San Joaquin County SELPA

SAN JOAQUIN COUNTY SELPA

LOCAL PLAN

DISTRICT GOVERNING BOARD APPROVAL

LOCAL PLAN BACKGROUND

- Under the trailer bill language of the adopted budget in 2018 AB 1808, the governor required all Special Education Local Plan Areas (SELPAs) develop a local plan that conformed to a template to be provided by the CDE. The template was intended to provide the public with a format that would be uniform across the state. The timeline included local approval and submission to the California Department of Education by June 30, 2020.
- A local plan committee was formed in the San Joaquin County SELPA including a cross representation of special education and general education educator and administrators along with parent representation. The local plan in the new format was developed, reviewed, and recommended with all required sections.
- The local plan has been reviewed at Council of Directors and the Community Advisory Committee. These meetings fall under the Brown Act and the public was provided the opportunity to participate and comment.
- The local plan was brought forward for approval by the Governance Council on June 1, 2020. The Governance council unanimously approved.

OVERVIEW OF SUBSTANTIVE CHANGES

- San Joaquin County SELPA was last developed 2006
- Compatibility of Local Plan and Local Control Accountability Plan for template uniformity
- District, SELPA and COE requirements to post Local Plan on websites
- 3-year review of Local Plan
- CAC reviewed plan (Section B) for input for 30 days prior to Governance Council Approval
- Section B provided to CAC for input and review on April 10, 2020
- No new single District SELPA can be created until after June 30, 2024

OVERVIEW OF SUBSTANTIVE CHANGES

- CAC chair signed off on Local Plan June 17, 2020
- Policy added to meet the requirement regarding Adult students in jail who qualify for eligibility
- Updated policy related to Charters
- Changes in data reporting due to switch from CASEMIS to CALPADS
- Updates to reflect the current funding model
- Updates to Low Incidence Procedures

LOCAL PLAN NEXT STEPS AND CYCLE:

- By 6/30/2021 –Governing Board Approvals to CDE, plan to be posted on SELPA and district websites
- Until approved by CDE – The approved Local Plan is an interim plan
- 6/30/2021 - CDE deadline to approve interim plan
- 6/2024 – Three-year Review due

Electronic signatures and submissions <u>only</u> to CDE

SELPA San Joaquin County SELPA **Fiscal Year** 2020-21

LOCAL PLAN

Section B: Governance and Administration

SPECIAL EDUCATION LOCAL PLAN AREA

California Department of Education

Special Education Division

January 2020

SELPA	San Joaquin County SELPA	Fiscal Year	2020-21

B. Governance and Administration

California *Education Code* (*EC*) sections 56195 et seq. and 56205

Participating Local Educational Agencies

Participating local educational agencies (LEAs) included in the Special Education Local Plan Area (SELPA) local plan must be identified in Attachment I.

Special Education Local Plan Area—Local Plan Requirements

1. Describe the geographic service area covered by the local plan:

The San Joaquin County Special Education Local Plan (SELPA) is composed of ten Local Education Agencies (LEAs) and the San Joaquin County Office of Education.

The following are San Joaquin County SELPA agencies:

Banta Elementary School District
Escalon Unified School District
Jefferson Elementary School District
Lammersville Unified School District
Lincoln Unified School District
Linden Unified School District
Manteca Unified School District
New Jerusalem School District
Ripon Unified School District
Tracy Unified School District
San Joaquin County Office of Education, County Programs

2. Describe the SELPA regional governance and administrative structure of the local plan. Clearly define the roles and structure of a multi-LEA governing body, or single LEA administration as applicable:

DESCRIPTION OF GOVERNANCE STRUCTURE

[56195.1(c)(1-2), 56205 (a)(12)(A), 56205(a)(12)(D)(ii)]

The San Joaquin County Special Education Local Plan Area (SJC SELPA) has been designated by the California State Board of Education as a SELPA, having met the size and scope requirements delineated by the area State Board. When the SJC SELPA was first established, the governance option selected was that of a multi-district SELPA with the county office serving as the Administrative Unit (AU), and the San Joaquin County Superintendent of Schools as the

Superintendent of the AU. Any changes to this governance option must follow the procedures as stated in the Local Plan. In developing and approving a local plan, districts agree to cooperate with the county office to assure that the plan is compatible with the other local plans in the county. The county office shall review any local plans developed according to EC 56195.3(d). In adopting the completed Local Plan, each LEA agrees to carry out the duties and responsibilities assigned to each agency within the Plan, or which may be delegated at a later date through agreement of the participating agencies.

The executive structure of the San Joaquin County Special Education Local Plan Area (SELPA) consists of ten district superintendents and the County Superintendent acting on behalf of eleven governing boards. Collectively, they constitute the Council of Superintendents, which will be the decision-making body of the consortium, and will meet regularly or at the request of a member. Decisions will be made by a quorum of the attending Superintendents. A majority vote is required for action, and Superintendents may vote in their absence by proxy. In case of a tie, the AU Superintendent shall cast the deciding vote.

The management structure of the SELPA consists of eleven Local Plan Agency Directors, (including the County Director), the Assistant Superintendent/SELPA Director, and such other management positions as may be specified by the Council of Superintendents. The eleven Directors and the Assistant Superintendent/SELPA Director constitute the Council of Directors, which is responsible for coordinating special education services in the SELPA. The Assistant Superintendent/SELPA Director will administer and implement regionalized services as specified in the Local Plan and pursuant to policies, rules, guidelines, and procedures adopted by the Council of Superintendents.

The San Joaquin County Office of Education is designated as the Administrative Unit (AU) for the San Joaquin County SELPA. It shall be responsible for, but not limited to, the following functions:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.

2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.

3. Employment of staff to support SELPA functions.

POLICY-MAKING RESPONSIBILITIES OF THE GOVERNING BOARDS

[56195.7(i), 56195.8]

The role of the Governing Boards of Trustees is to review and adopt policies which govern the implementation of the Local Plan and are required by the California Education Code.

Identification of issues for policy-making may be made by the Council of Directors, Council of Superintendents, Agency AU Superintendent, or an AU governing board. The Council of Directors, assisted by the SELPA Staff, and advised by the Community Advisory Committee, will draft recommended policy statements when requested. The Council of Superintendents will review and act upon policies recommended by the Council of Directors.

PUBLIC PARTICIPATION

[56205(a)(12)(E)(20), 56205(b)(4)]

Members of the public, including parents or guardians of individuals with exceptional needs (IWENS), staff, public and non-public agencies and members of the public at large, may address questions to the governing boards of local educational agencies and the AU, the Council of Directors, the Superintendents' Council, and the Community Advisory Committee (CAC).

RESPONSIBILITIES OF THE COUNCIL OF SUPERINTENDENTS

[56205(a)(12)(A)(D)]

It is the responsibility of the Council of Superintendents, chaired by the AU Superintendent, in implementing the Plan to:

1. Act as the decision - making body for the AU.

2. Direct the allocation and utilization of special education management and support services and other resources within the Special Education Local Plan Area (SELPA) in accordance with the provisions of the Local Plan.

3. Review special education issues and recommend effective solutions to the Council of Directors and their respective governing boards.

4. Provide leadership in the development of policy and procedures, goals, priorities, and plans for the comprehensive and systematic provision of special education programs and services and recommend their adoption by participating boards.

5. Adopt executive rules for the management of special education programs and services in the SELPA, and the implementation of agreements.

6. Monitor special education programs and services with respect to both planned and actual efforts, progress, and results.

7. Adopt guidelines for the conduct of special education programs and services available through the Local Plan.

8. Provide executive direction to the Assistant Superintendent/SELPA Director responsible for regionalized services and to the AU Superintendent, when appropriate, regarding the implementation, administration and operation of special education programs and services in accordance with the Local Plan.

9. Direct that data be gathered, interpreted, and reported regarding the implementation, administration, and operation of the Local Plan.

10. Review fiscal data, about current status and accomplishments of special education programs, as well as needs for program growth in the SELPA.

11. Provide leadership for inter-district and intra-district SELPA actions pertaining to the implementation, administration, and operation of the Local Plan.

12. Review, upon request of a local agency, the Local Education Agency's (LEA) portion of the special education programs and services in accordance with the provisions of the Local Plan.

13. Facilitate liaison with community resources, the LEAs, the AU, and the CAC.

14. Approve an annual budget and program plan composed of the individually adopted budget and program plans from each LEA and the county operated program.

RESPONSIBILITIES OF LOCAL EDUCATION AGENCY BOARDS OF EDUCATION

[56195.1(b)(2), 56195.5(a), 56205(a)(12)(D)(i)]

The responsibilities of Local Education Agency (LEA) Boards of Education in implementing the Plan are as follows:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the LEA.

2. Enter into an Administrative Unit Agreement with other LEAs participating in the plan, for purposes of delivery of services and programs.

3. Review and approve revisions of the San Joaquin County SELPA Local Plan for Special Education.

4. Participate in the governance of the San Joaquin County SELPA through their designated representative to the Superintendents' Governance Council.

5. Appoint members to the CAC.

RESPONSIBILITIES OF SUPERINTENDENTS OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56205(a)(12)(D)]

It is the responsibility of the Local Education Agency (LEA) Superintendents in implementing the Plan to:

1. Implement special education responsibilities of the LEA as agreed upon in the Local Plan and as determined by the Council of Superintendents, utilizing locally established procedures.

2. Recommend special education policies to the local governing board.

3. Assist the AU in the selection of the Assistant Superintendent/SELPA Director.

4. Respond to LEA due process hearing requests and complaints.

5. Serve as a member of the Council of Superintendents.

RESPONSIBILITIES OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56195.1(c)(1), 56195.5(b), 56205(a)(12)(D)(i)]

The responsibilities of the participating Local Education Agencies (LEAs) in implementing the Plan are as follows:

Each participating LEA is responsible for implementing those services assigned to the local agency as provided for in local budget and service plans. Each LEA provides assigned programs and services through its own facilities and staff.

When an LEA is unable to provide an appropriate program for an individual pupil, that LEA shall, in cooperation with the SELPA Program Specialists and/or LEA Program Specialists or Directors, arrange for an appropriate placement, through an Individualized Education Team meeting. Such placement may be in another LEA within the San Joaquin County SELPA or in a San Joaquin County operated program. If such placement is not possible, the San Joaquin County Assistant Superintendent/SELPA Director will assist the LEA in a placement outside of the San Joaquin County SELPA. The San Joaquin County Office of Education shall perform the services of a

LEA for IWENS residing in Juvenile Court Schools in the San Joaquin County SELPA.

COMMUNITY ADVISORY COMMITTEE

[56205(a)(12)(C), 56205(b)(6)]

The San Joaquin County SELPA Community Advisory Committee (CAC) has been established in accordance to EC 56205 (a) (12)(C) and 56205(b)(6) and is comprised of parents of IWENS enrolled in public or non-public schools within the San Joaquin County SELPA. The CAC may include pupils (18-22 years of age) and adults with exceptional needs; general education teachers and parents, special education providers, and other school personnel within the San Joaquin County SELPA. It may also include representatives of other public and non-public agencies, and persons concerned with the education of IWENS. The school boards of the participating Local Education Agencies (LEAs) shall appoint one member and alternate to the CAC. The SJC SELPA Department shall establish policies and procedures for the operation of the CAC in accordance with the state regulations for CAC responsibilities.

The agendas will be posted ahead of time and will follow Brown Act provisions.

The CAC will be advisory to the Council of Directors and each member will be responsible to the appointing Board of Education or agency.

1. Procedures for Appointment to the Community Advisory Committee:

a. Recommendations for appointment of parents to the CAC will be solicited by each LEA Director. These recommendations will be presented to their respective governing boards for appointment.

b. Appointment of agency representation will be requested of agency management personnel by the Assistant Superintendent/SELPA Director or designee.

c. Appointment of general and special education teachers and other school personnel will be solicited by the Assistant Superintendent/SELPA Director, or the LEA Directors of Special Education.

2. Responsibilities of the CAC are implemented as follows:

a. Input is solicited from members of the CAC regarding areas to be addressed in the Local Plan. Once the Plan has been developed, it is presented to the CAC for review and comment at least 30 days prior to the submission of the plan to the Superintendents' Council.

b. At the time initial input is solicited, members of the CAC may provide recommendations for prioritizing services.

c. Members of the CAC are encouraged to provide suggestions for parent education activities. Also, members are encouraged to participate in parent education activities and to recruit individuals who might assist in the implementation of the plan.

d. Members of the CAC are encouraged to discuss all aspects of the Plan in the community. Information is made available to them so they can become a resource to the community.

e. Information about various special needs and agencies available to assist individuals with these needs is made available to members of the CAC. Members are encouraged to be supportive of families and individuals with exceptional needs and to support and participate in activities on their behalf.

f. Members of the CAC are encouraged to make regular meeting attendance a high priority.

g. Members of CAC are a liaison of the LEA or represented agency and are responsible for reporting back the priorities and education activities related to the Plan.

RESPONSIBILITIES OF DISTRICT AND COUNTY ADMINISTRATORS OF SPECIAL EDUCATION

[56205(a)(12)(D)]

The responsibilities of each District and County Administrator of Special Education in coordinating the administration of the Local Plan are as follows:

1. Manage and operate Local Education Agency (LEA) Programs and Services.

2. Participate in the development of the annual budget and service plans by making budgetary recommendations to the Council of Superintendents regarding regionalized classes.

3. Serve as a member of the Council of Directors which has responsibility to:

a. Identify and prioritize special education program and service needs for the districts and for the SELPA.

b. Establish priorities for use of the regionalized services funds.

c. Recommend policy to the Council of Superintendents.

d. Collect and report information on program operations as required.

e. Participate in the interviewing process for the Assistant Superintendent/SELPA Director.

f. Provide mutual technical assistance in due process and complaint procedures.

g. Provide input to the development and implementation of standards, agreements, policies, and procedures for implementation of the Local Plan.

h. Consider and respond to concerns expressed by the Community Advisory Committee (CAC).

i. Keep the CAC informed of pending decisions and encourage CAC input.

j. Provide leadership for special education within the SELPA.

k. In cooperation with the Assistant Superintendent/ SELPA Director, provide liaison among participating Districts, private providers of services, and advisory groups.

3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan:

San Joaquin County Office of Education has been designated as the Administrative Unit (AU) and the San Joaquin County Superintendent of Schools as the Superintendent of the AU.

POLICY-MAKING RESPONSIBILITIES OF THE GOVERNING BOARDS

[56195.7(i), 56195.8]

The role of the Governing Boards of Trustees is to review and adopt policies, which govern the implementation of the Local Plan and are required by the California Education Code.

Identification of issues for policy-making may be made by the Council of Directors, Council of Superintendents, Local or AU Superintendent or the Local or AU governing board. The Council of Directors, assisted by the SELPA Staff, and advised by the Community Advisory Committee, will draft recommended policy statements when requested. The Council of Superintendents will review and act upon policies recommended by the Council of Directors.

Should the Council of Superintendents not approve the policies as written and presented, the policies shall be returned to the Council of Directors with recommendations. Once modified, the policies shall be again presented to the Council of Superintendents for approval. The policies

will receive final approval by the Governing Boards of Trustees of the County Office of Education and the local district boards.

RESPONSIBILITIES OF THE COUNCIL OF SUPERINTENDENTS

[56205(a)(12)(A)(D)]

It is the responsibility of the Council of Superintendents, chaired by the AU Superintendent, in implementing the Plan to:

1. Act as the decision - making body for the AU.

2. Direct the allocation and utilization of special education management and support services and other resources within the Special Education Local Plan Area (SELPA) in accordance with the provisions of the Local Plan.

3. Review special education issues and recommend effective solutions to the Council of Directors and their respective governing boards.

4. Provide leadership in the development of policy and procedures, goals, priorities, and plans for the comprehensive and systematic provision of special education programs and services, and recommend their adoption by participating boards.

5. Adopt executive rules for the management of special education programs and services in the SELPA, and the implementation of agreements.

6. Monitor special education programs and services with respect to both planned and actual efforts, progress, and results.

7. Adopt guidelines for the conduct of special education programs and services available through the Local Plan.

8. Provide executive direction to the Assistant Superintendent/SELPA Director responsible for regionalized services and to the AU Superintendent, when appropriate regarding the implementation, administration and operation of special education programs and services in accordance with the Local Plan.

9. Direct that data be gathered, interpreted, and reported regarding the implementation, administration, and operation of the Local Plan.

10. Review fiscal current status and accomplishments of special education programs, as well as needs for growth in the SELPA.

11. Provide leadership for inter-district and intra-SELPA district actions pertaining to the implementation, administration, and operation of the Local Plan.

12. Review, upon request of a local agency, the Local Education Agency's (LEA) portion of the special education programs and services in accordance with the provisions of the Local Plan.

13. Facilitate liaison with community resources, the LEA, the AU, and the Community Advisory Committee (CAC).

14. Approve an annual budget and program plan composed of the individually adopted budget and program plans from each LEA and the county operated program.

The Council of Superintendents have major responsibilities in approving both fiscal and programmatic policies submitted to them by the Council of Directors. The adoption of administrative regulations and procedures lies with the Council of Directors. The policies and administrative regulations addressing the assurances required by CDE are included as appendices of the Local Plan. However, only the policies are approved by the districts' and County Office of Education's respective board of trustees.

RESPONSIBILITIES OF LOCAL EDUCATION AGENCY BOARDS OF EDUCATION

[56195.1(b)(2), 56195.5(a), 56205(a)(12)(D)(i)]

The responsibilities of Local Education Agency (LEA) Boards of Education in implementing the Plan are as follows:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the LEA.

