, are incomplete, or are inadequate, assessment must be conducted in those areas which are needed to define an appropriate IEP. After all the pertinent information is gathered, the district shall develop, adopt, and implement a new IEP.

Transfers from Out of State

If a child with a disability has an IEP and transfers from an educational agency located outside the state to Barona Indian Charter School within the same academic year, the district shall provide such child with a free appropriate public education. An Interim Placement Form (in SEIS) is completed when a student transfers into the district from out of state. Services comparable to those described in the previously held IEP along with information provided by the prior school district shall be provided in consultation with the parents, until such time as the school conducts an evaluation or records review and develops a new IEP.

An Interim IEP, along with an assessment plan at the time the student enrolls at the school site. Before the expiration of 30 days, the IEP Team must review the placement and assessments to determine its appropriateness. The team may use information, records, and reports from the student's previous program. At that time Barona Indian Charter School may, with parental consent, adopt the previously approved IEP. However, if records are not available, are incomplete, or are inadequate, assessment must be conducted in those areas which are needed to define an appropriate IEP. After all the pertinent information is gathered, the district shall develop, adopt, and implement a new IEP. The team may reconvene within the 60-day assessment timeline if additional time is needed to gather assessment data.

Students Transferring Out of Barona Indian Charter School

The Special Education Director should:

- Update Goals and Objectives using the Progress Report in SEIS.
- Place a copy of the recent IEP in the pupil's cumulative file.
- Upload a copy of all special information into SEIS including parent signed Evaluation Plans, parent signed IEP Meeting Notices, IEP Signature pages, Initial or Triennial Evaluation Psychoeducational Reports, Initial or Triennial Evaluation Speech and Language Reports, Initial or Triennial Evaluation Occupational Therapy Reports, or other Private Evaluation Reports provided to the District during that school year.
- The Program Specialist will exit the student in SEIS indicating the reason for the exit.

Note: Upon receipt of a request from an educational agency where an individual with exceptional needs has enrolled, a former educational agency shall send the pupil's special education records, or a copy thereof, within five (5) working days.

A Barona Indian Charter School office assistant will be identified to request school records for students being enrolled in Barona Indian Charter School and send the requested school records to the school districts where a Barona Indian Charter School student has transferred to, within the five (5) working days noted above. That individual will maintain the official record of where student files have been sent and to which District they have been received from.

When A 30-Day Interim Student Leaves

When a student is in a program on a 30-day interim placement and leaves before the IEP arrives or a new IEP is developed, the Special Education Director will exit the student in SEIS, indicating

the reason for the exit and send a copy of the exit page and the IEP from the student's previous district to the Barona Indian Charter School office assistant in charge of CALPADS.

Articulation of Elementary Students to the Grossmont Union High School District

The following process should occur for children who are in the resource specialist or speech and language, in middle school and will continue in the program(s) in the Grossmont Union High School District.

- The Special Education Director will prepare and electronically submit the I-9 packet for each 8th grade student to the Grossmont High School District's link.

- The Special Education Director should assess all 8th grade children in the appropriate academic areas and update their IEP objectives using the Progress Report in SEIS by the middle of April.

- The Special Education Director will represent Barona Indian Charter School in the Grossmont High School I-9 Transition Process by scheduling a Transition Meeting with each High School within the Grossmont High School District prior to the end of the school year, inviting the appropriate staff from the student's high school of residence or a school of choice in which the special education student has been accepted for placement.

- The Special Education Director will chair the IEP meeting at the Barona Indian Charter School campus for each student's IEP and provide specific oral information about the student as well as written documentation to the High School staff via an Amendment that is written and uploaded to SEIS at the end of the meeting. A copy of the Amendment is required to be given to the Parent for their records.

- The Special Education Director will transfer the Barona Indian Charter School Special Education student files to the High School's, School Psychologist.

Note: *A child's IEP is written based on the child's identified needs and not for the convenience of the program, class, or teachers.*

Parent Request for Records

The parent has the right to examine all educational records of the child and to receive copies within **five business** days after a request is made by the parent, either orally or in writing.

- If parent makes a verbal or written request the timeline begins at the date of the initial request, whether oral or written
- Upon receipt of a request for special education records, the person receiving the request shall

contact the special education director immediately with the request.

