

SANTA BARBARA COUNTY SELPA LOCAL PLAN

SECTION 4

SPECIAL EDUCATION INSTRUCTION IDENTIFICATION AND REFERRAL

Identification and Referral Policies
6101 - 6115

(Revised 5-4-2020)

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6101 Continuous Child Find

Each district in the Local Plan Area and the County Education Office shall adopt uniform procedures for actively and systematically seeking 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 the County Education Office. The child find requirement extends to children enrolled in private schools, including parochial schools, children who are homeless, children who are migrant, and children who are wards of the state.

For early childhood programs, children 0 to 5 in age will be sought out in environments such as the following: neonatal intensive care units, hospitals, Head Start programs and other public or private preschools.

(EDUCATION CODE SECTION 56205(a) and 56301)

DATE APPROVED: January 3, 1984
DATE REVISED: November 6, 1987
DATE REVISED: December 9, 2002
DATE REVISED: June 6, 2005

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6102 Child Find Notice

The SELPA Administrative Office shall publish a public notice in newspapers of general circulation in the county at the beginning of each school year. The notice shall inform parents of the availability of programs for eligible disabled students, ages 0-21, and whom to contact for assistance.

Outreach activities will typically include the following: distribution of pamphlets describing the programs to pediatricians, staff presentations to service organizations, and/or media coverage.

(EDUCATION CODE SECTION 56205(a) and 56301)

DATE APPROVED: February 7, 1984
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SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6103 Appointment of Surrogate Parents

The local education agencies that make up the Santa Barbara County SELPA shall ensure that a surrogate parent is appointed to represent an individual with disabilities or pupil suspected of meeting eligibility requirements as an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the Individualized Education Program and in other matters relating to the provision of a FAPE.

It will be the responsibility of each district to conduct a reasonable search for all parents who retain educational rights over their children. In the event that they cannot be located, a reasonable search will be deemed to have been conducted when the district has sent one letter to the last known address and has made a follow-up phone call.

Each local education agency in the Santa Barbara County SELPA will be responsible for appointing a surrogate whenever the whereabouts of the parents or guardian of the child are not known or available or the child is a ward of the state. Status of students already enrolled will be determined by the district of attendance. "New" incoming students' status will be determined by the district of residence.

A local education agency shall make reasonable efforts to ensure the appointment of a surrogate parent not more than 30 days after the LEA determines that a child needs a surrogate parent.

The surrogate parent may provide any written consent related to the individualized education program as well as to non-emergency medical services, mental health services, and occupational and physical therapy services to be provided pursuant to Chapter 26.5 of the Government Code.

In addition to being free of a conflict of interest, surrogate parents will have received training in confidentiality and parent rights as they pertain to protecting the interests to the child.

In making surrogate parent appointments the district shall select as a first preference a relative caretaker, foster parent of the child or court appointed special advocate.

Surrogate parents will be recruited and selected by each district. Persons selected as surrogate parents must:

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6103 Appointment of Surrogate Parents *(Continued)*

1. Have no interest which conflicts with the interests of the child he/she represents;
2. Have knowledge and skills that insure adequate representation of the child;
3. Not be an employee of a public agency that is involved in the education or care of the child;
4. Be willing to commit time and energy in preparation for IEP meetings;
5. Be culturally sensitive to the child they are representing.

The Santa Barbara County SELPA will train surrogate parents and administer a post-test at the end of the training. The training will include the following:

The IEP process
Special Education Law
An overview of different disabling conditions
Curriculum issues
Confidentiality issues

A surrogate parent's term of appointment will be for 1 year. The district will be responsible for monitoring the surrogate parent and determining if the term of appointment should be renewed.

A surrogate parent's appointment will be automatically terminated for the following reasons: conflict of interest, a student is no longer eligible for special education, student reaches the age of majority, surrogate fails to adequately perform duties, or the parent is located.

(EDUCATION CODE 56050)

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SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6104 Referral

Each district and the County Education Office in the Santa Barbara County Special Education Local Plan Area shall adopt procedures for handling referrals to special education programs based upon federal and state laws and regulations.

DATE APPROVED: January 3, 1984

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6105 Process of Ensuring Utilization of Resources of Regular Program

Each school site shall establish a process to ensure that non-special education interventions have been considered and, where appropriate, utilized before a pupil is referred to special education.

Prior to formal referral, utilization of the resources of the regular classroom program shall include all modifications in that program necessary to accommodate differences in the pupil's ability to learn.

(EDUCATION CODE 56200(h) and 56303)

DATE APPROVED: January 3, 1984

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SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6106 Completing a Referral

All referrals of pupils ages 0 through 21 years shall be completed on an approved Local Plan Area form. Referrals shall be received and analyzed by the administrator or designee responsible for assessment and programming. In cases where assessment and programming are the responsibility of an entity other than the District of Residence, then the entity shall notify the director of the District of Residence of all referrals, exclusive of infant and preschool referrals, and then invite the Director of the District of Residence to the Individualized Education Program Team meeting. Persons making oral referrals shall be offered assistance in completing the referral form.