2. Enter into an Administrative Unit Agreement with other LEAs participating in the plan, for purposes of delivery of services and programs.

3. Review and approve revisions of the San Joaquin County SELPA Local Plan for Special Education.

4. Participate in the governance of the San Joaquin County SELPA through their designated representative to the Superintendents' Governance Council.

5. Appoint members to the Community Advisory Committee (CAC).

The Trustees of their respective Local Education Agency and County Office of Education Boards will review and approve policies related to the fiscal and programmatic operation of Special Education programs throughout the SJC SELPA. The policies shall be presented to the boards by the Assistant Superintendent/SELPA Director as approved by their respective Director of Special Education and Superintendent through participation in the Council of Directors and the Superintendents' Council. The board of education trustees will also approve the Administrative Unit Agreement which addresses the responsibilities assumed by each district and county office.

RESPONSIBILITIES OF SUPERINTENDENTS OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56205(a)(12)(D)]

It is the responsibility of the Local Education Agency (LEA) Superintendents in implementing the Plan to:

1. Implement special education responsibilities of the LEA as agreed upon in the Local Plan and as determined by the Council of Superintendents, utilizing locally established procedures.

2. Recommend special education policies to the local governing board.

3. Assist the AU in the selection of the Assistant Superintendent/SELPA Director.

4. Respond to LEA due process hearing requests and complaints.

5. Serve as a member of the Council of Superintendents.

The local district superintendents through their participation on the Superintendents' Council shall provide input and approval to fiscal and programmatic policies which are included in the SJC Local Plan. Once approved by the Superintendents' Council, the respective Superintendent shall recommend and lead discussion with their respective governing board trustees the policies being presented to them for approval. In addition, the respective Superintendents shall discuss with governing board trustees the policies addressing due process hearing and complaint requests.

RESPONSIBILITIES OF PARTICIPATING LOCAL EDUCATION AGENCIES—

[56195.1(b)(2), 56195.1(c)(1), 56195.5(b), 56205(a)(12)(D)(i)]

The responsibilities of the participating Local Education Agencies (LEA) in implementing the Plan are as follows:

Each participating LEA is responsible for implementing those services assigned to the local agency as provided for in local budget and service plans. Each LEA provides assigned programs and services through its own facilities and staff.

When an LEA is unable to provide an appropriate program for an individual pupil, that LEA shall, in cooperation with the SELPA Program Specialists and/or LEA Program Specialists or Directors, arrange for an appropriate placement, through an Individualized Education Team meeting. Although efforts will be made to place pupils within the boundaries of the LEA, such placement may need to occur in another LEA within the San Joaquin County SELPA or in a San Joaquin

County operated program. If such placement is not possible, the San Joaquin County Assistant Superintendent/SELPA Director will assist the district in a placement outside of the San Joaquin County SELPA. The San Joaquin County Office of Education shall perform the services of an LEA for IWENS residing in Juvenile Court Schools in the San Joaquin County SELPA.

The Directors of Special Education as well as their respective Program Specialists shall be knowledgeable and able to implement all policies addressing fiscal and programmatic aspects of special education services being provided to IWENs. They will also display cooperative actions when determining appropriate placements for students whether within their respective district boundaries or within an alternante district. The ultimate outcome will result in a program which provides a Free Appropriate Public Education (FAPE) to all IWENs within their service boundary and meeting all state and federal regulations addressing Special Education.

RESPONSIBILITIES OF DISTRICT AND COUNTY ADMINISTRATORS OF SPECIAL EDUCATION

[56205(a)(12)(D)]

The responsibilities of each District and County Administrator of Special Education in coordinating the administration of the Local Plan are as follows:

1. Manage and operate Local Education Agency (LEA) Programs and Services.

2. Participate in the development of the annual budget and service plans by making budgetary recommendations to the Council of Superintendents regarding regionalized classes.

3. Serve as a member of the Council of Directors which has responsibility to:

a. Identify and prioritize special education program and service needs for the districts and for the SELPA.

b. Establish priorities for use of the regionalized services funds.

c. Recommend policy to the Council of Superintendents.

d. Collect and report information on program operations as required.

e. Participate in the interviewing process for the Assistant Superintendent/SELPA Director.

f. Provide mutual technical assistance in due process and complaint procedures.

g. Provide input to the development and implementation of standards, agreements, policies, and procedures for implementation of the Local Plan.

h. Consider and respond to concerns expressed by the Community Advisory Committee

(CAC).

i. Keep the CAC informed of pending decisions and encourage CAC input.

j. Provide leadership for special education within the SELPA.

k. In cooperation with the Assistant Superintendent/SELPA Director, provide liaison among participating Districts, private providers of services, and advisory groups.

District and County Administrators of Special Education retain a critical role in the development and approval of policies regarding special education. Draft proposals of policies will be presented to the Council of Directors for review, modification, and ultimate approval by the Assistant Superintendent/SELPA Director. Input shall be provided from respective Program Specialists and/or CAC members by participating Directors. When providing and implementing services and programs for IWENs, District and County Administrators will assure that policies are understood by service providers and implemented as such.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan:

The San Joaquin County Office of Education is designated as the Administrative Unit, the AU, for the San Joaquin County SELPA. It shall be responsible for, but not limited to the following functions:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.

2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.

3. Employment of staff to support SELPA functions.

4. Provide regionalized programs and transportation for IWENs as described in annual service and budget plans.

PROCEDURE BY WHICH DISPUTES AMONG MEMBERS WILL BE RESOLVED

[56205(b)(5)]

Should disputes arise concerning special education related matters or related to the interpretation of this plan between or among the LEAs regarding the scope of the JPA or interpretation of the Local Plan or other matters pertaining to special education, the disputing LEAs shall first attempt to arrive at a settlement. If settlement is not reached at the LEA level, the San Joaquin County SELPA Director shall mediate the dispute. Any dispute not successfully resolved by the San Joaquin County SELPA Director shall be referred to the Superintendents' Council.

The Superintendents' Council shall hear the facts of the dispute and shall render a written decision on the matter, which shall be binding on the parties. In case of a tie vote, the Responsible Local Agency Superintendent shall cast the deciding vote.

5. Describe the policies and procedures of the SELPA that allow for the participation of charter schools in the local plan:

Introduction

These procedures apply to all charter schools that are authorized by a member LEA of the San Joaquin SELPA or granted LEA status in the San Joaquin SELPA or any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to an entity within the SELPA (Education Code section 47605.5(k)(1).

Students enrolled in charter schools are entitled to special education services provided in a like manner to students enrolled in other public schools. Charter schools shall comply with all applicable requirements of state and federal law regarding provision of special education services (Education Code section 56000 et seq., Individuals with Disabilities Education Improvement Act 20 U.S.C. Chapter 33).

A charter school shall not discriminate against any pupil in its admission criteria on the basis of disability. Charter schools are legally required to maintain open enrollment policies and practices that allow students with disabilities to enroll on the same basis and to the same degree as students without disabilities. Children with disabilities applying to or enrolled in charters may not be treated differently from all other students based on their disability. Students, whether disabled or not disabled, may not be "counseled out" or "counseled in" to the charter school program, and the charter school may not otherwise influence an enrollment decision based on the child's disability. Advising families of students with disabilities that they are not allowed to attend or should not attend due to their disability related needs (i.e. education program does not have the services, modifications or accommodations necessary to enable them to attend) is discriminatory and illegal.

A LEA reviewing the petition for the establishment or renewal of a charter school may not refuse to grant the petition solely because the charter school might enroll students with disabilities who reside in a SELPA other than the one in which the LEA is a member (Education Code section 47647). Charter schools should delineate in their petition or a memorandum of understanding (MOU) the entity responsible for providing special education instruction and services. This document should reference any anticipated transfer of special education funds between the authorizing entity and the charter school and any provisions for sharing deficits in funding. This document should affirm, in writing, that the district where the student resides, if different than the authorizing entity, is not responsible for providing special education services to students that are enrolled in the charter school.

Whether and to what extent a charter school may be required to modify or otherwise add to or

change its educational programming options to meet the unique needs of a student with disabilities depends on whether the charter school is operating as an LEA for special education purposes or is operating as a school of the authorizing LEA. In general, charter schools that are their own LEAs are solely responsible for providing a free and appropriate public education (FAPE) in the least restrictive environment (LRE) in accordance with their SELPA's Local Plan to all students who are enrolled. Charter schools that are operating as a school of the authorizing LEA will share this responsibility in like manner with other schools in the authorizing LEA, as outlined in the SELPA Local Plan, including schools that may offer specialized or regional programs for students with certain types of disabilities.

Authorizers should require petitioners to articulate their mission explicitly in the charter petition and ensure that the charter school is committed and prepared to offer FAPE to students with disabilities who elect to attend the school. Authorizers should monitor charter schools' admission policies, procedures and practices to ensure that they don't block or discourage enrollment for particular students or groups of students. Authorizers should also monitor the charter school's compliance with federal and state special education laws.

SELPA Involvement with Approval and Renewal of Charters

Prior to approval or renewal of a charter, the superintendent or designee of the authorizing entity should consult with the SELPA Administrator regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition presented should include assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the SELPA Local Plan. The petition must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services. In compliance with Education Code section 47605, each charter petition must contain a reasonably comprehensive description of the charter school's educational program. These descriptions should include comprehensive descriptions of special education services, including the following:

• The specialized instruction and related services available at the charter school;

• The procedures for ensuring that students are referred, assessed and served in a timely manner;

• Assurance that staff members providing special education services are appropriately credentialed;

• Assurance that charter school will comply with SELPA policies;

• Assurance that the facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program;

• Assurance that disenrollment, suspension and expulsion policies and procedures afford the protections of federal and state law to special education and 504 eligible students;

• Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA and its member LEAs, regarding the provision of special education services in the charter school;

• Assurance that the charter school will provide all required data within timelines; for example CALPADS and Maintenance of Effort (MOE);

• Assurance that no student otherwise eligible to enroll in the charter school will be denied nor discouraged from enrollment due to disability or due to the charter school's concerns about its ability to provide appropriate services;

• Assurance that the charter school shall fully inform parents of students with disabilities seeking enrollment in the school of their special education rights and educational options available;

• Assurance that a student with disabilities attending the charter school will have access to special education services in the same manner as a student with a disability who attends another public school within the chartering entity; and

• Assurance that the charter school and its employees will work under the direction of the chartering entity with regard to the delivery of special education services or that the charter school will contract for such services though another entity.

Categories of Charter Schools

Charter schools must comply with the Individuals with Disabilities Education Act (IDEA). The Charter School Act allows charter schools to comply with the IDEA by either operating as a school of its authorizing LEA or participating as an LEA member in a SELPA (EC § 47641, 47646). The decision lies with the charter school, and is made at the time it petitions for a charter. The charter school may apply to change status over time, depending on its charter language.

The degree to which a charter school is responsible for its special education programming and services depends upon whether the charter school is operating as an LEA for special education purposes or is operating as a school of the authorizing LEA. In general, charter schools that are their own LEAs are solely responsible for providing FAPE to students enrolled in the charter school, whereas charter schools that operate as a school of the district have the same responsibilities as individual schools within the authorizing district, as determined by the authorizer and the charter school.

For the purposes of provision of special education services; charter schools shall be deemed either a public school within the authorizing LEA or an LEA that receives funds and provides services independent of the authorizing LEA. All approved charter schools will be deemed public schools within the authorizing LEA until the charter school has been deemed an LEA following these procedures and the SELPA Local Plan. The differences between operating as a school of

the LEA, LEA participant in the local SELPA and out of geographic SELPA membership are described below.

A. Public School within a School District or County Office

Charter schools that are deemed to be public schools within the authorizing LEA will participate in state and federal funding in the same manner as other schools or programs within the authorizing LEA. The authorizing LEA will be responsible for ensuring that all children with disabilities as defined in IDEA enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law, no matter where the student may reside. The authorizing LEA will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students enrolled in other schools or programs administered by the authorizing LEA.

The authorizing LEA will:

• Receive all applicable special education funds. Funds will be allocated in the manner specified by the SELPA allocation plan;

• Represent the needs of the charter school in the SELPA governance structure;

• Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner, no matter where the child may live;

• Be responsible for procuring and funding appropriate special education services even though the student may reside anywhere in the state of California; and

• Provide necessary special education services or contract for these services with public or private educational agencies and assume direct liability for all areas of special education at the charter school including serving students who enroll in the charter school, but do not reside in the authorizing LEA.

The authorizing LEA and the charter school may enter into business agreements or contracts whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs. When the authorizing LEA is a district, the charter school should be held fiscally responsible for a fair share of any encroachment on district general funds that is created by the provision of special education services throughout the district. The authorizing LEA may not condition granting a charter on a provision that the charter school must become an LEA.

B. Charter School as an LEA Within The SELPA

A charter school that includes in its petition for establishment or renewal, or that otherwise provides verifiable written assurances that the charter school will participate as an LEA for the

purposes of providing special education, may apply to become a member of the San Joaquin SELPA, or another approved SELPA. The charter petition or other written assurances should state that prior to final approval of a request to be deemed an LEA, the charter school will be deemed a public school within the authorizing LEA.

Charter schools that wish to become member LEAs in the San Joaquin SELPA must submit their application on or before November 1 of the school year preceding the school year in which the charter school anticipates operating as a member LEA within the SELPA. The SELPA administrator and/or staff will review the charter school's application and develop a written recommendation within 30 days of receipt of application. Both the applicant and members of the Council of Superintendents will receive copies of the written recommendation at least 10 days prior to the item appearing on an agenda.

The application process for a proposed charter school LEA will be the same as any other LEA wishing to be a member of the SELPA. The SELPA Governing Board will determine whether the charter school has the capacity and intent to meet all requirements of a LEA, provided, however, that all changes to the SELPA Local Plan to add an LEA as a member of the SELPA require the approval of all LEA Governing Boards. Therefore, if the SELPA Governing Board determines (by majority vote of quorum present) that a charter school meets the criteria for LEA membership in the SELPA and upon the instructions of the SELPA Governing Board, the SELPA Administrator shall distribute to all LEA Governing Boards a proposed resolution to amend the Local Education Agency Participants section of the SELPA Local Plan. The categorization as a separate LEA will become effective on the first day of the fiscal year (July 1), following final approval by the SELPA Governing Board.

The Council of Superintendents will take action to approve or disapprove the charter school as a member LEA within 60 days of application. If approved, the charter school LEA will become a member effective on July 1 of the school year in which final approval was granted. Prior to final approval and full acceptance as a member LEA, the charter school will continue to be deemed a public school of the authorizing LEA. If disapproved, the SELPA administrator will provide the applicant with a written finding that delineates the reason(s) for disapproval.

Once granted membership within the SELPA, the LEA charter school will participate on an equal basis with other members in the governance of the SELPA. A charter school LEA will have equal voting power with non-charter LEAs. Charter schools shall contribute to, participate in, and receive the benefits of reimbursement from all SELPA fiscal pools and participate in any costs in the same manner as other members.
The following documents shall be submitted to the SELPA:

• A copy of the agency's budget which includes an account for special education which is sufficiently large to cover the cost of anticipated services;

• A copy of the Charter, (as amended as appropriate) which sufficiently describes the provision of special education and related services by the charter LEA;

• A copy of the charter school's liability insurance policy of at least $1,000,000 per person per

occurrence;
• A copy of audit reports for the past two years (if applicable);

• A document that provides income/expense reports for special education programs for the past two years (if applicable);

• A copy of the Dashboard for the school – history of last five years, if available;

A copy of the School Accountability Report Card (SARC);
• A list of credentials for all certificated staff: name, position, credential number, if highly qualified;

• A statement signed by the charter's fiscal official and Governing Board acknowledging the charter's obligation to "search and serve", its obligation to pay the costs of special education whether or not those costs are adequately covered from the charter's SELPA allocation, and assuring that it has adequate fiscal reserves to cover those costs. Costs of special education may include, but are not limited to, instruction, transportation, non-public school/agency placements, inter and intra SELPA placements, due process proceedings, complaints and attorney fees; and

• A copy of the charter school student application materials which reflects that the charter school can and will make available the full range of special education services for students enrolled in the charter school.

The applicant charter school will be deemed a member LEA if the Council of Superintendents determines that the charter school has met all requirements to be included as a member LEA of the SELPA as specified in this policy and the Local Plan. These requirements include:

• Provide assurance of an understanding and knowledge of applicable special education laws and regulations;

• Provide a current operating budget in order to assure fiscal responsibility in accordance with Education Code sections 47604.33;

• Provide assurances that all enrolled individuals with exceptional needs have access to appropriate special education programs and services and will receive services in a safe environment;

• Provide assurances that the LEA, through employment or contract, can provide the appropriately credentialed staff necessary to meet federal and state special education mandates;

• Assume responsibility for any legal fees as it relates to the application and assurances process in becoming an LEA;

• Provide assurance that the LEA will follow all applicable SELPA policies and procedures, including but not limited to:

- Search and Serve, identification, screening, referral, assessment, instructional planning, placement, implementation and review procedures;
- Procedural safeguards;
- Regionalized services, program specialists, including excess costs if applicable; and,
- Transportation as indicated in student's IEP.

• Abide by placement procedures and funding for students placed in Hospitals, Licensed Children's Institutions, Juvenile Court/Community School programs;

• Assume costs of programs and services, including transportation;

• Use SELPA approved forms in an appropriate manner;

• Provide all required CALPADS and other SELPA required information/data including Maintenance of Effort (MOE) data required by the federal government;

• Attend SELPA sponsored in-services and trainings and Council of Directors' meetings;

• Place special education students in inter or intra- SELPA programs only with the expressed consent of the receiving entity and under the condition that the placing entity will be responsible for any excess costs attributable to the placement;

• Accept inter-intra SELPA placements only with agreement between the educational entities. Under such circumstances, the placing LEA will be responsible for any excess costs, including transportation, in accordance with the Local Plan; and

• Indemnify and hold harmless the SELPA and each of the member entities.

