

**Bella Mente
Montessori Academy
Program
Implementation
Guide**

Content:

Introduction

Identification and Referral

Evaluation

Eligibility

Service Delivery Model

IEP Process

Case Management

English Learners

Positive Behavioral Supports

Discipline

Standardized Assessments

Confidentiality and Records

Resources

Introduction

The Bella Mente Special Education Program Implementation Guide complies with state and federal regulations, as well as guidelines provided by the North Coastal Consortium for Special Education. The purpose of this guide is to detail the policies and procedures related to special education.

Bella Mente Special Education Staff is dedicated to providing specialized academic and behavior support to students with exceptional needs in order to engage and prepare them to be active members of a global society.

Identification and Referral

“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.” (EC 56303)

Bella Mente Montessori Academy has a responsibility to actively and systematically seek out all individuals, from 3 up to 21 years of age, with exceptional needs requiring special education and related services (34 C.F.R § 300.111(a).)

Identification

Identification procedures involve [systematic methods](#) of utilizing referrals of pupils from a range of stakeholders, including teachers, parents, agencies, appropriate professionals, and other members of the public. These procedures are coordinated with school site systems for referral of pupils with needs that cannot be met through modification of the regular instructional program, including referrals from intervention teams, such as a [Student Success Team](#).

Systematic Methods

Child Find

It shall be the policy of an LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

(20 U.S.C. § 1412 [a][3])

Broad responsibilities: An educational agency has the responsibility to inform and educate the public about the need to locate and identify all children with "suspected" disabilities by conducting activities (such as distributing brochures, providing public service announcements, and staffing exhibits at community events) that make parents aware of the availability of special education and related services.

Specific Responsibilities: If a student is identified as possibly requiring specialized instruction, the educational agency must conduct an initial assessment to determine eligibility for special education.

SST

Student Success Team

According to Education Code 56303, a Student Success Team (SST) is a general education function. An SST meeting is held when a parent and/or staff member feels a student's learning,

speech and language acquisition, behavior and/or emotional needs are not being met under existing circumstances. The purpose of this meeting is to provide an opportunity for parents and school staff to share concerns and ideas with various professionals and develop strategies to help the student in his or her area(s) of need. If the student is not responding to the initial interventions made in the general education setting, the SST reconvenes to review the reasons for lack of progress and identify next steps. It is important to note that one outcome of the SST process may be referral for special education evaluation.

Although specialists such as school psychologists, speech-language pathologists, and education specialists may be involved, the SST is not a special education function and, as such, is not subject to the associated restrictions and timelines.

Best Practices:

- Gather a Student Success Team and/or intervention personnel at the first sign of a behavioral or academic problem.
- Consider "child find" implications if a student is being bullied or is bullying others. Is this behavior related to a possible disability?
- Special education referrals are independent of a student's English Language Development status. A student may be assessed even if s/he has not achieved English fluency as long as the assessor takes this language factor into consideration during the evaluation process.
- Investigate the root cause of frequent absences and non-attendance, giving consideration to underlying behavioral, medical, or academic issues.
- Pay particular attention to highly mobile or homeless children - frequent moves and school changes often result in child find violations with this student population.

Referral

Referrals can originate from school staff or by other personnel.

[Referrals originated by school staff.](#)

1. Prior to a referral for special education by school staff, a pupil is referred to the site Student Success Team (SST).

2. If, after the resources of general education have been considered and utilized, the SST suspects a disability exists which may require special education, the team makes a referral for evaluation.

3. The education specialist assumes case management responsibilities, completing the assessment plan and prior written notice and providing the parent with a [Notice of Procedural Safeguards](#). If the team determines that a special education evaluation is necessary and

speech or language is the only area of delay, the speech-language pathologist assumes case management responsibilities.

[Referrals originated by other than school staff.](#)

1. A request for initial evaluation is received by charter school staff. Verbal requests are put into writing, with charter school staff offering assistance, as necessary.

2. The written request is time and date stamped.

3. Within 15 calendar days of the date of receipt, a Student Success Team (SST) will convene to address and respond to the request for evaluation. This team must respond within this 15 day window in one of the following ways:

a. If the SST determines the request for evaluation is not appropriate, and the parent agrees, the evaluation process discontinues. The SST documents reasons for not evaluating, as well as the parent's consent to rescind their request for evaluation. The parent must write a statement withdrawing the request for evaluation.

OR

b. If the SST determines the request for evaluation is not appropriate, and the parent *does not* agree, either the referral process continues and an assessment plan is developed or a written response is sent to the parent explaining reasons for not evaluating.

OR

c. If the SST determines the request for evaluation is appropriate, the referral process continues and a case manager is assigned.

4. Contact is made with the referring individual(s) to determine all areas of suspected disability and to develop proposed action. The assessment plan and prior written notice are completed and sent to the parent along with a [Notice of Procedural Safeguards](#).

Once a referral is received:

Within 15 calendar days of receipt of request for evaluation, an assessment plan and prior written notice for initials forms are completed and presented to the parent along with [Notice of Procedural Safeguards](#). Parental signature of the assessment plan indicates consent. The date the assessment plan is received by the school is recorded on the assessment plan and the assessment process begins immediately. The assessment must be completed, all reports written, and the IEP meeting conducted within 60 calendar days.

Best Practice in Identification and Referral

- Prior to making a referral gather a **Student Success Team** and/or intervention personnel at the first sign of a behavioral or academic problem. Discuss concerns and interventions which can be implemented in the classroom
- Allow a 6-8 week implementation period before evaluating a student's response to the interventions recommended by the SST. Collect data on the interventions and present results at the follow up SST.
- Document parent notification of/consent to all pre-referral interventions. Inform parents of their right to request a special education assessment at any time.
- Bella Mente staff must provide a written response within 15 days of any request for evaluation or assessment, either in the form of an assessment plan or a refusal.
- Consider "child find" implications if a student is being bullied or is bullying others. Is this behavior related to a possible disability?
- Special education referrals are independent of a student's English Language Development status. A student may be assessed even if s/he has not achieved English fluency as long as the assessor takes this language factor into consideration during the evaluation process.
- Investigate the root cause of frequent absences and non-attendance, giving consideration to underlying behavioral, medical, or academic issues.
- Be aware of the needs of highly mobile or homeless children - frequent moves and school changes often result in child find violations.

Evaluation

A child referred for assessment receives a full and individual evaluation to identify area(s) of disability, determine eligibility, and assess educational needs. The assessment information provides the basis for an Individualized Education Program (IEP) to ensure the individual receives a free and appropriate public education (FAPE).

Assessment Plan

An **assessment plan**, which describes the proposed assessments, is sent home to parents or guardians within 15 calendar days of receipt of the written referral for assessment. Days between the pupil's regular school sessions or days of school vacation in excess of five school days are not counted in the 15 calendar days. The 15 day [timeline](#) recommences on the date that the pupil's regular school days reconvene. If the referral is made within 10 days of the end of the regular school year, the assessment plan must be developed within 10 days after the commencement of the subsequent regular school year (EC 56043).

The assessment plan and prior written notice are to be provided to parents or guardians in the primary language of the parents or guardians, or other mode of communication used unless to do so is clearly not feasible

The assessment plan document includes the following required components:

- Reason for assessment
- Description of the type of assessments, materials, and procedures
- Personnel listed by title (not name) and assessment area
- Student's primary language and language proficiency status
- A statement that assessment materials will be administered in the pupil's primary language or other mode of communication, or if not, the reasons why it is not feasible
- Information the parent requests
- Alternative means of assessment, as appropriate
- Parent consent and date

Assessment plan development may include:

- Summary of academic progress, which can be gathered from general education teachers
- History and results of past supports or interventions, such as from an SST
- Developmental history, which can be gathered from parents or guardians
- Social and emotional functioning, which can be gathered from parents, guardians and teachers
- Functioning in the school environment, which can be gathered through observation or from teachers
- Health status, including vision and hearing screening (this information can be found in the cum folder or from parents or guardians)
- Reading ability, which can be gathered through observation or from teachers

- Oral and written language ability, which can be gathered through observation or from teachers
- Mathematics ability, which can be gathered through observation or from teachers
- Gross and fine motor functioning, which can be gathered through observation or from teachers
- Adaptive behavior
- Intellectual functioning/Affective functioning
- Sensory-motor functioning
- Speech/Language or communication assessment
- Cultural, ethnic, and language factors that may affect school function
- Career/Vocational assessments
- Observation of behavior in home or school environment

Assessment requirements include the following, as appropriate:

- Tests administered in the child's native language or mode of communication, unless it is not feasible to do so
- Assessments conducted by trained personnel in conformance with the instructions provided by the producer
- Materials selected and administered so as not to be racially, culturally, or sexually discriminatory
- Materials include those tailored to assess specific areas of educational need
- Tests selected and administered to best ensure that when administered to a pupil with sensory, language, or physical impairments, the results accurately reflect the pupil's skills and abilities
- A variety of assessment tools and strategies used to gather relevant functional and developmental information, including information provided by the parent
- No single procedure used as the sole criterion for determining an appropriate educational program
- For students with possible learning disabilities, an observation of the child in the general education classroom is conducted
- Assessments for students with severe and low incidence disabilities are conducted by persons knowledgeable of the disability and are consistent with guidelines for Deaf-Blind, Deaf and Hard of Hearing, Visually Impaired, Severely Orthopedically Impaired, and Physical Therapy
- The pupil is assessed in areas related to the suspected disability, using tools and strategies that provide relevant information that directly assists in determining educational needs. Areas to be assessed include the following, as appropriate:
 - Health and development
 - Vision, including low vision
 - Hearing
 - Motor abilities
 - Language function
 - Academic performance
 - Self-help

- Orientation and mobility
- Career and vocational abilities and interests
- Social/emotional status
- General ability

Initial

Before the determination of eligibility for special education services, qualified persons conduct an **initial evaluation** of the pupil's educational needs. The assessment must be completed, all reports written, and the IEP meeting conducted within **60 days** from the date the assessment plan is received by the school.