(EDUCATION CODE SECTION 56205(a) and 56302)
(CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTION 3021(a))

DATE APPROVED: January 3, 1984

DATE REVISED: March 3, 1989

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SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6107 The Referral Form

Written referrals shall contain the following information:

1. Pupil's name, address, school, grade, birthdate and teacher.
2. Information on any grade in which the pupil was retained.
3. Parents' names and home and work telephone numbers.
4. Student's primary language/parent's primary language.
5. Student's English proficiency status: EO/FEP/EL
6. Date of referral.
7. Name of the person making the referral.
8. Specific areas of concern.
9. Description of intervention strategies attempted or being used, with or without success.

(CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTION 3021)

DATE APPROVED: January 3, 1984

DATE REVISED: November 8, 1991

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SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6108 Parent Notification

School personnel initiating a referral shall be responsible for informing the parent or guardian that the referral will be made and for documenting that notification on the Notice of Referral Form.

DATE APPROVED: January 3, 1984

DATE REVISED: March 3, 1995

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6109 Referrals to Outside Agencies

All referrals of pupils ages 0 through 21 years shall be completed on an approved Local Plan Area form. Referrals shall be received, analyzed and signed by the administrator or designee responsible for assessment and programming before forwarding to the designated outside agency.

In cases where assessment and programming are the responsibility of an entity other than the District of Residence, the director of the serving district should sign and forward all outside referrals to the designated outside agency.

(EDUCATION CODE 56360)

DATE APPROVED: June 2, 1989

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6110 Referrals to California Children Services for OT/PT Services

Occupational and Physical Therapy services shall be provided by California Children Services, in accordance with the following referral process:

1. Initial referral should begin at the Student Study Team/Individualized Education Program Team level.
2. When the student has been identified as a possible candidate for California Children Services, the Student Study Team/IEP Team shall complete the top portion of the Physician's Form for Related Services. The physician completes the bottom portion of the form which is returned to the LEA Administrator.
3. The Physician's Referral Form for OT and/or PT is forwarded with attached medical records, CCS Application for Services form, and Release of Information form to the CCS Therapy Services Coordinator.
4. CCS will review all referrals which appear to meet CCS criteria or which are questionable and determine medical eligibility for services (see Appendix A & B). Diagnostic, treatment, and medical therapy services will be provided in accordance with standards established by the California Children Services Program.
5. Once the California Children Services (CCS) evaluation has been conducted, CCS will send a copy of the evaluation to the district Director of Special Education. If CCS determines that the pupil needs medically necessary OT and/or PT, CCS shall provide the service. If the California Children Services panel physician or the Medical Therapy Conference Team determines that there is no medical necessity for OT or PT, the IEP Team shall be provided with a written statement which delineates the basis for the determination.

DATE APPROVED: August 28, 1987

DATE REVISED: June 4, 1999

DATE REVISED: February 1, 2010

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

- 6000 SPECIAL EDUCATION - INSTRUCTION

- 6100 IDENTIFICATION AND REFERRAL

- 6111 Assessment, Identification, and Placement of Emotionally Disturbed Students

Referral

Referral of students suspected of being ED shall be accomplished in accordance with Santa Barbara County Special Education Local Plan Area procedures as outlined in the current edition of the SBCSELPA Procedural Handbook.

(Note: A current DSM diagnosis shall not be used to either include or exclude a student from consideration for special education services.)

Assessment

1. The assessment of referred students shall be accomplished in accordance with State and Federal guidelines and Santa Barbara County Special Education Local Plan Area procedures as outlined in the current edition of the SBCSELPA Procedural Handbook. Following these guidelines will ensure that each individual is assessed by individuals who are competent to perform assessments in all areas of suspected disability and will take into account each student's language and cultural background. The assessor(s) will write a report documenting their assessment.

2. Assessment Standards. The comprehensive assessment undertaken shall include the following:
 - a. Development and health history.

 - b. Educational history, including history of previous educational and behavior interventions.

 - c. Teacher interviews, including past and present teachers whenever possible.

 - d. Parent interview and, if possible, a home visit.

 - e. Observation in a variety of settings and student work samples.

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6111 Assessment, Identification, and Placement of Emotionally Disturbed Students
(Continued)

- f. Current* evaluation of:
 - (1) Intellectual functioning
 - (2) Language
 - (3) Adaptive behavior
 - (4) Academic skills
 - (5) Emotional functioning to include: appearance, behavior, affect, perception and cognition
 - (6) Psychomotor development

*Assessments of cognitive functioning conducted within the past twelve months and all other assessments conducted within the past six months may be considered current based upon professional judgment.

- g. A review of school records, including health and discipline, and of previous psychoeducational and psychological evaluations

3. Assessment Report. When the evaluation indicates that a student qualifies as ED according to state and federal education guidelines, the psychologist's report shall verify the following:

- a. Documentation that the student exhibits one or more of the following characteristics over a long period of time (at least six months) and to a marked degree, addressing both a pervasiveness (across all domains) and intensity, which adversely affects 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.

