



SIEMBRA LEADERSHIP

HIGH SCHOOL

SPECIAL EDUCATION DEPARTMENT POLICIES & PROCEDURES



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SPECIAL EDUCATION DEPARTMENT

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OVERVIEW OF THE SPECIAL EDUCATION DEPARTMENT

The guiding principles of the Siembra Leadership High School (Siembra) special education plan are in concordance with 34 CFR § 300.1, which states the primary purposes of IDEA:

- Ensure that all children with disabilities have available to them a Free Appropriate Public Education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.
- Ensure that the rights of children with disabilities and those of their parents are protected.
- Assist states, local education agencies, and federal agencies to provide for the education of all children with disabilities.
- Assess and ensure the effectiveness of efforts to educate children with disabilities in the Least Restrictive Environment (LRE) and provide them access to the general education curriculum. The IDEA of 2004 represents a shift from the previous federal focus of providing access to a FAPE to one that strives for improved educational and transitional results for students receiving special education services. To achieve results, educational systems now, and in the future, must maintain high academic standards and clear performance goals for students eligible under the IDEA.

Siembra strives to deliver a highly effective special education program. Our goals reflect careful collaboration among members of the leadership team, the special education team, student support team team, success coaches and ancillary providers. Each one of these goals is implemented in a specific and consistent manner.

Special Education Department Goals:

- Facilitate trust and collaboration among all people invested in helping each student reach their goals.
- Implement specific, evidence-based instructional strategies, appropriate to support each special education service and driven by the students' IEP.
- Provide the necessary resources to support the delivery of each service, on an ongoing basis. Services are strategically evaluated for utility and localization of equitable resources as relates to student needs and stakeholder involvement.
- Provide appropriate resources to support transition planning and implementation for every student with an IEP to facilitate effective transitions, from entry through graduation with a focus on services, goals, and post-school objectives.
- Provide a continuum of supports and services to every student in special education. Each student is prepared and able to achieve a level of competence, self-reliance, disability awareness and independence, based on their own abilities, so each student transitions successfully to their future.
- Cultivate the creation of a culture/school environment that ensures meaningful inclusion opportunities and emphasizes access, support and participation as well as classroom and extracurricular opportunities for all students.
- Our special education students thrive in programs and projects that build independence and prepare them for a successful transition to life after high school. We support the development of life skills, academic skills, social/emotional supports, and transition options based on student ability, interest, and future goals. Every special education student is respected as a unique individual and capable of reaching high expectations. Decisions and practices for special education students are student centered and based on evidence and data. We want special education students



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who enter Siembra to be successful in their time with us by focusing on effective communication, organizational skills, and academic supports for instruction.

PLAN TO EVALUATE AND IDENTIFY SWD

All students at Siembra enter through the lottery process. Students who are selected are then asked to bring all required information for registration, including IEP information. Students participate in onboarding upon enrollment, and at the start of each semester to orient young people to Siembra's three pillar model of project-based, community engagement and student support.

Students new to Siembra may not self-identify as being SWD, therefore we use the STARS reporting site to determine if they may have received these services. If a student is identified as SWD, we request the most current IEP from the previous school.

Whether through parent request or input from other school personnel such as teachers, counselors, ancillary staff etc..., a child who may need special education services is first referred to the Student Assistance Team (SAT) for Multi-Layered System of Support (MLSS) intervention strategies and/or evaluation. Prior to referral for special education evaluation, SAT prescribed interventions are to be considered, implemented, and documented. If these Tier II interventions are deemed to be ineffective, the student may be identified as needing a formal evaluation to determine if additional services are required to enable the student to benefit from his or her education. Parents must give consent before their child is evaluated to determine if he or she is eligible for special education services.

Parents or the public agency have the right to request an initial evaluation of a child at any time, and that evaluation must be conducted within 60 days of receiving parental consent for evaluation. Otherwise, several steps should be taken before a student can be considered eligible for special education and, if appropriate, related service. The Student Assistance Team (SAT) and IEP team have the responsibility of ensuring that the required steps are followed.

Siembra follows the suggested checklist provided by NMPED:

- Work with parents (and student when appropriate) to identify, implement, and evaluate intervention methods geared to the concerns that led to the referral.
- Decide if the student should be formally evaluated. Get written consent from parents.
- Evaluate the child through a variety of assessments, observations, and information gathering, targeting all areas related to the suspected disability.
- Have the IEP team examine the data and determine if the child meets the criteria to be considered eligible for special education and, if appropriate, related services. Record determination results.
- Have the IEP team determine if the child has a Learning Disability.
- Inform school and other personnel of the need for a meeting and schedule it for a time when each person needed is available.
- Schedule the meeting to review the evaluation and determine the child's eligibility for services.
- Send a written notice to parents informing them of and inviting them to the meeting. Allow sufficient time for response and opportunity to request another time in order to accommodate the parents' schedules.



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Upon completion of the evaluation, a group of qualified professionals and the parents, the IEP team, meets to discuss the evaluation and decide if the child meets the criteria to be eligible for special education and, if appropriate, related services. If so, an IEP is developed. This may begin immediately by continuing and extending the scope of the current meeting or scheduling a separate meeting soon thereafter. If parents do not agree with the evaluation results, they have the right to request an Independent Educational Evaluation (IEE).

PLAN TO DEVELOP, REVIEW, AND REVISE IEPS

Siembra has a master spreadsheet with student demographics, IEP due dates and re-evaluation due dates. At the beginning of each year, special education teachers are assigned a caseload. The special education teacher is responsible for ensuring that the IEP accommodations and services are implemented and monitored by the general education teachers in all classroom settings. The special education teacher gathers all necessary data for the annual review and re-evaluation for each student on their caseload. The special education teacher, along with members of the IEP team, ensures that all documentation, such as prior written notice, and informed consent are obtained before any adjustments are made to the IEP or new testing is done.

Special education teachers begin gathering the necessary data for annuals and re-evaluations at least 2 weeks prior to the due date. They contact and gather information from all team members including diagnostician, ancillary services, counseling department, academic teachers, and administration. Special education teachers contact parents to set a date and provide a written notice of the IEP meeting.

The special education department meets with administration and ancillary services monthly to review student progress, discuss concerns, and update the master spreadsheet regarding completion of annuals and/or re-evaluations.

An IEP defines one or more measurable annual goals for the child, each of which may include short-term objectives and/or benchmarks, as appropriate. The annual goals are based on the student's strengths and needs according to his or her present levels of academic achievement and functional performances, provide direction for the IEP, and must be measurable. Each annual goal set at the IEP meeting spells out precise expectations, including identifying what methods of measurement and criteria will be used to track progress and judge success. The IEP also identifies who is responsible for implementing each goal and an anticipated date of mastery.

Once implemented, the law requires that the IEP be reviewed and revised as needed but at least annually. Of course, IEP reviews can and should be done more often if necessary. With or without a formal IEP review meeting, progress toward annual goals are regularly monitored and measured. Written progress reports are provided to the parents at least as often as they are provided for the rest of the student population, for Siembra, that is in December and May. The report contains student progress towards academic and functional goals as well as any behavioral or social emotional goals contained in the student's IEP.