- The Special Education Director oversees the copying of records, and ensures that the parent receives copies within five business days of the initial request.
- Special Education Director will review records before duplicating. Three copies of the records will be made, with one copy to the parent and two copies remain in the special education office
- The Special Education Director notifies parents when the records are available for pick up
- If the records have not been picked up by the parent by the 4th day, parent should be contacted to ensure that they intend to pick up the records on the 5th day

Maintenance of Records

A “student record” is defined as any item of information directly related to an identifiable student which is maintained by the school district or a district employee in the performance of his or her duties. A student record is a document recorded by handwriting, print, tapes, film, microfilm, or other means.

Since a parent is entitled to examine all student records of the child and to receive copies upon request, it is important to ensure that any item of information that is not pertinent to a student’s educational program is not retained in the records.

The student records should not include any informal notes related to the student. If the teacher or any other school employee has made informal notes about the student, they should remain in the sole possession of the maker and should not be accessible to anyone other than a substitute teacher. The types of special education data that should be kept in the child’s student records include:

- IEP Documents and Meeting Notes
- Authorization
- Records of Participation
- Evidence of Eligibility for Qualification or Dismissal/Assessment Reports
- Copies of Formal Correspondence on district letterhead or from parent/parent representative
- Service logs

Tests and Protocols are not kept in Cum files. Assessors maintain the protocols and tests until the next Triennial assessment and then destroyed.

Section 10: Behavior, Student Discipline, and Suspension/Expulsion

Introduction

Discipline, order, and safety are crucial to the successful education of children in the public schools. Under California law, school districts are required to respond to student misconduct in a variety of ways that may include suspension from school and sometimes expulsion. In doing so, school personnel must be cognizant of the due process rights of all students and the additional rights of students eligible for IDEA services.

Behavior

The IEP team is obligated to address behavior that may or may not obviously appear disruptive or interfering. For example, if a student is failing a class, the behavior contributing to the failure must be addressed systematically. Concerns regarding behavior should be addressed by a complete IEP team. All staff, including general education teachers, who will be implementing an IEP, must participate in the development of the plan to facilitate consistency when addressing the target behavior and the teaching/reinforcement of replacement behavior(s). In addition, parents have valuable information that shall be considered. Behavior concerns and response to interventions should be documented in meeting notes. The Special Education Director is responsible for ensuring that concerns regarding behavior are addressed in an IEP meeting and documented in the Present Levels and Special Factors sections of the IEP, goals are written to address target behavior, supports and services are in place as needed and or a Behavior Intervention Plan is written.

State and federal law behavioral considerations require that when behavior interventions are implemented, those interventions shall:

- not restrict the pupil's physical freedom and social interaction
- be administered in a manner that respects human dignity and personal privacy,
- ensure a student's right to placement in the least restrictive educational environment

A student's behavior should be addressed through one the following pathways:

1. If a student's behavior is not appropriately managed given the school wide Positive Behavior Interventions, paired with the classroom expectations; the behavior requires more intervention. The IEP team, coordinated by the Special Education Director, should:
 - a. Utilize the Special Factors section of the IEP to identify the target behavior (observable and measurable)
 - b. Clearly describe replacement behavior (what the student is to do instead of the problem behavior)
 - c. Identify the positive behavior interventions and supports to be implemented to teach and reinforce the replacement behavior

- d. Develop IEP goal(s) to address the increased use of the replacement behavior or reduction of the target behavior
2. If the above pathway has proved insufficient, or if the student engages in behaviors that could cause serious injury to the student or others:
 - a. Convene an IEP meeting to determine the necessity of an Assessment plan to include a Functional Behavior Assessment (FBA)
 - b. Develop an interim Behavior Intervention Plan (I-BIP) if the target behavior risks causing serious injury to the student or others
 - c. If a BIP already exists, convene a meeting to modify and reevaluate

Functional Behavior Assessment (FBA)

An FBA is an analytical, systematic process based on observations, review of records, interviews, and data analysis that serves to identify the function of the behavior, as well as environmental factors that may be contributing to the target behavior.

The function of behavior is what the student gets out of engaging in a particular behavior. There are two primary functions of behavior: Access and Escape. Once the function is identified, the team can determine a replacement behavior that serves the same function for the student. Observations allow the team to identify environmental changes that may be necessary.