Once deemed a member LEA, the charter school, like other member LEAs shall:

• Fully participate in governance of the SELPA in the manner outlined in the SELPA Local Plan;

• Accept all responsibilities of an SELPA LEA in the implementation of the Local Plan;

• Fully comply with policies and procedures outlined in the SELPA Local Plan;

• Contribute to, participate in, and receive the reimbursement from all SELPA fiscal pools and participate in any charge backs in the same manner as other members. Receive state and federal funding for special education in accordance with the SELPA Special Education Funding

Allocation Plan;

• Contribute to, participate in, and receive the benefits of Regionalized Services;

• Receive state and federal funding for special education in accordance with the SELPA funding Allocation Plan;

• Receive any available federal funds one year in arrears and calculated based on applicable special education counts;

• Comply with all requirements of state and federal laws and regulations;

• Be responsible for all costs incurred in the provision of special education services, without regard for the location in which the student may reside. These costs may include, but are not limited to, instruction, related services, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees;

• Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state and local funds apportioned to charter schools; and

If the approval of a charter school requires a change in the SELPA allocation plan, such change shall be adopted pursuant to the policy making process outlined in the SELPA Local Plan. A request from a charter school to participate in the SELPA will be treated in the same manner as such a request from a school district. If the approval of a Charter School requires a change in the SELPA Local Plan Governance structure, it will be submitted to CDE for approval. If LEA status is not granted, the charter may not become a member of the SELPA, but may reapply in future years.

Out of Geographic or all Charter Membership

A charter school may also apply to participate in a SELPA other than the one in which it is located. The State Board of Education (SBE) allows SELPAs to accept out-of-area charter schools and/or to operate as an all charter SELPA. These geographically distant and all charter SELPAs were created for purposes of providing charter schools with options to become LEA members of SELPAs other than the SELPA in which their authorizer is a member.

Even if a charter school is a member of a SELPA other than San Joaquin County SELPA, its authorizing LEA continues to have oversight and monitoring roles to ensure the charter school is appropriately serving students.

Revocation of LEA Status

LEA status may be revoked by the SELPA Governing Board for any of the following actions:

• Committed a material violation of any of the conditions, standards, policies or procedures in this policy or the Local Plan;

• Failed to meet generally accepted accounting principles or engaged in mismanagement of special education funds; and

• Violated any provision of state or federal law applicable to the charter school relating to special education.

When considering the revocation of LEA status of a charter school, the SELPA Governing Board shall examine the conduct of the charter school in their implementation of special education laws. The decision to revoke may be based on the ability of the charter school to cure and correct violations and/or the charter school's ability to ensure future consistent compliance with all applicable special education laws.

Prior to revocation, the SELPA Governing Board shall notify the charter school of any violation of this policy and give the charter school a reasonable opportunity to cure the violation unless the SELPA Governing Board determines, with written notice that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

Throughout this process, the SELPA Director shall work closely with the authorizing LEA.

Should an LEA Charter School decide to leave the San Joaquin County SELPA, notice shall be given to the Assistant Superintendent/SELPA Director one day and one year prior to the effective departure date. Since this departure changes the governance structure of the Local Plan, appropriate notice shall be given to CDE.

Charter School Authorized by an LEA Outside the SELPA

When a charter school has no affiliation with an LEA within the SELPA, neither the SELPA nor the local district where the charter school is physically located within the SELPA has an obligation to reach agreement on the provision of special education services. If the charter school is granted a charter by an entity outside the SELPA, the charter school is responsible to work out provision of special education services with the authorizing LEA and related SELPA in order to meet the requirements to provide special education and related services.

Operational and Financial Implications of Changing Charter School Status

The following summarizes the operational and financial implications of a charter school becoming an LEA member of either the San Joaquin County SELPA or an out -of-geographic area SELPA. It also outlines the oversight implications for the SELPA and the authorizing entity.

A. Operational Implications of Changing from a School of the Authorizing Entity to an LEA Member of a SELPA

1. After a charter school is an LEA member of a SELPA, the authorizing LEA:

a. will no longer have any obligation to provide special education placements or services to students enrolled in the charter school, and will no longer be obligated to serve as the charter school's special education provider or funding source;

b. will no longer have direct liability for special education issues arising at the charter school or involving charter school students, assuming discharge of proper oversight;

c. will retain its legal responsibility to oversee the charter school in general, including its compliance with special education laws, but will no longer have any obligation to fund or provide for such services; and

d. may compel the charter school's independent compliance with special education laws.

2. As an LEA, the charter school:

a. becomes solely and independently responsible for its compliance with all state and federal special education laws, and must make the continuum of program options available to all students enrolled or seeking to enroll in the charter school;

b. bears all liability associated with discharging its obligations to students with disabilities who qualify for special education, and gains the responsibility to defend itself when any other complaints involving special education are filed;

c. will participate in SELPA governance unless other provisions are approved and have access to SELPA services and support in the same manner as other member districts;

d. will use SELPA forms, and operate its special education programs in accordance with SELPA direction;

e. will obtain services from the SELPA in the same manner and to the same extent as other member districts of its size; and

f. may utilize SELPA or other consultants to assist it in developing appropriate special education programs, procedures, expertise, and building capacity to be responsible for their own special education programming.

B. Financial Implications of Changing from a School of the Authorizing LEA to an LEA Member of San Joaquin County SELPA

1. The SELPA will continue to obtain from the State the special education revenue generated by the charter school, but it will pass the funding through to the charter school and not its authorizer.

2. The SELPA will allocate special education funding to the charter school, instead of to the

authorizing LEA, in accordance with the Local Plan and Allocation Plan. For example, the LEA charter shall:

a. receive grant dollars based on its appropriate eligibility determination;

b. be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, services, transportation, nonpublic school/ agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees;

c. document that all State and Federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities; and

d. ensure that special education apportionment is used solely for the purpose of providing special education instruction and/or services to identified students with disabilities.

C. Financial Implications of Changing from a School of the Authorizing LEA to an LEA Member of an Out-of-Geographic SELPA

1. When a charter moves to an out of geographic area SELPA, neither the authorizing district nor the local SELPA will be allocated the special education funding generated by charter school ADA. The authorizing LEA's ADA would decrease and each local SELPA member district's special education funding could be decreased proportionately by the departing ADA.

2. The San Joaquin County Assistant Superintendent/SELPA Director is available to meet with LEAs and charter school operators to ensure they understand the above implications and have access to the resources and information needed to discharge special education responsibilities appropriately.

6. Identify and describe the representation and participation of the SELPA community advisory committee (CAC) pursuant to EC Section 56190 in the development of the local plan:

COMMUNITY ADVISORY COMMITTEE

[56205(a)(12)(C), 56205(b)(6)]

The San Joaquin County SELPA Community Advisory Committee (CAC) has been established in accordance to EC 56205(a)(12)(c) and 56205(b)(6) and is comprised of parents of IWENs enrolled in public or non-public schools within the San Joaquin County SELPA. The CAC may include pupils and adults with exceptional needs; general education teachers and parents, special education providers, and other school personnel within the San Joaquin County SELPA. It may also include representatives of other public and non-public agencies, and persons concerned with the education of IWENs. The school boards of the participating Local Education

Agencies (LEAs) shall appoint one member and alternates to the CAC. The SELPA Department shall establish policies and procedures for the operation of the CAC in accordance with the state regulations for CAC responsibilities.

CAC agendas will be posted ahead of time and will follow Brown Act provisions.

The CAC will be advisory to the Council of Directors and each member will be responsible to the appointing Board of Education or agency.

1. Procedures for Appointment to the Community Advisory Committee:

a. Recommendations for appointment of parents to the CAC will be solicited by each LEA Director. These recommendations will be presented to their respective governing boards for appointment.

b. Appointment of agency representation will be requested of agency management personnel by the Assistant Superintendent/SELPA Director or designee.

c. Appointment of general and special education teachers and other school personnel will be solicited by the Assistant Superintendent/SELPA Director or the LEA Directors of Special Education.

2. Responsibilities of the CAC are implemented as follows:

a. Input is solicited from members of the CAC regarding areas to be addressed in the Local Plan. Once the Plan has been developed, it is presented to the CAC for review and comment at least 30 days prior to the submission of the plan to the Superintendents' Council.

b. At the time initial input is solicited, members of the CAC may provide recommendations for prioritizing services.

c. Members of the CAC are encouraged to provide suggestions for parent education activities. Also, members are encouraged to participate in parent education activities and to recruit individuals who might assist in the implementation of the plan.

d. Members of the CAC are encouraged to discuss all aspects of the Plan in the community. Information is made available to them so they can become a resource to the community.

e. Information about various special needs and agencies available to assist individuals with these needs is made available to members of the CAC. Members are encouraged to be supportive of families and individuals with exceptional needs and to support and participate in activities on their behalf.

f. Members of the CAC are encouraged to make regular meeting attendance a high priority.

g. Members of CAC are a liaison of the LEA or represented agency and are responsible for reporting back the priorities and education activities related to the Plan.

The role of the CAC in the development of the local plan is advisory in nature. The Assistant Superintendent/SELPA Director will provide a draft of the modified Local Plan and provide the Chair of CAC an opportunity to review and provide input regarding recommended changes. The Chair will be provided a copy of the Local Plan draft 30 days prior to submission to the Superintendents' Council so that he/she has ample time to solicit input from the other members of CAC so that he/she can provide such input to the Assistant Superintendent/SELPA Director. The CAC is given no approval responsibilities by statute; responsibilities are advisory in nature.

7. Describe the SELPA's process for regular consultations regarding the plan development with representative of special education and regular education teachers, and administrators selected by the groups they represent and parent members of the CAC:

SELECTION OF REPRESENTATIVES FOR DEVELOPMENT OF THE LOCAL PLAN

[56195.3]

The Local Plan is developed and updated cooperatively by a committee of representatives of special and general education teachers and service providers, public agencies, and administrators and representatives of charter schools selected by the groups they represent and with participation by the chair of the CAC to ensure adequate and effective participation and communication. Teacher and service provider participants shall be selected by their peers. General education and special education administrators shall be selected by the representative superintendents. Directors of charter schools shall be requested to select a representative to serve on the Local Plan committee.

The Assistant Superintendent/SELPA Director will meet with this group 3 times to allow for multiple readings and an opportunity to provide input regarding the content of the Local Plan prior to submission to the Council of Directors and the Superintendents' Council for approval.

8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan:

DISTRIBUTION OF SPECIAL EDUCATION RESOURCES TO LEAs

[56205(b)(1)(A-G), 56836.05(b)

1. As a result of changes allowed by the passage of AB 602, Special Education funding will be allocated by the State Department of Education to the AU of the San Joaquin County SELPA. Funding will then be allocated by the AU directly to the Districts based on decisions made

pursuant to the process described herein. The Council of Directors shall recommend the distribution of funding based on dollars available, utilization of dollars in each of the districts, and requests for any LEA to operate programs. This process allows for the reallocation of funding when necessary and for addressing recapture of funding should the SELPA experience declining enrollment. The final decision regarding the allocation plan shall be made by the Council of Superintendents.

Preliminary data gathering will take place after the October Census date. Priorities for additional regionalized classes will be set in January. All fiscal recommendations will be sent to the Council of Superintendents for review and action.

The annual Budget Plan and Service Plan shall be adopted at a public hearing held by the Council of Superintendents.

The Council of Directors shall recommend the allocation of funding for instructional personnel including any growth proposals at their February Meeting.

2. The district of residence has the financial responsibility for transporting all its students. Should a student be transported by an agency other than the district of residence, and should the cost exceed the apportionments and other funds received for such services by the providing agency, the district of residence shall reimburse the providing agency its prorated share of the excess costs.

3. Regionalized service funds shall be allocated to the AU for operation of regionalized services specified in Education Code 56220(c). Should the cost of regionalized service exceed the apportionments and other funds received for such services, such excess costs will be prorated to each district on the basis of its most recent unduplicated special education pupil count.

4. The audit trail of utilization of federal pass-through funds shall be maintained by setting up a separate budget. The Assistant Superintendent/SELPA Director or designee prepares the annual reports based on actual expenditure information.

5. The staff development committee of the SELPA shall prepare the annual plan for staff development based on yearly needs assessments. The SELPA staff shall prepare the staff development budget based on recommendations from the Council of Directors regarding the utilization of state personnel development funds.

6. Low-incidence funds shall be maintained in a budget of the SELPA.

a. Based on IEP justification that the equipment requested will promote the least restrictive environment for the student and minimize the necessity for service on an isolated site, a district may request an expenditure of funds for equipment with a written request presented to a Low Incidence Committee for approval. Upon approval, the equipment is purchased by the SELPA office.

b. AB 605 allows students who need assistive technology when transferring from one LEA to

another to have access to that assistive technology provided by the first LEA for a period of two months during the transition period.

7. Changes in funding distribution shall be recommended by the Council of Directors to the Council of Superintendents. Changes in budget allocation will be reflected on the reporting documents required by the California Department of Education of the appropriate district(s). All budgets, district and county, are approved at public meetings.

8. Proposed changes by an LEA that would impact another LEA's budget or program(s) shall be presented to the Council of Directors for discussion in accordance with the “Changes Calendar” developed by the Council of Directors. Items on this calendar shall include, but need not be limited to, (1) changes in service being provided by an LEA, (2) changes in facility needs, (3) programming requests, and (4) proposed excess costs. The calendar shall also delineate when recommendations from the Council of Directors shall be presented to the Council of Superintendents for action. Proposed changes by an LEA must be submitted to the Council of Directors by January of the fiscal year prior to implementation.

9. The district of residence has the financial responsibility for program costs for all its students. Should a student be educated by an agency other than the district of residence, and should the programming costs exceed the apportionments and other funds received for such services by the providing agency, the district of residence shall reimburse the providing agency its prorated share of the excess costs.

CALENDAR & TIMELINES FOR DISTRIBUTION OF FUNDS

56205(b)(1)(A-G)

Month	**Fiscal Year**	**Distribution of Funds**
July	Prior Year Current Year	- District Year-end Estimated Accruals to Finance Advisory - State Current Year Apportionment (Advance)
August	Prior Year Current Year	- COE Year-end Expenditures/Final Accruals - 45-day revision for State Adopted Budget, applicable only if material changes are needed
January	Current Year	- Updates to CY Funding Model based on County Office First Interim revenue and expenditures, including updates of additional services or program needs and LEA ADA estimates
February	Prior Year Current Year	- State Prior Year Apportionment (Annual Cert) - State Current Year Apportionment (P-1)

SELPA San Joaquin County SELPA Fiscal Year 2020-21

March	Budget Year	- Preliminary Budget Funding Model based on January State Budget proposal for SELPA revenues, County Office of Education's First Interim revenue and expenditures from prior year with salary and benefit increase estimates, other known changes and proposed new programs/class offerings and estimated costs for next year recommended by the Council of Directors
May	Current Year	- Updates to CY Funding Model based on County Office of Education Estimated Actuals revenue and expenditures, including updates of additional services or program needs and LEA ADA estimates
	Budget Year	- May Budget Funding Model with approved program/class offerings and County Office of Education revenue and expenditures with updated projections and LEA ADA estimates
June	Prior Year	- State Re-certification Prior Year Apportionment (R-1 Cert)
	Current Year	- State Current Year Apportionment (P-2)

9. Describe the contractual agreements and the SELPA's system for determining the responsibility of participating agency for the education of each student with special needs residing within the geographical area served by the plan:

PROCEDURE FOR DETERMINING THE RESPONSIBILITY OF EACH PARTICIPATING AGENCY TO PROVIDE AND TO ASSURE ACCESS TO SPECIAL EDUCATION SERVICE FOR ALL INDIVIDUALS WITH EXCEPTIONAL NEEDS IN THE SELPA

[56195.1(b)(2), 56205(a)(12)(D)]

The Council of Superintendents and the Council of Directors will each organize as Councils of the Whole, with each participant as a voting member. The Councils of Directors and the Council of Superintendents will meet regularly. The decision-making process regarding all aspects of the Local Plan, including responsibility, access to program, and changes in the delivery system will be as follows:

The Council of Directors will initiate agenda items. These items will be presented at meetings for discussion, review and development of draft recommendations. The recommendations will be sent to the Council of Superintendents for review and action. Action of the Council of

Superintendents is final unless an item is referred back to the Council of Directors for additional review and recommendations.

A recommendation that has been approved by the Council of Superintendents is presented by the Assistant Superintendent/SELPA Director, when necessary, to each governing board for review and input or adoption/approval.
Each board reviews and adopts/approves policies, the Local Plan, and their individual budget plan.

Each LEA Board of Trustees will approve at a SELPA public hearing the annual budget plan, annual services plan, annual assurances support plan, the Local Plan, and the Certification Participating form. These documents and certifications will serve as the basis for the operation and administration of special education programs operated. By signing off on the above-mentioned certifications, the districts represented agree to meet all applicable requirements of special education state and federal laws and regulations and state policies, and procedures. The LEA superintendent shall administer the local implementation of policies, procedures, and practices in accordance with special education state and federal laws and regulations which will ensure full compliance.

The current local plan—Governance and Administration, Annual Assurances Support Plan, Annual Budget Plan, and Annual Services Plan, including updates or revisions to the plan will be posted upon approval by the SELPA or SJCOE, as appropriate, on each district's and county office's web site as well as being on file at each LEA and respective County Office.