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PLAN TO INTEGRATE SPECIAL EDUCATION INTO THE GENERAL EDUCATION PROGRAM

All teachers are provided with accommodations for special education students who are in their projects at the beginning of each year and when new students enter their projects. Special education case managers, along with administration, give an overview of student, strengths, challenges, and concerns based on current IEP and parent/student interview information obtained during the registration process. This allows teachers to ask questions specific to the student's IEP and get clarification and support in implementing strategies and accommodations. Siembra also implements a variety of methods, listed below, as needed.

- Individualized or small group instruction to meet the academic and behavioral needs of our special education students, either within the general education classroom or outside the general education classroom for specific skill development and support.
- Direct intensive specialized instruction by special and/or general education teacher using specialized strategies and techniques in a small group when necessary.
- Proactive and preventive behavioral mental health supports and interventions from qualified professionals within the school.
- Direct special education instruction within the general education classroom through collaborative co-teaching models.
- Direct support for individual students by the special education teacher or instructional assistant by making adaptations or modifications to the general education curriculum and assessments.
- Pull out or push in models for individual students or small groups during part of the general education setting.

PLAN TO DELIVER SPECIAL EDUCATION SERVICES AND RELATED SERVICES

Special education services are provided through educational assistants, special education teachers and general education teachers in the classroom or the student's least restrictive environment. Ancillary services are delivered during the school day and pull-out sessions such as social work or SLP are scheduled with the input of the student. All students are scheduled for specific days and times so they can plan accordingly. Ancillary staff works closely with the students to ensure they fulfill service requirements and track data towards student goals.

- Special education students who enter Siembra develop a vision plan for their future as part of their transition plan. This plan is updated annually to accommodate the developing student. It is based on personal goals, strengths, values, and interests to meet their academic, career and IEP goals, with specific CTE projects.
- Siembra special education students are encouraged to participate with outside agencies, programs, and resources to best inform and prepare students for post-high school opportunities.
- Special education teachers collaborate and provide the general education teachers with guidance on appropriate strategies for instruction, behavior management, data collection, progress monitoring, observation, and feedback in the general education setting.
- The Siembra special education department provides an academic support area that is available to students with an IEP at any point during their instructional day for access to accommodations, supplementary aids, test preparation or completion, completing assignments, guided practice with



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an emerging skill, and/or re-teaching. Students do not use the support area during direct instruction of their content area projects.

- Should a student need more intensive support, based on academic or behavioral performance, Siembra can create a modified project offering for all core subjects. This option would be aligned with the student's specific learning disability and be unique to the subject/content matter in which the student needs this intensive support.

Siembra receives federal IDEA B funds. Funds are sent to APS and then released to Siembra.

APS Charter Schools are eligible for this grant based on the number of students identified with disabilities enrolled. The IDEA-B Program office will automatically choose all available choices for allowable expenditures in the application on the Charter's behalf. This will allow the Charter School to provide services to their students under all of the acceptable uses of IDEA-B.

Siembra follows all requirements set forth by federal and state guidelines for allocation and accounting for IDEA B spending.

Siembra follows the APS Grant Management Charter School Procedures manual to ensure compliance, transparency and accountability.

Siembra ensures that students and others with disabilities, including parents, are not denied access to the school's programs or activities because of inaccessible facilities, including academic buildings, walkways, restrooms, athletic facilities, and parking spaces.

Any student, parent/family member of a student who attends Siembra is assured access to all classrooms, restrooms, and activity areas.

If there were ever a situation where a student or parent could not access the facility or programs, due to a disability, Siembra would address the situation and ensure the problem of access was resolved as necessary.

PLAN TO ADDRESS DISCIPLINE FOR SWD

Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other students in the program. What discipline process may be applied to a student with a disability depends upon whether or not the behavior in question is a weapon or drug offense, whether the student has inflicted serious bodily harm on another person, whether maintaining the student in his or her placement is substantially likely to result in injury to the student or others, and whether or not the behavior in question is a manifestation of the student's disability. With the exception of some short-term suspensions, students with disabilities are disciplined differently from students without disabilities in that:

- After 10 cumulative school days of removal from school in a school year, students with disabilities must continue to receive educational services even while on suspension,

AND

- For long-term suspensions, the IEP team determines what services the student will receive while on suspension.



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The student's IEP team has the authority to prescribe or prohibit specific disciplinary measures by including appropriate provisions to that effect in the student's IEP, and school officials are required to follow IEP provisions concerning discipline. The IEP team may indicate that the student is not subject to all or part of the school-wide discipline plan. The student's IEP document should include the IEP team's determination as to the applicability or inapplicability of the school-wide discipline plan. The IEP is not, however, permitted to prohibit the initiation of proceedings for long-term suspension or expulsion.

A Leadership Team conference is held the purpose of the conference, conducted by the school official, is to:

- Interview witnesses, including staff and other students Allow the student an opportunity to explain the behavior
- Determine whether, if there is no IEP, the student should be referred for an evaluation for a suspected disability.

Following the informal administrative conference, the school official determines, based upon the facts and his or her judgment, what, if any, disciplinary action should be implemented. The school official should notify the parents of:

- The misconduct
- Any alternative disciplinary action that will be taken pursuant to provisions included in the student's IEP (or IDP or BIP),

AND

- The proposed disciplinary action, if any

If the student's problem behavior interferes with his or her learning or the learning of his or her classmates, the IEP team may need to consider whether or not specific strategies, including positive behavioral interventions, strategies, and supports (i.e., a BIP) need to be designed and implemented to address the problem behavior. An IEP team meeting is not required at this point in the process. However, the regulations suggest that the team meet to consider behavioral interventions. The school official should, in consultation with the student's special education teacher, consider convening an IEP team meeting to review and revise the IEP as necessary. If an IEP meeting is scheduled, the parents must be provided notice.

Unless the student's IEP provides otherwise, a student with a disability may be removed for 10 or fewer consecutive school days without any special considerations, just as would any student without disabilities. The student must be returned to the same educational placement after the temporary or short-term suspension, and for an initial suspension of 10 school days or less the school does not have to provide the student with any services.

Once a student has been removed from school for more than 10 cumulative days in a school year (i.e., the "10-Day Rule" has been met), school officials must ensure that the student is provided with FAPE during his or her removal.

