

**DEL MAR UNION SCHOOL DISTRICT
INSTRUCTION**

BOARD POLICY 6164.2: GUIDANCE/COUNSELING SERVICES

The Governing Board recognizes that a comprehensive counseling program can help promote academic achievement and serve the diverse needs of district students. Students shall be encouraged to arrange a meeting with counseling staff to discuss academic, social or personal problems and other issues, such as bullying, that may impact student learning.

Personal Counseling

The School psychologist shall identify and work with students whose personal problems may prevent them from functioning up to their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.

The School psychologist shall respect student confidentiality as appropriate and shall consult with the Superintendent or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parental consultation and consent shall be obtained as appropriate.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. The School psychologist shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students before and after a crisis.

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in appropriate response techniques and/or to directly help students cope with such crises if they occur.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

Nondiscrimination

The district shall not use testing or other materials for appraising or counseling students that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

48431 Establishing and maintaining high school guidance and placement program

48431.6 Academic progress and counseling review program

49600-49604 Educational counseling

51513 Personal beliefs

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

CODE OF REGULATIONS, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

WEB SITES

United States Department of Education: <http://www.ed.gov>

CDE: <http://www.cde.ca.gov>

California Association of School Counselors: <http://www.schoolcounselor-ca.org>

American School Counseling Association: <http://www.schoolcounselor.org>

**DEL MAR UNION SCHOOL DISTRICT
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**BOARD POLICY 6164.4 (was BP 6012 Individuals with Exceptional Needs):
IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth through age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall ensure that the district follows North Coastal Consortium Special Education procedures to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review and triennial assessment. (Education Code 56301)

The Superintendent or designee shall develop a method to ensure that all eligible individuals residing within the district are currently receiving needed special education and related services. In addition, the Superintendent or designee shall consult with appropriate representatives of private school students with disabilities on how to identify, locate and evaluate these students. (20 USC 1412(a)(3); 34 CFR 300.451)

The Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

For assessment purposes, staff shall use appropriate tests to identify specific information about the individual's abilities in accordance with Education Code 56320.

The Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation and review, including the district's procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

Legal Reference:

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:

56026 Individuals with disabilities

56170-56177 Children in private schools

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56330 Assessment

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56435 Early education for individuals with disabilities

56441.11 Eligibility criteria, children 3 to 5 years old

56445 Transition to grade school; reassessment

56500-56508 Procedural safeguards

GOVERNMENT CODE

95000-95029 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.756 Assistance to states for the education of students with disabilities

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/offices/OSERS/OSEP>

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 6164.5: STUDENT STUDY TEAMS

The Governing Board encourages the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may assist the students. The Superintendent or designee shall establish student study teams as needed to address individual students' needs.

The Superintendent or designee shall establish a process for initiating referrals of students to the student study team.

Each student study team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

The student study team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

Legal Reference:

EDUCATION CODE

8800-8807 *Healthy Start support services for children*

48260-48273 *Truancy*

48400-48454 *Continuation education*

48630-48644.5 *Opportunity schools*

49600-49604 *Educational counseling*

51745-51749.3 *Independent study programs*

52200-52212 *Gifted and talented student programs*

54400-54425 *Programs for disadvantaged children*

54440-54445 *Migrant children*

54660-54669 *Dropout prevention programs*

54720-54734 *School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act*

WELFARE AND INSTITUTIONS CODE

4343-4352.5 *Primary interventions program, mental health*

18986.40-18986.46 *Interagency children's services*

Management Resources:

CDE PUBLICATIONS

SB 65 School-Based Pupil Motivation and Maintenance Program Guidelines (2000-01 Edition), 2000

Student Success Teams: Supporting Teachers in General Education, 1997

CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS

SST: Student Success Teams, 2000

WEB SITES

California Department of Education: <http://www.cde.ca.gov/spbranch/ssp>

California Dropout Prevention Network: <http://www.edualliance.org/cdpn>

National Dropout Prevention Center: <http://www.dropoutprevention.org>

Board Policy 6164.5: Approved by the Board of Trustees: January 23, 2008

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 6164.6:

IDENTIFICATION AND EDUCATION UNDER SECTION 504

The District recognizes the need to identify and evaluate children with disabilities in order to provide them with a free, appropriate public education. Under Section 504 of the federal Rehabilitation Act of 1973, individuals with a physical or mental impairment that substantially limits one or more major life activities, including learning, are eligible to receive services and aids designed to meet their needs as adequately as the needs of nondisabled students are met.

The Superintendent or designee shall establish screening and evaluation procedures to be used whenever there is reason to believe that a student has a disability that limits his/her ability to attend or function at school.

To evaluate the student's eligibility under Section 504, the Superintendent or designee shall convene a school site committee of professionals knowledgeable about the student's individual needs and school history, the meaning of evaluation data, and accommodation options. The student's parent/guardian will be invited to participate on this committee.

If the student, due to a disability, is found to have a disability that requires regular or special education and related aids and services under Section 504, the school site committee shall develop a written accommodation plan for the student. Upon reviewing the nature of the disability and how it affects the student's education, the school site committee shall determine what modifications to the student's educational program and/or special services and aids are needed. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs.

