

**SANTA BARBARA COUNTY  
LOCAL PLAN**

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**SECTION 6**

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**SPECIAL EDUCATION INSTRUCTION  
INSTRUCTIONAL PLANNING  
AND  
INDIVIDUALIZED EDUCATION PROGRAM**

Instructional Planning and Individualized Education Program  
Policies 6301- 6313

(Revised 5-4-2020)

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6301 Provision of Individualized Education Program Teams

The County Education Office or a nondirect service school district shall provide Individualized Education Program (IEP) Teams for the purpose of developing, reviewing, and revising the Individualized Education Program (IEP) for pupils within their jurisdiction.

DATE APPROVED: January 3, 1984  
DATE REVISED: January 9, 1987  
DATE REVISED: December 9, 2002

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6302 Responsibility of Individualized Education Program Teams

District or County Education Office Individualized Education Program (IEP) Teams will make placement recommendations for programs operated within their district of responsibility, except as follows:

1. Individuals with exceptional needs who are within the age range of birth to 3 years and who are enrolled, or may be enrolled, in special education programs in public schools within the boundaries of the Santa Barbara County SELPA are the responsibility of the County Education Office IEP Teams, except when a district chooses to operate appropriate programs which may meet the needs of the student.
2. County Education Office IEP Teams will be responsible for all referrals of individuals who are within the age range of 3 to 4.9 years, except for those referrals for special education services where districts operate programs which appear to meet the needs of the suspected disability of the referred individuals. In the latter cases, the district administrator and specialist shall be invited to the IEP Team meeting to assist in the determination of need, frequency and/or duration of service.
3. Individuals with exceptional needs residing in foster family homes and in group homes defined as LCIs are the responsibility of the IEP Team of the nondirect service district in which the individual resides and of the IEP Team of the County Education Office for direct service districts if the individual resides in a direct service district of Santa Barbara County.
4. Individuals with exceptional needs ages 18 to 22 years old residing in foster family homes and in group homes defined as LCIs are the responsibility of the district where they reached the age of majority or the district of residence of their conservator (if conserved). The district of responsibility may contact the district where the LCI is located to determine if they are able and willing to serve the student. All costs associated with the placement shall be the fiscal responsibility of the district where the student reached the age of majority or where the conservator resides (if the student is conserved).
5. Individuals placed in Juvenile Court facilities **and Community Day Schools** are the responsibility of County Education Office IEP Teams.
6. Special education services for eligible students placed in public hospitals, proprietary hospitals and other residential medical facilities shall be provided by the school district in which the facility is located.

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6302 Responsibility of Individualized Education Program Teams  
*(Continued)*

7. When a student attends programs operated by an entity other than that responsible for the IEP, any IEP meeting shall include invited representatives of both entities.

DATE APPROVED: January 2, 1984  
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6303 Recommendation for Individualized Education Program (IEP) Team for Programs Outside Area of Responsibility (Intra-SELPA Student Placements)

When an IEP Team determines that an appropriate program for an individual student is not available within its LEA or through a regional program and an appropriate program might be available in another LEA within the Special Education Local Plan Area, the following procedures shall be followed:

1. The Special Education Administrator/Designee from the referring LEA shall contact Special Education Administrators from other LEAs to determine if they may have an appropriate program for the student.
2. If another LEA in the SELPA indicates they have a possible appropriate program for the student, the referring LEA Administrator/Designee or IEP team members shall go observe the potential program(s) in order to determine if it is appropriate for the student. They shall provide prior notice to the receiving LEA Special Education Administrator(s) of the intent to go observe the program. A parent or guardian shall not be allowed to visit the program in an outside LEA without prior consent of the receiving and notice to the referring LEA. The receiving LEA special education administrator/designee may request written documents regarding the student prior to a formal referral packet being sent.
3. If, after steps two and three above have taken place, the referring LEA determines a program in another LEA in the SELPA is appropriate for the student, the Special Education Administrator/Designee shall send a referral packet to the receiving LEA at least 10 days prior to the date of an IEP meeting to discuss possible placement in the program.. The packet shall include copies of the most recent cognitive and academic assessments, as well as copies of other applicable assessments such as OT, PT, speech, social-emotional, etc. They shall also include a narrative summary of the student's needs and a description of why a placement outside of the district is requested. The receiving LEA shall respond to the referring LEA regarding whether or not they will accept intra-SELPA transfer student within 10 working days.