The IEP team shall consider a Functional Behavior Assessment (FBA) when any of the following conditions are met:

- Previous goals and interventions have not been sufficient to help the student make progress
- A previous BIP has not been sufficient to help the student to make progress
- If the student engages in serious behaviors that could cause injury to the student or to others
- If the student has demonstrated behaviors which have necessitated the use of emergency interventions (CPI, ProAct) and Behavior Emergency Response (BER) procedures

The FBA should be conducted by a team but MUST be led by a person who has documented training in conducting behavioral assessments with an emphasis on positive behavior intervention (typically this is the school psychologist). Behavioral emergency interventions shall not be used as a substitute for BIPs. To the extent possible, BIPs shall be developed and implemented in a consistent manner appropriate to each student's life settings.

Behavior Intervention Plan (BIP)

Any student behavior that is adversely affecting progress should be addressed with proactive systematic behavior intervention. The focus of a Behavior Intervention Plan (BIP) is to teach the student alternative behavior that meets the student's need(s) in a more acceptable way. In developing a BIP, it is critical that the team recognize that the problem behavior serves a purpose; behavior serves a function; Access and Escape. Behavior is also related to a context and an environment that is specific for the student. Problem behavior occurs in reaction to environmental (external and/or internal) demands that overwhelm the student and adversely impact the student's ability to effectively cope with his/her environment. These problem behaviors generalize and continue because they work for the student. The Behavior Intervention Plan becomes part of the IEP. The case manager is responsible for monitoring implementation and revisions and notifying the Special Education Director of any issues/concerns.

It is important that the BIP is developed by a team of individuals working with the student so as the interventions identified are those that can be implemented within the students learning environment. For a BIP to be successful, it needs to be implemented with consistency and fidelity.

Manifestation Determination

Students in Special Education may be suspended for up to 10 cumulative school days within a school year (same as general ed).

The 11th day of suspension is considered a "change of placement".

On the 11th day of suspension, a Manifestation Determination (MD) review meeting must be held to determine whether or not the behavior is a manifestation of the student's disability.

The manifestation determination team consists of the Principal, Special Education Director, the parents, and relevant members of the IEP team (general education teacher, special education teacher, service providers, school psychologist, and other services providers as determined by the district and the parents. During the MDR meeting, the IEP team must determine whether the misconduct was or was not a manifestation of the student's disability.

The IEP team will:

- Review relevant disciplinary history, current IEP, educational placement, behavior supports, attendance and health records, and assessment reports on file
- Consider teacher observations, relevant information provided by the parent/guardian, and other relevant unique circumstances to be considered. After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP.

- Also, a child will receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

The team must determine:

1. Was the behavior caused by, or did it have “a direct and substantial relationship” to, the student's disability

OR

2. Was the behavior the direct result of the district's failure to implement the IEP?

If the team answers “yes” to either 1 or 2, the student’s conduct is determined to be a manifestation of the student’s disability.

If the behavior WAS a manifestation of the disability:

If conduct is a manifestation of the student’s disability, the IEP team **must**:

- Conduct an FBA to determine the need for a BIP (if LEA had not previously conducted and implemented)
- If there is already a BIP in place, review and modify to address the behavior
- Return the student to the previous placement from which removed (unless parent and LEA agree to change of placement through the IEP process)

Behavior WAS NOT a manifestation of the disability:

If the manifestation determination review team determines the student’s behavior was not a manifestation of his/her disability,

- The student may be disciplined in accordance with the procedures for students without disabilities. (20 U.S.C. §1415(k)(1)(C).)
- Pending an expulsion hearing or other change in placement, the student shall continue to receive services to enable the student to access the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP.
- The IEP team shall also consider revising the student’s BIP,
- If the student does not have a behavior plan, the IEP team should consider conducting a FBA in order to develop a BIP to address the behavior violation so that it does not reoccur. (20 U.S.C. §1415(k)(1)(D).)

Note: Due to the complexity of the issue, districts should proceed carefully when suspending or expelling students with disabilities and consult legal counsel as appropriate.

Protections for Students Not Yet Eligible for Special Education Services

IDEA disciplinary protections will apply to a general education student if the school has a “basis of knowledge” that a student is a student with a disability. The school will have knowledge a student is disabled if: (1) the parent expressed concern in writing to supervisory or administrative personnel or a teacher of the student that the student is in need of special education and related

services; (2) the parent has requested a special education evaluation; or (3) the student's teachers or other personnel has expressed specific concerns about a student's pattern of behavior directly to the special education director or other supervisory personnel. (20 U.S.C. §1415(k)(5)(B).)