10. For multi-LEA local plans, specify:

    a. The responsibilities of each participating COE and LEA governing board in the policymaking process:

DESCRIPTION OF GOVERNANCE STRUCTURE

[56195.1(c)(1-2), 56205 (a)(12)(A), 56205(a)(12)(D)(ii)]

The San Joaquin County Special Education Local Plan Area (SJC SELPA) has been designated by the California State Board of Education as a SELPA, having met the size and scope requirements delineated by the area State Board. When the SJC SELPA was first established, the governance option selected was that of a multi-district SELPA with the county office serving as the Administrative Unit (AU), and the San Joaquin County Superintendent of Schools as the Superintendent of the AU. Any changes to this governance option must follow the procedures as stated in the Local Plan. In developing and approving a local plan, districts agree to cooperate with the county office to assure that the plan is compatible with the other local plans in the county. The county office shall review any local plans developed according to EC 56195.3(d).
In adopting the completed Local Plan, each LEA agrees to carry out the duties and responsibilities assigned to each agency within the Plan, or which may be delegated at a later date through agreement of the participating agencies.
The executive structure of the SJC SELPA consists of ten district superintendents and the

County Superintendent acting on behalf of eleven governing boards. Collectively, they constitute the Council of Superintendents, which will be the decision-making body of the consortium, and will meet regularly or at the request of a member. Decisions will be made by a quorum of the attending Superintendents. A majority vote is required for action, and Superintendents may vote in their absence by proxy. In case of a tie, the AU Superintendent shall cast the deciding vote.

The management structure of the SELPA consists of eleven Local Plan Agency Directors, (including the County Director), the Assistant Superintendent/SELPA Director, and such other management positions as may be specified by the Council of Superintendents. The eleven Directors and the Assistant Superintendent/SELPA Director constitute the Council of Directors, which is responsible for coordinating special education services in the SELPA. The Assistant Superintendent/SELPA Director will administer and implement regionalized services as specified in the Local Plan and pursuant to policies, rules, guidelines, and procedures adopted by the Council of Superintendents.

The San Joaquin County Office of Education is designated as the Administrative Unit (AU) for the San Joaquin County SELPA. It shall be responsible for, but not limited to, the following functions:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.

2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.

3. Employment of staff to support SELPA functions.

RESPONSIBILITIES OF THE COUNCIL OF SUPERINTENDENTS

[56205(a)(12)(A)(D)]

It is the responsibility of the Council of Superintendents, chaired by the AU Superintendent, in implementing the Plan to:

1. Act as the decision - making body for the AU.

2. Direct the allocation and utilization of special education management and support services and other resources within the Special Education Local Plan Area (SELPA) in accordance with the provisions of the Local Plan.

3. Review special education issues and recommend effective solutions to the Council of Directors and their respective governing boards.

4. Provide leadership in the development of policy and procedures, goals, priorities, and plans

for the comprehensive and systematic provision of special education programs and services and recommend their adoption by participating boards.

5. Adopt executive rules for the management of special education programs and services in the SELPA, and the implementation of agreements.

6. Monitor special education programs and services with respect to both planned and actual efforts, progress, and results.

7. Adopt guidelines for the conduct of special education programs and services available through the Local Plan.

8. Provide executive direction to the Assistant Superintendent/SELPA Director responsible for regionalized services and to the AU Superintendent, when appropriate, regarding the implementation, administration and operation of special education programs and services in accordance with the Local Plan.

9. Direct that data be gathered, interpreted, and reported regarding the implementation, administration, and operation of the Local Plan.

10. Review fiscal data, current status and accomplishments of special education programs, as well as needs for program growth in the SELPA.

11. Provide leadership for inter-district and intra-district SELPA actions pertaining to the implementation, administration, and operation of the Local Plan.

12. Review, upon request of a local agency, the Local Education Agency's (LEA) portion of the special education programs and services in accordance with the provisions of the Local Plan.

13. Facilitate liaison with community resources, the LEAs, the AU, and the CAC.

14. Approve an annual budget and program plan composed of the individually adopted budget and program plans from each LEA and the county operated program.

ROLE OF ADMINISTRATIVE UNIT (AU) SUPERINTENDENT

[56195.1(b)(3), 56205(a)(12)(D)(ii)]

The role of AU Superintendent is as follows:

1. Act as chair of the Council of Superintendents.

2. Establish and maintain special education programs and services that are most effectively provided by the AU Superintendent's Office and specified in the annual staff budget plan. The direct program operations part of the AU Superintendent's Office will function as a Local

Education Agency LEA) and have status equal to other LEA district program operations.

3. Approve and submit a budget for regionalized/program specialists' services funds. Receive and expend those funds based upon the needs of special education children residing in the SELPA, as recommended by the Council of Directors and the Council of Superintendents.

4. Provide administrative support.

5. Facilitate adoption and implementation of policies for provision of due process in the SELPA.

6. Establish and maintain an office for the Assistant Superintendent/SELPA Director of the San Joaquin Special Education Local Plan Area. The Assistant Superintendent/SELPA Director and staff shall be employed to coordinate the implementation of the Local Plan throughout the SELPA and with other SELPAs appropriate:

a. Facilitate the implementation of regionalized services as specified in Education Code Section 56220 (c) (2-6) following recommendations by the Council of Directors

b. Personnel development

c. Evaluation

d. Data collection and management information systems

e. Curriculum development

f. Ongoing program review

g. Facilitate the implementation of regionalized services specified in Education Code Section 56220(c) (1), Program Specialist services, as recommended by the Council of Directors (Education Code 56368).

b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan:

RESPONSIBILITIES OF SUPERINTENDENTS OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56205(a)(12)(D)]

It is the responsibility of the Local Education Agency (LEA) Superintendents in implementing the Plan to:
1. Implement special education responsibilities of the LEA as agreed upon in the Local Plan and as determined by the Council of Superintendents, utilizing locally established procedures.

2. Recommend special education policies to the local governing board.

3. Assist the AU in the selection of the Assistant Superintendent/SELPA Director.

4. Respond to LEA due process hearing requests and complaints.

5. Serve as a member of the Council of Superintendents.

c. The responsibilities of each LEA and COE for coordinating the administration of the local plan:

RESPONSIBILITIES OF DISTRICT AND COUNTY ADMINISTRATORS OF SPECIAL EDUCATION

[56205(a)(12)(D)]

The responsibilities of each District and County Administrator of Special Education in coordinating the administration of the Local Plan are as follows:

1. Manage and operate Local Education Agency (LEA) Programs and Services.

2. Participate in the development of the annual budget and service plans by making budgetary recommendations to the Council of Superintendents regarding regionalized classes.

3. Serve as a member of the Council of Directors which has responsibility to:

a. Identify and prioritize special education program and service needs for the districts and for the SELPA.

b. Establish priorities for use of the regionalized services funds.

c. Recommend policy to the Council of Superintendents.

d. Collect and report information on program operations as required.

e. Participate in the interviewing process for the Assistant Superintendent/SELPA Director.

f. Provide mutual technical assistance in due process and complaint procedures.

g. Provide input to the development and implementation of standards, agreements, policies, and procedures for implementation of the Local Plan.

h. Consider and respond to concerns expressed by the Community Advisory Committee (CAC)

i. Keep the CAC informed of pending decisions and encourage CAC input.

j. Provide leadership for special education within the SELPA.

k. In cooperation with the Assistant Superintendent/SELPA Director, provide liaison among participating Districts, private providers of services, and advisory groups.

REGIONALIZED SERVICES TO LOCAL PROGRAM

[56205(a)(12)(B), 56195.7(c)(1-6)]

The Assistant Superintendent/SELPA Director shall serve on behalf of the member local education agencies and implement the Local Plan including the following regionalized services and operations:

1. Coordination of the SELPA and the administration of the Local Plan

2. Coordinated system of identification and assessment

3. Coordinated system of procedural safeguards

4. Coordinated system of staff development and parent education

5. Coordinated system of curriculum development and alignment with the core curriculum

6. Coordinated system of internal program review, evaluation of the effectiveness of the local plan, and implementation of a local plan accountability mechanism

7. Coordinated system of data collection and management

8. Coordination of interagency agreements

9. Coordination of services to medical facilities

10. Coordination of services to licensed children's facilities (LCI)

11. Preparation and transmission of required SELPA reports

12. Provision of fiscal and logistical support of the Community Advisory Committee

13. Coordination of transportation services for students with disabilities IWENs residing in one LEA and receiving education services in that LEA or another LEA located within the San Joaquin County SELPA.

14. Coordination of career and vocational and transition services

15. Assurance of full educational opportunity

16. Provision of fiscal administration and the allocation of state and federal funds pursuant to EC 56836.1

17. Provision of direct instructional support provided by Program Specialists

The Assistant Superintendent/SELPA Director, in conjunction with the Program Specialists and based on service needs, will recommend how Program Specialist services should be allocated throughout the SELPA. The Council of Directors shall ratify the distribution. The Assistant Superintendent /SELPA Director is responsible for the supervision of Program Specialists employed by the SELPA.

In order to implement the Local Plan, the Assistant Superintendent/SELPA Director and Program Specialists shall be considered “school officials and employees” in regards to access to student records.

PROGRAM SPECIALIST SERVICES

[56368(a-c)]

A program specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of the major disabling conditions.

For purposes of Section 41403, a program specialist shall be considered a pupil services employee, as defined in subdivision (c) of Section 41401. The Program Specialists are employed by the AU for employment purposes, and serve the SELPA under the direction of the Assistant Superintendent/SELPA Director. The Superintendents’ Council designates through the approval of the SELPA Budget the number and type of specialists to be employed upon recommendation of the Council of Directors.

Program Specialists shall provide the following services:

1. Observe, consult with, and assist, in accordance with local education agency procedures, special education teachers, related service providers, and support staff.

2. Plan programs, coordinate curricular resources, and share in the evaluation of the effectiveness of programs for IWENs.

3. Assist with local education agency staff development, program development and innovation of

special methods and approaches.

4 Provide coordination, consultation, and program development in one or more specialized areas of expertise.

5. Assure that pupils have full educational opportunity regardless of the LEA of residence.

6. Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.

7. Assist in mediation, due process hearings, and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.

8. Assist in developing training for parents and members of the Community Advisory Committee (CAC).

9. Provide in-service training and technical assistance for general and special education teachers, administrators, support staff and parents.

10. Assist as a liaison to various community agencies such as Department of Mental Health, Department of Human Services, Valley Mountain Regional Center, California Children's Services, Head Start, and the Probation Department.

FISCAL AND PROGRAM EVALUATION

[56205(a)(12)(D)(ii)(II-V)]

The San Joaquin County SELPA shall submit annually all information required by the California Department of Education, Special Education Division, in this effort, including statistical data, program information, and fiscal information related to the programs and services for IWENs in the San Joaquin County SELPA.

1. The Assistant Superintendent/SELPA Director is responsible for collecting data required by the California Department of Education related to special education budgets and services and reporting them annually.

2. SELPA staff will support all the members of the SELPA in the collection of data related to compliance, due process procedures, availability of services, key performance indicators, etc., as needed.

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11. Identify the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA related to:

    a. The hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the local plan:

EMPLOYMENT AND EVALUATION OF THE SELPA DIRECTOR

[56205 (b)(ii)(I)]

The procedure for the employment of the San Joaquin County Assistant Superintendent/SELPA Director will be a process jointly agreed upon by the AU and the Council of Superintendents.

It is the responsibility of the AU Superintendent or designee to evaluate the SELPA Director annually and report the results of the evaluation to the Council of Superintendents.

ROLE OF THE SELPA DIRECTOR

[56205 (a)(12)(D)(i-ii)]

The role of the Assistant Superintendent/SELPA Director is as follows:

1. Implement the regionalized services based upon annual priorities including:

    a. Administer personnel development programs.

    b. Coordinate program evaluation.

    c. Supervise data collection, information management, and reporting.

    d. Coordinate curriculum development.

    e. Coordinate ongoing monitoring of the Local Plan implementation through program review as mandated by CDE.

    f. Oversee the recruitment, supervision, and evaluation of Program Specialists and SELPA staff.

2. Provide overall coordination of the Local Plan implementation.

3. Assist in the development and implementation of interagency agreements and contracts with non-public school/agencies providing services to IWENs.

4. Participate or designate appropriate personnel to participate in IEP Team meetings for students considered for placement in other SELPAs and/or non-public school placements for LCI students or as requested by LEA Directors.

5. Provide technical assistance to LEAs in resolution sessions, mediation, due process and complaint procedures.

6. Coordinate and facilitate the establishment of SELPA standards, procedures, processes, and regulations for the implementation of the Local Plan.

7. Act as liaison between: the SELPA and the State Department of Education; the Council of Directors and the Council of Superintendents; and the Community Advisory Committee and the Council of Directors.

8. Apply for discretionary funds and other grants that become available to the SELPA.

9. Assist in the identification of special education program and service needs for the SELPA.

10. Provide technical assistance to LEA special education program managers/Directors.

11. Assist in the development of the annual budget/service plans.

12. Prepare and submit to the State Department of Education all reports required for the SELPA.

13. Request input from the members of the Council of Directors and Community Advisory Committee regarding regionalized services and needs for program growth.

b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA:

DISTRIBUTION OF SPECIAL EDUCATION RESOURCES TO LEAs

[56205(b)(1)(A-G), 56836.05(b)

As a result of changes allowed by the passage of AB 602, Special Education funding will be allocated by the State Department of Education to the AU of the San Joaquin County SELPA. Funding will then be allocated by the AU directly to the Districts based on decisions made pursuant to the process described herein. The Council of Directors shall recommend the distribution of funding based on dollars available, utilization of dollars in each of the districts, and requests for any LEA to operate programs. This process allows for the reallocation of funding when necessary and for addressing recapture of funding should the SELPA experience declining

enrollment. The final decision regarding the allocation plan shall be made by the Council of Superintendents.

Preliminary data gathering will take place after the October Census date. Priorities for additional regionalized classes will be set in January. All fiscal recommendations will be sent to the Council of Superintendents for review and action.

The annual Budget Plan and Service Plan shall be adopted at a public hearing held by the Council of Superintendents.

The Council of Directors shall recommend the allocation of funding for instructional personnel including any growth proposals at their February Meeting.

The district of residence has the financial responsibility for transporting all its students should a student be transported by an agency other than the district of residence, and should the cost exceed the apportionments and other funds received for such services by the providing agency, the district of residence shall reimburse the providing agency its prorated share of the excess costs.

Regionalized service funds shall be allocated to the AU for operation of regionalized services specified in Education Code 56220(c). Should the cost of regionalized service exceed the apportionments and other funds received for such services, such excess costs will be prorated to each district on the basis of its most recent unduplicated special education pupil count.

The audit trail of utilization of federal pass-through funds shall be maintained by setting up a separate budget. The Assistant Superintendent/SELPA Director or designee prepares the annual reports based on actual expenditure information.

The staff development committee of the SELPA shall prepare the annual plan for staff development based on yearly needs assessments. The SELPA staff shall prepare the staff development budget based on recommendations from the Council of Directors regarding the utilization of state personnel development funds.

Low-incidence funds shall be maintained in one budget of the SELPA.

Based on IEP justification that the equipment requested will promote the least restrictive environment for the student and minimize the necessity for service on an isolated site, a district may request an expenditure of funds for equipment with a written request presented to a Low Incidence Committee for approval. Upon approval, the equipment is purchased by the SELPA office.

AB 605 allows students who need assistive technology when transferring from one LEA to another to have access to that assistive technology provided by the first LEA for a period of two months during the transition period.

Changes in funding distribution shall be recommended by the Council of Directors to the Council

of Superintendents. Changes in budget allocation will be reflected on the reporting documents required by the California Department of Education of the appropriate district(s). All budgets, district and county, are approved at public meetings.

Proposed changes by an LEA that would impact another LEA's budget or program(s) shall be presented to the Council of Directors for discussion in accordance with the “Changes Calendar” developed by the Council of Directors. Items on this calendar shall include, but need not be limited to, (1) changes in service being provided by an LEA, (2) changes in facility needs, (3) programming requests, and (4) proposed excess costs. The calendar shall also delineate when recommendations from the Council of Directors shall be presented to the Council of Superintendents for action. Proposed changes by an LEA must be submitted to the Council of Directors by January of the fiscal year prior to implementation.

The district of residence has the financial responsibility for program costs for all its students. Should a student be educated by an agency other than the district of residence, and should the programming costs exceed the apportionments and other funds received for such services by the providing agency, the district of residence shall reimburse the providing agency its prorated share of the excess costs.

CALENDAR & TIMELINES FOR DISTRIBUTION OF FUNDS

56205(b)(1)(A-G)

Month	Fiscal Year	Distribution of Funds
July	Prior Year Current Year	- District Year-end Estimated Accruals to Finance Advisory - State Current Year Apportionment (Advance)
August	Prior Year Current Year	- COE Year-end Expenditures/Final Accruals - 45-day revision for State Adopted Budget, applicable only if material changes are needed
January	Current Year	- Updates to CY Funding Model based on County Office First Interim revenue and expenditures, including updates of additional services or program needs and LEA ADA estimates
February	Prior Year Current Year	- State Prior Year Apportionment (Annual Cert) - State Current Year Apportionment (P-1)
March	Budget Year	- Preliminary Budget Funding Model based on January State Budget proposal for SELPA revenues, County Office of Education’s First Interim revenue and

		expenditures from prior year with salary and benefit increase estimates, other known changes and proposed new programs/class offerings and estimated costs for next year recommended by the Council of Directors
May	Current Year	- Updates to CY Funding Model based on County Office of Education Estimated Actuals revenue and expenditures, including updates of additional services or program needs and LEA ADA estimates
	Budget Year	- May Budget Funding Model with approved program/class offerings and County Office of Education revenue and expenditures with updated projections and LEA ADA estimates
June	Prior Year	- State Re-certification Prior Year Apportionment (R-1 Cert)
	Current Year	- State Current Year Apportionment (P-2)

c. The operation of special education programs:

RESPONSIBILITIES OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56195.1(c)(1), 56195.5(b), 56205(a)(12)(D)(i)]

The responsibilities of the participating Local Education Agencies (LEA) in implementing the Plan are as follows:

Each participating LEA is responsible for implementing those services assigned to the local agency as provided for in local budget and service plans. Each LEA provides assigned programs and services through its own facilities and staff.