The IDEA 2004 maintains the rule that if disciplinary removals constitute a "change of placement," certain procedural protections are triggered, including the requirement that the district conduct a Manifestation Determination Review (MDR) meeting. The school official is responsible for determining



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whether the disciplinary sanction he or she plans to impose will result in a change of placement. There are logical reasons why the law imposes additional requirements when a removal qualifies as a change of placement. A change of placement can indicate several things. It may mean that the student's behavior needs to be addressed in a more concerted, organized manner—those instances of behavior are no longer haphazard or unrelated. Instead, behavior may be escalating; it may be symptomatic of a larger problem, such as frustration over inability to read, medication adjustments, or an emerging emotional problem that requires more than the imposition of simple disciplinary measures. At this point, the IEP team, with its various areas of expertise and information, becomes more involved in the discipline process. Federal regulations identify some circumstances in which a series of short-term removals totaling more than 10 school days in a school year are to be considered a change of placement. A change of placement occurs when:

- The student has been removed for more than 10 consecutive school days,

OR

- The student has been subjected to a series of removals that constitute a pattern because the series of removals totals more than 10 days in a school year (these need not be consecutive days)
- The student's behavior is substantially similar to his or her behavior in previous incidents that resulted in the series of removals (this determination may involve a review of information in the student's IEP),

AND

- Additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another argue in favor of a "pattern". Parents can challenge the school official's determination as to whether a proposed removal or potential disciplinary action constitutes a change of placement through a due process hearing or judicial proceedings.

If the school official determines that the rule violation and planned disciplinary response will result in a change of placement for the student, the school official must prepare for an MDR and provide the parents with notice of the MDR meeting. Notice must be given to the parents on the date on which the decision is made to impose a removal that constitutes a change of placement. The district is obligated to conduct the MDR meeting within 10 school days of any decision to change the student's placement. The following information must be provided to the parents:

- The date and time of the MDR meeting
- A copy of the school's procedural safeguards notice, including but not limited to:
 - Notice that the parents are entitled to invite relevant persons (including members of the student's IEP team) to serve as members of the MDR team
- A description of the action proposed or refused by the district (including the length of the proposed exclusionary period, and the start date)
- An explanation of why the district proposes or refuses to take the action (this would include a description of the misconduct)
- A description of other options considered and the reasons why those options were rejected (in other words, what other disciplinary sanctions were considered and rejected, and the reasons why were they rejected)



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- A description of the parents' right to challenge decisions by means of the state-level complaint procedures or a request for due process hearing.

Whether the student thinks he or she can or cannot follow rules, and whether the student knows the difference between right and wrong are NOT issues for an MDR. Instead, the law makes it clear that, for the conduct to be a manifestation of the student's disability, there must either be:

- A close relationship between the conduct and the disability (as opposed to a marginal or attenuated relationship). An example of an attenuated, as opposed to close/direct relationship would be when a student with low self-esteem due to a disability misbehaved so as to gain attention from others.

OR

- A direct cause and effect relationship between any failure on the part of the district to implement the IEP (and BIP) and the student's conduct. For example, there may be no relationship—let alone a direct cause and effect relationship— between misconduct and a failure on the part of the district to implement the portion of a student's IEP that called for provision of a particular form of software as assistive technology. In summary, if the MDR team answers "yes" to either of the above questions, then the behavior must be considered a manifestation of the student's disability.

Thus, if the team determines:

- That the conduct was caused by or had a direct or substantial relationship to the student's disability, then the MDR team must conclude that the behavior was a manifestation of the student's disability,

OR

- That the conduct was a direct result of the district's failure to implement the student's IEP (including any BIP), then the MDR team must conclude that the behavior was a manifestation of the student's disability. Only if the team determines that the misconduct is not a manifestation of the student's disability may school officials initiate long-term suspension or expulsion proceedings.

When the MDR team reaches that result, the entire IEP team (as opposed to just the MDR team) must:

- If no FBA has been conducted, conduct an FBA and implement a BIP for the student.

OR

- If a BIP already exists, review the BIP and modify it, as necessary, to address the student's behavior.

AND

- If the MDR team determined that the conduct in question was the direct result of the district's failure to implement the IEP (including the BIP), then the district (likely through the IEP team) must take immediate steps to remedy those deficiencies (in some instances, this may include providing training for teachers in implementation of the IEP and/or BIP).



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AND

- Unless the conduct involves weapons, drugs, or serious bodily injury, return the student to the placement from which he or she was removed. The district and the parent(s) may, however, agree to a change of placement as part of the modification of the BIP. If such an agreement is reached, it must be documented in writing in the student's IEP or BIP.

If the MDR team determines that the student's behavior is not a manifestation of his or her disability, then:

- The IDEA 2004 specifically provides those relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration as they would be applied to students without disabilities. This includes long-term suspension and expulsion.
- The school must still provide the student with FAPE. This means that, despite the removal or change of placement (which can be to an IAES), the student must be provided with:
 - Services necessary to enable the student to participate in the general curriculum
 - Services necessary to enable the student to progress toward meeting the goals set out in his or her IEP,

AND

- As appropriate, a FBA, behavior intervention services, and modifications (such as a BIP) designed to address the behavior violation so that it does not recur.

Because at this point the removal is a change of placement, it is the IEP team that determines what services are appropriate during the long-term suspension in an alternative educational setting. Therefore, if the MDR team did not include the entire IEP team, then the student's full IEP team must meet within 10 business days after commencing a long-term suspension. The full IEP team must:

- Notify the parents of the IEP meeting.
- Develop an IEP that reflects the alternative educational services and placement, and includes behavioral services designed to address the behavior violation so that it does not recur.

Siembra follows the procedures above when dealing with discipline of SWD, students with a 504 plan or students in SAT. During short term suspensions, less than 10 days, the student is allowed to meet with teachers and develop a plan for any upcoming projects or homework that may be due before the suspension. Teachers understand that a student who is suspended will contact them through their class website or school email. Teachers are required to post all assignments and resources necessary for the student to access and complete coursework. Teachers will be available to communicate with the student during the time of suspension to offer educational support.

For students who do not have access to internet, a hot spot will be loaned and/or teachers provide written resources and instructions for assignments and classwork. Should a student need additional support, they may schedule a specified time to meet one on one with the special education caseload carrier during the suspension, but this will be done on a case-by-case manner with parent input and must be approved by leadership team.



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Students who meet the “10-Day Rule” will have the above options or if determined, moved to online learning or a blended learning option. During this time, students will complete coursework via Acellus and/or a combination of blended learning options. Courses will be adjusted to meet student required accommodations and students who need additional support may be allowed to meet one on one with their caseload carrier to receive additional support. Again, the specified time and date for one-on-one support will be determined by parents, student, and Siembra Leadership Team. Students who need ancillary services will be allowed to receive these services through Siembra either virtually or on campus, and will be scheduled with parent, student and Leadership team input, to meet with the necessary service providers.

PLAN TO ENSURE CONFIDENTIALITY

The IDEA Part B regulations in 34 CFR §§ 300.610 through 300.626 identify the confidentiality requirements that apply to children with disabilities under Part B of the IDEA. These requirements apply to all children with disabilities under IDEA, as well as preschool children with disabilities, aged three through five years. These Part B regulations protect the personally identifiable information (PII) in education records collected, maintained or used under Part B of the IDEA.