Suspensions

Although federal law places no limits on the total number of days a student may be suspended, state law does. California provides that a student may not be suspended for more than 20 cumulative schooldays in a school year, unless for purposes of adjustment, a student enrolls in or is transferred to another regular school, opportunity school or class, or a continuation education school or class, in which case the number of school days shall not exceed 30 days in any school year. (Ed. Code §48903.)

Portions of a school day in which a student has been removed would count towards the days of suspension. For example, whether a bus suspension would count as a day of suspension would depend on whether the bus transportation is part of the student's individualized education program ("IEP"). Another example is if a student is suspended for half of the school day. Therefore, school personnel should carefully monitor the days and/or hours a student with a disability is removed from class to determine if either "In-house suspension" or "supervised suspension classroom" as authorized by Education Code 48911.1 would not be counted towards the 20-day cumulative limit described above as long as the student is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services specified in his/her IEP, and continue to participate with non-disabled students to the extent he/she would have in the current placement. However, districts should be careful that such action does not constitute a change of placement. (*Analysis and Comments and Changes to 2006 IDEA Part B Regulations*, 71 Fed. Reg. 46715 (August 14, 2006).)

Emergency Interventions

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which **poses clear and present danger of serious physical harm to the student or others**, and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

Emergency interventions (i.e. physical restraint) **shall not** be used as a substitute for the individual student's systematic Behavior Intervention Plan (BIP) that is designed to change, replace, modify, or eliminate the behavior.

If it is necessary to restrain the student to prevent injury to themselves or others in the environment, staff should implement the emergency interventions approved by the SELPA. Professional Assault Crisis Training (Pro-ACT) is currently the approved methodology used to train staff who participate on behavior intervention teams. Emergency interventions should be used only by properly trained personnel and only with the degree of force and for time that is reasonable and necessary to control the emergency. Upon prolonged use of an emergency

intervention, staff shall seek assistance of the site principal, special education administrative staff, and/or law enforcement agencies, as applicable to the situation. When the emergency has ended, school staff must return to the systematic Behavior Intervention Plan and positive interventions stated in the individual's IEP.

Emergency Interventions must NOT include the following:

- Any intervention designed to, or likely to, cause physical pain
- Noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the individual's face
- Denial of adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
- Verbal abuse, ridicule, humiliation, or other procedures expected to cause excessive emotional trauma
- Physical restraint by device, material, or object that simultaneously immobilizes all four extremities, including prone containment or similar techniques, unless the restraint is used by personnel who are trained in the technique, and it is used only as an emergency intervention
- Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room
- Any intervention that leaves a student without adequate supervision
- Any intervention that deprives the student of one or more of the senses
- Force exceeding what is reasonable and necessary under the circumstances

Behavioral Emergency Reports

Anytime an emergency intervention is used, a report must be written on the form titled, "Behavioral Emergency Report," ([BER](#)) immediately following the incident. The form is available in the SEIS document library. The form must be used to complete the Behavioral Emergency Report because it includes specific information that is required by California Education Code. (Ca Ed code 56521.1). The Behavioral Emergency Report must be completed in its entirety, with no section or answer left blank or incomplete. The Behavioral Emergency Report must be written by someone who was physically present during the emergency intervention, but the case manager must be involved in the completion of the report. The Behavioral Emergency Report should be an accurate description of the emergency intervention. It should be behaviorally specific. It should be free of jargon, opinions, and obscure terms and abbreviations.

- The case manager is responsible for completing the follow-up actions, including notification of site administrator and school psychologist
- The site administrator must review and sign all reports

- The Special Education Director provides information regarding behavioral emergency interventions to the state

Notification about the Behavior Emergency Intervention

- The day of the emergency intervention, notify school administrator
- The day of the emergency intervention, the parent/guardian and/or residential care provider shall be notified via phone that an emergency intervention was used or serious property damage occurred
- Within 24 hours, complete the Behavior Emergency Report ([BER](#)), obtain signature from site administrator, **and** place a copy in the cumulative file
- For students **without** a Behavioral Intervention Plan (BIP), within 48 hours, schedule an IEP, to be held within 5 days
 - During the IEP meeting:
 - review the emergency report, provide document to parents,
 - determine the necessity for a functional behavioral assessment, and
 - determine the necessity for an interim plan

OR

 - document the reasons for not conducting a functional behavioral assessment (FBA), not developing an interim plan, or both
- For students **with** a behavioral intervention plan, within 48 hours, schedule an IEP, to be held within 30 days
 - During the meeting
 - review the emergency report, provide document to parents, and determine if the incident constitutes a need to update FBA and/or modify the existing Behavior Intervention Plan

Note: After any incident requiring emergency intervention, consider conducting or updating the functional behavior assessment (FBA) and corresponding behavior intervention plan (BIP).