Steps to Conducting Initial Evaluations

1. It is the responsibility of the case manager to coordinate the assessment process. The case manager works with the team to develop an assessment plan. The designated specialist administering the instruments must select specific tests or assessments. The parent is provided:
 - Prior Written Notice
 - [Assessment plan](#) within 15 days of the referral for assessment
 - Authorization for Exchange of Information, if outside agencies (Regional Center, medical doctors, etc.) are involved
 - Notice of Procedural Safeguards

*Parents are informed that they have a right to obtain, at public expense, an independent educational assessment (IEE) of the pupil from qualified specialists, if the parent disagrees with an assessment obtained by the charter school.

2. When the plan is signed and returned, the date the assessment plan is received is recorded and the 60-day assessment timeline begins immediately. Within 48 hours, the case manager provides each assessor with a copy of the signed assessment plan or otherwise informs all assessors that consent has been received.

*If the parent does not sign the assessment plan, the case manager must contact the parent to determine why the assessment plan has not been approved. The parent's rationale must be documented and sent to the Special Education Office to determine follow-up. Parents have the right to decline services when an initial evaluation is proposed, though Bella Mente may file for mediation/due process hearing. If Bella Mente prevails in a due process hearing, the assessment may be conducted without parent consent (EC 56321).

3. The case manager establishes an IEP date to review assessment results with parents within **60 calendar days** of the receipt of the assessment plan, excluding the days between the student's regular school sessions or terms or days of school vacation in excess of five school days (EC 56043f, 56344).

Triennial

Once eligible for special education services, each student is reevaluated at least every three years but not more than once a year. If, after a review of the student's records, no additional data is necessary to determine eligibility or educational needs, charter school is not required to conduct a formal assessment except at parent request (EC 56381). The purposes of a triennial reevaluation include:

- *Accountability.* Reevaluations analyze the effectiveness of the student's IEP and include a review of progress. Data may include grades, school discipline records, curriculum-based measures, norm-based measures, and any previous assessment data. Lack of progress stimulates IEP changes (curriculum, instructional techniques, behavioral strategies, or the educational environment) or a reassessment of the nature of the disability.
- *Planning.* Evaluation information is used to determine if special education services require modification for the child to meet annual goals and participate, as appropriate, in the general curriculum. Factors such as behavior, current skill levels, and communication ability are considered. Future needs must be addressed, especially at transition points in the child's educational program. Transition planning addresses eligibility criteria, community living skills, vocational training, and/or plans for post-secondary education.
- *Qualification.* A complete re-evaluation is conducted in the event:
 1. A parent or teacher requests assessment in areas of suspected disability
 2. The child may no longer have a disability that requires special education or related services
 3. The child may be eligible for additional related services
 4. The child is not making educational progress

Steps for Conducting a Triennial Evaluation

- Case Manager can access SEIS and obtains the current reevaluation list for caseload, organizing data in date order.
- The appropriate service provider (special education teacher, psychologist, nurse, or related service provider) conducts an assessment staffing to discuss each student with an upcoming triennial due date. At this time, the team determines whether to recommend a record review or a reevaluation to the parent. A full assessment must be completed at least at every other triennial review - the team may not recommend two record reviews in a row. This meeting occurs at least 60 days prior to the triennial due date in order to allow time for formal assessment, if determined necessary or requested by the parent.
- The designated case manager makes parent contact and reviews the recommendations made by the assessment team. The case manager documents the parent decision. If

the parent agrees with the recommendation of the assessment team, the Triennial Reevaluation Determination is sent to the parent(s) at least 60 days before the triennial due date. If the parent disagrees with the recommendation of the assessment team, an IEP team meeting is scheduled.

For a record review, the team develops an [assessment plan](#) and examines existing assessment data including:

- Previous assessment results
- Progress on IEP goals and objectives
- Records and report cards
- Current classroom-based assessments
- Observations of student
- Performance on charter school assessments
- Progress toward standards
- Parent input

For a full reevaluation, the team develops an [assessment plan](#) to determine any or all of the following:

- If the child continues to have a disability.
- The present levels of performance and educational needs of the child.
- If the child continues to need special education and related services.
- If any program and service additions or modifications are needed to enable the student to meet the goals of the IEP and to participate, as appropriate, in the general curriculum.

An IEP team meeting is held to discuss the record review or assessment findings prior to the triennial due date. A written report must be completed, sent home prior to the meeting and, presented at the IEP meeting.

Other Reasons for Assessment

The need for assessment may be triggered for reasons other than initial or triennial evaluation.

These reasons may include:

- Request by a parent or teacher
- Prior to transition (preschool to elementary, elementary to secondary, etc.) to determine if the individual is still in need of special education services
- Change of placement, either to a more or less restrictive environment
- Movement to or from non-public school placement
- Graduation - while re-assessment prior to graduation is not necessary, the student is provided with a written summary of academic achievement, functional performance, and recommendations to meet post-secondary goals

Written Assessments (EC 56327)

A written report is commonly referred to as the multi-disciplinary report.

All personnel who assess the pupil prepare a written report, as appropriate, of the results of each assessment. The report includes, but is not limited to, the following:

- Whether the pupil may need special education and related services
- 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 developmental findings
- For pupils with learning disabilities, whether there is a discrepancy between achievement and ability such that it cannot be corrected without special education and related services
- A determination concerning the effects of environmental, cultural, or economic disadvantage
- The need for specialized services, materials, and equipment for pupils with low incidence disabilities (deaf, deaf/blind, hard of hearing, orthopedically impaired, visually impaired)

Prior to the IEP team meeting, a "staffing" may be held to bring together members of the assessment team to discuss assessment results. Placement and services may not be discussed without parents present.

It is suggested that the written report is sent home 2 to 3 days prior to the scheduled IEP meeting so that parents/guardians have ample opportunity to read over the assessment results prior to attending the IEP meeting.

At the IEP team meeting, team members review assessment results. The team can provide parents with another copy of individual assessment report, and obtain signatures at the conclusion of the meeting. The parent is given a copy of all reports and a copy of the completed IEP document at the conclusion of the IEP meeting.

Within 2 school days after the meeting all reports, signatures and other necessary information is to be scanned into the online database system. A complete IEP is filed in the SpEd files. See [IEP Protocol](#).

For all IEPs (IEP Protocol)

1. Case Manager creates
 - a. Meeting notice
 - b. Excusal form (if required)
 - c. Prior written notice
 - d. Evaluation Plan (initial and triennial)- When creating evaluation plan case manager to contact service providers to ask what sections on eval plan need to be checked off, always add health assessment)

2. Case Manager emails Special Education Secretary the list of forms that need to be printed and sent out to parents (All IEPs include meeting notice, excusal; TRIs include prior written notice and evaluation)
3. Special Education Secretary
 - a. Schedules meeting with parents
 - b. Sends meeting notice/excusal and procedural safeguards home with student and other forms as needed including parent input form
4. When meeting notice/excusal are returned secretary will
 - a. Stamp "received" with date and initial
 - b. Create a folder with students name and place the meeting notice and excusal form in the folder (paper clip documents inside folder on left hand side)
 - c. Email Case Manager when signed assessment plans return
5. Secretary will
 - a. Update IEP calendar with student's name, date, and time of meeting
 - b. Invite all necessary participants to the IEP meeting- gen ed teacher, Administrator, and any other providers as specified in the IEP via google calendar
6. Case Manager will
 - a. Send gen ed teacher an input form 7 days prior to IEP
 - b. Follow up discussion on student progress with gen ed teachers
7. All service providers are responsible for updating IEP goals and present levels of performance as applicable
8. Case Manager will
 - a. Collect date
 - b. Write IEP
 - c. Submit IEP to TOSA for review at least 4 to 5 days prior to meeting
 - d. Revised IEP will be given back to the Case Manager to make changes as necessary by placing IEP in the student file by secretary's desk
9. Case Manager will
 - a. Send draft of IEP home 3 days prior to meeting via secretary
 - b. The word "DRAFT" should be written on each page to avoid any confusion
 - c. Draft includes- Present Levels of Performance, updated goals, and proposed new goals
10. One day prior to meeting Case Manager will send a reminder email to all meeting participants
11. Day of meeting Case Manager will
 - a. Print signature page
 - b. Get a copy of procedural safeguard, meeting agenda, student file with the draft copy of IEP
 - c. Take meeting notice for signature (if missing)
 - d. Print copy of the notes taken during IEP meeting (a copy of the notes are also available in the Bella Mente IEP folder located on google drive which makes it easy to copy and paste)