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6303 Recommendation for Individualized Education Program (IEP) Team for Programs  
Outside Area of Responsibility (Intra-SELPA Student Placements) *(Continued)*

4. If the receiving LEA agrees to a potential placement of the student, the referring LEA may conduct an IEP meeting to offer the intra-SELPA placement as a possible placement. The referring LEA shall invite the receiving LEA Special Education Administrator/Designee to the IEP meeting to discuss possible placement.
5. If an intra-SELPA IEP team student placement is made, the referring LEA is responsible for full costs of inter-SELPA placed students. The receiving LEA shall bill the referring LEA actual costs associated with providing a program and related services to the student. The placement shall not be deemed as an "inter-district" transfer.
6. A MOU between the receiving and referring LEA shall be drafted to stipulate all matters related to the placement such as how costs associated with dispute resolution and due process shall be funded.
7. If there is disagreement between a referring and receiving LEA regarding a potential placement, intra-SELPA student placement services, or costs associated with such a placement, and the dispute cannot be resolved by the parties at the lowest level, the referring LEA Special Education Administrator will contact the SBCSELPA Executive Director who will schedule a meeting with the affected LEAs to attempt to mediate the disagreement. If the referring and receiving LEA administrators cannot come to an agreement about a potential student placement, final decisions regarding intra-district placements are the jurisdiction of the receiving LEA.

DATE APPROVED: January 3, 1984  
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DATE REVISED: February 5, 1988  
DATE REVISED: December 9, 2002  
DATE REVISED: May 3, 2010

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- 6304 Recommendation for State Residential School Placement

As a result of recommendations from the IEP Team that no appropriate placement is available in the local plan area, the Santa Barbara County SELPA and referring district/county may recommend placement in a State Special School.

When the IEP Team believes that no appropriate placement may be available within the District, an adjacent District or the County Education Office and prior to a student being referred by the District to the State School for possible placement, a referral for services shall be forwarded to the SBCSELPA Administrative Unit. The referral must include the relevant school records, a comprehensive description of the type of educational program needed and the rationale for requiring such a program.

The SBCSELPA Administrative Unit will work in conjunction with the district of residence in an effort to locate an appropriate program for the student within the SBCSELPA or in an adjacent SELPA.

If it is determined that a referral to the State School should be made, the special education director/coordinator of the district of residence and the SBCSELPA Executive Director or designee shall be included at the IEP meeting. The referral shall be made by the director/coordinator of the district of residence with notice of such referral given concurrently to the SBCSELPA Executive Director.

Referrals for further assessment and recommendations to the California School for the Deaf, California School for the Blind, or the State Diagnostic School shall not constitute placement in a State Special School.

(EDUCATION CODE 56367)

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DATE REVISED: August 22, 1988  
DATE REVISED: December 8, 1989  
DATE REVISED: February 2, 1994  
DATE REVISED: December 9, 2002

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6305 Recommendation for Placement Outside of District, Adjacent District, or County Education Office Program

1. When the IEP Team determines that no appropriate placement is available within the District, an adjacent District or the County Education Office, a referral for services shall be forwarded to the SBCSELPA Administrative Unit. The referral must include the relevant school records, a comprehensive description of the type of educational program needed and the rationale for requiring such a program.

If a nonpublic school placement is required to meet the student's program needs, the recommendation will be submitted to the JPA Board for fiscal approval at its next meeting.

2. Every effort shall be made to locate an appropriate nonpublic school within the State of California. The SBCSELPA Executive Director and the referring district shall be responsible for identifying with the parent an appropriate nonpublic school and negotiating the nonpublic school (NPS) contract in accordance with the IEP.