In addition to the FERPA provisions and IDEA-specific provisions that restate the FERPA requirements, the IDEA regulations also include some additional protections tailored to special confidentiality concerns for children with disabilities and their families. Public agencies must inform parents of children with disabilities when information is no longer needed and, except for certain permanent record information, that information must be destroyed at the request of the parents (34 CFR 300.573). If a state transfers the IDEA rights of parents to children at the age of majority, the parents’ rights under the IDEA regarding educational records also transfer, but the public agency must provide any notice required under the due process procedures of the IDEA to both the student and the parent (34 CFR 300.574). The state education agency must give public notice about the collection of personally identifiable information in the state and a summary of the policies and procedures that public agencies must follow regarding storage, disclosure to third parties, and retention and destruction of personally identifiable information (34 CFR 300.561). Each public agency must have one official who is responsible for ensuring the confidentiality of any personally identifiable information, must train all persons who are collecting or using personally identifiable information regarding the state’s policies about confidentiality and FERPA, and must maintain for public inspection a current listing of the names and positions of individuals within the agency who have access to personally identifiable information (34 CFR 300.572).

THE RIGHTS OF PARENTS AND ADULT STUDENTS REGARDING EDUCATIONAL RECORDS

Siembra permits a parent, adult student, or a representative of the parent or adult student to inspect and review any educational records relating to the student that are collected, maintained, or used by the district, as required by applicable law and regulations.

Siembra provides parents or adult students, on request, a list of the types and locations of education records collected, maintained, or used by the district.



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Siembra complies with requests from a parent or adult student to inspect and review any education records.

If a parent or adult student requests a copy of the student's records, Siembra gives the parent or adult student a copy.

Siembra obtains written consent from the parent or adult student before permitting personally identifiable information to be used for any purpose other than meeting a requirement under these procedures. The district obtains written consent before personally identifiable information is disclosed to officials of participating agencies providing transition services.

TRANSFER OF STUDENT EDUCATION RECORDS

The same transfer of education records applies to special education records as for all other education records.

When original records have been transferred to a new educational agency, as required by law, the former school/district must retain readable photocopies of the following documents for the time periods and under the conditions as prescribed by the state of New Mexico.

The district retains copies of the following documents for the prescribed time periods designated in NM state law, including:

- The student's permanent record as defined in the school/district's records policy
- Such special education records are necessary to document compliance with state and federal regulations, including eligibility documents, IEPs, notices, and IEP progress reports.

FREE APPROPRIATE PUBLIC EDUCATION

Please note that Siembra is a public school. We are required by federal and state law to provide your student a free and appropriate public education. We cannot refuse admission to any student based on social/educational history or special needs. The school has Special Education Policies and procedures that address implementation of IDEA and New Mexico Special Education Rules – Each New Mexico public agency, within the scope of its authority, shall develop and implement appropriate policies, procedures, programs and services to ensure that all children with disabilities who reside within the agency's educational jurisdiction, ... are identified and evaluation and have access to a free appropriate public education (FAPE) in compliance with all applicable requirements of state and federal laws and regulations. If the public charter school is an LEA, that charter school is responsible for ensuring that the requirements are met 6.31.2.9(A), 6.31.2.11(I)(3)



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REFERRAL FOR SPECIAL EDUCATION OR GIFTED SERVICES (IMPORTANT IMPLEMENTATION NOTE)

Parents of a student referred to the SAT must be informed of their right to request an initial special education evaluation (SS 22-13-32). Parents may request an initial special education evaluation at any time. If the public agency (school district or state charter school) agrees with the parent that the child may be eligible for special education services, the public agency must evaluate the child. If the public agency declines the parent's request for an evaluation, the public agency must issue a prior written notice in accordance with 34 CFR § 300.503. The parent can challenge this decision by requesting a due process hearing (NMAC 6.31.2.10).

If the student has been unresponsive to prescribed SAT interventions based on progress monitoring data, and it is suspected that the student may possess an unidentified disability, then the SAT may recommend referral for special education or gifted evaluation. Data triangulation from the SAT is the basis for student referral for special education or gifted assessment, except in cases where a student is clearly disabled or has a disabling condition. When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student's needs promptly on an individual basis, which may include a referral for a multidisciplinary evaluation to determine eligibility for special education and related services consistent with the requirements of 34 CFR §300.300.

Services for students with disabilities, and services for students who meet the state criteria for gifted, are individualized and should be reserved for a small number of students.

If a student is suspected of having a disability or being gifted, a multidisciplinary evaluation is completed with written parental consent and prior written notice. Following the evaluation, a qualified group of professionals, known as the Eligibility Determination Team (EDT) uses the available data from the multidisciplinary evaluation report, the SAT, and other data sources to determine the student's eligibility for special education and related services. The EDT determines if the case meets the criteria of one or more of the categories of disabilities, as defined by the Individuals with Disabilities Education Act (IDEA), the New Mexico Technical Evaluation and Assessment Manual (NM TEAM), and/or the state criteria for gifted. Based on the information gathered, the eligibility determination team (EDT) makes one of the following decisions:

- The student is not eligible for gifted, special education, or related services but shows a need.
 - In this case, the student should continue to receive Layer 1, 2 and 3 interventions as appropriate through MLSS and may be referred back to the SAT, should instructional staff be considering retention.
- The student has a qualifying condition but does not show the need for gifted or special education and related services.
 - The student may have a qualified disability under IDEA criteria or the state criteria for gifted, but the team that makes the eligibility determination finds that the student's disability or giftedness does not require specially designed instruction, which is the second prong of eligibility.
 - The student remains in the general education program and may be considered for Section 504 eligibility.
- The student is eligible and shows the need for gifted or special education and related services.



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- The Individualized Education Program (IEP) team develops, implements, and revises, as needed, an IEP for the student.

The SAT must be careful not to unduly delay referring for evaluation, a student who is suspected of having a disability or of being gifted (this same level of expediency applies to students experiencing homelessness). At the same time, a purpose of the SAT process is to reduce unnecessary evaluation referrals.

PARENTS AS PARTNERS

A parents/guardian's consent is required for a student to be evaluated for special education or gifted services. Parents should be active members of the IEP team in developing an appropriate educational program to meet a student's individual needs. Parents must be provided with regular progress reports that document a student's progress towards meeting established annual goals and objectives. All communication with parents should be conducted in a language the parents can understand. Where needed, parent notices should be translated into a parent's home language.

DISCIPLINE/MANIFESTATION DETERMINATION REVIEW

If a discipline hearing is being considered for a student, the special ed coordinator will schedule a Manifestation Determination Review (MDR) within ten (10) school days following the notification of considering taking the student to hearing. The MDR meeting will include the parents/guardians, teachers, and leadership team.

The following two (2) questions will be discussed at the meeting:

- Was the conduct in question caused by or have a direct substantial link to the student's suspected disability?
- Was the conduct in question a direct result of the district's failure to implement SAT interventions?

If the MDR determines that the behavior in question **was not** a manifestation of the student's suspected disability then the student will be referred to a disciplinary hearing.

EXITING SPECIAL EDUCATION OR GIFTED SERVICES

Through the provision of appropriate special education services, a student may gain the skills necessary to succeed academically such that he or she no longer requires specially designed instruction. When specially designed instruction is no longer required for a student with a learning disability, or for a student who meets the state criteria for gifted, a multidisciplinary IEP team will exit the student from special education or gifted services. Students exiting special education and gifted services receive appropriate MLSS interventions to support them during the transition period from special education or gifted interventions. In cases where specially designed instruction is no longer needed, but accommodations may be needed, students should be considered for Section 504 accommodations and supports.