Section 11: Important Legal Timelines and Glossary of Terms

Important Legal Timelines and Requirements Related to Special Education

5 Business Days:

Parent shall have the right and opportunity to examine all school records and receive copies within 5 business days after a request is made by the parent, either orally or in writing. District/School may charge a fee for the copies, but if parent states an inability to pay, copies must be provided at no charge and within the established timeline. It is the practice in Barona Indian Charter School to provide requested records free of charge.

5 School Days:

A school must convene the Manifestation Determination meeting for a student if the administration is contemplating an administrative change of placement or possible expulsion.

10 School Days:

This is the limit of days a student with a disability may be suspended from school before the removals constitute a change of placement. Removals from the school setting include any situations in which the student is not accessing his/her special education services; for example, out of school suspension, in-school suspension and/or being sent home for disciplinary reasons. No Special Education services are required for up to 10 days of removal.

15 Calendar Days:

A proposed Assessment Plan shall be developed and provided to the parent/guardian within 15 calendar days of request for the assessment, not counting days of school recess more than five days, from the date of receipt of the referral.

15 Calendar Days:

A parent shall have at least 15 calendar days from receipt of proposed Assessment Plan to arrive at a decision regarding consent.

30 Calendar Days:

When a student with an IEP enrolls in Barona Indian Charter School from a district OUTSIDE of the East County SELPA, an Interim form in SEIS is completed and IEP will be created. An interim placement must not exceed 30 calendar days.

30 Calendar Days:

An IEP meeting requested by a parent shall be held within 30 calendar days, not counting days of school recess more than five, from the date of receipt of the parent's request.

60 Calendar Days:

An IEP meeting shall be held within 60 calendar days from receipt of parental consent for an initial, triennial, transition, or supplemental assessment, not counting days of school recess more than five. After parental consent has been obtained, IEP implementation should occur "as soon as possible" (Ed. Code 65043i).

Glossary of Terms**Adapted Physical Education (APE)**

Adapted Physical Education provides individual or small group instruction through an adapted physical education or recreational program for student's specific motor deficits.

Alternative Programs

Alternative Programs are an option for any student when an appropriate program cannot be offered in the district or within the SELPA.

Community Advisory Committee (CAC)

The Community Advisory Committee is composed of mostly parents and guardians, including parents of individuals with exceptional needs, which advises the responsible local agency (RLA) in the development, revision, and evaluation of programs under the local comprehensive plan.

Designated Instruction and Services (DIS) (Other Related Services)

Designated instruction and services are provided by the regular class teacher, the special day class teacher, or the resource specialist. These services may include, but are not limited to, the following:

- Adapted Physical Education
- Audiological Services
- Counseling Services
- Deaf/Hard of Hearing Itinerant Services
- Health Nursing Services
- Home Tutor
- Language, Speech, and Hearing
- Mobility Training
- Orthopedic Itinerant Services
- Psychological Services
- Vision Itinerant Services

Free and Appropriate Public Education (FAPE)

Every school-age child with exceptional needs is entitled to an education which meets his/her individual needs at no expense to the family.

Individual Education and Planning Team (IEPT)

The Individual Education and Planning Team consists of a representative from administration, the student's present teacher, the student's parents or guardian, the individual with exceptional needs, when appropriate, and other individuals, at the discretion of the parent and/or district. The team determines the eligibility and certification of individuals with exceptional needs. The team is responsible for writing and reviewing an instructional plan for each student.

Individualized Education Program (IEP)

The Individualized Education Program is a written statement developed by the IEP team which translates child assessment information into a practical plan for instruction and delivery of services.

Least Restrictive Environment (LRE)

Each child with exceptional needs is to be placed in a learning environment that most closely approximates the learning environment of his/her nondisabled peers (regular classroom) in a manner beneficial to the individual student and students in the regular classroom.