12. At conclusion of the meeting Case Manager will
 - a. Obtain parent signature
 - b. Make a copy of the entire IEP with signature, meeting notice, excusal form (if required)
 - c. Provide copy to parent unless parent states it is okay to send home with student
13. Original IEP with meeting notice, excusal, and any other original documents to the secretary
14. Secretary will
 - a. Scan and upload all attachments to SEIS (signature page, meeting notice, agenda, excusal, attendance record, teacher input form, parent input form, CAASPP summary, and all other documentation where signature was required)
 - b. File original IEP
15. Case Manager will affirm and attest

*Scanned documents will be saved as
studentlastname.studentfirstname.meetingfunction(Annual, TRI, Amendment).dateofmeeting

IEEs

If the parent or guardian disagrees with the results of the assessment conducted by Bella Mente, they have the right to ask for and obtain an *independent educational evaluation* (IEE) at public expense. The parent is entitled to only one IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees. Bella Mente must respond to the request for an IEE and provide information about where to obtain an IEE. There is no specific statutory timeline, however, it is recommended that the team respond within 10-15 calendar days. If Bella Mente believes that the assessment conducted by Bella Mente is appropriate and disagrees that an IEE is necessary, Bella Mente must request a due process hearing to prove that its assessment is appropriate. If Bella Mente prevails, the parent still has the right to an IEE, but not at public expense. The IEP team must consider independent assessments. An individual conducting an independent educational assessment must also be allowed to observe the student in the classroom. If Bella Mente proposes a new school setting for the student and an independent educational assessment is being conducted, the independent assessor must be allowed to observe the proposed new setting. (20 U.S.C. § 1415(b)(1) and (d)(2)(A); 34 C.F.R. § 300.502; Ed. Code § 56329(b) and (e).)

Best Practices in Evaluation

- During years when a student is due for a triennial review, try to hold the annual and triennial review at the same time, if possible.
- A student must have at least two consecutive evaluations with consistent results before the team may consider opting for a review of records rather than full evaluation.
- Original IEP documents are stored in the Special Education files. Case managers, service providers, and related staff are encouraged to scan, upload, or otherwise save digital copies of reports or important documents to SEIS.

- List team members on the assessment plan by title rather than name.
- Follow-up with the parent/guardian if the assessment plan has not been returned within 2 weeks.
- In the case of divorced parents or legal guardianship, review documents summarizing educational rights to determine which individual(s) may provide consent. Case managers, service providers, and related staff are encouraged to update information in SEIS.

Eligibility

A pupil qualifies as an individual with exceptional needs if the Individualized Education Program (IEP) team decides, based on assessment results, that the degree of the pupil's impairment requires special education in one or more of the program options authorized by Education Code. The IEP team must take into account all relevant data that is available on the pupil. No single score or product of scores may be used as the sole criterion for the decision as to the pupil's eligibility for special education. A child may not be determined to have a disability if the determinant factor is lack of instruction in reading or math, or limited English proficiency.

Three primary factors are considered in determining eligibility for special education:

1. Does the pupil meet the eligibility criteria as an individual with a disability?
2. Does the severity of the disability have an adverse effect on the pupil's educational performance?
3. Does the pupil require special education and related services to access a free and appropriate public education?

According to the Individuals with Disabilities Education Act (IDEA), pupils may qualify for special education and related services under one or more of the following qualifying conditions:

Autism

Section 3030(b)(1), Title 5, CCR, provides:

(b) The disability terms used in defining an individual with exceptional needs are as follows:

(1) Autism means 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.

(A) 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.

(B) 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.

Criteria: All elements listed below must be identified to establish eligibility.

- A written report, as required by Education Code section 56320, demonstrates that the pupil's impairment requires special education.
- The pupil has a developmental disability (i.e., Autism Spectrum Disorder) that significantly affects: (1) verbal communication, (2) nonverbal communication, and (3) social interaction.
- The disability adversely affects the student's educational performance.

Deaf-Blindness

Section 3030(b)(2), Title 5, CCR provides:

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Section 3030(b)(3), Title 5, CCR provides:

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

Section 3030(b)(13), Title 5, CCR provides:

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

Criteria: Both elements listed below must be identified to establish eligibility.

- The student must have both impairments to establish eligibility.
 1. Deafness
 2. Visual Impairment
 3. (Refer to eligibility criteria for Deafness and for Visual Impairment.)

The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.

Deafness

Section 3030(b)(3), Title 5, CCR provides:

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

Criteria: All elements listed below must be identified to establish eligibility.

- A current audiological evaluation must be completed by a qualified audiologist. All "outside" assessments are to be reviewed by an educational audiologist.
- The hearing impairment is so severe that the child is impaired in processing language and communication through hearing with or without amplification.
- The hearing impairment adversely affects the child's educational performance, and requires special education to meet the student's needs.

Emotional Disturbance

Section 3030(b)(4), Title 5, CCR provides:

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (A) An inability to learn which cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(F) 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 under subdivision (b)(4).

Criteria: All elements listed below must be identified to establish eligibility.

- The student exhibits one or more of the above-identified characteristics.
- The presenting educational difficulties are not the result of social maladjustment.
- The above-identified characteristic(s) has been observed over a long period of time and to a marked degree.
- The condition adversely affects the student's educational performance, and requires special education to meet the student's needs.

[Established Medical Disability](#)

Section 56441.11(d) of the California Education Code provides:

For purposes of this section, "established medical disability" means a disabling medical condition or congenital syndrome that the individualized education program team determines has a high predictability of requiring special education and services.

Criteria: All elements listed below must be identified to establish eligibility.

- The child is between the ages of three and five years.
- The child has a disabling medical condition or congenital syndrome
- The presenting educational difficulties are not due primarily to:
 1. Unfamiliarity with English language.
 2. Temporary physical disabilities.
 3. Social maladjustment.
 4. Environmental, cultural, or economic factors.
 - The child needs specially designed instruction or services. " The child's needs cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an IEP team.

[Hearing Impairment](#)

Section 3030(b)(5), Title 5, CCR, provides:

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

Criteria: All elements listed below must be identified to establish eligibility.

- Students are identified as hearing impaired when they have a documented hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification.
- Processing linguistic information includes speech and language reception and speech and language discrimination.
- The hearing impairment must be documented by a current audiological assessment.

[Intellectual Disability](#)

Section 3030(b)(6), Title 5, CCR provides:

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

Criteria: All elements listed below must be identified to establish eligibility.

- The student has significantly below average intellectual ability.
- The student also demonstrates deficits in adaptive behaviors, for example:

Communication

Self-care

Leisure

Work

Home living

Social skills

Health and safety

Community use

Self-direction

Functional academics

- These deficits were manifested during the developmental period.
- The deficits adversely affect the student's educational performance and require special education to meet the student's needs.

[Multiple Disabilities](#)

Section 3030(b)(7), Title 5, CCR provides:

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

Criteria: Both elements listed below must be identified to establish eligibility.

- The student must have at least two impairments to establish eligibility.
- The combination of these impairments causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.

[Orthopedic Impairment](#)

Section 3030(b)(8), Title 5, CCR provides:

Orthopedic impairment means 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 (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Criteria: All elements listed below must be identified to establish eligibility.

- Documented severe orthopedic impairment.

- The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.

Other Health Impairment

Section 3030(b)(9), Title 5, CCR provides:

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

- (A) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
 (B) Adversely affects a child's educational performance.

Criteria: All elements listed below must be identified to establish eligibility.

- Documented health impairment.
- The health impairment is due to a chronic or acute health problem.
- The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.

Specific Learning Disability

Section 3030(b)(10), Title 5, CCR provides:

Specific learning disability means 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, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

Criteria: All elements listed below must be identified to establish eligibility.

- The student demonstrates a severe discrepancy between intellectual ability and achievement in one or more of the areas identified below. Intellectual ability includes both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.