Should parents or guardians no longer grant permission and revoke consent for special education or gifted services, students will receive appropriate interventions through MLSS. Parents/guardians can also revoke consent for MLSS interventions.



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Students who are evaluated, but who do not qualify for special education or gifted services will receive appropriate interventions through MLSS. Students with learning disabilities are evaluated at least once every three years to determine continued eligibility for special education services, however, gifted students remain eligible for gifted services regardless of evaluation

INDIVIDUAL EDUCATION PLAN (IEP) PROCESS

This supplemental guidance incorporates the New Mexico Public Education Department's Developing Quality IEPs Technical Manual (2011). It is intended to provide guidance on the IEP process as defined in both New Mexico State Statute and in New Mexico Administrative Code, 6.29.1, Standards for Excellence.

Each public-school child who receives special education and related services must have an Individualized Education Program (IEP). Each IEP must be designed for one student and must be a truly individualized document. The IEP creates an opportunity for teachers, parents, school administrators, related services personnel, and students (when appropriate) to work together to improve educational results for children with disabilities. The IEP is the cornerstone of a quality education for each child with a disability.

To create an effective IEP, parents, teachers, other school staff--and often the student--must come together to look closely at the student's unique needs. These individuals pool knowledge, experience, and commitment to design an educational program that will help the student be involved in, and progress in, the general curriculum. The IEP guides the delivery of special education supports and services for the student with a disability. Without a doubt, writing--and implementing--an effective IEP requires teamwork.

Below explains the IEP process, which we consider to be one of the most critical elements to ensure effective teaching, learning, and better results for all children with disabilities. The guide is designed to help teachers, parents and anyone involved in the education of a child with a disability--develop and carry out an IEP. The information is based on what is required by our nation's special education law--the Individuals with Disabilities Education Act, or IDEA.

The IDEA requires certain information to be included in each child's IEP. It is useful to know, however, that states and local school systems often include additional information in IEPs in order to document that they have met certain aspects of federal or state law. The flexibility that states and school systems have to design their own IEP forms is one reason why IEP forms may look different from school system to school system or state to state. Yet each IEP is critical in the education of a child with a disability.

IEP Process:

Step 1 Referral:

Federal regulations established by the IDEA require local education agencies to be responsible for locating, identifying, and placing students in special education programs. Since a large number of children are not identified through school referrals because they are not yet in the regular school setting, a procedure called Child Find is conducted by state agencies, local education agencies, and others. Through Child Find activities in the community, parents or professionals may refer a child for evaluation to



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determine if the child is eligible for special education services. Whether located through Child Find or through regular school channels, a child who may need special education services is first referred to the Student Assistance Team (SAT) for Tier I and Tier II intervention strategies and/or evaluation. Prior to referral for special education evaluation, SAT prescribed interventions are to be considered, implemented, and documented. If these Tier II interventions are deemed to be ineffective, the student may be identified as needing a formal evaluation to determine if additional services are required to enable the student to benefit from his or her education. Parents must give consent before their child is evaluated to determine if he or she is eligible for special education services.

Step 2 Evaluation:

A variety of assessment tools, including interviews and observations, are used to gather functional and developmental information about the child. Assessments must be nondiscriminatory and selected based on the language and communication mode of the child and take into account the student's level of English proficiency. In addition, an evaluation must assess the child in all areas related to the suspected disability. To be eligible for special education services in New Mexico, a child must be identified as a "child with a disability" as defined by the IDEA or show the exceptionality of "gifted" and need special education services to benefit from their educational program.

The Federal Law defines the term —child with a disability as a child evaluated in accordance with the IDEA as having intellectual disabilities (mental retardation), a hearing impairment or deafness, a speech or language impairment, a visual impairment including blindness, emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, a health impairment, a specific learning disability (including dyslexia), deaf-blindness, multiple disabilities, or developmentally delayed (ages 3–9). The New Mexico Technical Evaluation, an assessment manual NM TEAM, provides specific guidance for each.

Step 3 Determining Eligibility:

Upon completion of the evaluation, a group of qualified professionals and the parents, commonly known as the IEP team, meets to discuss the evaluation and decide if the child meets the criteria to be eligible for special education and, if appropriate, related services. If so, an IEP is developed. This may begin immediately by continuing and extending the scope of the current meeting or scheduling a separate meeting soon thereafter. If parents do not agree with the evaluation results, they have the right to request an Independent Educational Evaluation (IEE). They can ask the school system to pay for the IEE.

Step 4 Developing the IEP:

Once a child meets the criteria for one or more disabilities and is determined to be in need of special education and, if appropriate, related services, a team that includes parents, school professionals, and the student (when appropriate) must meet to develop an IEP for the child. The IEP is a document that directs and guides the development of meaningful educational experiences to provide students with opportunities to gain skills and knowledge that will assist them in achieving the standards and expectations for all students in the educational system and prepare them for transition into adult life.

Student participation in the IEP development is mandatory at age 14 and over but is strongly recommended for younger students as well. No matter the age or the ability level of the child, his or her presence at the IEP meeting helps team members focus on their purpose—to enable that child to learn and achieve as much as he or she possibly can. Part of this task involves assessing the capabilities, strengths,



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needs, and interests of the child. Whenever possible, the team should ask for and include the child's input in its discussions and consideration.

Step 5 Implementation of the IEP:

When developing the IEP, the team must document on the IEP specifically how the plan will be implemented and by whom. Every person involved with the education of the child must be notified of the plan and fully understand his or her responsibilities in its implementation. The initiation of special education services date is important. It is the date upon which school staff must be prepared to implement the IEP. The initiation of services must not be unduly delayed. Again, clear communication is essential for success.

Step 6 Review and Revision of the IEP:

An IEP defines one or more measurable annual goals for the child, each of which may include short-term objectives and/or benchmarks, as appropriate. The annual goals are based on the student's strengths and needs according to his or her present levels of academic achievement and functional performances, provide direction for the IEP, and must be measurable. Each annual goal set at the IEP meeting must spell out precise expectations, including identifying what methods of measurement and criteria will be used to track progress and judge success. The IEP must also identify who is responsible for implementing each goal and an anticipated date of mastery.

Once implemented, the law requires that the IEP be reviewed and revised as needed but at least annually. Of course, IEP reviews can and should be done more often if necessary. With or without a formal IEP review meeting, progress toward annual goals must be regularly monitored and measured. Written progress reports must be provided to the parents at least as often as they are provided for the rest of the student population. During the student's IEP year, teachers, parents, and other professionals may have conversations about the student's progress.

Step 7 Reevaluation:

Students receiving special education services should be informally evaluated continuously through the IEP process to determine if the services are meeting the goals and objectives for the child and/or if the child continues to benefit from them. Formal reevaluation can be done at any time as needed or as requested by parents, but the law requires that it be done at least every three years unless the parent and the district agree that it is not necessary.

