

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6112 Referrals To and Exit From Regional Special Class Programs

Definitions

1. For purposes of this policy, a “regional program” refers to programs operated within and for the SBCSELPA by a district or the County Education Office that serves students with like needs/disabilities in a special class.
2. “Non-direct service district” refers to a district that provides special education services to students with disabilities within their own district by district staff or staff contracted by the district.
3. “Direct service district” refers to small district’s (as defined by Education Code Section 1730) whose special education services are provided by the County Education Office (with the exception of districts in the Santa Ynez Valley Consortium).
4. “Director/Designee refers to an administrator or their designee (may be a coordinator, program specialist, or psychologist) in a district or County Education Office that are designated to oversee special education administrative services and/or commit district/LEA resources.
5. “TLP” refers to “Therapeutic Learning Program” and is a special class for students designated as having Emotional Disturbance whose needs cannot be met in a less restrictive special education program.
6. The “referring” district is the district of residence for the student being considered for placement in a regional program.
7. “LEA” refers to the Local Education Agency which can be either a district or the County Education Office.

Referral Process

It is expected that a student shall be referred for consideration of placement in a regional special class program class only if the student’s needs have not been met successfully, or in the case of an anticipated incoming preschool student, districts

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running preschool programs do not anticipate they meet the student's needs, in a less restrictive environment with appropriate special education support and intervention. It is the expectation that the district of residence will have considered, and where appropriate, utilized all district special education supports and program options prior to considering a referral to a regional program. (refer to Procedural Guidelines Regional Program Referral Checklist)

If a District/CEO Administrator/Designee becomes aware that a regional program referral may need to be considered, an IEP meeting may be convened. If at the IEP meeting the IEP team agrees that a regional program may need to be considered, the following process shall occur:

Note: In the case of anticipated enrollment of a preschool student with moderate to severe needs in a district that operates preschool programs for students with mild to moderate needs, the following process would occur prior to convening an IEP.

1. District/CEO Director/Designee collects data, observes student, etc., completes the Referral for Consideration in a Regional Program Packet, and sends packet to Regional Program Director/Designee;
2. The Regional Program Director/Designee reviews the referral data and sets up a meeting with District/CEO Director and/or requests additional data if needed within 10 school days of receipt of the packet (in the case of a referral for an incoming three year old preschool student, the process must be expedited in order for the IEP to take place prior to the student's third birthday);
3. Regional Program Director/Designee and staff meet with referring District Director/Designee to discuss the referral for consideration;
4. If it is mutually agreed that the referral to a regional program is appropriate, the Regional Program and District staff shall collaborate on any assessment deemed necessary and development of proposed goals.
5. An IEP meeting will be convened by the District of Residence.
6. It is recommended that all disputes between the Regional Program Director and referring District/CEO Director (or between an LEA and outside agency) be resolved prior to and outside of the IEP process. If the Regional Program Director

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and referring District/CEO Director are in dispute about the referral for consideration, they shall contact the SBCSELPA Executive Director to convene a dispute resolution meeting prior to an anticipated expanded IEP team meeting. As a result of this dispute resolution meeting, the SBCSELPA Executive Director shall render a determination to resolve the dispute between the District/CEO and Regional Program Director. The SBCSELPA Executive Director's determination shall be final and shall govern for purposes of funding only. [Purposes of funding refers to SBCSELPA payment for regional services as a shared cost as per the Local Plan Funding Model] The SBCSELPA Executive Director's determination shall not be construed as the individualized education program ("IEP") team's recommendations and/or be considered a directive to the IEP team regarding its recommendations. The IEP team shall make all determinations regarding the student's IEP.

8. After meeting with the Regional Program Director/Designee, the District Director/Designee sets up an IEP to include the Regional Program Director/Designee to discuss a possible offer of FAPE in regional program;
9. The IEP team will determine:
  - a. Whether the regional program is the appropriate placement for the student;
  - b. Whether the student is to be maintained at the district of residence for further educational consideration;
  - c. Whether additional assessment is required. If so, student is to remain in current placement or other district alternative pending completion of assessments and scheduling of IEP meeting;
10. District Director/Designee makes a final offer of FAPE at IEP meeting;
11. If the IEP team offer of FAPE is in a regional program, the IEP paperwork is completed and placement arrangements are to be initiated.
12. Responsibility for coordination of transportation, requests for transfer of records and arrangements for school registration will be the responsibility of Regional Program Director/Designee.
13. Students transitioning from Pre-K to kindergarten who manifest severe medical needs that necessitate their special education services be provided in a home

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instruction setting shall be considered “regional students” for purposes of funding and provision of home instruction and services.