Local Plan for Special Education

The Local Plan for Special Education is developed by staff and community for serving pupils with exceptional needs in accordance with state law. All districts and county offices of education which receive funds must develop a comprehensive plan which ensures a full range of services for students and submit it to the State Department of Education for approval.

Occupational Therapy (OT)

Occupational Therapy is a physician prescribed specialized rehabilitative therapy utilizing multiple treatment methods which focuses upon the following general areas: activities of daily living, visual-perceptual skills, fine-motor and adaptive skill development, and equipment evaluation. Occupational Therapists are certified through a National Certification Board.

Parent Advocate

Parent Advocates can be parents, teachers, and/or professionals trained to provide practical information and support to parents whose children are participating in the special education programs.

Parent Surrogate

Parent Surrogates are selected by the district to act as the parent when:

- No parent can be identified.
- The district cannot discover the whereabouts of the parent;

- The child is a ward of the state. A person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child.

Physical Therapy (PT)

Physical Therapy is a physician prescribed specialized rehabilitative therapy utilizing multiple treatment methods which focuses upon the following general areas: gross-motor skill development, balance and equilibrium, progressive ambulation, and equipment evaluation. Physical Therapists are licensed through the California State Board of Medical Quality Assurance.

Special Education

The district provides a continuum of program options which are available to meet the needs of individuals with exceptional needs with special education and related services.

Special Education Director

A Special Education Director is generally a special educator or administrator with advanced training who consults with and coordinates specialist services of the resource specialist, designated instructional services (DIS) specialists, and special day class teachers. The Program Specialist may also coordinate placements for students whose needs cannot be met in their school of residence. Program Specialists may also provide special education in-service training.

Special Education Local Planning Area (SELPA)

The Special Education Local Planning Area (SELPA) consists of ten (10) districts in East County designated to function as one agency to coordinate and administrate the delivery of special education services for all students 0-22 years of age.

State Special School for Deaf and Blind

The State Special School for Deaf and Blind is a residential school option available for students whose primary handicap is deaf, blind, or deaf/blind. There are two in the state of California, Riverside and Fremont.

Student Success or Study Team (SST)

The Student Success or Study Team is a school-based, problem-solving group whose purpose is to help teachers in the areas of curriculum, instructional techniques, and classroom management systems to meet the needs of referred students.

Additional Abbreviations

ADD/ADHD.....	Attention Deficit (Hyperactivity Disorder)
AT.....	Assistive Technology
BER.....	Behavior Emergency Report
BIP.....	Behavior Intervention Plan
CP.....	Cerebral Palsy
DNQ.....	Does Not Qualify
EL.....	English Learner

ELD.....	English Language Development
ELL.....	English Language Learner
FBA.....	Functional Behavior Assessment
IDEA.....	Individuals with Disabilities Education Act
LCI.....	Licensed Children’s Institution
LEA.....	Local Education Agency
LEP/NEP.....	Limited English Proficiency/Non-English Proficiency
LSH.....	Language, Speech, and Hearing
MD.....	Muscular Dystrophy
MHS.....	Mental Health Services
NPS.....	Nonpublic School
SDC.....	Special Day Class
SLP.....	Speech and Language Pathologist

Organizations and Services

AASE.....	American Association of Special Educators
ASA.....	Autism Society of America
ACLD	Association for Children with Learning Disabilities
AAIDD.....	American Association on Intellectual and Developmental Disabilities
AESP.....	American Association for the Education of the Severely/Profoundly Handicapped
AAMR.....	American Association on Mental Retardation
ACB.....	American Council for the Blind
ASHA.....	American Speech/Language and Hearing Association
CAL CASE.....	California Council: Administrators of Special Education
CARS +.....	California Association of Resource Specialist Plus
CASP.....	California Association of School Psychologists
CCS.....	California Children Services
CEC.....	Council for Exceptional Children
CHADD.....	Children and Adults with Attention Deficit/Hyperactivity Disorder
CSHA.....	California Speech and Hearing Association
EFRC.....	Exceptional Family /Resource Center
HT.....	Home Tutor
SANDCASE.....	San Diego Council for Administrators of Special Education
TASH.....	The Association for Severely Handicapped
UCP.....	United Cerebral Palsy