Under the IDEA of 2004, IEP teams have a responsibility to review existing evaluation data on the student, including evaluations and information provided by parents of the student, current classroom based assessments and observations, and observations by teachers and related service providers. On the basis of that review and parent input, the team decides what, if any, additional data is needed to determine whether the student continues to have a disability and requires special education services to benefit from their educational program. If the team decides that no additional data is needed and the parent disagrees, the parent may request further assessment.

Step 8 Determining Eligibility:

During reevaluation, the child's skills and needs are reassessed. If the team determines that the child remains eligible for continued special education services, the IEP development process is repeated and the



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child continues to receive appropriate services. If it is determined that the child no longer meets eligibility criteria, he or she exits from the special education program.

THE CONTINUUM OF ALTERNATIVE PLACEMENTS

The continuum is a spectrum of placements where an IEP can be implemented. It ranges from less restrictive (from all regular education with monitoring services) to more restrictive (homebound), as well as placements between those two points. State and federal regulations require that public agencies make the continuum of alternative placements available as needed in order to meet the needs of the individual student with an exceptionality.

When making the placement decision as an individualized inquiry, the IEP team should follow these steps:

- Determine through the IEP process the student’s educational needs. Determine what constitutes an appropriate program for the student, not where it will be provided or what pre existing “program” fits best.
- Review the continuum of placement options in sequence from least restrictive to most restrictive. Look at how each option currently exists, as well as how it might also be modified.
- Start the decision-making process by examining regular classroom placement as the first option. Have a serious and thoughtful discussion about the three factors below.
 - Consider whether the student can be educated satisfactorily in the regular classroom with one or more of the following:
 - Supplementary aids and supports
 - Program and/or curriculum modifications
 - Provision of an itinerant special education provider
 - Assistance from a paraeducator
 - Special education training for the regular education teacher
 - The use of assistive technology
 - Development and implementation of FBAs and BIPs designed to identify and meet the daily behavioral challenges presented by the student in the regular education classroom
 - Compare the benefits provided in the regular education classroom and those provided in a special education classroom or segregated setting:
 - Compare social and communication skills, as well as academic benefits.
 - Compare the relative benefits to the student.

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- Keep in mind that regular education classroom placement is not dependent on the student's ability to learn the same things in the same way.
- Consider the potentially beneficial or harmful effects that a regular class placement may have on the student with an exceptionality or the other students in the class:
 - Positive benefits might include social interaction with non-exceptional peers, peer modeling, high expectations, and acceptance of others.
 - Harmful effects might include unduly disruptive behavior that impairs the student's learning or that of others even with the implementation of a BIP.
 - Consider each of the three factors above equally.
 - Keep in mind the placement decision cannot be solely based on the category of the exceptionality, severity of the exceptionality, language, and communication needs.
 - Needed modifications in the curriculum and configuration of the public agency's delivery system, availability of space, educational and related services.
 - Keep in mind that where there is a reasonable likelihood that a student with exceptionalities can be educated in the regular classroom with supplementary aids and supports, then that placement should be tried for as much as the school day as possible.
 - If the team agrees that the student should receive part or all the special education services outside of the regular classroom, then the IEP must also provide opportunities for participation in regular education programs in academic, nonacademic, or extracurricular activities, as appropriate.
 - If the team agrees that the student's IEP cannot be satisfactorily implemented in the regular education classroom with the provision of supplementary services and supports, then the team can consider a more restrictive placement keeping in mind that the regular education classroom is not the LRE for that student at that time. That is, having the understanding that the ultimate plan and goal is to work towards a more fully inclusive placement when possible.
- Clearly articulate on the IEP document the placement decision and the justification for it based on.

STANDARD VS. MODIFIED GRADUATION OPTION

Students in New Mexico must meet both coursework and competency requirements in order to earn a New Mexico Diploma of Excellence. In order to graduate from high school, students in New Mexico are required to meet the graduation requirements defined in Section 22-13-1.1 Graduation Requirements NMSA 1978. Students must complete a minimum of twenty-five (25) credits with at least one of the



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credits being an advanced placement (AP) or honors course, dual credit course, or a distance learning course. Pursuant to 22-13-13.1.1 NMSA 1978, students must also demonstrate competency in the five core content areas: mathematics (4 credits including Algebra II), reading, writing (ELA 4 credits), science (3 credits including 2 labs), and social studies (3.5 credits (including New Mexico History)). Other areas include physical education (1 credit), Health (0.5 credits), career cluster (1 credit), electives (8 credits).

Students who demonstrate the need for more academic support may be considered for the modified graduation option. The IEP team will need to discuss and document the rationale for rejecting the standard option and for the placement on the modified option. The IEP team cannot change from the standard to modified option after the 20th day of the student's last year in high school. The modified option is an alternative program of study to develop students' career interest and workplace readiness. The goal of this option is to produce students with the ability to gain meaningful employment.

Students on Modified Pathway are still required to earn 25 credits however all credits will be defined by the IEP team to include 1 credit of physical education, minimum 4 credits of career technology courses and a demonstration of competency in reading, writing, mathematics, science, social studies and in all areas of the employability and career development standards. Siembra does not require a greater number of credits to graduate on this option. Work experience credit may be earned in this option.

TRANSITION PLANNING PROCESS

This supplemental guidance incorporates the New Mexico Public Education Department and Department of Education – A Transition Guide to Postsecondary Education and Employment for Students and Youths with Disabilities (2017). It is intended to provide guidance on

The IDEA and its implementing regulations continue to address transition services for children with disabilities. Transition services may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education. See 34 CFR §300.43(b). The term “transition services” means a coordinated set of activities for a child with a disability that: (a) is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation (b) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests and (c) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

The transition post-secondary goals must:

- Be based on strengths, preferences, needs and interests of the student
- Have appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills

AND



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- Have the transition services (including courses of study) needed to assist the student with a disability in reaching those goals

TRANSITION ASSESSMENT PROCESS

Siembra students will meet with their Case manager, Success Coach, Transition counselor, or Special Education coordinator to participate in the career interest inventory, structured interview and the transcript review.

Step 1

Siembra uses the O*Net Interest Profiler to help find out what their interests are and how they relate to the world of work. The results are entered into the online O*Net Interest Profiler and the results are printed and entered into the IEP.

Step 2

The student participates in a structured student interview to learn more about the student and what their interests are or to help develop areas of possible interests. The results of the interest inventory and the structured interview will be compared and discussed to show similarities and differences in the possible career interests.

Step 3

The case manager or Special Education Coordinator will conduct a transcript review with the student. During this review, the student will be shown which course he or she has completed, which courses still need to be completed and which electives should be considered based on the career interest inventory and their career goal. The graduation pathway will be discussed and explained such as earning the 25 credits required to graduate high school and how many credits are needed in each category with what specific projects.

Step 4

The results of the career interest and structured student inventory will be entered into the Transition section of the IEP as their postsecondary goals. The transcript review information will be used to create the courses of study section and noted in the postsecondary goal section of the Transition plan. Transition services will be built with a list of coordinated activities based on the collected information as well.