Oral Expression

Reading Comprehension

Basic Reading Skills

Listening Comprehension

Mathematics Calculation

Written Expression

Mathematics Reasoning

- The discrepancy is due to a disorder in one or more of the basic psychological process:

Attention

Visual Processing

Auditory Processing

Sensory-Motor Skills

Phonological Processing

Cognitive Abilities including: Association, Conceptualization, Expression

- 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 or not 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 considered to be invalid for a specific student, 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 subparagraphs (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 as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of 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 limited to:
 - (i) Data obtained from standardized assessment instruments;
 - (ii) Information provided by the parent;
 - (iii) Information provided by the pupil's present teacher;
 - (iv) Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
 - (v) Consideration of the pupil's age, particularly for young children; and
 - (vi) Any additional relevant information.
 4. It has been determined by the assessment team that the severe discrepancy is not primarily the result of limited school experience or poor school attendance.
 - Whether or not a pupil exhibits a severe discrepancy as described 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:

- (i) Oral expression.
- (ii) Listening comprehension.
- (iii) Written expression.
- (iv) Basic reading skill.
- (v) Reading fluency skills.
- (vi) Reading comprehension.
- (vii) Mathematics calculation.
- (viii) Mathematics problem solving, and

2. (i) The pupil does not make sufficient progress to meet age or State-approved grade level standards in one or more of the areas listed above in (i) – (viii) when using a process based on the pupil's response to scientific, research-based intervention; **or**

(ii) 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**

3. The findings above are not primarily the result of:

- (i) A visual, hearing, or motor disability;
- (ii) Intellectual disability;
- (iii) Emotional disturbance;
- (iv) Cultural factors;
- (v) Environmental or economic disadvantage; or
- (vi) Limited English proficiency.

4. 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:

- (i) Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- (ii) 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.

5. 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.

- It has been determined by the IEP team, including assessment personnel, that the learning problems are not primarily the result of any of the following: visual, hearing, or

motor disabilities; intellectual disability; emotional disturbance; or environmental, cultural, or economic disadvantage.

- The disability adversely affects the student's educational performance, and requires special education to meet the student's needs.

Speech or Language Impairment

Section 56333 of the California Education Code provides:

A pupil shall be assessed as having a language or speech disorder which makes him or her eligible for special education and related services when he or she demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance and cannot be corrected without special education and related services. In order to be eligible for special education and related services, difficulty in understanding or using spoken language shall be assessed by a language, speech, and hearing specialist who determines that such difficulty results from any of the following disorders:

(a) Articulation disorders, such that the pupil's production of speech significantly interferes with communication and attracts adverse attention.

(b) Abnormal voice, characterized by persistent, defective voice quality, pitch, or loudness. An appropriate medical examination shall be conducted, where appropriate.

(c) Fluency difficulties which result in an abnormal flow of verbal expression to such a degree that these difficulties adversely affect communication between the pupil and listener.

(d) Inappropriate or inadequate acquisition, comprehension, or expression of spoken language such that the pupil's language performance level is found to be significantly below the language performance level of his or her peers.

(e) Hearing loss which results in a language or speech disorder and significantly affects educational performance.

Criteria: All elements listed below must be identified to establish eligibility.

- The student has a language or speech disorder as defined above, and the student's disorder meets one or more of the following criteria:

1. Articulation disorder

(A) The pupil displays reduced intelligibility or inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the student's production of single or multiple speech sounds on a developmental scale of articulation competency is below the expected for a student's chronological age or developmental level.

(B) The pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

2. Abnormal Voice. A pupil has an abnormal voice characterized by persistent, defective voice quality, pitch or loudness.

3. Fluency disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between pupil and listener.

4. Language disorders. The pupil has an expressive or receptive language disorder when one of the following criteria are met:

(A) Using more than one assessment procedure, 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 invalid for a specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan; or

(B) 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 in the above paragraph and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language 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.

- The disorder is not due to unfamiliarity with English.
- The disorder adversely affects the student's educational performance, and requires special education to meet the student's needs.

[Traumatic Brain Injury](#)

Section 3030(b)(12), Title 5, CCR provides:

Traumatic brain injury means 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. Traumatic brain injury 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.

Criteria: All elements listed below must be identified to establish eligibility.

- The student has an open or closed head injury, caused by external physical force, that has affected the following: (Identify all that apply)

Cognitive

Language

Memory

Attention

Reasoning

Abstract Thinking

Judgment

Problem-Solving

Sensory, Perceptual and/or Motor Abilities

Psychosocial Behavior

Physical Functions

Information Processing

Speech

- The injury has resulted in a total or partial functional disability or psychosocial impairment.
- The injury is not a brain injury that is congenital or degenerative, or induced by birth trauma.
- The injury adversely affects the student's education performance, and requires special education to meet student's needs.

[Visual Impairment](#)

Section 3030(b)(13), Title 5, CCR provides:

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

Criteria: All elements listed below must be identified to establish eligibility.

- A current ophthalmologist or optometrist report that indicates a diagnosis or eye disease, limited visual acuity after correction, visual field loss, or total blindness.

and

For students with low vision, a functional vision assessment which indicates the need for special education instruction, services, materials and/or equipment which cannot be provided with modification or the regular program.

- The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.

Once a student qualifies for special education support, services may be discontinued in one of three ways:

- The IEP team may use a three-pronged test when a student's continued eligibility for special education is in question in order to determine and document **ineligibility** before the student can [exit](#) from services (see [Exiting Procedures](#)).
- Parents may [revoke](#) consent for special education and related services at any time (see [Revocation Procedures](#)). The [revocation letter](#) is available here.
- The student may receive a regular high school diploma.

Best Practices in Eligibility

- Eligibility does not drive services. Services are based on student need and determined by the IEP Team.

Service Delivery Model

Each Local Educational Agency (LEA) or Special Education Local Plan Area (SELPA) must offer a continuum of services to meet the needs of individuals with disabilities. The IEP team selects the program or combination of programs that allows the student to access a free appropriate public education (FAPE) in the least restrictive environment (LRE) with maximum opportunity for interactions with non-disabled peers.

LRE Requirements

Considerations for determining the least restrictive environment include the following:

- The child's placement is as close as possible to the child's home which can be a charter school or a neighborhood school within the district of residence.
- In selecting program and placement, consideration is given to any potential harmful effects on the child.
- A child with a disability is not removed from education in an age-appropriate regular classroom solely due to the need for modifications to the general curriculum. The team may consider self-contained special education classes only when the nature or severity of the disability is such that education in the general education setting with the use of supplementary aids and services, including curriculum modifications and behavioral supports, cannot be achieved satisfactorily. These requirements also apply to separate schooling or other removal of pupils from the general education environment.
- In providing or arranging for the provision of nonacademic and extracurricular services and activities, Bella Mente will ensure the child with the disability participates with non-disabled children in those services and activities to the maximum extent appropriate to the needs of that child.

Continuum of Services

Bella Mente Montessori Academy provides a continuum of services for students eligible for special education and related services. Central to this provision is the belief that special education is a service and not a place. The continuum of options includes, but are not necessarily limited to, any combination of the following:

- General education classroom with specialized academic instruction
- General education classroom with specialist services

- General education classroom with related services
- Learning Center
- Special education classroom with specialized academic instruction
- Itinerant instruction in classrooms, and settings other than classrooms
- Instruction in the home/hospitals

Mild/Moderate

Moderate Severe

Mild/Moderate Education Specialists supplement the general education program to meet the needs of students identified as requiring individualized support in specific areas, but who are able to satisfy the general education curriculum without modification. The mild/moderate Education Specialist will support students who are in the general education environment for the majority of the instructional day. Effective methods of instruction for this program include, but are not limited to, direct instruction, small group instruction, supported teaching, and collaboration.

Moderate/Severe Education Specialists provide special education and related services to students requiring modifications in order to access the general education curriculum. Students must be given ample opportunity to attempt satisfactory achievement in the general education curriculum with a range of supplementary aids and services before considering modifications or alternate settings.

Specialized Academic Instruction

Specialized academic instruction (SAI) is an instructional approach that systematically tailors teaching strategies and methods to meet the unique needs of students with learning disabilities and other types of learning disorders. Under 34 C.F.R. Section 300.39, this specifically designed instruction means adapting, as appropriate, to the needs of an eligible child.

Examples of SAI include:

- Modifications, accommodations, and/or adaptations to curriculum/lessons
- Modifications, accommodations, and/or adaptations of instructional materials
- Collaboration and consultation with teachers, specialists, and parents
- Physical assistance
- Behavior plans
- Use of manipulatives and/or other kinesthetic resources during content lessons
- Computer assisted instruction
- Use of visual, written, or picture prompts/aids during direct instruction (Audiobooks, enlarged print, auditory equipment, adaptive technology, etc.)

What is the difference between [accommodations and modifications](#)?