The school site committee shall provide the parent/guardian of each qualified disabled student with a written copy of the accommodation plan and notice of procedural safeguards guaranteed by law.

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701-795a Rehabilitation Act

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.33 Free appropriate public education

104.35 Evaluation and placement

104.36 Procedural safeguards

**DEL MAR UNION SCHOOL DISTRICT
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**ADMINISTRATION REGULATION TO BOARD POLICY 6164.6:
IDENTIFICATION AND EDUCATION UNDER SECTION 504**

Eligibility

A disabled student eligible for services under Section 504 is one who (a) has a physical or mental impairment that substantially limits one or more major life activities, including learning, (b) has a record of such an impairment, or (c) is regarded as having such an impairment. [34CFR 104.3 (j) and (k)]

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Indications of a possible disability that significantly interferes with learning include, but are not limited to:

1. Medical conditions such as severe asthma, diabetes, AIDS or heart disease
2. Temporary medical condition due to illness or accident
3. Poor or failing performance over a lengthy period of time
4. Frequent referrals for behavioral problems within a short period of time.
5. Students with a short attention span and/or behavioral problems who repeatedly have a difficult time attending to course work.

Referral and Identification Procedures

1. Any student may be referred by a parent/guardian, teacher, other certificated school employee or community agency for consideration of eligibility as a disabled student under Section 504. This referral should be made to the school site principal.

2. The school site committee shall promptly consider the referral and determine whether an evaluation under this procedure is appropriate. This determination shall be based on a review of the student's school records (including academic, social and behavioral records) and the student's needs. Students requiring evaluation shall be referred to appropriate evaluation specialists.
3. If a request for evaluation is denied, the school site committee shall inform the parents/guardians of this decision and of their procedural rights as described below.

Accommodation Plan

1. When a student is identified as disabled within the meaning of Section 504, the school site committee shall determine what services are necessary to ensure that the student's individual education needs are met as adequately as the needs of nondisabled students.
2. In making this determination, the school site committee shall consider all significant factors relating to the learning process for the student including his/her adaptive behavior, and cultural and language background. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the parent/guardian.
3. The parent/guardians shall be invited to participate in the school site committee meeting where services for the student will be determined and shall be given an opportunity to examine all relevant records.
4. The school site committee shall develop a written plan describing the disability and specifying the services needed by the student. A copy of this plan shall be kept in the student's cumulative file. The student's teacher and any other staff who provide services to the student shall be informed of the services necessary for the student, to the extent that they need to be informed in order to provide for the student in the school setting.
5. If the school site committee determines that no services are necessary for the student, the record of the committee's meeting shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.

6. The disabled student shall be placed in the regular educational environment unless the district demonstrates that a more restrictive placement is required in order to meet the student's needs. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs.
7. The parent/guardians will be notified in writing of the final decision concerning services to be provided, if any, and of the Section 504 procedural safeguards, including the right to an impartial hearing to challenge the decision.
8. The district shall complete the identification, evaluation and placement process within a reasonable time frame.
9. The student's plan shall include a schedule for periodic review of the student's needs and indicate that this review may occur sooner at the request of the parent/guardian or school staff.

Review of the Student's Progress

1. The school site committee shall monitor the progress of the disabled student and of the effectiveness of the student's plan. The committee shall periodically determine whether the services are appropriate and necessary, and to assure that the agreed to regular or special education and related aids and services are appropriate and necessary, and whether the disabled student's needs are met as adequately as the needs of nondisabled students.
2. A reevaluation of the student's needs will be conducted before any subsequent significant change in placement.

Procedural Safeguards

Parents/guardians shall be notified in writing of all district decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to: (34 CFR 104.36)

1. Examine relevant records
2. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel

3. Have a review procedure

Notifications shall also set forth the procedures for requesting a hearing, the name, address and telephone number of the person with whom the request should be made, and the fact that reimbursement for attorney's fees is available only as authorized by law.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may initiate the following procedures:

1. Within 30 days of receiving the student's accommodation plan, set forth in writing his/her disagreement and request that the school principal and school site committee review the plan in an attempt to resolve the disagreement. This review shall be held within 14 days of receiving the parent/guardian's request, and the parent/guardian shall be invited to attend the meeting at which the review is conducted.
2. If disagreement continues, request in writing that the Superintendent or designee review the plan. This review shall be held within 14 days of receiving the parent/guardian's request, and the parent/guardian shall be invited to meet with the Superintendent or designee to discuss the review.
3. If disagreement continues, request in writing a Section 504 due process hearing. The request shall include:
 - a. The specific nature of the decision with which the parent/guardian disagrees
 - b. The specific relief the parent/guardian seeks
 - c. Any other information the parent/guardian believes pertinent

Within 20 days of receiving the parent/guardian's request, the Superintendent or designee shall select an impartial hearing officer. This 20 days may be extended for good cause or by mutual agreement of the parties.

Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45 days may be extended for good cause or by mutual agreement of the parties. The Superintendent or designee shall represent the district at this hearing.

Any party to the hearing shall be afforded the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
2. Present written and oral evidence
3. Question and cross-examine witnesses
4. Receive written findings by the hearing officer

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.