SUMMARY OF PERFORMANCE

The summary of performance (SOP) is required under the reauthorization of the Individuals with Disabilities Education Act of 2004. The language states “For a child whose eligibility under special education terminates due to graduation with a regular diploma or due to exceeding the age of eligibility, the LEA shall provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals”. § 300.305(e)(3). This information is necessary under the Section 504 of the Rehabilitation Act and the Americans with Disabilities Act to help establish a student’s eligibility for reasonable accommodations and supports in postsecondary settings.



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The SOP must be completed during the final year of the student's high school education. The following information must be included in the SOP:

- Background information
- Student's postsecondary goals
- Summary of performance (including academic, cognitive and functional levels)
- Accommodations/modifications/assistive technologies
- Recommendations to assist the student in meeting postsecondary goals • Student input regarding the above information

SPECIAL EDUCATION RE-EVALUATION PROCESS

The Reevaluation Process In order to ensure eligible individuals continue to be eligible to receive special education services and that their unique educational needs are being appropriately met, reevaluations are required at a minimum, every three years.

Step 1

REED – Review of Existing Evaluation Data. All reevaluation must begin with a REED by the IEP team that includes, parents/guardians, student, teachers, case manager, director of special education, educational diagnostician and any related service providers. This review is used to determine what further evaluations and information are needed to address the student's current academic needs.

The REED data is collected by the case manager which includes current classroom assessments and observations, state/district assessments, parent input on home life, and observations from the related service providers. The case manager can collect the data with or without holding a formal meeting. Data is collected by in-person, email or phone. Once the REED data is collected it is sent to the Special Education coordinator who then sends it to the educational diagnostician. The last part of the REED process is to determine if additional data are needed.

If additional data are needed:

If the IEP team determines additional data are needed, the Special Education coordinator will provide the parent/guardian with prior written notice and secure parental consent for formal testing. The educational diagnostician will contact the parent/guardian to explain which formal testing will be given and answer any questions, then arrange a testing day and time.

After the formal testing is complete, the educational diagnostician will write the evaluation report with recommendations.

If no additional data are needed:

Step 1

If the IEP team determines no additional data are needed, the Special Education coordinator will provide the parent/guardian with prior written notice that no additional data are needed with reasons for the



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decision and include the right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

Step 2

Case manager will invite the IEP team to an Eligibility Determination Team (EDT) meeting. The team will review the evaluation report (if there was formal testing) and consider all eligibilities. The team will complete the EDT form that includes formal testing results (if conducted), classroom observations, state and district assessment data and any information from related services. The EDT team will make the final decision whether the student continues to need special education services.

Step 3

Once the decision has been made to either continues special education services or not, the IEP team will move straight into the annual IEP meeting.

SPECIAL EDUCATION DISCIPLINE PROCESS

Siembra personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a Siembra code of conduct.

THREAT ASSESSMENTS

In 1998, the Safe and Drug-Free School District Advisory Committee met to develop intervention plans for students who may create dangerous situations on campus. Following the school shooting at Columbine High School on April 20, 1999, it became imperative to develop a response to high-risk student threats. The Threat Management Protocol and present system of Threat Assessment Plans evolved from this process.

WHAT IS A THREAT

A threat is an expression of intent to do harm or act out violently against someone or something. A threat can be spoken, written, or symbolic – for example, motioning with one's hands as through shooting at another person.

There are a number of different types of threats:

- Direct threats – these indicate a specific act against a specific target delivered in a straightforward, clear, and explicit manner.
- Indirect threats – These tend to be vague, unclear, and ambiguous. Violence is implied, but the threat is phrased tentatively, and suggests that a violent act could occur, not that it will definitely occur.
- Veiled threats – these strongly imply but do not explicitly threaten violence.
- Conditional threats – these are often seen in extortion cases with a warning that a violent act will happen unless certain demands or terms are met. These are also several different levels of risk.



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Assessing Threats

Threat assessment seeks to make an informed judgment on two questions: ·

How credible and serious is the threat itself

AND

- To what extent does the person making the threat appear to have the resources, intent and motivation to carry out the threat

THREAT ASSESSMENT TEAM

The purpose of the Threat Assessment Team is to address concerns regarding a threat, make an informed decision on how to manage the threat, and address the safety of all students and staff. The Siembra Threat Assessment Team includes:

- Executive Director
- Director of Student Support
- Special Education Coordinator
- Social Worker/Case Manager
- Teachers (with knowledge of the student and/or the situation)

Parents/Guardians do NOT participate in the Threat Assessment Team with the exception of:

- Notification of the incident
- The parent/guardian interview

AND

- The development of the Threat Assessment Plan Summary

The Siembra Threat Assessment Team will convene as soon as possible following a threat. An administrator or designated team member will interview all involved and the parent/guardians to ensure that pertinent information can be utilized in the decision-making process. During the Threat Assessment meeting, the plan will be developed. After the meeting, the administrator will meet with the family to review the plan and answer any questions. Parents/guardians will receive a copy of the plan and the plan will be kept in the student's cumulative file. Teachers are on a **need-to-know** basis only.

CONTINUUM OF SERVICES

All eligible students who require specialized educational services in order to access and benefit from the general education curriculum and standards will be afforded the opportunity to receive such services. Special education and related services to be provided by Siembra will be designed by school staff and Multi-Disciplinary/Ancillary personnel to meet the unique needs of each student while also including them with their typically developing peers to the maximum extent appropriate. For example, while some students having disabilities may require only special education consultation and collaboration services, others may require direct instruction from a special education instructor and/or instruction from highly qualified general education staff members within a general education setting or may even require



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instruction from a special education instructor and/or a general education instructor within an environment specially tailored to meet the needs of the student. All placements within Siembra will be made with full family/guardian involvement in order to provide a student with instruction in their least restrictive environment, such as that they may receive a free appropriate public education with fidelity to high academic and professional standards. All instruction provided will target student IEP goal criterion for mastery, the CCSS content standards, and student interests and will either be provided by a NM licensed special education instructor or a highly qualified NM licensed general education instructor depending upon the level of service needed.

MANIFESTATION DETERMINATION

Within ten (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 (except for a removal that is for ten (10) consecutive school days or less and not a change of placement), Siembra, the parent, and other relevant members of the IEP Team (as determined by the parent and district) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, any outside assessment data provided, and any relevant information provided by the parent to determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability

OR

- If the conduct in question was NOT the direct result of the school's failure to implement the student's IEP.

If Siembra, the parent, and other relevant members of the student's IEP Team determine that either of those conditions was met, the conduct shall be determined to be a manifestation of the child's disability.

- If Siembra, the parent, and other relevant members of the student's IEP Team determine that the conduct in question was the direct result of the school's failure to implement the IEP, Siembra shall take immediate action to remedy those deficiencies.

If Siembra, the parent, and other relevant members of the student's IEP Team determine that neither of those conditions was met, the conduct shall be determined to NOT be a manifestation of the child's disability. This means ruling out the conduct being related to the student's disability and ruling out a failure to implement the IEP.