The focus of special education is to provide all students with a free and appropriate public education in the least restrictive environment. Accessing this education may require specialized

instruction which may include changes to the environment, materials, mode of instruction or other adjustments.

Here is a list of the differences between accommodations and modifications.

Accommodations:

- An accommodation adjusts the "how" of instruction. Accommodations **do not** alter the level of cognitive difficulty or the learning expectations. Instead accommodations allow the student to access the curriculum or demonstrate their understanding while minimizing the impact of their disability.
- Examples include: teacher provided notes or outlines, wide ruled paper, preferential seating, extended time on tests or assignments, chunking of assignments, breaks, use of computer, large print, ASL interpreter, manipulatives, multi-modal instruction

Modifications:

- A modification adjusts the "what" of instruction. Modifications **do** alter the level of cognitive difficulty or the learning outcomes of the student. These changes to the curriculum or instruction impact the student's progress in the general education curriculum and may impact the eventual attainment of a diploma or a certificate of completion.
- Examples include: alternate curriculum, reduced assignments, simplified vocabulary, adapted texts, omitted concepts, pass/fail grading
- Modifications should be used with caution as they alter, change, lower, or reduce learning expectations and can increase the gap between the achievement of students with disabilities and expectations for proficiency.

Student's needs change over time. The IEP Team should be vigilant in adjusting the IEP to allow access to the general education curriculum.

Related Services

Under Section 300.34 of IDEA , related services include transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpretation services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluative purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training. Qualified specialists provide students with related services specified in the IEP. Specialists may work individually with students, in groups, or consult with a student's teachers and/or parents. Instruction focuses on the objectives in the student's IEP necessary for the pupil to receive educational benefit from special education and to access the general curriculum. Examples of Related Services include, but are not limited to:

[Adapted Physical Education](#)

Direct physical education services provided by an adapted physical education specialist to individuals with exceptional needs who require developmental or corrective instruction that cannot be adequately satisfied in other physical education programs, as indicated by an assessment and evaluation of motor skills performance and other areas of need. Teachers instructing adapted physical education shall have a credential authorizing the teaching of adapted physical education as established by the Commission on Teacher Credentialing.

[Audiological Services](#)

Services may include adaptations in curriculum, media, the environment, as well as instruction in special skills for students who are deaf or hard of hearing. These services can be provided through the SELPA. The person providing audiological services shall hold a valid credential with a specialization in clinical or rehabilitative services in audiology.

[Counseling and Guidance Services](#)

Services to students experiencing difficulty in meeting educational objectives due to inappropriate classroom behaviors, difficulty with social interactions, or emotional problems. The individual performing counseling services must possess a valid Pupil Personnel Services credential.

Counseling Services are currently being provided through Palomar Family Counseling.

[Deaf and Hard of Hearing Services](#)

Services may include speech, signing, reading, auditory training, and other adaptations in curriculum, media, and the environment. An individual holding an appropriate credential who has training, experience, and proficient communication skills for educating pupils with hearing impairments will provide services. These services can be provided through NCCSE.

[Health Services](#)

May include managing the individual's health programs on the school site and providing specialized physical health care.

[Physical and Occupational Therapy](#)

This is a therapy/service to individuals with exceptional needs with severe fine or gross motor delays, and/or sensory integration issues that may adversely affect educational performance. Services are provided based upon assessment and recommendation of the Individualized Education Program team. A physical therapist shall be currently licensed by the Board of Quality Assurance of the State of California and meet the educational standards of the Physical Therapy Examining Committee. An occupational therapist shall be currently registered with the American Occupational Therapy Association.

[Speech and Language Services](#)

These services are provided for students identified as having a discrepancy in expressive and/or receptive language with inappropriate or inadequate speech development. Services may

be provided by an aide working under the direct supervision of a credentialed language, speech, and hearing specialist if specified in the IEP.

[Transportation](#)

Provided for special education students as determined by the IEP team.

[Vision Services](#)

Services may include adaptations in curriculum, media, the environment (orientation and mobility), instruction in special skills needed for students with visual impairments, as well as consultative services to pupils, parents and other school personnel. The person providing services shall hold an appropriate credential with specialization in the area of visual impairment. Vision services can be provided through NCCSE.

[Vocational Education and Career Development](#)

May include prevocational/vocational programs within the school and community which assess work-related skills, interests, aptitudes and assist individuals in developing attitudes, self-confidence, and vocational competencies to become work-ready and obtain job placement.

Best Practices in Service Delivery Model

- Remember that special education is a service, not a place.
- The key consideration in determination of any service is promoting access to the general education curriculum and placement with typical peers.

IEP Process

The Individualized Education Program (IEP) is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with state and federal laws.

IEP Meeting

The IEP Team meets when any of the following occurs:

- A student receives a formal assessment
- A student's placement or instruction is to be initiated, changed, or discontinued
- A student demonstrates a lack of anticipated progress
- A parent or teacher requests a review of the IEP
- At least annually to review the IEP
- At least every three years to reevaluate eligibility for special education
- Within 30 days if a student with an existing special education placement transfers into Bella Mente from a district outside the Special Education Local Plan Area (SELPA)
- Within 60 days of receipt of signed parental consent for assessment
- As part of disciplinary proceedings related to suspension/expulsion of a student with disabilities

Who are the [IEP Team Members](#)?

Core IEP Team Members

The IEP Team shall include all of the following:

1. One or more of the pupil's parents/legal guardians or a representative selected by the parent/legal guardian. If the student has reached the [age of majority](#) and parental rights have been transferred to the student, the parents may be included on the IEP team if invited by the student or a public agency.
2. At least one general education teacher must be present. The general education teacher(s) should assist in determining appropriate positive behavioral interventions, supplementary aids and services, program modifications, and supports for school personnel. For preschool age children, if the agency does not provide general preschool education services to typical children, Bella Mente will designate an individual who, under state standards, is qualified to serve nondisabled children of the same age. If more than one general education teacher provides instructional services to the individual with exceptional needs, one general education teacher may be designated by the local educational agency (LEA) to represent the others. One or more general education teachers may be excused from attending the IEP team meeting, in whole or in part, if both Bella Mente and parents agree that the team member's area of the curriculum or related service is not being modified or discussed in the meeting or that written input is sufficient to make educational decisions. The team excusal form must be completed and signed by the parent in advance of the meeting.

3. At least one special education teacher or special education provider. The special education teacher or service provider should be the person responsible for implementing the IEP.
4. An administrator or designee who is:
 1. Qualified to provide, or supervise the provision of, special education services
 2. Knowledgeable about the general education curriculum
 3. Knowledgeable about the availability of resources of the LEA and has the authority to commit these resources
5. An individual who can interpret the instructional implications of evaluation results (may be one of the above team members).

Additional Team Members

The IEP Team may also include the following:

1. Other individuals who have knowledge or special expertise regarding the student, including related services personnel.
2. The student with exceptional needs, whenever appropriate. If the purpose of the meeting is the consideration of postsecondary goals and transition services, the LEA must invite the student. If the student does not attend the IEP meeting, the team must take steps to ensure that the individual's preferences and interests are considered.
3. If transition services are being discussed, representatives of other agencies who are likely to be responsible for paying for or providing transition services must be invited. The parent or adult student must provide consent to invite transition related agencies in advance of the meeting on the Notice of Meeting form.
4. If the IEP team is considering a nonpublic school placement, a representative of the nonpublic school as well as a special education supervisor or program specialist must attend the meeting or participate through other means.
5. If placement in a regional program is being discussed, a program specialist must be invited.

What is the [content](#) of the IEP?

- *Information and Eligibility* The front page is critical for state reporting purposes and tracking students. This page must identify how the child's disability affects his or her involvement and progress in the general curriculum. A draft form must be completed prior to the meeting and all information carefully reviewed by the parent at the meeting.
- *Transition* (Page 1 & 2) These forms must be completed in time to be in effect when the student reaches 16 years of age. These forms should be completed prior to the IEP team meeting based on age-appropriate assessments and input from both the student and the parent.
- *Present Levels* Except for the "Concerns of the Parent," a draft of this form may be prepared prior to the meeting. The present levels should be data-based and draw from a wide range of assessments. Each section should be discussed at the meeting and changes made, as appropriate, based on input from members of the IEP team. The

present levels include involvement and progress in the general education curriculum, with identified areas of need driving goals later in the IEP.