Title 34 Code of Federal Regulations (“CFR”) § 300.116(b)(1)

California Education Code § 56342(a)

Title 34 CFR § 300.501(c)

California Education Code § 56342.5

When it is recommended that a student be transitioned from a regional special class program due to readiness for a less restrictive setting the following shall occur:

1. Regional Program Director/Designee collects data, observes student, etc., completes the Regional Program Referral Back to District Checklist, and sends packet to District of Residence Director/Designee;
2. The District of Residence Director/Designee reviews the data and sets up a meeting with Regional Program Director/Designee and/or requests additional data if needed within 10 school days of receipt of the packet;
3. Regional Program Director/Designee and staff meet with District Director/Designee to discuss referral back to District of Residence;
4. If the Regional Program Director and referring District/CEO Director are in dispute about the referral back to the District of Residence, they shall contact the SBCSELPA Executive Director to convene a dispute resolution meeting prior to an IEP being called. The SBCSELPA Executive Director will render a final recommendation to the District/CEO and Regional Program Director. This is not an IEP placement decision, but rather, is a recommendation to be followed for SBCSELPA reimbursement of program expenses. It is recommended that all disputes between directors be resolved prior to and outside of an IEP meeting;
5. If the Regional Program Director/Designee and the District Director/Designee agree that a referral back to the District of Residence is appropriate, the Regional Program Director/Designee sets up an expanded IEP to include the Regional Program Director/Designee to recommend that the student be returned to a program in the District of Residence.

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**Parent Dispute Resolution Process Regarding Regional Program Placements**

In cases where the parent requests that the student be removed from a regional program placement, and the Regional Program Director/Designee and/or District Director/Designee, feels the student is not ready for either a less or more restrictive setting, the following dispute resolution procedures will be followed:

1. The parent(s) requests a change of placement from regional program;
2. The Regional Program Director/Designee shall convene an IEP and invite the District of Residence Director/Designee. The Regional Program Director/Designee shall present information about the student's current functioning and why the regional program continues to be the most appropriate placement for the student. The parent will be provided the opportunity to provide input to the IEP and state their concerns. If the parent continues to disagree with the offer of FAPE made by the district of residence at the IEP, they may contact the SBCSELPA regarding their due process rights and steps they can take to address their concerns.

**Regional Program Referral Process to More Restrictive Setting**

When a student attending a regional program is recommended for a more non-public restrictive setting, the following shall occur:

1. At the first consideration of referring a student for consideration to a Nonpublic School (NPS), the Regional Program Director/Designee shall notify the District of Residence Director/Designee and the SBCSELPA Executive Director.
2. The District of Residence Director/Designee, SBCSELPA Executive Director, and Regional Program Director/Designee will discuss the case to determine if they are in agreement to pursuing a possible referral to a NPS that will be funded at the SELPA level or if they feel further modifications to the regional program should be attempted.
3. If further modifications are recommended, an IEP will be convened by the Regional Program Director/Designee where further modifications will be developed, implemented, and reviewed for an agreed upon timeline.

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4. If it is determined by the IEP team that a more restrictive placement is needed, the student will be maintained in the current regional program placement, if possible, while the District of Residence Director and SBCSELPA Executive Director pursue a more restrictive placement. When a student is found to be dangerous to himself and/or others, and the IEP Team recommends that the student be placed on home instruction, the district of residence shall be fiscally responsible for home instruction during the interim of placement consideration.
5. The IEP team will consist of the SBCSELPA Executive Director/Designee, Regional Program Director/Designee, District of Residence Director/Designee, parents, appropriate other agency personnel, and others as deemed necessary.

**Administrative Placement Procedures for Referrals to Regional Programs**

When no comparable program is available for students transferring from outside of the SBCSELPA within the district of residence, administrative placements made to a regional program will follow the same procedures as outlined in Ed. Code Section 56325, Subdivision (a), (b) with exceptions noted below:

1. The District of Residence Director/Designee contacts the Regional Program Director/Designee, the parent, and other agencies as appropriate to discuss administrative placement.
2. The District of Residence Director/Designee will provide the Regional Program Director/Designee with the name of the district from which the student is transferring and any records available prior to the student enrolling.
3. Students eligible for administrative placement in TLP will include students transferring from Special Class programs designed for the emotionally disturbed or students exiting from NPS programs for the emotionally disturbed.
4. The District of Residence Director/Designee will schedule an IEP within 30 days of the administrative placement and will invite the Regional Program Director and staff.

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