When an LEA is unable to provide an appropriate program for an individual pupil, that LEA shall, in cooperation with the SELPA Program Specialists and/or LEA Program Specialists or Directors, arrange for an appropriate placement, through an Individualized Education Team meeting. Although efforts will be made to place pupils within the boundaries of the LEA, such placement may need to occur in another LEA within the San Joaquin County SELPA or in a San Joaquin County operated program. If such placement is not possible, the San Joaquin County Assistant Superintendent/SELPA Director will assist the district in a placement outside of the San Joaquin County SELPA. The San Joaquin County Office of Education shall perform the services of an LEA for IWENS residing in Juvenile Court Schools in the San Joaquin County SELPA.
The legal responsibility for providing a FAPE to each IWEN lies with the district of residence. The responsibilities for operation of the programs is assigned to Directors or Coordinators of Special Education depending on each district's staffing plan. By approving the Local Plan, each

administrator assumes responsibilities as delineated herein.

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs:

FISCAL AND PROGRAM EVALUATION

[56205(a)(12)(D)(ii)(II-V)]

The San Joaquin County SELPA shall submit annually all information required by the California Department of Education, Special Education Division, in this effort, including statistical data, program information, and fiscal information related to the programs and services for IWENs in the San Joaquin County SELPA.

1. The Assistant Superintendent/SELPA Director is responsible for collecting data required by the California Department of Education related to special education budgets and services, and reporting them annually.

2. SELPA staff will support all the members of the SELPA in the collection of data related to compliance, due process procedures, availability of services, key performance indicators, etc., as needed.

12. Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments:

REGIONALIZED SERVICES TO LOCAL PROGRAM

[56205(a)(12)(B), 56195.7(c)(1-6)]

The Assistant Superintendent/SELPA Director shall serve on behalf of the member local education agencies and implement the Local Plan including the following regionalized services and operations:

1. Coordination of the SELPA and the administration of the Local Plan

2. Coordinated system of identification and assessment

3. Coordinated system of procedural safeguards

4. Coordinated system of staff development and parent education

5. Coordinated system of curriculum development and alignment with the core curriculum

6. Coordinated system of internal program review, evaluation of the effectiveness of the local plan, and implementation of a local plan accountability mechanism

7. Coordinated system of data collection and management

8. Coordination of interagency agreements

9. Coordination of services to medical facilities

10. Coordination of services to LCI facilities

11. Preparation and transmission of required SELPA reports

12. Provisions of fiscal and logistical support of the Community Advisory Committee

13. Coordination of transportation services for IWENs residing in one LEA and receiving education in that LEA or another LEA located in that district

14. Coordination of career and vocational and transition services

15. Assurance of full educational opportunity

16. Provision of fiscal administration and the allocation of state and federal funds pursuant to EC 56836.1

17. Provision of direct instructional support provided by Program Specialists

The Low Incidence Guidelines describe how specialized equipment and services are distributed within the SELPA so that the necessity to serve students in isolated sites is minimized and the opportunities to serve students in the least restrictive environment is maximized.

See Low Incidence Guidelines.

Policies, Procedures, and Programs

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United States Code* (*USC*) and in accordance with Title 34 *Code of Federal Regulations* (*CFR*) Section 300.201 and has in effect policies, procedures, and programs. For each of the following 23 areas, identify whether, or not each of the following provisions of law are adopted as stated. If the policy is not adopted as stated, briefly describe the SELPA's policy for the given area. In all cases, provide the SELPA policy and procedure numbers; the document title; and the physical location where the policy can be found.

SELPA: San Joaquin County SELPA

Fiscal Year: 2020-21

1. Free Appropriate Public Education: 20 *USC* Section 1412(a)(1)

Policy/Procedure Number: N/A

Document Title: Free Appropriate Public Education

Document Location: SELPA Office

"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

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2. Full Educational Opportunity: 20 *USC* Section 1412(a)(2)

Policy/Procedure Number: N/A

Document Title: Full Educational Opportunity

Document Location: SELPA Office

“It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children.” The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

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3. Child Find: 20 *USC* Section 1412(a)(3)

Policy/Procedure Number: N/A

Document Title: Child Find

Document Location: SELPA Office

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

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education and related services." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP): 20 *USC* Section 1412(a)(4)

Policy/Procedure Number:	N/A
Document Title:	Individualized Education Program(IEP) and Individualized Service Plan (IFSP)
Document Location:	SELPA Office

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 *USC* Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 *USC* Section 1414 (d). It shall be the policy of this LEA that an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

5. Least Restrictive Environment: USC Section 1412(a)(5)

Policy/Procedure Number:	N/A
Document Title:	Least Restrictive Environment
Document Location:	SELPA Office

"It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

6. Procedural Safeguards: 20 *USC* Section 1412(a)(6)

Policy/Procedure Number:	N/A
Document Title:	Procedural Safeguards

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Document Location: SELPA Office

"It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

7. Evaluation: 20 *USC* Section 1412(a)(7)

Policy/Procedure Number: N/A

Document Title: Evaluation

Document Location: SELPA Office

"It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

8. Confidentiality: 20 *USC* Section 1412(a)(8)

Policy/Procedure Number: N/A

Document Title: Confidentiality

Document Location: SELPA Office

"It shall be the policy of this LEA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

9. Part C to Part B Transition: 20 *USC* Section 1412(a)(9)

Policy/Procedure Number: N/A

Document Title: Part C, Transition

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Document Location: SELPA Office

"It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 *USC* Section 1437(a)(9). The transition process shall begin prior to the child's third birthday."The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

10. Private Schools: 20 *USC* Section 1412(a)(10)

Policy/Procedure Number: N/A

Document Title: Private Schools

Document Location: SELPA Office

"It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

11. Local Compliance Assurances: 20 *USC* Section 1412(a)(11)

Policy/Procedure Number: N/A

Document Title: Local Compliance Assurances

Document Location: SELPA Office

"It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and-regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California *EC*, Part 30." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

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12. Interagency: 20 USC Section 1412(a)(12)

Policy/Procedure Number: N/A

Document Title: Interagency

Document Location: SELPA Office

"It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

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13. Governance: 20 *USC* Section 1412(a)(13)

Policy/Procedure Number: N/A

Document Title: Governance

Document Location: SELPA Office

"It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Education Agency." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

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14. Personnel Qualifications

Policy/Procedure Number: N/A

Document Title: Personnel Qualifications

Document Location: SELPA Office

"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education

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(CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

15. Performance Goals and Indicators: 20 *USC* Section 1412(a)(15)

Policy/Procedure Number:	N/A
Document Title:	Performance Goals and Indicators
Document Location:	SELPA Office

"It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

16. Participation in Assessments: 20 *USC* Section 1412(a)(16)

Policy/Procedure Number:	N/A
Document Title:	Participation in Assessments
Document Location:	SELPA Office

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 *USC* Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

17. Supplementation of State, Local, and Federal Funds: 20 *USC* Section 1412(a)(17)

Policy/Procedure Number:	N/A
Document Title:	Supplementation of State/Federal Funds
Document Location:	SELPA Office

"It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds." The policy is adopted by the

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SELPA as stated:

(●) Yes ( ) No

18. Maintenance of Effort: 20 *USC* Section 1412(a)(18)

Policy/Procedure Number:	N/A
Document Title:	Maintenance of Effort
Document Location:	SELPA Office

"It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

19. Public Participation: 20 *USC* Section 1412(a)(19)

Policy/Procedure Number:	N/A
Policy/Procedure Title:	Public Participation
Document Location:	SELPA Office

"It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public,including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

20. Suspension and Expulsion: 20 *USC* Section 1412(a)(22)

Policy/Procedure Number:	N/A
Document Title:	Suspension/Expulsion
Document Location:	SELPA Office

"The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be

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revised." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

21. Access to Instructional Materials: 20 *USC* Section 1412(a)(23)

Policy/Procedure Number:	N/A
Document Title:	Access to Instructional Materials
Document Location:	SELPA Office

"It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

22. Over-identification and Disproportionality: 20 *USC* Section 1412(a)(24)

Policy/Procedure Number:	N/A
Document Title:	Overidentification and Disproportionality
Document Location:	SELPA Office

"It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities." The policy is adopted by the SELPA as stated:

(●) Yes ( ) No

23. Prohibition on Mandatory Medicine: 20 *USC* Section 1412(a)(25)

Policy/Procedure Number:	N/A
Document Title:	Prohibition on Mandatory Medicine
Document Location:	SELPA Office

"It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services." The policy is adopted by the SELPA as stated:

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(●) Yes ( ) No

Administration of Regionalized Operations and Services

Pursuant to *EC* sections 56195.7(c), 56205(a)(12)(B), 56368, and 56836.23, describe the regionalized operation and service functions. Descriptions must include an explanation of the direct instructional support provided by program specialists; and the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the reference number, document title, and the location (e.g., SELPA office) for each function:

1. Coordination of the SELPA and the implementation of the local plan:

Reference Number:	N/A
Document Title:	Compliance Assurances and Comprehensive Local Plan for Special Education
Document Location:	SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

COMPLIANCE ASSURANCES

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

Legal References:
EDUCATION CODE
56205(A)(11)
56195.7
UNITED STATES CODE, TITLE 20
1412

Federally Required Policy
Assurance 11
March 2020/tmt

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Description:

San Joaquin County

Special Education Local Plan Area
POLICY

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

The Governing Board desires to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school.

Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)

The special education local plan area (SELPA) shall administer a local plan and administer the allocation of funds. (Education Code 56195)

Districts that participate in a multidistrict SELPA
In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the SELPA.

The Superintendent or designee shall extend the district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of this district, with the exception of those that apply to complaints, unless the SELPA plan specifically authorizes the district to operate under its own policies and regulations.

Legal Reference:
EDUCATION CODE
56000-56001 Education for individuals with exceptional needs 56020-56035 Definitions
56040-56046 General provisions
56048-56050 Surrogate parents
56055 Foster parents
56060-56063 Substitute teachers
56170-56177 Children enrolled in private schools 56190-56194 Community advisory committees 56195-56195.10 Local plans
56205-56208 Local plan requirements
56213 Special education local plan areas with small or sparse populations
56240-56245 Staff development
56300-56385 Identification and referral, assessment, instructional planning

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56440-56447.1 Programs for individuals between the ages of three and five years
56500-56508 Procedural safeguards, including due process rights
56520-56524 Behavioral interventions56600-56606 Evaluation, audits and information

Federally Required Policy
Assurance 1, 2, 5
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2. Coordinated system of identification and assessment:

Reference Number: N/A

Document Title: Identification and Evaluation of Individuals for Special Education

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Note: Education Code 56300 and 34 CFR 300.111 require each district, Special Education Local Plan Area (SELPA), or county office of education to actively seek out all residents from birth to age 21 (not “through” age 21) who have disabilities as defined by Education Code 56026. The district, SELPA, or county office is also required to include a “child find” process to identify children with disabilities placed by their parents/guardians in private schools. See San Joaquin County Office of Education Policy - Students with Disabilities Enrolled by Their Parents in Private Schools.

Note: Identification, evaluation, assessment, and instructional planning procedures for children younger than age three must conform with Education Code 56425-56432 and the California Early Intervention Services Act (Government Code 95000-95029). The California Department of Education and local education agencies are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairment; the Department of Developmental Services and its regional centers must provide services to all other eligible children in this age group. The law also requires regional centers and local education agencies to coordinate family service plans for infants and toddlers and their families. Education Code 56441.11 sets forth eligibility criteria for preschool children ages three to five.

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Description:

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

Note: Education Code 56301 mandates that districts, SELPAs, or county offices have policies and procedures for a continuous "child find" system which addresses the relationships among identification, screening, referral, evaluation, planning, implementation, review, and triennial assessment.

Note: Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414, the federal Individuals with Disabilities Education Act (IDEA) and accompanying federal regulations. The following policy and administrative regulation use the phrase interchangeably.

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment, (Education Code 56301) as well as procedures for the planning, implementation and review of the education and related services provided to such individuals. The district's process shall prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

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

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

Legal Reference:
EDUCATION CODE
44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:
56195.8 Adoption of policies
56300-56304 Identification of individuals with disabilities
56320-56331 Assessment
56333-56338 Eligibility criteria for specific learning disabilities
56340-56347 Instructional planning and individualized education program
56381 Reassessment of students
56425-56432 Early education for individuals with disabilities
56441.11 Eligibility criteria, children 3 to 5 years old
56445 Transition to grade school; reassessment
56500-56509 Procedural safeguards
GOVERNMENT CODE
95000-95029.5 California Early Intervention Services Act
CODE OF REGULATIONS, TITLE 5
3021-3029 Identification, referral and assessment
3030-3031 Eligibility criteria
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1412 State eligibility
1415 Procedural safeguards
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.818 Individuals with Disabilities Education Act, especially:
300.301-300.306 Evaluations and reevaluations

Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education: http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs: http://www.ed.gov/about/offices/list/osers/osep

Federally Required Policy
Assurances 3, 7, 24
Assurances I, J
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3. Coordinated system of procedural safeguards:

Reference Number: N/A

Document Title: Procedural Safeguards

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

PROCEDURAL SAFEGUARDS

In order to protect the rights of students with disabilities, the district shall follow all procedural safeguards as set forth in state and federal law. Parents/ guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

Note: Education Code 56195.8 authorizes the policy to include provisions for involving district Board members in any due process hearing procedure activities.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Governing Board about the result of the hearing.

Complaints for Special Education

A compliance complaint, which can be made by anyone, is an allegation of a violation of state or federal law. A complainant may also file such complaints directly with the California Department of Education. These compliance complaints are different from the due process complaint detailed in the accompanying administrative regulation, which is a legal document that must be filed in order to initiate a due process hearing.

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the district's uniform complaint procedures.

Legal Reference:
EDUCATION CODE
56000 Education for individuals with exceptional needs
56001 Provision of the special education programs

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Description:

56020-56035 Definitions
56195.7 Written agreements
56195.8 Adoption of policies for programs and services
56300-56385 Identification and referral, assessment
56440-56447.1 Programs for individuals between the ages of three and five years
56500-56509 Procedural safeguards, including due process rights
56600-56606 Evaluation, audits and information
CODE OF REGULATIONS, TITLE 5
3000-3100 Regulations governing special education
4600-4671 Uniform complaint procedures
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act
UNITED STATES CODE, TITLE 42
11434 Homeless assistance
CODE OF FEDERAL REGULATIONS, TITLE 34
99.10-99.22 Inspection, review and procedures for amending education records
104.36 Procedural safeguards
300.1-300.818 Assistance to states for the education of students with disabilities, especially:
300.500-300.520 Procedural safeguards and due process for parents and students

Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education:
http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osers/osep

Federally Required Policy
Assurance 6
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4. Coordinated system of staff development and parent and guardian education:

Reference Number: N/A

Document Title: Comprehensive System of Personnel Development and CAC Guidelines

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

BYLAWS OF THE SAN JOAQUIN COUNTY SELPA COMMUNITY ADVISORY COMMITTEE

ARTICLE I: NAME AND LOCATION

Section 1.1 - The name of the organization shall be the San Joaquin County SELPA Community Advisory Committee; hereinafter referred to as the CAC.

Section 1.2 - The location shall be within the San Joaquin County Special Education Local Plan Area, henceforth referred to as the SELPA.

ARTICLE II: PURPOSE, GOALS, RESPONSIBILITIES, AND OBJECTIVES

Section 2.1 - The main purpose of the CAC is to assure open and free flow of information from the special education administration to the entire community. In turn, information is funneled from the community to the special education administration. The CAC advises the special education administration regarding community opinions, concerns, and recommendations that will lead to improved special education programs and services to individuals with exceptional needs. The SELPA Director and an administrator appointed by the Council of Directors shall serve as ex officio members of the CAC. They shall act as the linkage between the CAC and the Council of Directors and the Council of Superintendents. The flow chart at the end of these bylaws depicts the interface of the CAC with each level of special education administration.

MISSION STATEMENT

The CAC's ultimate goal is to ensure that our students succeed in maximizing their potential, receive the best possible education, and have equal access to

all services. The CAC collaborates with the local SELPA to ensure that the educational requirements of special education students are met. The CAC serves as a liaison between San Joaquin County SELPA, families, community, students and teachers, so that all voices are heard. The CAC also provides parent education, information and a resource information base.

The San Joaquin County SELPA CAC advises the SJC SELPA as specified by the State Education Code, Part 30, Sections 56001, 56190-56194, 56195.7 (c) (2), 56200 (f), 56205 (12)(c) and 56240.

Section 2.2 - The broad goals of the CAC are to involve interested parents, students, teachers, and education specialists in advising the County and District Boards of Education and their administrative and professional staff of the unique requirements of students with disabilities, to assist the administration in furthering and improving the functioning of the Special Education Local Plan Area, and to ensure families have meaningful opportunities to participate in the education of their children.