- *Special Factors* This form provides a summary of the student's area(s) of need. Any identified area of need must be addressed by a goal.
- *Statewide Assessments* Every student is expected to participate in state, and federal testing. The IEP team may not waive assessments. The IEP team must determine which tests are most appropriate for the student and specify any designated supports or accommodations the student may need to participate in these assessments. The team may also review the eligibility criteria and make recommendations for the student to participate in alternate assessments (e.g., CAA, CAA Science).
- *Goals* Annual goals must only address those general curriculum areas in which the student's involvement and progress are affected by their disability. If only accommodations are needed, no IEP goal for that area is required. Benchmarks or short-term objectives are required for students participating in curriculum based on alternate achievement standards. The short-term objectives must be measurable, with intermediate steps and benchmarks.
- *Services - Offer of FAPE* Special education and related services are determined at the IEP meeting only after goals have been finalized. To the maximum extent appropriate, students with disabilities must be educated with their typically developing peers. Students may only be removed from the general education environment if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. The placement must be made in the school that the student would attend if the student did not have a disability unless unique circumstances prevent this placement. All of the considerations also apply to the student's [Extended School Year](#) (ESY) program, when appropriate.
- *Educational Setting - Offer of FAPE* This form provides information on educational setting, percent of time out of general education, other agencies involved with the student, and reporting progress to parents. All transition services must be addressed on this page including preschool to elementary, elementary to middle, middle to high school, or public school to NPS and back. Graduation information is required from eighth grade on.
- *Parent Consent* All team members, including parents, must sign the top portion of this page to document attendance and roles. Only parents sign the bottom portion of the page with the appropriate boxes checked for consent. In the event parents refuse to sign this form, contact an administrator at Bella Mente to discuss next steps.
- *Notes* The team meeting notes summarize participant attendance, team actions and agreements, and parent input. The notes should document when participants do not remain for the entire meeting and whether the team agrees to continue after their departure.
- *Notice of Meeting* This form includes all anticipated purposes of the meeting (including transition, as appropriate), includes individuals who will be present at the meeting and requires parent signature.

- *Triennial or Initial Prior Written Notice* The prior written notice form provides information to parent about the schools' initiation or refusal regarding change of identification, evaluation, educational placement, or provision of free appropriate public education and includes a description of proposed or refused action, reason(s) for proposed or refused action, description of evaluation procedures, tests, records, or reports used in deciding to propose or refuse this action, description of other options considered and reasons for rejecting them and, other factors relevant to the proposal or refusal.
- *Triennial or Initial Assessment Plan* The assessment plan form identifies what assessments will be conducted, include the reason for the assessment and must be written in the primary language of the parent.
- *Triennial or Initial Multidisciplinary Report* This report includes previous and current assessment result information. The report is shared with family/guardian prior to the IEP meeting.
- *Triennial or Initial Specific Learning Disability (Page 1 & 2)* This form is used for initial evaluations or triennial reevaluations for students with a specific learning disability. Page 1 summarizes the team's finding of a discrepancy between the student's ability and achievement determined through standard measures. This document must be signed by the team. Page 2 is used to document a discrepancy between student ability and achievement determined by means other than standardized assessment; this form is only required when the specific learning disability is not determined by standard measures.
- *Health Care Information and Treatment Plan* incorporates information about health care services which a student requires during school hours
- *Excusal Form* The excusal form identifies what parties will not be present at the IEP meeting. The form is to be sent home prior to the IEP meeting and requires parental/guardian signature.

What must be discussed during the [IEP meeting](#)?

These [checklists](#) apply to initial, annual, and triennial IEP meetings. For supplemental IEP team meetings (amendment, etc.), not all areas must be discussed.

Compliance

Use the [SESR form](#) to check the IEP to ensure compliance. SESR can be completed pre and post IEP.

[Compliant IEP PD](#) and other information can be found here.

Legislation

Education Code 56329 (a) "An individualized education program team conference, including the parent and his or her representative, shall be scheduled, pursuant to Section 56341, to discuss the assessment, the educational recommendations, and the reasons for these recommendations."

Education Code 56340 "Each district, shall initiate and conduct meetings for the purpose of developing, reviewing, and revising the individualized education program of each individual

with exceptional needs.”

Education Code 56341 (a) “Each meeting to develop, review, or revise the individualized education program on an individual with exceptional needs, shall be conducted by an individualized education program team.”

Education Code 56342 “The individualized education program team shall review the assessment results, determine eligibility, determine the content of the individualized education program, consider local transportation policies, and make program placement recommendations.”

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. Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review.”

Education Code 56343.5 “A meeting of an individualized education program team requested by a parent to review an individualized education program pursuant to subdivision (c) of Section 56343 shall be held within 30 days, not counting days in July and August, from the date of receipt of the parent’s written request. If a parent makes an oral request, Bella Mente shall notify the parent of the need for a written request and the procedure for filing a written request.

Best Practices in IEP Process

- When determining percentages for the Educational Setting page and FAPE, remember to calculate based on the physical location of the student’s (general education setting with support versus self-contained special education setting). Just as in real estate, the key is location, location, location!

[Bella Mente IEP Information](#)

Case Management

Each student with an Individualized Education Program (IEP) is appointed a case manager to ensure the IEP is compliant and procedural requirements are met. Case management responsibilities include, but are not limited to:

- **Instructional and Behavior Supports**

- Design and implement supplementary aids and services to support students in accessing the general education program as determined by the IEP

-Accommodations for diploma-bound students

-Modifications for certificate-bound students

- Continuously review and revise instruction based on data
- Evaluate student progress on goals and objectives
- Monitor behavior and implement supports, as needed
- Collect data and summarize progress on each goal (including behavior goals)

a) Student work

b) Communication with other teachers

c) Progress reports

d) Observation

e) Parent communication

- Support Instructional Assistant(s) in conducting instructional exercises, utilizing behavior strategies, and other relevant job duties.

- **Communication**

Communicate progress and/or concerns to students, parents and staff

Communicate frequently with general education staff

Create a consistent two-way communication system with parents

Provide an IEP summary to all teachers or service providers involved with the student. As appropriate, brief each team member on contents of the IEP, his/her specific responsibility related to implementing the student's IEP, and the specific accommodations, modifications and supports that shall be provided for the student in accordance with the IEP.

- **Meetings**

Comply with all procedural requirements within required timelines

Schedule IEPs well in advance to accommodate and include all IEP team members, a good rule of thumb is to start scheduling 30 days prior to the meeting due date. This is especially important for triennials and/or when there is more than one service provider.

Facilitate the IEP team meeting

Take meeting minutes or assign the task to another team member

Initiate an IEP team meeting if a student is not doing well. Do not wait for the annual IEP date.

- **Paperwork**

Review file, including IEPs and background information, for incoming students
Send written notices to parents/guardians
Design, implement, and review the student's IEP on a timely basis as mandated by IDEA
Complete all paperwork (electronic and hard copy components) and file originals in the Special Education files within 48 hours
Complete transportation requests, as appropriate
Coordinate referrals for all related services

Best Practices in Case Management

- Create a chronological list of your IEPs by due date, including meeting type (annual, triennial, other)
- Review all IEPs at the beginning of the year. Keep an eye out for errors or inconsistencies in services, accommodations, and goals. Communicate with parents/IEP team to write an amendment and make any necessary changes.
- Document, document, document.

English Learners

ELs and the IEP

There are several elements of the IEP that require particular attention for students learning English as another language:

- The Notice of Meeting should:
 - Address whether an interpreter will attend the meeting
 - Be provided in the primary language of the parent
- The IEP should include:
 - Linguistically appropriate goals, programs, and services
 - An indication of whether the student's language needs will be met through general and/or special education services
 - Most recent CELDT/ELPAC or VCCALPS (mod/severe) scores
 - Any necessary accommodations or modifications for the CELDT/ELPAC, or participation in an alternate assessment VCCALPS
 - Details regarding the need for primary language support and the language of instruction
- The team must allow parents with limited English proficiency to meaningfully participate in the IEP meeting, providing free interpretation and translation services, as appropriate.

Designing Accommodations for ELs

The selection of and evaluation of accommodations for students with disabilities who are also ELs must involve collaboration among educational specialists, the classroom teacher, teachers providing instruction in ELD, families, and the student. The following five major conditions are important to consider in selecting accommodations for ELs and students with disabilities (Abedi and Ewers 2013):

1. *Effectiveness*: An accommodation must be effective in making an assessment more accessible to the recipients.
2. *Validity*: An accommodation should not alter the focal construct, i.e., the outcomes of accommodated and non-accommodated assessments should be comparable.
3. *Differential Impact*: An accommodation should be sensitive to student's background characteristics, and their academic standing, i.e., one size may not fit all.
4. *Relevance*: An accommodation should be appropriate for the recipients.
5. *Feasibility*: An accommodation must be logistically feasible to implement in the assessment setting.

[Meeting the Needs of EL Students with Disabilities](#)

Supporting ELs with Autism

Students with Autism Spectrum Disorders (ASD) represent the fastest growing population of students with disabilities. Students with ASD experience many challenges, especially in the area of social awareness—understanding how their behavior and actions affect others and

interpreting the nonverbal cues (body language) of others (Constable, Grossi, Moniz, and Ryan 2013). Having difficulty in recognizing and understanding the thoughts, feelings, beliefs, and intentions of others can be problematic in terms of achieving the ELA/Literacy standards that require communication and collaboration as well as those that require interpreting the feelings, thoughts, and intentions of characters or real persons.