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6111 Assessment, Identification, and Placement of Emotionally Disturbed Students
(Continued)

- (5) A tendency to develop physical symptoms or fears associated with personal or school problems.
 - b. Documentation of the linkage between the specific behavioral characteristics observed and the specific eligibility criteria affected.
 - c. Documentation of a behavioral or emotional condition that cannot be described solely as a social maladjustment as demonstrated by deliberate noncompliance with accepted social rules, and a demonstrated ability to control unacceptable behavior, and the absence of a treatable mental disorder.
 - d. A student who is a danger to self or others is not automatically eligible as emotionally disturbed.
4. When the child has been suspected of being ED and the assessment does not indicate eligibility as an ED student, the report shall:
- a. Specify the rationale for not meeting the ED eligibility criteria, and
 - b. Specify the conditions which appear to have produced the behaviors in question.
5. When a child has been suspected of being ED and the assessment is inconclusive, a referral may be made through the SBCSELPA Executive Director for a second opinion.

IEP Development

When an IEP team has determined that a student is eligible for special education as ED, the IEP shall contain long term goals and short range objectives, as appropriate, that address all areas of need as required by law. These objectives shall be written so as to produce measurable outcomes.

Placement of ED Students in Special Education Programs

1. When placing a child identified as ED into a special education program, the full

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6111 Assessment, Identification, and Placement of Emotionally Disturbed Students
(Continued)

continuum of options shall be considered and the child shall be placed in the least restrictive environment appropriate to his/her educational needs.

2. A recommendation for residential placement shall be made only after less restrictive alternatives have been attempted unless it is clearly infeasible to do so. All attempted interventions or their infeasibility must be documented.
3. Residential placement shall be recommended only when such placement is necessary to appropriately implement the student's IEP.
4. Prior to recommending a student for residential placement the SBCSELPA Executive Director shall ensure that resources within the SELPA have been exhausted.

(EDUCATION CODE 56195.7(d))

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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

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 (*Continued*)

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

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 (*Continued*)

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

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 (*Continued*)

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.

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 (*Continued*)

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.

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 (*Continued*)

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.

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 *(Continued)*

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SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6113 Referrals to Programs for Students with Low Incidence/Severe Disabilities

In the event that placement in a program for students with low incidence/severe disabilities appears to be needed, the director or designee providing the low incidence/severe disabilities program will be included as part of the IEP team.

If during the course of an IEP team meeting, the IEP team determines that placement in a low incidence/severe disabilities program is appropriate, the meeting will be suspended and reconvened as quickly as possible to include the director responsible for providing the low incidence/sever disabilities program under consideration.

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SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6114 Referrals for Regionally Provided Occupational Therapy Services and Assessment

The following procedures shall apply to requests for assessment in the area of occupational therapy (OT) when OT services are deemed possibly necessary to assist a child to benefit from his or her special education. If the suspected area of need is deemed to be possibly medically necessary, the assessment request for OT should be forwarded to California Children Services (CCS) as per policy 6110.

If a written request for assessment in the area of occupational therapy is made, the following assessment procedures as specified in education code shall be followed.

A referral for assessment may be made by any of the following:

1. A parent or guardian of the individual.
2. A teacher or other service provider of the individual via an SST meeting or otherwise.
3. A foster parent of the individual, consistent with the limitations contained in federal law.

A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five school days, from the date of receipt of the referral, unless the parent or guardian agrees in writing to an extension, pursuant to subdivision (a) of Section 56321.

A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision, pursuant to subdivision © of Section 56321.

An individualized education program required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees in writing to an extension, pursuant to Section 56344.

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6114 Referrals for Regionally Provided Occupational Therapy Services and Assessment
(Continued)

If an LEA in the SBCSLEPA desires to make a referral for assessment to a regional OT, the LEA Special Education Administrator or designee shall complete the SBCSELPA OT referral packet (see Procedural Manual Forms).

30 EC 56043 – Primary Timelines Affecting Special Education Programs

30 EC 56029 – Definition of “Referral for Assessment”

L GC 7572 – Child Assessed I All Areas Related to Suspected Disability

1 GC 7575 – Responsibility for Provision of Occupational Therapy & Physical Therapy

DATE APPROVED: February 1, 2010

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6115 Overidentification and Disproportionality

The local education agencies of the Santa Barbara County SELPA shall implement procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment or category of disability.

Such procedures may include:

- Monitoring of special education pupil count data relative to identification rates by ethnicity;
- Monitoring of district Annual Performance Plan data relative to equitable identification rates by ethnicity;
- Use of a student study team process to consider the effects of environmental and cultural factors relative to students' academic performance;
- Implementation and evaluation of the effectiveness of regular education interventions prior to a referral for special education assessment.

DATE APPROVED: June 2, 2008

DATE REVISED: February 1, 2010