Section 2.3 - In achieving these goals, efforts of the CAC shall be directed toward the following specific responsibilities and objectives. Pursuant to Education Code 56194, the CAC has the following responsibilities:

2.3.1 Advising the policy and administrative entity of the district, SELPA, or county office regarding the development, amendment, and review of the local plan. The entity shall review and consider comments from the community advisory committee.
2.3.2 Recommending annual priorities to be addressed by the plan.
2.3.3 Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
2.3.4 Encouraging community involvement in the development and review of the local plan.
2.3.5 Supporting activities on behalf of students with disabilities.
2.3.6 Emphasize to parents the importance of regular school attendance.
2.3.7 Complete a staff development needs assessment to inform the SJC SELPA of desired topics to be addressed in professional development trainings. Participate in staff development activities provided by the SJC SELPA.

Section 2.4 - Objectives

2.4.1 To facilitate communication channels between students with disabilities and/or their parents or guardians, school

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Description:

district administrators, and professional staff. This shall include advising the administrative entity of the SELPA in the development and the review of the local plan. (Reference: Ed Code 56194)

2.4.2 To develop among county citizens an understanding of the San Joaquin County SELPA, the CAC, and of the need for special education for students with disabilities.

2.4.3 To maintain communication with local, county, state legislative and administrative personnel for the purpose of keeping them informed about special education and the special needs of students with disabilities within the SELPA.

2.4.4 To make available a forum at the scheduled CAC meetings (for students with exceptional needs) and/or their parents or guardians where they may express their needs and concerns regarding their children's educational progress.

2.4.5 To seek support for improved educational opportunities for all students with disabilities, to review selected programs for special education, and to make recommendations to the San Joaquin County SELPA, with the purpose of promoting exemplary practices.

2.4.6 To support activities for students and/or parents of students with disabilities by sharing information and maintaining a communication network.

ARTICLE III: COMPOSITION OF THE COMMITTEE

Section 3.1 - The CAC shall be composed of:

- Parents
- Educators
- Community Agencies
- Students and Adults with Special Needs
- Ex-Officio Members

Section 3.2 - The CAC shall be led by Officers of the Executive Committee.

Section 3.3 - The majority of such committee shall be composed of parents of students enrolled in schools participating in the Local Plan, and at least a majority of such parents shall be parents of children with special needs (Ed. Code 56192-56193).

Section 3.4 - The Committee shall consist of an odd number, not more than 27 or less than 15 members, and shall include representation from throughout the SELPA.

Section 3.5 - No Officer of the Executive Committee shall serve more than three consecutive terms, without a consensus vote of the committee quorum to allow the officer to continue for an additional term.

Section 3.6 - A list of potential persons to fill vacancies on the CAC shall be prepared by the respective appointing agencies. Each appointment shall be approved by the appropriate board. Representatives will be appointed as needed.

Section 3.7 - Representatives may be terminated when: a) the member misses two (2) consecutive business meetings or three (3) total business meetings in the year without cause, or (b) the member no longer represents a district or the county office within the local plan.

ARTICLE IV: COMMITTEE MEETINGS

Section 4.1 - The Committee shall meet as frequently as deemed necessary but have no fewer than four (4) regularly scheduled business meetings each year, and no fewer than six (6) parent training meetings each traditional school year.

Section 4.2 - Committee members, and the general public, will receive notification of all regular Committee meetings at least five (5) days prior to the meeting. Committee meetings shall be open to the public.

Section 4.3 - Emergency, canceled, or rescheduled meetings may be arranged provided that members of the Committee are notified at least 48 hours in advance and public notice is given.

Section 4.4 - Agenda items should be submitted to the Chair at least five (5) business days prior to the meeting at which they are to be considered. Due to time restrictions and agenda topics, persons wishing to discuss items not on the agenda may do so in brief, during public comment segment titled “OTHER.” Public comment shall be limited to five (5) minutes total and Officers of the Executive Committee may postpone further discussion until a more appropriate date and/or venue.

ARTICLE V: VOTING AND QUORUM

Section 5.1 - A vote of the quorum is required to approve any changes to the Committee Bylaws, advisement on the local plan, or termination of a representative (including an Office of the Executive Committee).

Section 5.2 - A quorum consists of at least 51% of the filled positions. Of those, at least 51% must be parents of children with special needs. Voting members are defined as, Officers of the Executive Committee, appointed parent, educator, and agency representatives, and excludes ex- officio representatives.

Section 5.3 - The agenda for the last regular meeting before the end of even numbered school years shall include an election of officers.

Section 5.4 - Nominations and elections for Officers of the Executive Committee will take place at the last two business meetings of the year respectively. Ballots shall be prepared by the Secretary and results will be communicated to the SELPA office contact and the Council of Directors. Officers will be installed the following September.

Section 5.5 - Representatives shall not commit the Committee or its members to any action without a vote of the Committee. Any representative may call for a roll call or ballot vote by motion, if seconded.

ARTICLE VI: FISCAL SUPPORT PROVIDED BY SJC SELPA

Section 6.1 - The San Joaquin County SELPA shall provide fiscal support to the CAC board Chairperson in order for him/her to engage in activities to help support the goals of the SJC SELPA CAC, such as attending Legislative day at the state capital and/or participate in lobbying activities for additional special education funding in Washington D.C. Fiscal support may include reimbursement for registration fees to events (approved by the Assistant Superintendent of Special Education/SELPA Director for the SJC SELPA), hotel accommodations, meals, and travel expenses by plane vehicle.

ARTICLE VII: EFFECTIVENESS DATE AND BYLAWS

Section 7.1 - These Bylaws shall become effective immediately upon adoption. Amendments to these Bylaws shall become effective immediately upon adoption, unless otherwise stipulated in the amendment.

Section 7.2 - These Bylaws may be altered, amended, or repealed and new Bylaws adopted by a quorum vote at any business meeting, provided that written notice of such meeting and the intention to change the Bylaws is delivered to each member at least ten (10) days prior to the date of such meeting and public notice is given. Written approval of the Bylaws can be taken by voting representatives in lieu of a business or special meeting. All

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amendments shall be submitted to the Committee in writing.

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Special Education Local Plan Area
POLICY

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

It shall be the policy of this LEA that it will support and assist the state's efforts and activities to ensure an adequate supply of qualified special education, general education, and related services personnel.

Legal References:
EDUCATION CODE
56205(a)
State Board Policy 6/11/98
UNITED STATES CODE, TITLE 20
1412(a)(14-15)
1413(a)(3)

Local Policy
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5. Coordinated system of curriculum development and alignment with the core curriculum:

Reference Number: N/A

Document Title: Individualized Education Program

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

INDIVIDUALIZED EDUCATION PROGRAM

The Governing Board desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education and be placed in the least restrictive environment which meets their needs to the extent

Description:

provided by law.

The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program (IEP) team, the contents of the IEP, and the development, review, and revision of the IEP.

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or non-relative extended family member.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

Legal Reference:
EDUCATION CODE
51225.3 Requirements for high school graduation and diploma 56055 Rights of foster parents pertaining to foster child's education 56136 Guidelines for low incidence disabilities areas
56195.8 Adoption of policies
56321 Development or revision of IEP
56321.5 Notice to include right to electronically record
56340.1-56347 Instructional planning and individualized education program
56350-56352 IEP for visually impaired students
56380 IEP reviews; notice of right to request
56390-56392 Certificate of completion, special education 56500-56509 Procedural safeguards
60640-60649 Standardized Testing and Reporting Program 60850 High school exit examination, students with disabilities
60852.3 High school exit examination, exemption for the class of 2006
FAMILY CODE
6500-6502 Age of majority
GOVERNMENT CODE
7572.5 Seriously emotionally disturbed child, expanded IEP team
WELFARE AND INSTITUTIONS CODE
300 Children subject to jurisdiction 601 Minors habitually disobedient
602 Minors violating law defined as crime
CODE OF REGULATIONS, TITLE 5
853-853.5 Standardized Testing and Reporting Program, accommodations

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1215.5-1218 High School Exit Examination, accommodations for students with disabilities 3021-3029 Identification, referral and assessment
3040-3043 Instructional planning and the individualized education program
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974 1400-1482 Individuals with Disabilities Education Act CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.756 Individuals with Disabilities Education Act ATTORNEY GENERAL OPINIONS
85 Ops.Cal.Atty.Gen. 157 (2002)
COURT DECISIONS
Schaffer v. Weast (2005) 125 S. Ct. 528
Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072 Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

Management Resources:
FEDERAL REGISTER
34 CFR 300.a Appendix A to Part 300 - Questions and Answers
34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes
WEB SITES
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office of Special Education and Rehabilitative Services: http://www.ed.gov/about/offices/list/osers/osep

Federally Required Policy
Assurances 4, 7, 23
March 2020/tmt

6. Coordinated system internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system:

Reference Number: N/A

Document Title: Compliance Assurances

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

COMPLIANCE ASSURANCES

SELPA San Joaquin County SELPA Fiscal Year 2020-21

Description:

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

Legal References:
EDUCATION CODE
56205(A)(11)
56195.7
UNITED STATES CODE, TITLE 20
1412

Federally Required Policy
Assurance 11
March 2020/tmt

7. Coordinated system of data collection and management:

Reference Number: N/A

Document Title: Data

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

DATA

It shall be the policy of this LEA to provide data or information to the California Department of Education that may be required by regulations. It is the responsibility of the SELPA Director to gather and forward to the CDE needed data.

Legal References:
20 USC 1418(a-d)

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Federally Required Policy
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8. Coordination of interagency agreements:

Reference Number: N/A

Document Title: Interagency

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

INTERAGENCY

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process.

Federally Required Policy
Assurance 12 *March 2020/tmt*

9. Coordination of services to medical facilities:

Reference Number: N/A

Document Title: Hospital, LCI, Juvenile Court

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

SELPA San Joaquin County SELPA Fiscal Year 2020-21

Description:

HOSPITAL, LCI, JUVENILE COURT AND COMMUNITY SCHOOLS

It shall be the policy of this LEA that children with disabilities residing in hospitals, licensed children's institutions (LCI), foster homes, juvenile court, community schools and correctional programs shall be provided with special education and related services as appropriate to their IEPs. Any pupil residing within the SELPA may be referred for special education services.

Legal References:
EDUCATION CODE
56150
56156-56162
56195.7(e)
56195.7(f)
56195.7(g)
56167-56169.5
56361.5
563363(D)(4)
FEDERAL REFERENCES
GC 7578

Page 1 of 1

State Required Policy
Assurance D
March2020/tmt

10. Coordination of services to licensed children's institutions and foster family homes:

Reference Number: N/A

Document Title: Hospital, LCI, Juvenile Court

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

HOSPITAL, LCI, JUVENILE COURT AND COMMUNITY SCHOOLS

It shall be the policy of this LEA that children with disabilities residing in hospitals, licensed children's institutions (LCI), foster homes, juvenile court,

SELPA San Joaquin County SELPA Fiscal Year 2020-21

Description:

community schools and correctional programs shall be provided with special education and related services as appropriate to their IEPs. Any pupil residing within the SELPA may be referred for special education services.

Legal References:
EDUCATION CODE
56150
56156-56162
56195.7(e)
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56195.7(g)
56167-56169.5
56361.5
563363(D)(4)
FEDERAL REFERENCES
GC 7578

Page 1 of 1

State Required Policy
Assurance D
March 2020/tmt

11. Preparation and transmission of required special education local plan area reports:

Reference Number: N/A

Document Title: Data

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

DATA

It shall be the policy of this LEA to provide data or information to the California Department of Education that may be required by regulations. It is the responsibility of the SELPA Director to gather and forward to the CDE needed data.

Legal References:
20 USC 1418(a-d)

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Federally Required Policy
Assurance 27
March 2020/tmt

12. Fiscal and logistical support of the CAC:

Reference Number: N/A

Document Title: CAC Guidelines

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

BYLAWS OF THE SAN JOAQUIN COUNTY SELPA COMMUNITY ADVISORY COMMITTEE

ARTICLE I: NAME AND LOCATION

Section 1.1 - The name of the organization shall be the San Joaquin County SELPA Community Advisory Committee; hereinafter referred to as the CAC.

Section 1.2 - The location shall be within the San Joaquin County Special Education Local Plan Area, henceforth referred to as the SELPA.

ARTICLE II: PURPOSE, GOALS, RESPONSIBILITIES, AND OBJECTIVES
Section 2.1 - The main purpose of the CAC is to assure open and free flow of information from the special education administration to the entire community. In turn, information is funneled from the community to the special education administration. The CAC advises the special education administration regarding community opinions, concerns, and recommendations that will lead to improved special education programs and services to individuals with exceptional needs. The SELPA Director and an administrator appointed by the Council of Directors shall serve as ex officio members of the CAC. They shall act as the linkage between the CAC and the Council of Directors and the Council of Superintendents. The flow chart at the end of these bylaws depicts the interface of the CAC with each level of special education administration.

MISSION STATEMENT

The CAC's ultimate goal is to ensure that our students succeed in maximizing their potential, receive the best possible education, and have equal access to all services. The CAC collaborates with the local SELPA to ensure that the educational requirements of special education students are met. The CAC

serves as a liaison between San Joaquin County SELPA, families, community, students and teachers, so that all voices are heard. The CAC also provides parent education, information and a resource information base.

The San Joaquin County SELPA CAC advises the SJC SELPA as specified by the State Education Code, Part 30, Sections 56001, 56190-56194, 56195.7 (c) (2), 56200 (f), 56205 (12)(c) and 56240.

Section 2.2 - The broad goals of the CAC are to involve interested parents, students, teachers, and education specialists in advising the County and District Boards of Education and their administrative and professional staff of the unique requirements of students with disabilities, to assist the administration in furthering and improving the functioning of the Special Education Local Plan Area, and to ensure families have meaningful opportunities to participate in the education of their children.

Section 2.3 - In achieving these goals, efforts of the CAC shall be directed toward the following specific responsibilities and objectives. Pursuant to Education Code 56194, the CAC has the following responsibilities:

2.3.1 Advising the policy and administrative entity of the district, SELPA, or county office regarding the development, amendment, and review of the local plan. The entity shall review and consider comments from the community advisory committee.
2.3.2 Recommending annual priorities to be addressed by the plan.
2.3.3 Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
2.3.4 Encouraging community involvement in the development and review of the local plan.
2.3.5 Supporting activities on behalf of students with disabilities.
2.3.6 Emphasize to parents the importance of regular school attendance.
2.3.7 Complete a staff development needs assessment to inform the SJC SELPA of desired topics to be addressed in professional development trainings. Participate in staff development activities provided by the SJC SELPA.

Section 2.4 - Objectives

2.4.1 To facilitate communication channels between students with disabilities and/or their parents or guardians, school district administrators, and professional staff. This shall include advising the administrative entity of the SELPA in

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Description:

the development and the review of the local plan. (Reference: Ed Code 56194)

2.4.2 To develop among county citizens an understanding of the San Joaquin County SELPA, the CAC, and of the need for special education for students with disabilities.

2.4.3 To maintain communication with local, county, state legislative and administrative personnel for the purpose of keeping them informed about special education and the special needs of students with disabilities within the SELPA.

2.4.4 To make available a forum at the scheduled CAC meetings (for students with exceptional needs) and/or their parents or guardians where they may express their needs and concerns regarding their children's educational progress.

2.4.5 To seek support for improved educational opportunities for all students with disabilities, to review selected programs for special education, and to make recommendations to the San Joaquin County SELPA, with the purpose of promoting exemplary practices.

2.4.6 To support activities for students and/or parents of students with disabilities by sharing information and maintaining a communication network.

ARTICLE III: COMPOSITION OF THE COMMITTEE

Section 3.1 - The CAC shall be composed of:

- Parents
- Educators
- Community Agencies
- Students and Adults with Special Needs
- Ex-Officio Members

Section 3.2 - The CAC shall be led by Officers of the Executive Committee.

Section 3.3 - The majority of such committee shall be composed of parents of students enrolled in schools participating in the Local Plan, and at least a majority of such parents shall be parents of children with special needs (Ed. Code 56192-56193).

Section 3.4 - The Committee shall consist of an odd number, not more than 27 or less than 15 members, and shall include representation from throughout the SELPA.

Section 3.5 - No Officer of the Executive Committee shall serve more than

three consecutive terms, without a consensus vote of the committee quorum to allow the officer to continue for an additional term.

Section 3.6 - A list of potential persons to fill vacancies on the CAC shall be prepared by the respective appointing agencies. Each appointment shall be approved by the appropriate board. Representatives will be appointed as needed.

Section 3.7 - Representatives may be terminated when: a) the member misses two (2) consecutive business meetings or three (3) total business meetings in the year without cause, or (b) the member no longer represents a district or the county office within the local plan.

ARTICLE IV: COMMITTEE MEETINGS

Section 4.1 - The Committee shall meet as frequently as deemed necessary but have no fewer than four (4) regularly scheduled business meetings each year, and no fewer than six (6) parent training meetings each traditional school year.

Section 4.2 - Committee members, and the general public, will receive notification of all regular Committee meetings at least five (5) days prior to the meeting. Committee meetings shall be open to the public.

Section 4.3 - Emergency, canceled, or rescheduled meetings may be arranged provided that members of the Committee are notified at least 48 hours in advance and public notice is given.