DETERMINATION THAT BEHAVIOR WAS A MANIFESTATION OF THE CHILD'S DISABILITY

If Siembra Leadership High School, the parent, and other relevant members of the student's IEP Team determine that the conduct in question was a manifestation of the student's disability, the IEP Team shall either:

- Conduct a Functional Behavioral Assessment, unless the school had conducted a Functional Behavioral Assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child



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OR

- If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below in the “Special Circumstances” section, Siembra shall return the student to the placement from which the child was removed, unless the parent and Siembra agree to a change of placement as part of the modification of the behavioral intervention plan in a good faith effort to provide support to the student

SPECIAL CIRCUMSTANCES

Whether or not the behavior was a manifestation of the student’s disability, school personnel may remove a student to an interim alternative educational setting (determined by the student’s IEP Team) for not more than forty-five (45) school days, if the child:

- Carries a weapon to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the New Mexico Public Education Department or Siembra
- Knowingly has 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 New Mexico Public Education Department or Siembra

OR

- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the New Mexico Public Education Department or Siembra.

INTERIM ALTERNATIVE EDUCATIONAL SETTING/PLACEMENT

These services are to be provided such as that there is fidelity to and a continuity of student schedule of services and instruction toward mastery of goals and objectives. In addition, any compensatory services are provided as needed (due to absence from disciplinary procedures, student safety, medical absence, etc.).

The service provider rotation for such students would include special educator and highly qualified content area instructors. Instruction would take place in a setting within school that is secure, private, and has access to the academic tools for instruction within the school afforded to all other students (internet access, technology).

Services for a student having a severe cognitive impairment would be provided based upon the students individualized level of need for specialized instruction and ancillary services as well as a variety of other factors. The individual’s prior developmental, functional, medical, and educational history would be reviewed and considered with the family/guardians of the student in order to meet their needs in an encompassing way. Special factors would be considered in order to inform the development of an individualized comprehensive program for the student and ensure availability of the necessary staffing pattern within the school. Special considerations might include linguistic, cultural, economic, or other factors. Students having severe cognitive impairments would be assessed by diagnostic instruments pertinent to the individual student and case in order to determine their instructional level in core academic



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skills if applicable, or if applicable to be provided with instruction toward continued development of functional or adaptive skill sets. This could include practicing elements of self-determination or achieving mastery in requisite activities of daily living to promote an eventual self-directed transition into the community tailored to the ongoing strengths and needs of the individual.

Such instruction would be provided in the least restrictive environment for the student while also ensuring that all students having severe cognitive impairments are educated alongside their typically developing peers to the maximum extent appropriate. Student schedules would be determined based upon the students' functional ability, mobility, energy and alertness levels, IEP schedule of services, and medical needs. Students having severe cognitive impairments would participate in the educational opportunities that their peers participate into the maximum extent appropriate and would be provided with specialized support in order to do so. This means parallel-skill lesson planning, consultation, ancillary services, one on one support, peer support, provision of accommodations and modifications from the IEP, interagency linkages and supports, alternative learning targets, and alternative learning product outcomes. All service providers working with the student outside of the school and in the community or home setting would be invited to provide technical assistance within the school for the benefit of the student, and their participation in the development of assessment and evaluation data would be sought for each annual review or reevaluation. This instruction would be provided by licensed NM special education instructors and licensed general education instructors, as appropriate.

APPEALS OF DISCIPLINE DECISIONS

The parent may file a due process complaint to request a due process hearing if the parent disagrees with:

- Any decision regarding an IEP placement made under these discipline provisions OR
- The manifestation determination described above.

Siembra may file a due process complaint to request a due process hearing if it believes that maintaining the current placement of the student is substantially likely to result in injury to the child or to others.

PLACEMENT DURING APPEALS

When, as described above, the parent or the district files a due process complaint related to disciplinary matters, the student shall (unless the parent and Siembra agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described in "Authority of School Personnel" section of this procedural framework, whichever occurs first. (34 CFR §300.533) Protections for Children Not Yet Eligible for Special Education and Related Services

BASIS OF KNOWLEDGE FOR DISCIPLINARY MATTERS

If the student has not been determined eligible for special education and related services and violates a code of student conduct, but Siembra had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the student was a student with a disability, then the student may assert any of the protections described in this procedural framework. (34 CFR §300.534)



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Siembra shall be deemed to have knowledge that the student is a student with a disability if, before the behavior that brought about the disciplinary action occurred:

- The parent expressed concern in writing to supervisory or administrative personnel of Siembra, or to the student's teacher that the student is in need of special education and related services.
- The parent requested an evaluation related to eligibility for special education and related services under Part B of IDEA

OR

- The student's teacher or other Siembra personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to Siembra Special Education coordinator or to other Siembra Leadership Team.

Exception

Siembra shall not be deemed to have such knowledge if:

- The parent has not allowed an evaluation of the student or has refused special education services

OR

- The student has been evaluated and determined to not be a student with a disability under Part B of IDEA.

Conditions That Apply if There is no Basis of Knowledge

If prior to taking disciplinary measures against the student Siembra does not have knowledge that the student is a student with a disability, as described in the "Basis of Knowledge for Disciplinary Matters" and "Exception" subsections of this procedural framework, the student may be subjected to the disciplinary measures that are applied to students without disabilities who engage in comparable behaviors.

However, if a request is made for an evaluation of the student during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which may include suspension or expulsion without educational services.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by Siembra, and information provided by the parent, Siembra shall provide special education and related services in accordance with Part B of IDEA, including the disciplinary requirements described in this procedural framework.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

Part B of IDEA and this procedural framework shall not:

- Prohibit Siembra from reporting a crime committed by a student with a disability to appropriate authorities



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OR

- Prevent state and local law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability. (34 CFR §300.535)

TRANSMITTAL OF RECORDS

If Siembra reports a crime committed by a student with a disability, Siembra:

- Shall seek consent from the parents to transmit copies of the student's special education and disciplinary records. If consent is granted, shall transmit copies of the student's special education and disciplinary records for consideration by the authorities to whom the agency reports the crime.
- Note on related/applicable forms:
 - Manifestation Determination Review form is used for conducting a manifestation determination review before a disciplinary change of placement.
 - In the disciplinary context, the Functional Behavioral Assessment Form is used to conduct a Functional Behavioral Assessment (FBA) when the student's misconduct is a manifestation of the child's disability or as appropriate, when the misconduct is not a manifestation of the child's disability. The FBA may be used to develop individualized educational programs, to support a re-evaluation or deliberation about a change in placement and will be supported with documented family/guardian consent as appropriate.

In the disciplinary context, the Behavior Intervention Plan Form is used to develop a Behavior Intervention Plan (BIP) when the student's misconduct is a manifestation of the child's disability or if appropriate, when the misconduct is not a manifestation of the child's disability. Outside of the disciplinary context, the Behavior Intervention Plan may be used to provide students with instruction in replacement behaviors if they exhibit a behavior which poses significant negative impacts on their learning and/or the learning of others, or for extinguishing student behaviors which pose a significant risk of harming others or themselves.

SPECIAL EDUCATION DEPARTMENT

FLOWCHART OF DISCIPLINE PROCEDURES FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