Teachers of students with ASD need to understand how these difficulties manifest themselves in the classroom in relation to the standards as well as how to provide instruction for these students to comprehend and write narratives related to the task at hand. Although some students with ASD are able to answer questions such as who, what, and where, they often struggle answering questions asking how and why. These issues become progressively more challenging as the demands to integrate information for various purposes increases at the secondary level. Teachers can find supports to enhance comprehension and ameliorate potentially anxious and stressful experiences by incorporating cognitive behavioral strategies identified by the National Professional Development Center on Autism Spectrum Disorders (<http://autismpdc.fpg.unc.edu/content/briefs>). Among important considerations are the following:

- Physically positioning oneself for face-to-face interactions and establishing attention
- Providing verbal models for specific tasks
- Responding to students' verbal and nonverbal initiations
- Providing meaningful verbal feedback
- Expanding students' utterances
- Ensuring students have the prerequisite skills for a task
- Breaking down tasks into manageable components
- Knowing and using what students find motivating
- Ensuring the use of appropriately challenging and interesting tasks

Supporting ELs with Significant Cognitive Disabilities

Students with significant cognitive disabilities should receive access to grade level curriculum through instruction in their Least Restrictive Environment that addresses IEP academic goals aligned to the CA CCSS for ELA/Literacy and other content standards. This is in addition to instruction in functional and life skills in accordance with their IEP. In order for this to occur, it is critical that students with significant cognitive disabilities receive opportunities to learn and to demonstrate learning through whatever communication, assistive technologies, augmentative and alternative communication (AAC) devices, or other access tools are necessary and routinely used by the students during instruction.

Students who encompass the category of students with significant cognitive disabilities include a broad range of learners, with diverse disabilities and communication needs; therefore, there is no one size fits all model or single set of instructional strategies. However, the elements of Universal Design for Learning ([UDL](#)) offer guidelines and considerations for instruction reinforcing the use of multiple means of representation and demonstration. Further, the speaking and listening standards throughout the CA CCSS for ELA/Literacy offer multiple

opportunities to address how students with significant cognitive disabilities will both receive and demonstrate knowledge.

[Common Core State Standards for ELA](#)

[CELDT](#)

[ELPAC](#)

Positive Behavior Supports

Behavior is an important and valuable component of the educational process. The Individuals with Disabilities Education Act (IDEA, 2004) defined a Response to Intervention ([RtI](#)) framework that identifies two systems of support to ensure that all students, including students with disabilities, have access to grade level standards and are successful academically.

Bella Mente Montessori Academy is committed to providing behavior supports and services to students with exceptional needs in order to fully engage them in high quality learning environments that challenge and prepare them to be well-rounded, active members of a global society. Four key commitments have been developed that will ensure this mission is fulfilled:

1. Responsiveness – timely communication with students, parents, and staff
2. Guidance – program implementation in accordance with federal and state laws
3. Support – to create stimulating learning environments
4. Resolution – to ensure a free and appropriate education for all students

As California continues to implement the Common Core state standards, one key aspect of support for all students will be to address behavioral needs. Each IEP Team member has a unique role within the [RtI](#) model to support students in developing the requisite skills, knowledge, and ability to be prepared for college and career. It is essential to a highly effective instructional program to ensure a balance between academic and behavioral systems, focusing on both sides of the RtI pyramid.

[RtI Resources](#) and PD information
[RtI Action Network](#)

Discipline

Bella Mente Montessori Academy is committed to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. Under California law, schools 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 special education services.

Student Code of Conduct Violations/Grounds for Suspension and Expulsion

Suspension and/or expulsion for students with an IEP is permitted for misconduct related to school activity or attendance that occurs at any time, including, but not limited to:

- While on school grounds
- On the way to or from school
- During lunch period, whether on or off campus
- Going to, coming from, or during a school sponsored activity.

See [EC 48900](#) for offenses that may result in suspension and/or expulsion.

[Link to Bella Mente Handbook - \(needs to be added\)](#)

Change of Placement Requirements

Authority of School Personnel

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

School personnel may [remove](#) a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except FAPE must be provided, although it may be provided in an interim alternative educational setting.

Services

A child with a disability who is removed from the child's current placement under special circumstances (removal to an interim alternative educational setting for not more than 45 school

days irrespective of whether the behavior is determined to be a manifestation of the child's disability), or the above exceeded 10 school days removal shall:

- Continue to receive educational services, in accordance with FAPE, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

Manifestation Determination Review

The IDEA requires the LEA to conduct a Manifestation Determination Review within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct. No later than the date on which the decision to take a disciplinary action is made, the LEA must notify parents of that decision and of all Procedural Safeguards.

Manifest Determination Process

The LEA, the parent, and relevant members of the IEP team (as determined by the parent and the LEA), conduct the Manifestation Determination Review meeting.

The team must review all relevant information in the student's file, including the child's IEP, any teacher observations and any relevant information provided by the parent(s), to determine :

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; OR
2. If the conduct in question was the direct and substantial result of the local education agency's failure to implement the IEP.

Factors to be considered by the IEP team include:

- The student's disability classification
- The contents of the student's IEP concerning the student's behavior
- Information contained in the student's recent evaluations that may be used to show that the student's misconduct can be predicted such as
 - Poor impulse control
 - Inability to fully understand consequences of behavior
 - Failure to know right from wrong
 - Tendency to be disruptive or become easily angered
 - The student's history of misconduct
 - Patterns of behavior versus an isolated incident

If the LEA, the parent, and relevant members of the IEP team determine that either (I) or (II) above is applicable, the conduct shall be determined to be a manifestation of the child's disability. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP team will:

- Conduct a functional behavioral assessment and implement a behavioral intervention plan for the child, unless the LEA conducted a functional behavioral assessment prior to the manifestation determination

- If a behavioral intervention plan has been developed, the team must review the plan and modify it, as necessary to address the behavior; and
- Return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan or if the conduct is subject to automatic removal (refer to special circumstances 45-day removal)

If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was NOT a manifestation of the child's disability, the appropriate LEA disciplinary action may proceed, assuring that the student continues to be provided with FAPE.

Interim Alternative Education

School personnel may remove a student to an interim alternative educational placement for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child:

1. Carries or possess a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the state or LEA;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state or LEA; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or LEA.
4. **"Serious bodily injury, for the purposes of the IDEA, is defined as bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member organ, or mental faculty.

Not later than the date on which the decision to take disciplinary action is made, the LEA shall notify the parents of that decision, and all of the procedural safeguards. The alternative educational setting shall be determined by the IEP team.

Appeal and Hearing

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the LEA believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.

The hearing officer may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others or may return the child to the placement from which the child was removed.

When a parent or LEA requests a hearing regarding the interim alternative educational setting or a manifestation determination, the child shall remain in the interim educational setting

pending the decision of the hearing officer, or until the expiration of the 45 day time period, whichever occurs first, unless the parent and the state or local educational agency agree otherwise. In such cases, the state or LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and a decision shall be made within 10 school days after the hearing.

Protections for Children Not Yet Eligible for Special Education and Related Services

A child who has not been determined to be eligible for special education and related services under the IDEA, and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided under the IDEA if the LEA had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The LEA shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
2. The parent of the child has requested an evaluation of the child; or
3. The teacher of the child, or other personnel of the LEA, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Director of Special Education of such agency or to other supervisory personnel of the agency.

If the LEA does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the IDEA, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

Standardized Assessment

Bella Mente Montessori Academy is required to participate in statewide standardized assessment for all students, regardless of disability. All students are held to the same participation and performance expectations, except students with the most significant cognitive disabilities who meet the criteria for alternate assessment based on alternate achievement standards (<1%). These students will participate in alternate assessments. Additionally, English learners who have been in the US for less than one year are exempt from the ELA portion of state and federal standardized assessments.

[CELDT](#)

[ELPAC](#)

[SBAC](#)

[Alternate Assessment](#)

[CAST](#)

[PFT](#)

Confidentiality and Records

Bella Mente has a responsibility to maintain confidential educational records of students that attend Bella Mente Montessori Academy. These requirements stem from the Family Educational Rights and Privacy Act (FERPA).

Confidentiality of Records

600 10.(e) Confidentiality refers to the restriction of access to verbal and written communications, including clinical, medical, and Education records, to appropriate parties under Section 99.3 of Title 34 of the Code of Federal Regulations Section 300.560 et seq. of Title 45 of the Code of Federal Regulations, Sections 827, 4514, 5328 and 10850 of the Welfare and Institutions Code, Section 2890 of Title 17 of the California Code of Regulations and Sections 49060 through 49079 of the Education Code.