(EDUCATION CODE 56365)

DATE APPROVED: January 3, 1984

DATE APPROVED: January 9, 1987

DATE REVISED: November 8, 1991

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6306 Responsibility for Nonpublic School/State Residential School IEPs

Whenever an IEP for a student is to be developed, reviewed or revised prior to or following enrollment in a nonpublic school or state residential school, the IEP Team of the district of residence or the County Education Office, whichever is appropriate, shall be the party responsible for assuring compliance with state and federal mandates. The SBCSELPA Executive Director or designee shall be a member of the IEP Team.

DATE APPROVED: February 7, 1984

DATE REVISED: January 9, 1987

DATE REVISED: December 8, 1989

DATE REVISED: December 9, 2002

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6307 Parent Participation

Each district and the County Education Office shall take steps to ensure that one or both parents of the disabled pupil are present at each Individualized Education Program (IEP) Team meeting or are afforded the opportunity to participate in the development of the IEP and provide meaningful input.

Such procedures shall include, but are not limited to, the following:

1. Parents shall be notified of the Individualized Education Program (IEP) Team meeting early enough to ensure that they will have an opportunity to attend.
2. The written notice shall indicate the purpose, time and location of the meeting, and who will be in attendance and shall be provided to the parent in a language easily understood by the general public and in the native language of the parent as defined in Section 300.29 of Title 34 of the Code of Federal Regulations, or other mode of communication used by the parent, unless to do so is clearly not feasible.
3. The meetings shall be scheduled at a mutually agreed upon time and place.
4. If neither parent can attend, the district or County Education Office shall use other methods to ensure parental participation, including telephone calls.
5. A meeting may be conducted without a parent if the district or County Education Office is unable to convince the parents that they should attend. In this case, detailed records of attempts to arrange a meeting with the parents, including records of telephone calls and visits, and copies of correspondence shall be maintained.
6. The district or County Education Office shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting.
7. The district or County Education Office shall give the parent a copy of the completed Individualized Education Program (IEP).

(EDUCATION CODE 56341.5; 56506)

DATE APPROVED: January 3, 1984

DATE REVISED: January 9, 1987

DATE REVISED: March 3, 1995

DATE REVISED: December 9, 2002

DATE REVISED: June 4, 2012

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6308 Meeting of the Individualized Education Program Team/Conducting an Individualized Education Program Team Meeting

Individualized Education Program (IEP) Team meetings shall be conducted according to the following procedural guidelines:

1. All attending persons shall be introduced and their roles explained.
2. Parents' rights in the individualized education program process shall be explained.
3. The procedures for conducting the IEP Team meeting shall be explained.
4. The reason for referral and the case history of the child (including medical report) shall be presented.
5. The assessment techniques used and the rationale for their use shall be briefly reviewed.
6. A brief summary of the findings from the assessments conducted, written in language easily understood by the general public, shall be presented to the parent(s). These findings and the educational implications of the findings shall be explained.
7. The parents shall be given an opportunity to discuss all findings and to contribute their own observations of the child.
8. Long term goals shall be written.
9. Short term objectives shall be written, as appropriate.
10. The continuum of the program and service options shall be explained to attending parents.
11. Placement and service recommendations based on the child's needs shall be presented by the school representative on the IEP Team, to include the start date, frequency, duration, and location of services.
12. Service alternatives considered by the IEP Team will be documented on the IEP.
13. The extent to which the pupil is to be integrated in the regular school program (i.e., the activities, frequencies and durations of the integration), a rationale for integration, and the approximate date of initiation of integration shall be determined.

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6308 Meeting of the Individualized Education Program Team/Conducting an Individualized Education Program Team Meeting (*Continued*)

14. The parents may be given the opportunity to observe the recommended program(s). School and teacher to be assigned by Special Education Administration.
15. The approximate date of the annual review shall be determined.
16. A copy of the procedural guidelines regarding the conduct of the Individualized Education Program (IEP) Team meetings shall be provided to all persons acting as chairpersons of Individualized Education Program Team meetings.