Section 4.4 - Agenda items should be submitted to the Chair at least five (5) business days prior to the meeting at which they are to be considered. Due to time restrictions and agenda topics, persons wishing to discuss items not on the agenda may do so in brief, during public comment segment titled "OTHER." Public comment shall be limited to five (5) minutes total and Officers of the Executive Committee may postpone further discussion until a more appropriate date and/or venue.

ARTICLE V: VOTING AND QUORUM

Section 5.1 - A vote of the quorum is required to approve any changes to the Committee Bylaws, advisement on the local plan, or termination of a representative (including an Office of the Executive Committee).

Section 5.2 - A quorum consists of at least 51% of the filled positions. Of those, at least 51% must be parents of children with special needs. Voting

members are defined as, Officers of the Executive Committee, appointed parent, educator, and agency representatives, and excludes ex- officio representatives.

Section 5.3 - The agenda for the last regular meeting before the end of even numbered school years shall include an election of officers.

Section 5.4 - Nominations and elections for Officers of the Executive Committee will take place at the last two business meetings of the year respectively. Ballots shall be prepared by the Secretary and results will be communicated to the SELPA office contact and the Council of Directors. Officers will be installed the following September.

Section 5.5 - Representatives shall not commit the Committee or its members to any action without a vote of the Committee. Any representative may call for a roll call or ballot vote by motion, if seconded.

ARTICLE VI: FISCAL SUPPORT PROVIDED BY SJC SELPA

Section 6.1 - The San Joaquin County SELPA shall provide fiscal support to the CAC board Chairperson in order for him/her to engage in activities to help support the goals of the SJC SELPA CAC, such as attending Legislative day at the state capital and/or participate in lobbying activities for additional special education funding in Washington D.C. Fiscal support may include reimbursement for registration fees to events (approved by the Assistant Superintendent of Special Education/SELPA Director for the SJC SELPA), hotel accommodations, meals, and travel expenses by plane vehicle.

ARTICLE VII: EFFECTIVENESS DATE AND BYLAWS

Section 7.1 - These Bylaws shall become effective immediately upon adoption. Amendments to these Bylaws shall become effective immediately upon adoption, unless otherwise stipulated in the amendment.

Section 7.2 - These Bylaws may be altered, amended, or repealed and new Bylaws adopted by a quorum vote at any business meeting, provided that written notice of such meeting and the intention to change the Bylaws is delivered to each member at least ten (10) days prior to the date of such meeting and public notice is given. Written approval of the Bylaws can be taken by voting representatives in lieu of a business or special meeting. All amendments shall be submitted to the Committee in writing.

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13. Coordination of transportation services for individuals with exceptional needs:

Reference Number: N/A

Document Title: Pupil Transportation/Transportation of Students with Special Education Needs

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

PUPIL TRANSPORTATION/TRANSPORTATION FOR STUDENTS WITH DISABILITIES

Note: Pursuant to the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1487) and Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), districts are required to provide bus service to students with disabilities equivalent to that provided for students without disabilities. However, if a district charges transportation fees, the State Board of Education recommends, in Program Advisory LO:2-95, that Boards exempt from the fee only those “handicapped”/special education students served under the IDEA whose individualized education program (IEP) requires that transportation be provided. This policy and administrative regulation reflect the interpretation offered in that advisory.

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/ guardians as specified in the student's IEP.

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

Note: Federal regulations (34 CFR 104.4) provides that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity which receives or benefits from federal financial assistance.

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Description:

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating device when used and bus securement systems and shall ensure that bus drivers are trained in the proper installation of mobile seating devices.

Legal References:
Education Code
39807.5 Payment of transportation cost
39839 Guide dogs, signal dogs and service dogs on bus
41850 - 41854 Allowances for transportation
48300 - 48315 Alternative interdistrict attendance program
48915.5 Expulsion of students with exceptional needs
56195.8 Adoption of policies
56327 Assessment for special education and related services
56345 Individualized education program
56366 Nonpublic nonsectarian schools or agencies
56366.1 Waiver of requirements under section 56365 and 56366
CODE OF REGULATIONS, TITLE 5
15050 Transfer of funds to child development fund and development center for handicapped pupils fund
15243 Physically handicapped minors
15271 Exclusion from report
United States Code, Title 20
1400 - 1487 Individuals with Disabilities Education Act
United States Code, Title 29
794 Section 504 of the Rehabilitation Act of 1973
CODE OF FEDERAL REGULATIONS, TITLE 34
104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 49
571.222 Federal requirements for bus securement systems

Management Resources:
CDE MANAGEMENT ADVISORIES
0500.92 Implementation of Special Education Transportation Apportionment (#92-02)
CDE PROGRAM ADVISORIES
0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

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(6/93 2/95) 10/97

Local Policy
March 2020/tmt

14. Coordination of career and vocational education and transition services:

Reference Number: N/A

Document Title: Procedural Manual - Transition Post Secondary

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

TRANSITION: PLANNING FOR SUCCESS

Transition services (designed with a results oriented process focused on improving the academic functional achievement of the child) must be addressed in the Individual Education Program (IEP) of the student not later than in the year in which they turn 16 years of age. This really means that Secondary Transition planning, the Individual Transition Plan (ITP), needs to be included in the IEP during the student's 15th year so it is in effect when they turn 16.

Note: When a student exits from special education as a result of earning a diploma or upon reaching maximum age, the Local Education Agency (LEA), which is usually the school district, shall provide the student with a summary of their academic achievement and functional performance along with recommendations on how to assist the student in meeting their post-secondary goals. This Summary of Performance (SOP) is not part of the IEP but has to be given (delivered in person or by mail) to the student before the end of the academic year when they earn a high school diploma or reach maximum age. Documentation of the delivery of the SOP should be kept with student records.

Philosophy

Transition is all about planning for a student's future and how academic courses, functional curriculum, vocational activities, annual goals and services

help move a student towards their future goal.

Discussion about transition or future planning should begin an IEP so that the team is focused throughout the meeting on helping the student work towards his or her future goals.

What is the goal of Transition?

To provide the student necessary support to access learning all the skills and knowledge necessary to make their post school goals a reality.

Transition in a real world application

Secondary transition is the same as your parents asking you what you wanted to do when you left school. You as a teacher ask the same question but use information and assessments to help the student answer the question. The answers to the question are the student's Measurable Post Secondary Goals (MPSG's) in Education/Training, Employment and when appropriate, Independent Living.

The next question for the student and IEP team - What subjects or functional skills do you need to learn while in school to help you reach those future goals (MPSG's)? This is the student's course of study.

Based on the above information, the student and IEP team need to discuss what transition activities would help the student learn more about their choices - do they need to attend a career or college fair?, do they need some community experience in their area of interests?, etc. The areas that need to be looked at are: Instruction; Community Experiences; Employment and other Postsecondary Adult Living Objectives; Related Services and, if appropriate; Daily Living Skills and Functional vocational screenings.

Annual goals should be written that will support the student's movement towards their future goals. For example, to address a future employment goal an annual goal could address: Can they fill out an application? Do they know their address? Can they follow directions?

What transition services would support this annual goal? - For Example - Career Awareness (840) could be the transition service that supports the students annual goals related to transition - what would these services look like? - Example - Student will be provided opportunities in the classroom and community to explore career options. Student will attend the annual career fair at the high school.

When do you have to address Transition in the IEP?

Transition has to be a part of the IEP that will be in effect when the student turns 16, or younger if appropriate for the individual student and in every IEP thereafter.

How often do you have to address Transition in the IEP?

Once you have addressed it, you must address transition every year until the student leaves school with a diploma or reaches maximum age.

What needs to happen before the IEP meeting where Transition is discussed?

- Prepare student and family for the transition process. Let them know what it is and that it will be addressed in the IEP meeting.
- Help student and family make a connection between the student's abilities and future career/living situation.
- Discuss H.S. Diploma and Certificate of Completion and what each means.
- Encourage student and family to talk about options for the student after leaving school.
- Help the student and family describe student's disabilities and any accommodations that may be needed.
- Give the student opportunities to discover what he/she can do, cannot do or do with support.
- At age 17 or earlier discuss Age of Majority and what it means to the student and family.

What crucial information do you need from the student to develop a good transition plan?

The student's goals and vision (measurable post secondary goals in IEP language) for his or her future are key to developing a good transition plan.

What are the steps for Transition Development in the IEP?

- Age Appropriate Transition Assessment
- Measurable Postsecondary Goals (MPSG's)
- Course of study (academic or functional classes or instruction) to support MPSG's
- Development of Annual Goals that support MPSG's
- Activities that support the MPSG's
- Transition Services to support annual goals
- Age of Majority Notification (Age 17)
- Summary of Performance (Not part of the IEP process)

How do you collect this information from the student?

This information can be gathered from an **age appropriate transition assessment.**

What is age appropriate?

Age-appropriate means chronological rather than developmental age.

What is the purpose of age appropriate transition assessments?

- Assist the student to identify needs, interests and preferences.
- Assist the student in developing Measurable Post Secondary Goals (MPSG's) in Education or Training; Employment; and Independent Living if appropriate.
- Assist the IEP team to determine appropriate instruction, classes and activities that will assist the student achieve measurable post-school goals.
- Assist the IEP team to determine appropriate accommodations and supports.
- Assist the IEP team to determine what annual goals need to be addressed to assist the student to move towards his or her MPSGs.
- Assist the IEP team to determine what services will support the annual goals for transition.

Do you need an assessment plan?

In your district, do you do an assessment plan for every annual as well as the triennial? If so, on page 2 of the assessment plan, check Career Vocational.
If not - If age appropriate transition assessment information is built into your curriculum, such as interest inventories, career awareness activities, etc., you may not need an assessment plan.
HOWEVER . . .

You should always check with your district/administrator to make sure you are following appropriate policies and procedures for your program.

What components could be considered in an age appropriate transition assessment?

A student interview; career interest inventory; personality or learning style inventory related to careers; other assessment records (classroom based, situational; psycho-educational; state-wide testing; adaptive behavior scale; etc.) would be appropriate. Anything that can assist the student in defining

what he/she would like to do in terms of education or training, employment or daily living when they exit secondary education. This information needs to document student's strengths, interests and preferences in these areas. Presence of the above information in the student's file and a clear link of such information to the student's postsecondary goal(s) would meet the requirements of age appropriate transition assessment. Additional data may include a family interview, teacher/transition coordinator observational assessments or various student self- assessments.

An **age appropriate transition assessment** should include information from student, parents and school staff regarding:

(1) Student's vision for the future (Measurable Post Secondary Goals) and
(2) Student's present levels of functioning as related to transition in:

- Work Experience
- Recreation and Leisure
- Home/Independent Living
- Community Participation
- Postsecondary Training and Learning
- Related Services

How is transition assessment information documented in the Individual Transition Plan in the IEP?

It is documented through measurable post secondary goals, annual goals, course of study; transition activities and services related to transition. It is also documented on Page 1 of the ITP as the assurances that all of this was done.

What is a Measurable Post Secondary Goal (MPSG)?

- It is what the student wants to do for education or training, employment and, if appropriate, independent living after he/she leaves secondary education (including adult transition class - 18-22 years old)
- *See Goal Bank in SEIS - State Wide Teacher Goal Bank, Post Secondary Goals for examples*

How do you write an MPSG?

- *`Plan to' … will not meet compliance!*

  Begin with:

  - Upon receiving a diploma…
  - Upon graduation with a diploma…

- Upon reaching maximum age…

Use results-oriented terms such as:

- Enrolled in
- Work
- Live independently

Use descriptors such as:

- Full time
- Part time

What are examples of a MPSG for education or training, employment and independent living skills?

Education or Training Example

- Upon completion of high school with a diploma, I will enroll in courses at a four year college to which I am admitted.
- Upon reaching maximum age, (student's name or I) will obtain entry level training in (insert area of interest)
- Upon reaching maximum age, (student's name or I) will participate in an Adult Service Program with a training component.
- Upon reaching maximum age, (student's name or I) will participate in habilitative and functional skills training through an adult program.

Employment Example

- Upon completion of high school with a diploma, (student's name or I) will work at a retail store.
- Upon completion of high school with a diploma, (student's name or I) will work in a restaurant.
- Upon reaching maximum age, (student's name or I) will participate in an Adult Service Program with a work component.
- Upon reaching maximum age, (student's name or I) will obtain a supported employment position in retail sales (or whatever area of interest).

Independent Living Skills Example

- Upon completion of high school with a diploma, (student's name or I) will complete employment applications correctly.
- Upon completion of high school with a diploma, (student's name or I) will manage my household budget.
- Upon reaching maximum age, (student's name or I) will access Regional Center services for supported employment (or supported living) assistance.
- Upon reaching maximum age, (student's name or I) will take daily medication with assistance from in home support services.

Where do you list a MPSG in the IEP?

The MPSG's are listed on the 1st page of the Individual Transition Plan (ITP) in SEIS. The ITP is designed to develop a long-range plan for the student's movement into the adult world. With information gathered during an age appropriate transition assessment, student MPSG's are to be developed by the student and his family members as part of the ITP/IEP team meeting.

Is a measurable post secondary goal (MPSG) the same as an annual goal?

No, a MPSG relates to what the student wants to do after he/she leaves school. Annual goals will help the student work towards achieving a MPSG.

According to law, what MPSGs have to be written for each student?

A MPSG has to be written in Education or Training and in Employment for every transition age student. A MPSG in Independent Living has to be written if it is appropriate for an individual student. Independent Living would be appropriate for most students in functional placements.

Do you have to address transition in annual goals?

Yes. The annual goals should support the student's expressed measurable post school goals and vision, be based upon the student's present levels of performance, and reflect the statement of needed transition services. See Examples below.

- Example: MPSG Employment - Student will work at a job that involves cleaning in a store environment.
- Example of an Annual Goal related to MPSG for Employment: By (next annual date), when participating in a mock job interview, Student will properly introduce himself/herself, answer 3-4 questions about his/her education, job experiences, and references with 80% accuracy in 3/4

trials as measured by teacher/assistant's job evaluations.

How do you indicate that an annual goal is related to MPSG?

Check box c on the annual goal page in SEIS:

(Text box goes here)

What is a course of study and how does it support the student's MPSGs?

A course of study is an annual description of coursework (classes or functional curriculum) that would assist the student to make progress towards his/her desired measurable post-secondary goals.

How do you document this in the IEP?

At the bottom of page 1 on the ITP in the Transition Service Needs box

What about transition service activities (these are not listed in the service box on Page 2 of the IEP)?

These are documented on Page 2 of the ITP.

What do Transition service activities include?

- Instruction
- Related Services
- Community Experiences
- Employment and other post-school adult living experiences
- and when appropriate
- Daily living skills and functional vocational evaluation

Transition service activities should be developed as a coordinated set of activities by considering each of the following areas:

- **Instruction** the student needs to receive in specific areas to complete needed courses, succeed in the general curriculum and gain needed skills post high school.
- **Related services** the student may need to benefit from special education while in school. Generally, the IEP team should also begin to consider related service needs the student may have as he or she enters the adult world. If related services will be needed beyond school, the IEP should identify, as appropriate, linkages to adult agencies or providers before the student leaves the school system.
- **Community experiences** are provided outside the school building or in community settings. Examples may include community-based work experiences and/or exploration, job site training, banking, shopping,

transportation, counseling and recreation activities.

- **Employment or other post-school adult living objectives** the student needs to achieve desired post- school goals. These could be services leading to a job or career or those that support activities done occasionally such as registering to vote, filing taxes, renting a home, accessing medical services, filing for insurance or accessing adult services such as Social Security Income (SSI).
- **Acquisition of daily living skills** - Daily living skills are those activities that adults do every day (e.g., preparing meals, budgeting, maintaining a home, paying bills, caring for clothes, grooming, etc.).
- **Functional vocational evaluation** - This is an assessment process that provides information about job or career interests, aptitudes and skills. Information may be gathered through situational assessment, observation, or formal measures and should be practical. The IEP team could use this information to refine services outlined in the IEP.

The IEP team will need to consider each of these areas when identifying needed transition service activities and include them on the IEP when a service activity is needed. Each area is to be considered in relationship to support the attainment of the measurable postsecondary goals identified by the student. Consideration for each of these areas helps ensure that the services are coordinated, comprehensive and that students will have access to the post-school services, supports and programs they need. It is NO LONGER required to write a statement justifying why any of these areas are NOT addressed in the IEP.

When do you need services listed in the IEP service box that relate to transition?

Any student with a transition plan shall have a transition service in the service box on the offer of services page of their IEP. The transition service code should be also entered on the first page of the ITP.

What are transition services? (CASEMIS codes in SEIS)

- College Awareness (820)
- Vocational Assessment, Counseling, Guidance, Career Assessment (830)
- Career Awareness (840)
- Work Experience Education (850)
- Job Coaching (855)
- Mentoring (860)
- Travel Training (870)
- Other Transition Services (890)

See attached descriptions of each code.

How do you fill out the service box when you are listing a transition service?

- Service: One of the 800 Series in pull down menus
- Date of Initiation:
- Date of Completion:
- Provider: examples could be 100 - District of Service, 110 - COE
- Description of Services:
- # of Sessions:
- Duration:____min per session
- *Totaling:____min per
- *Frequency: examples - daily, monthly, yearly, any other frequency
- *Location:

Who could provide these services?

Some possibilities:

- The teacher
- WorkAbility
- A vocational class
- Regional Center

How would you describe the services?

Examples -

- College Awareness - student will attend the annual H.S. college night - student will research colleges and disseminate information to teacher/ parents
- Career Awareness - student will attend annual career fair, career speakers in classroom, WAI presentations
- Travel Training - student will learn the bus routes from home to different sites in the community; student will access transportation, learning routes and safety, to reach a work experience site

How do you determine how much?

