

I.11 Special Education

El Camino Real Academy shall provide a free appropriate public education for all students with disabilities. The Principal shall develop and implement administrative procedural directive(s) that comply with the Individuals with Disabilities Education Act, its implementing regulations, and state regulations established pursuant to 20 U.S.C. Section 1412.

Administrative Position: Principal

Department Director: Special Education Coordinator

References

Legal Cross Ref.:

- 20 U.S.C. 1400 et seq.
- 34 CFR Part 300
- NMAC 6.31.2

Board Policy Cross Reference:

- I.01 Instructional Program

Procedural Directive Cross Ref.:

- Special Education Procedural Directives

Revision approved: May 16, 2013

SPECIAL EDUCATION SERVICES

El Camino Real Academy believes that the most appropriate educational setting for students is in a general education classroom with age and grade-appropriate peers, unless determined differently by the IEP team. For that reason, El Camino Real Academy combines two inclusion models (Consultant and Teaming models) that are aligned with federally mandated **Least Restrictive Environment** (LRE) for the delivery of Special Education Services.

With the *Consult Model* the special education teacher works with the student(s) to re-teach a difficult skill or to help student(s) practice a newly acquired skill. Teachers meet on a regular basis to discuss the appropriate provision of instructional support for the student(s) that require special services.

The *Team Model* assigns a special education teacher to a specific grade level to work with the classroom teachers to provide student information, possible instructional strategies, modification ideas for assignments/test, and behavior strategies. The team meets on a regular basis to discuss progress and to ensure success of the student(s).

By combining the strength of each model; the Special Education teachers, general education teachers, and related service providers (Speech and Language therapy, Social Work, Occupational therapy, Physical therapy, Recreational therapy, etc.) work together to provide a cascade of services for students in accordance with their Individualized Education Plan (IEP). Appropriate modifications and/or accommodations are provided to students by general education teachers and/or a Special Education teacher in the classroom or a resource room. Related service providers have the option to implement their services in the environment that best meets the needs of the individual student. One-to-one direct instruction or small groupings of students with similar needs offer a unique opportunity for students to work at their own pace to achieve their goals.

Plan for the Provision of an Alternative Education Setting (AES)

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 10 (ten) school days in a row or less and not a change of placement), El Camino Real Academy, 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 child's IEP, any teacher observations, 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
- The conduct in question was the direct result of the district's failure to implement the child's IEP.

If El Camino Real Academy, the parent, and other relevant members of the child'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 El Camino Real Academy, the parent, and other relevant members of the child's IEP team determine that the conduct in question was the direct result of the district's failure to implement the IEP, El Camino Real Academy shall take immediate action to remedy those deficiencies.

Alternative Education Setting (AES): a setting determined by the IEP team and one which is selected so as to provide the student with FAPE, including, as appropriate, services and modifications designed to prevent the problem behavior from recurring. (34 CFR Secs. 300.530[d] and 300.531 [2006].)

AES is a setting other than the student's current placement that enables the student to continue to receive educational services according to his or her IEP. The AES must enable the student to continue to participate in the general education curriculum, although in another setting, and progress toward meeting the goals set out in the IEP. A student at ECRA could be placed in an AES through either a discipline hearing ruling or by the school administrator in response to the student doing one of the following at school or at a school function: possessing a weapon, knowingly possessing or selling drugs, inflicting serious bodily injury on another person or dangerousness. When placed in AES by the administrator, the student may only remain there for a maximum of 45 school days. When a student with an IEP is either suspended long-term or expelled by a hearing officer, the school must offer AES services. If it has not already been accomplished, the school must also receive, as appropriate, an FBA or BIP or other behavioral intervention services & modifications designed to address the behavior violation so that it does not recur.

When a student at ECRA requires AES, the following are taken into consideration:

- How long is the removal?
- How often and to what extent has the student previously been removed from the school?
- What are the student's needs and educational goals?
- What frequency, extent, or type of services does the student need?

An individualized AES plan is developed and discussed within an IEP meeting (as required when there is a change in placement).