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6309 Individualized Education Program Review Required Meetings

An Individualized Education Program Team shall meet whenever any of the following occurs:

1. A pupil has received an initial formal assessment. The team may meet when a pupil receives any subsequent formal assessment.
2. The pupil demonstrates a lack of anticipated progress.
3. The parent or teacher requests a meeting to develop, review, or revise the Individualized Education Program.
4. 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. Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review.

The Individualized Education Program Team (IEP Team) shall examine, at least annually, all elements of the Individualized Education Program (IEP) as stated in Education Code 56345. This review shall also determine the appropriateness of the Individualized Education Program and seek information from those present at the review meeting(s) of the IEP Team.

The IEP Team shall also determine whether changes must be made in the Individualized Education Program. If changes are necessary, they shall be generated at the review meeting(s) of the IEP Team.

For pupils whose primary language is other than English, the IEP Team shall examine whether goals, objectives, programs and services are linguistically appropriate.

Reasonable and appropriate time shall be allotted for each Individualized Education Program (IEP) review.

An IEP Team meeting shall be convened at least every six months for any emotionally disturbed pupil who has been placed in a residential nonpublic school program.

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6309 Individualized Education Program Review Required Meetings (*Continued*)

(EDUCATION CODE SECTION 56341, 56343, 56345, 56380)  
(GOVERNMENT CODE 7525(c) (2))

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6310 Distribution of Individualized Education Program Contents

Each district and the County Education Office shall, prior to the placement of an individual with exceptional needs, ensure that the regular classroom teacher(s), the special education teacher(s), and other persons involved in implementing the pupil's Individualized Education Program (IEP) shall be knowledgeable of the content of the IEP.

A copy of the IEP shall be maintained at the school site where the pupil is enrolled. Service providers from other agencies who provide services to the individual off the school site shall be provided a copy of the IEP.

(EDUCATION CODE 56347)

DATE APPROVED: January 3, 1986  
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- 6311 Review of Pupil Assignment

Regular and special education teachers providing services in classes operated within the Santa Barbara County SELPA may request a review of the assignment of an individual with exceptional needs to his or her class.

The request for review shall be submitted in written form to the district's director/coordinator of special education or, for students enrolled in regional programs, the administrator having responsibility for the regional program. The review shall be conducted within 20 calendar days of receipt by the administrator of the written request, not counting days between the teacher's regular school sessions, terms, or days of school vacation in excess of five school days.

If the review indicates a change in the pupil's placement, instruction, related services, or any combination thereof, the district's special education administrator or administrator of the regional program, as appropriate, shall ensure that an Individualized Education Program Team meeting is convened within 30 calendar days of the review, not counting days between the teacher's regular school sessions, terms, or days of school vacation in excess of five school days.

(EDUCATION CODE 56195.8 (b)(2))

DATE APPROVED: December 9, 2002



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- 6312 Free Appropriate Public Education (FAPE)

A free appropriate public education shall be made available to all students with disabilities residing within the districts that comprise the Santa Barbara County SELPA, including students with disabilities who have been suspended or expelled from school.

Free appropriate public education means special education and related services that:

1. Have been provided at public expense, under public supervision and direction and without charge;
2. Meets the standards established by state or federal law;
3. Include an appropriate preschool, elementary, or secondary school education in California; and
4. Are provided in conformity with the individualized education program required under state and federal law.

A determination that a student is in need of special education shall be based on an appropriate assessment(s). All special education and related services determined by the Individualized Education Program Team to be necessary for a student to benefit from his or her instructional program shall be listed on the IEP. Each local education agency within the SBCSELPA shall assure that each student with a disability for whom it is responsible is provided with special education services in accordance with the student's IEP.

(EDUCATION CODE SECTION 56205(a) and  
CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTION 3001(o))

DATE APPROVED: October 6, 2003

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6313 Prohibition on Mandatory Medication

Local education agency personnel are prohibited from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition for attending school, receiving an evaluation, or receiving services.

Nothing in this prohibition is to be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services.

DATE APPROVED: June 2, 2008