Definition of Education Records

Education records are generally those records that relate directly to a student and are maintained by an educational agency or institution or by a party acting on its behalf (34 C.F.R. § 99.3 (2003)). Examples of education records include:

- IEP documents
- Transcripts
- Final course grades
- Attendance records
- Disciplinary records
- Academic counseling records

Family Educational Rights and Privacy Act (FERPA) specifically exempts several categories of records from the definition of education record. Exempted records include:

- Records kept in the sole possession of the maker used only as a personal memory aid and not accessible or revealed to anyone
- Records that only contain information about a person after the person is no longer a student at the institution
- Peer-graded assignments
- Certain medical records

Transfer of Student Records

Whenever a student transfers from one school district to another or to a private school, or transfers from a private school to a school district within the state, the student's permanent record or a copy thereof shall be transferred by the former district or private school upon request from the district or private school where the student intends to enroll (Education Code Section 49068).

When a student transfers from one district school to another school within the district, the student's entire records shall be transferred upon request to the school where the student intends to enroll. Records shall not be withheld because of any fees or charges owed by the student or his/her parent/guardian.

Destruction of Records (EC 35250–35255, 48980–48984, 49060)

Mandatory interim student records: Those student records that schools are required to compile and maintain for a minimum of three (3) years after a student leaves the district or when their usefulness ceases. Such records include the following:

- Log or record identifying persons or organizations requesting or receiving information from student's records
- Health information, including Child Health and Disability Prevention Program (CHDP) verification or waiver
- Case studies and records concerning participation in special education programs
- Language training records
- Grade reports and/or progress reports
- Parental restrictions regarding access to directory information or related stipulations
- Parent/guardian or adult student rejoinders to challenged records and to disciplinary actions
- Parental authorizations or prohibitions of student participation in specific programs
- Results of standardized tests administered within preceding three years

Permitted student records (optional): Those records having clear importance only to the current educational process of a student. Permitted records may be destroyed six months after the student's completion of or withdrawal from the educational program or when their usefulness ceases. Such records may include the following:

- Objective counselor and/or teacher ratings
- Standardized test results older than three years
- Routine discipline data
- Verified reports of relevant behavioral patterns
- All disciplinary notices
- Attendance records other than required classroom attendance records maintained at the school

**Zero Tolerance:* Records of a student violation of Zero Tolerance will be maintained until the student graduates or reaches the age of 19 years and 6 months.

Best Practices in Confidentiality and Records

- *Remember that email is a part of the education record.* As a shared form of communication to one or more recipients, any information about a student that is shared through email is considered to be part of a student's education record, and must be provided to the parent/student if requested. When communicating through email or other electronic means regarding students, remember to use professional language and appropriate content.

[Access to Education Records](#)

- Parents may request, at any time, an opportunity to inspect and review all education records which are collected, maintained, or used on their child. Requests may be oral or written and Bella Mente must respond within 45 days of receipt of a request.

- The public education agency must respond to parental requests for explanations or interpretations of their child's records.
- Parents may select a representative to inspect and review their child's records.
- Copies of the records must be provided if the parent requests. No more than the actual costs of reproduction may be charged. If the cost prevents a parent from receiving the copy, records are provided at no cost.
- Parents must be given, upon request, a list of the types and locations of education records collected, maintained, or used by the agency.
- Public educational agencies may not disclose personally identifiable information contained in individuals' records without parental consent, except:
 - Directory information (e.g. name, address, telephone number, birthplace and date, major activity and sports participation, attendance dates, degrees and awards, schools most recently attended)
 - To persons authorized as having legitimate educational interests (local school officials, state and federal agency personnel, etc.).
- Parents who believe information contained in the records is inaccurate, misleading, or violates privacy rights of their child may request that the information be amended. If the public agency refuses to amend the record, the parent must be given the opportunity for a hearing to challenge the information. After the hearing, if the parent is still dissatisfied, the parent may place a written rationale in the child's record explaining the objection to the information. This written explanation becomes part of the child's record.
- Public agencies must inform parents prior to the destruction of information contained in the child's record.
- Students are granted access, upon request, to their own records and receive all other rights of privacy afforded a parent after reaching 18 years of age or attending a school beyond the high school level.

Confidentiality Guidelines

1. At Bella Mente Montessori Academy a designated administrator is responsible for maintaining the confidentiality of student files.
2. Files are maintained as follows:
 1. A record must be kept of the persons who have had or requested access to a file.
 2. A notation must be included to show the location of any identifiable student data (anything filed under the student's name) on the campus or elsewhere, that is not housed in the Cumulative Record (CUM file).
 3. An entry must be made each time access is requested or granted.
 4. Such a list must be maintained for each individual record and must be made available to the parent upon request.
3. Each school must develop a list, by name, of the school officials authorized for routine access to records (administrators, psychologists, nurse, specialists, teachers, clerical staff, etc). In addition, the names of all teachers should be available to inquiring parents,

together with the following statement: *Teacher access is limited to students currently enrolled, previously enrolled, or reenrolled in a teacher's classroom.*

4. A parent may request access to his/her student's file at any time. An appointment for such a review should be set within five (5) days of the request, unless the parent is unable to come in within that time. All records containing personally identifiable student data (anything filed under the student's name) must be accumulated and presented for review. Verification of the parent's identity and right to access confidential records must be made and documented in the CUM file.
 1. In the case of the natural parent who is divorced and does not have legal custody, access must be provided unless the parent with custody has obtained a court order to the contrary. In this circumstance, however, the natural parent without custody may not copy or sign a release of information form for his/her child (Rights of Privacy Act of 1974). It is advisable for an administrator to be available during reviews. If an interpreter is needed, one should be provided, if possible. The parent who has legal custody may request copies of any materials in the record. Only data relating to the child of a given parent may be available to that parent.
5. Parents may challenge the contents of a student's records. (Ed. Code 49070)
 1. The parent of a pupil may file a written request with the superintendent of the district to correct or remove any information recorded in the written records concerning his/her child which he/she alleges to be: 1. inaccurate, 2. an unsubstantial personal conclusion or inference, 3. a conclusion or inference outside of the observer's area of competence, 4. not based on the personal observation of the named person with the time and place of observation noted.
 2. Within 30 days of receipt of such request, the superintendent or his designee will meet with the parent and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district. The superintendent's designee, the director of special education programs, will then sustain or deny the allegations. If the superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent may, within 30 days of the refusal, appeal the decision in writing to the governing board of the school district.
 3. Within 30 days of the receipt of such an appeal, the governing board will, in closed session with the parent and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district, determine whether or not to sustain or deny allegations.
6. All requests for directory information from organizations such as the PTA, etc. shall be submitted in writing and referred to the designated administrator in special education. The administrator will either affirm or deny release of information on the following criteria:
 1. The requesting organization will be required to submit, in writing, a guarantee that no contact with the student will be made except through the mail unless the student and his/her parents request such contact. Any other release of information will require written consent from parents.

2. Directory information shall not be released if a parent has notified the school district in writing that such information shall not be released relative to that particular student.
7. Destruction or mutilation of records except as prescribed by law is a felony (Government Code 6201). Directory information and CUM file must be maintained for each student (Title V, 435). Site administrators or others must not alter records or remove materials without going through proper procedures. Extraneous papers should not be housed in the student's file. Parent(s) must be notified, and a written record of acknowledgement must be kept on file, of any records to be destroyed prior to the actual destruction. Parent(s) have the right to appeal in a similar manner as under point five (5). Any records under contest cannot be destroyed until the issue has been resolved.

Electronic Confidentiality

Communication over the internet, including email and document sharing, is inherently insecure. Information shared over the internet is always at risk, however, the following guidelines were designed to minimize breaches of confidentiality:

1. Saving and Sharing
 - Do not upload documents to any web-based program with the exception of the online IEP database (SEIS) or the secure Bella Mente ggogle drive.
 - Do not save confidential documents or files to the desktop or hard drive of a shared or public computer.
2. Emailing
 - Whenever possible, use the phone or in-person communication to discuss sensitive or confidential student issues.
 - Ensure the recipient of the email has a legitimate educational need for the information.
 - Avoid putting personal identifiers such as student names and numbers in the subject line of an email.
 - Do not email confidential documents (e.g. IEPs, BIPs, etc).
 - When sending email, especially outside the vistausd.org network, it is a good practice to code the student name (e.g. using initials) and omit as much personal information as possible.
 -

Email is a part of the education record. As a shared form of communication to one or more recipients, any information about a student that is shared through email is considered to be part of a student's education record, and must be provided to the parent/student if requested. When communicating through email or other electronic means regarding students, remember to use professional language and appropriate content.

Resources

[links to Bella Mente PD](#)

[links to NCCSE](#)

[Link to Ed Code resources for SpEd](#)