Factors that are variable in the determination of the AES plan include:

- Where services will take place (either at a safe segregated school setting or at a community location)
- When the services will occur (at what point will the student have the least opportunity to have interaction with peers on campus, but be given adequate time to have needs met)
- Who will be in charge of and provide the services (determined by student need and who his/her case manager is)
- How the student will arrive/depart campus (specific guidelines)

Description of Continuum of Services for Special Education Students

Service Level → Setting ↓	Level 1 - Minimum 10% of less of school day	Level 2 – Moderate 11% - 49% of the school day	Level 3 – Extensive 50% or more of the school day	Level 4 – Maximum Approaching a full day
Setting 1 – In regular classroom 80% of the school day	<p>(1/1) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring</p> <p>Enrichment for Students with gifted eligibility provided primarily in the general ed setting</p> <p>Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)</p>	<p>(2/1) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring</p> <p>The Special Ed Staff push-in and support the students in the general ed classroom for 3-14 hours per week.</p> <p>Students may be getting Core Replacement in either language arts or math in addition to exposure to Core academics.</p> <p>Enrichment for Students with gifted eligibility provided primarily in the general ed setting</p> <p>Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)</p>	<p>(3/1) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring</p> <p>The Special Ed Staff push in and support the students in the general ed classroom for 15-20 hours per week.</p> <p>Students may be getting Core Replacement in either language arts or math in addition to exposure to Core academics.</p> <p>Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)</p>	<p>(4/1) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring</p> <p>The Special Ed Staff push in and support the students in the general ed classroom for more than 20 hours per week</p> <p>Students may be getting Core Replacement in either language arts or math in addition to exposure to Core academics.</p> <p>Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)</p>

Description of Continuum of Services for Special Education Students

<p>Setting 2 – In regular classroom 40% - 79% of the school day</p>	<p>(1/2) This is not a possible option.</p>	<p>(2/2) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring.</p> <p>The Special Ed Staff push-in and support the students in the general ed classroom.</p> <p>Students may be getting Core Replacement for language arts &/or math. They may also receive exposure to core academics &/or intervention in the general ed class.</p> <p>Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)</p>	<p>(3/2) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring.</p> <p>The Special Ed Staff push-in and support the students in the general ed classroom.</p> <p>Students may be getting Core Replacement for language arts & math. They may also receive exposure to core academics &/or intervention in the general ed class.</p> <p>Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)</p>	<p>(4/2) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring.</p> <p>The Special Ed Staff push-in and support the students in the general ed classroom.</p> <p>Students may be getting Core Replacement for language arts & math. They may also receive exposure to core academics &/or intervention in the general ed class.</p> <p>Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)</p>
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Description of Continuum of Services for Special Education Students

Setting 3 – In regular class less than 40% of the day	(1/3) This is not a possible option.	(2/3) This is not a possible option.	(3/3) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring The Special Ed Staff push-in and support the students in the general ed classroom. Students are supported by special ed staff for over 50% of their day. Students may be getting Core Replacement for language arts & math. They may also receive exposure to core academics &/or intervention in the general ed class. Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)	(4/3) Special Ed Staff / Gen Ed Staff check for understanding, progress & behavior monitoring, goal setting, consultation & monitoring The Special Ed Staff push-in and support the students in the general ed classroom. Students spend majority of day supported by special ed staff. Students may be getting Core Replacement for language arts & math. They may also receive exposure to core academics &/or intervention in the general ed class. Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)
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Description of Continuum of Services for Special Education Students

Interim Alternative Placement	(1/4) Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)	(2/4) Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)	(3/4) Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)	(4/4) Related Services support as specified on student IEP (SLP, OT, SW, Aud, etc...)
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DISCIPLINARY CONSIDERATIONS FOR SPECIAL EDUCATION STUDENTS

- Special education students are not immune from the district's disciplinary process once placement procedures are properly followed. Since the exclusion of a student with a disability from his/her education program for more than a total of ten (10) days during a school year may constitute a significant change in placement, the following considerations must be addressed:
- When considering long-term suspension or expulsion, an Individualized Education Program (IEP) Team must first determine whether the behavior of concern is a manifestation of the student's disability and whether his/her program is appropriate.
- If the IEP team determines both that the behavior is not a manifestation of the student's disability and that the student's program is appropriate, disciplinary actions may be taken in accordance with the procedures in this handbook.
- Should the disciplinary procedures include long-term suspension or expulsion, the district must continue to provide the educational services defined in the IEP.
- If the IEP team determines either that the behavior is related to the student's disability or that the student's program is not appropriate, then the student may not be suspended and must receive an appropriate program.
- Any suspension that excludes a student from his/her IEP services must be counted when counting the total number of suspension days (10 consecutive days or a series of suspensions that constitute a change in placement).
- The decision to remove a student from his/her IEP services must be made on an individual basis.
- Procedural safeguards outlined in the New Mexico Department of Education Standards for Excellence in Compliance Manual ensure that parental due process rights are afforded.
- All federal guidelines regarding the provision of education continuation services for suspended special education students will be adhered to.
- Special education students are entitled to a due process hearing.