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Description:

- # of Sessions - How often does the activity/teaching/exposure happen?
- Duration - How long does it happen for?
- *Totaling - for a grand total of?
- *Frequency - Does it happen daily, weekly, monthly, yearly or some other frequency?

Where's it going to happen?

Location possibilities:

- Regular classroom
- Special classroom
- Service provider location
- Any other location

Work Experience Education (850)

You may choose to use this code:

- when a student is enrolled in outside work experience education (OWE) through school and is working
- when a student volunteers at a non-profit agency that is traditionally staffed by or uses volunteer workers
- when a student is actively working at a training site as part of an ROP class

Some suggestions for filing out the service box would be:

- duration - # of session 1 - minutes - 30 - frequency - 40 (yearly) or 90 (any other frequency) location 620 (Alternative work education center/ work study facility) or 900 (any other location or facility) trying to keep it as general as possible so service could still be met and including discussion in the notes.
- do an addendum (agreed upon at an IEP meeting that it would be done through an addendum and if your district allows this use of an addendum) when and if the student is placed at a training site with duration still being placed at the minimum.
- or use a more global code (840 - Career Awareness or 890 - Other Transition Service) that covers what the teacher is doing to facilitate the transition plan with a description in the service box and with discussion regarding particulars captured in the notes.

How often do you have to gather current information about the student's

goals and visions for their future (MPSGs)?

At least once a year before their annual IEP by conducting an age appropriate transition assessment.

Do you have to refine annual goals, course of study, activities and services if the student's MPSGs changes every year?

Yes

Who and what needs to be included in the IEP when a student turns 16?

- The student!!!
- The student's measurable postsecondary goals.
- The student's transition service needs (course of study).
- A statement of transition service needs that includes a school program and community activities based on the student's level of functioning and future goals and that identifies the end result - Diploma or Certificate of Completion.
- A statement of needed transition services (includes instruction, related services, community experiences, employment and post school adult living objectives, agency linkages and, if appropriate, acquisition of daily living skills and functional vocational assessment).
- Annual Goal(s) that support the measurable postsecondary goals.
- Services that support the annual goals related to transition.

Who needs to be invited to an IEP where Transition will be discussed and what is each participant's role?

First, a word about excusals:
IDEA 2004

- (34 CFR 300.321(e) (1)An IEP team member may be excused from attending the IEP team meeting, in whole or in part, if the parents and LEA agree in writing because the area of curriculum or related service is not being modified or discussed. The agreement must be in writing.
- (34 CFR 300.321(e)(2) An IEP team member may be excused from attending an IEP Team meeting even if their curriculum area or related service area is being discussed by the written agreement and consent of the parent and the LEA. The IEP team member shall submit their input in writing to the team prior to the meeting.

Student

Role: participates, communicates preferences, interests, strengths and needs, and takes part in the IEP development.

(If the student is not in attendance, how were the student's interests and preferences determined?)

300.321(b)(1) Would provide that the child be invited to the IEP meeting if a purpose of the meeting is consideration of the child's postsecondary goals and the transition services needed to achieve those goals.
(2006 IDEA Regulations Comments indicated that if the student is a minor, the parents (unless educational rights have been limited or extinguished) have the authority to determine whether the student should attend the IEP Team meeting(pg.46671) 300.321(b)(2) it is the public agency's obligation to take other steps to ensure that the student's preferences and interests are considered if the child is unable to attend the meeting.
Role: participates, communicates preferences, interests, strengths and needs, and takes part in the IEP development.

Parent/Family

Role: supports the student, reinforces the value of an individual program, and provides information about student's strengths and areas where assistance is needed.

Special Education Teacher

Role: provides information, provides teaching strategies including accommodations and or modifications, suggests course of study related to student's post school goals, identifies related services, provides input into transition service needs, links student and parents with appropriate post-school services and coordinates all people, agencies, services or programs involved in the transition planning process.

General Education Teacher

Role: assists in planning course of study, assists in identifying and providing modifications, adaptations, support and positive behavioral strategies or interventions.

(34 CFR 300.321 - Not less than one regular education teacher of such child (if the child is, or may be, participating in regular education)

LEA Representative

Role: support staff, allocate resources and complies with the following requirements:

- Qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities.
- Is knowledgeable about the general curriculum and the availability of resources of the LEA.
- Has the authority to commit the LEA to implement the IEP.

LEA may designate another staff member on the IEP team if these criteria are met.

Other Specialists

- A person who can interpret the instructional implications of evaluation results.
- May be one of the team members already listed.

Other Appropriate Agency Personnel

Role: provide information about services, eligibility criteria, explain difference between entitlement of school programs and eligibility of adult services, assist in identifying community or adult services.

Sec. 300.321(b)(3) would require, to the extent appropriate, and with the consent of the parent or a child who has reached the age of majority, that a representative of a participating agency that is likely to be responsible for providing or paying for transition services be invited to the meeting.

What is an agency linkage?

- An outside agency, other than the public agency (usually the school district), that is likely to provide the needed services, and/or support to help facilitate the student's progression to his or her post school goal or vision.
- Required with IDEIA 2004 - A representative from any agency that is likely to be responsible for providing or paying for transition services may be invited to the IEP beginning when the student is 16 or younger if appropriate **with parental consent or consent of adult student.**

"…would require, to the extent appropriate, and with the consent of the parent or a child who has reached the age of majority, that a representative of

a participating agency that is likely to be responsible for providing or paying for transition services be invited to the meeting."

Where can you find information on age appropriate secondary transition, law, regulations, future and annual goals, assessments, etc.?

A compiled list can be found at: http://www.kings.k12.ca.us/education/components/docmgr/default.php?sectiondetailid=2510&catfilter=264#showDoc
This website also has comprehensive trainings in a PowerPoint format regarding the transition assessments.

SECONDARY TRANSITION FOR YOUTH WITH DISABILITIES

Writing a Compliant and Effective Individualized Education Program (IEP) Resources

Overview:

A. What is College and Career Ready? www.achieve.org/files/CollegeandCareerReady.pdf

B. The Post-High School Outcomes of Young Adults with Disabilities up to 8 Years after High School: Key Findings from the National Longitudinal Transition Study-2 (NLTS2). U.S. Department of Education. 2011. http://ies.ed.gov/ncser/pubs/20113005/

C. National Post-School Outcomes Center: Information and resources to compile outcome data. www.psocenter.org

Individuals with Disabilities Education Act (IDEA):

A. Building the Legacy: IDEA 2004, U.S. Department of Education http://idea.ed.gov/explore/view/p/,root,dynamic,TopicalBrief,17,

State Performance Plan:

A. CalSTAT Transition Core Messages- Indicator 13 http://calstat.org/transitionmessages.html

B. National Secondary Transition Technical Assistance Center http://nsttac.org/content/what-indicator-13

Student-centered, Transition-focused IEPs:

A. National Secondary Transition Technical Assistance Center-Student-focused Planning http://nsttac.org/content/student-focused-planning-O

B. Charting a Course for the Future http://www.cde.state.co.us/cdesped/transitiontk

C. Pepnet - Transition Resources for Deaf and Hard of Hearing Students http://pepnet.org/itransition

D. National Collaborative on Workforce and Disability-Youth- Innovative Strategies http://www.ncwd-youth.info/innovative-strategies

E. Transition Planning: The Basics (2013) http://www.catransitionalliance.org/

1. Appropriate Measureable Postsecondary Goals:

a. CalSTAT Transition Core Messages-Education/Training, Career Development/Employment, Independent Living http://calstat.org/transitionmessages.html

b. Career Technical Education (CTE) Model Curriculum Standards www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp

2. Postsecondary Goals Updated Annually:

a. National Secondary Transition Technical Assistance Center - Indicator 13, Examples, http://nsttac.org/content/nsttac-indicator-13-checklist-form-b-enhanced-professional-development%20

3. Postsecondary Goals Based on Age Appropriate Transition Assessments:

a. CalSTAT Transition Core Messages -Transition Assessment http://calstat.org/transitionmessages.html

b. National Secondary Transition Technical Assistance Center http://nsttac.org/content/age-appropriate-transition-assessment-toolkit-3rd-edition

c. My Next Move http://www.mynextmove.org/explore/ip

d. California Career Resource Network (CalCRN) http://www.californiacareers.info

e. ASVAB-Military http://official-asvab.com/counselors.htm

f. Casey Life Skills http://lifeskills.casey.org/clsalearnprovider

g. California Occupational Guides http://www.labormarketinfo.edd.ca.gov/occguides/

h. Transition Coalition - Online Assessments and Resources http://transitioncoalition.org/transition/section.php?pageId=90

i. Drive of Your Life https://www.driveofyourlife.org/main/index.html

j. National Collaborative on Workforce and Disability- Youth www.ncwd-youth.info

k. Shasta 21st Century Career Connections Products www.shastacareerconnections.net

l. Transition Assessment Matrix http://sped.sbcsc.k12.in.us/ppm/transitionplanning/transitionassessments.html

4. Transition Services that Enable the Student to Meet Postsecondary Goals:

a. Internship Handbook http://casn.berkeley.edu/resourcefiles/internship10-02-23-02-12-15.pdf

b. NAF Internship Toolkit http://naf.org/files/1nternship-Toolkit-2006-09.pdf

c. Mentor Handbook http://casn.berkeley.edu/resources.php?r=72

d. Youth to Work Coalition http://nsttac.org/ytw/home

5. Course of Study Aligned with Postsecondary Goals:

a. Designing Multidisciplinary Integrated Curriculum http://

www.connectedcalifornia.org/downloads/LLDesigningCurriculumUnits2010v5web.pdf

b. Project-based Learning http://www.bie.org/index.php/site/PBUoverviewpbl/

c. Work-based Learning in California http://www.connectedcalifornia.org/downloads/WBLReport.pdf

d. Aiming High http://www.cde.ca.gov/ci/qs/hs/ahgen.asp

e. ACRN- High School, Postsecondary, Work Preparation http://acrn.ovae.org/counselortk/prep.htm

f. Quality Work-based Learning Toolkit http://www.newwaystowork.org/mastertools/guidebooks%20and%20toolkits/kcktoolkit/PrintToolkit.PDF

g. Course of Study Lesson http://www.ou.edu/zarrow/pilot/lesson6.html

6. Annual Goals Related to Postsecondary Goals and Transition Services Needs:

a. Job Accommodations Network http://askjan.org

b. Common Core Resources for Special Education http://www.cde.ca.gov/sp/se/cc/

c. Common Core State Standards http://www.cde.ca.gov/sp/se/cc/

d. CalSTAT Transition Core Messages - Evidence-based Transition Practices and Predictors http://calstat.org/transitionmessages.html

e. Career Technical Education (CTE) Model Curriculum Standards www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp

f. National Secondary Transition Technical Assistance Center-Lesson Starters http://nsttac.org/content/lesson-plan-starters

g. National Secondary Transition Technical Assistance Center - Evidence-

based Practices http://nsttac.org/content/evidence-based-practices

h. California Career Resource Network (CalCRN} http://www.californiacareers.info

i. O'NET Online http://www.onetonline.org

j. California Occupational Guides http://www.labormarketinfo.edd.ca.gov/occguides/

k. My Job Scout mvjobscout.org

7. Student Invited to the IEP:

a. CalSTAT Transition Core Messages - Self-advocacy/Self-determination http://calstat.org/transitionmessages.html

b. Workplace Flexibility Toolkit http://www.dol.gov/odep/workplaceflexibility/#

c. Job Accommodations Network http://askjan.org

d. Skills to Pay the Bills http://www.dol.gov/odep/topics/youth/softskills/

e. Self-Awareness Lesson http://www.ou.edu/zarrow/pi1ot/lesson1.html

f. Adult Living Lesson http://www.ou.edu/zarrow/pilot/lesson5.html

g. ARC Self-determination Scale http://www.ou.edu/content/education/centers-and-partnerships/zarrow/self-determination-assessment•tools/arc- self-determination-scale.html

h. Air Self-determination Scale http://www.ou.edu/content/education/centers-and-partnerships/zarrow/self-determination-assessment-tools/air-self-determination-assessment.html

i. National Collaborative on Workforce and Disability-Youth - Youth Development and Leadership http://www.ncwd-youth.info/youth-development

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j. Youthood.Org http://www.youthhood.org/index.asp

k. Youth Transition Toolkit http://www.project1O.info/DetailPage.php?MainPageID=219

l. Disability Benefits 101 http://ca.db101.org

m. Disability Disclosure http://www.ncwd-youth.info/411-on-disability-disclosure

8. Appropriate Representative of Participating Agencies Invited to the IEP:

a. CalSTAT Transition Core Messages- Interagency Collaboration http://calstat.org/transitionmessages.html

b. Ready by 21 http://www.readyby21.org/toolkits/view-all

c. Connecting Services Lesson http://www.ou.edu/zarrow/pilot/lesson7.html

Summary of Performance:

A. CalSTAT Transition Core Messages-Summary of Performance http://calstat.org/transitionmessages.html

B. Job Accommodations Network http://askjan.org

C. Summary Performance Lesson http://www.ou.edu/zarrow/pilot/lesson8.html

15. Assurance of full educational opportunity:

Reference Number:	N/A
Document Title:	Comprehensive Local Plan for Special Education and Educational Benefit of Special Education

SELPA San Joaquin County SELPA Fiscal Year 2020-21

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

The Governing Board desires to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school.

Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)

The special education local plan area (SELPA) shall administer a local plan and administer the allocation of funds. (Education Code 56195)

Districts that participate in a multidistrict SELPA

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the SELPA.

The Superintendent or designee shall extend the district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of this district, with the exception of those that apply to complaints, unless the SELPA plan specifically authorizes the district to operate under its own policies and regulations.

Legal Reference:
EDUCATION CODE
56000-56001 Education for individuals with exceptional needs 56020-56035 Definitions
56040-56046 General provisions
56048-56050 Surrogate parents
56055 Foster parents
56060-56063 Substitute teachers
56170-56177 Children enrolled in private schools 56190-56194 Community advisory committees 56195-56195.10 Local plans
56205-56208 Local plan requirements
56213 Special education local plan areas with small or sparse populations
56240-56245 Staff development
56300-56385 Identification and referral, assessment, instructional planning

56440-56447.1 Programs for individuals between the ages of three and five years 56500-56508 Procedural safeguards, including due process rights
56520-56524 Behavioral interventions
56600-56606 Evaluation, audits and information

Federally Required Policy
Assurance 1, 2, 5
March 2020/tmt

EDUCATIONAL BENEFIT

Introduction:

The case of Rowley v. Hendrick Hudson School District was the U.S. Supreme Court's first interpretation of what was then called the Education for All Handicapped Children Act (now the Individuals with Disabilities Education Act, "IDEA"). The holdings in the Rowley case have become the standard of analysis for every subsequent special education case arising in the Federal and State courts. Consequently, a working knowledge of the fundamental analysis developed by the Supreme Court justices is important when evaluating any special education matter. The Board of Education v. Rowley 1982, was decisive in our understanding today of the term **educational benefit**. Ultimately after lower court decisions and appeals, the U.S. Supreme Court concluded that the IDEA does not require that States maximize the potential of students with disabilities. The intent of IDEA was more to open the door of public education to handicapped children rather than to guarantee any particular level of education once inside.

The case of Endrew F. Douglas County (2017) re-established the requirements of Rowley but emphasized that the individualized education program must be "reasonably calculated to enable a child to make progress appropriate in light of the child's unique circumstances" and further emphasized the importance of consistent progress monitoring against her/his ability and not that of peers. While Endrew F does not change the standard, it does change how we are looking at and showing progress. There should be a DIRECT link between areas of need identified in present levels of information and goals developed.

Endrew F established an even stronger need to maintain extensive documentation of solid baselines, measureable goals, and progress made in relation to the child's unique circumstances and regularly communicate such progress with parents. Students should make appropriate progress, but schools do not need to provide the "best possible" services. Frequent family communication and collaboration is essential to help families understand their child's needs.

Description:

FAPE and LRE become our guideposts decided and analyzed individually to ensure the child is receiving a basic floor of opportunity and "educational benefit."

Free Appropriate Public Education (FAPE) means special education and related services that:
-are provided at public expense
-meet the standards of the State
-include pre-school, elementary or secondary school and education through 22nd birthday
-is provided in conformity with the IEP

FAPE Standard

The Supreme Court established two criteria in determining FAPE
-have the procedures been adequately complied with (compliance) and
-is the IEP reasonably calculated to enable the child to receive **educational benefit**

Core Entitlements for Children with Disabilities
- a right to FAPE
- in the Least Restrictive Environment (LRE)
- as described in the IEP designed to provide "**educational benefit**"

Importance of Educational Benefit

Implicit in the congressional purpose of providing access to a "free appropriate public education" is the requirement that the education to which access is provided be sufficient to confer some educational benefit upon the disabled child. It would do little good for Congress to spend millions of dollars in providing access to a public education only to have the disabled child receive no benefit from education.

Rowley Standard

Special educators should take special notice of the Rowley case, as it is still good law and it acts as the blueprint for all cases to follow**. The two Rowley questions emphasizing procedural compliance and the benefits of the IEP should be committed to memory.** Finally, the focus of the decision on what is "appropriate" for special education students should be given special emphasis, especially in light of the social emphasis on "inclusion" in recent years.

IDEA (Individuals with Disabilities Education Improvement Act) of 2004 gave us further conceptual refinements:

- high expectations for all children
- ensuring access to the general education curriculum and standards in the general classroom, to the maximum extent possible

- preparing children with disabilities to lead productive and independent adult lives
- providing effective transition services to promote successful post-school employment or education.

So, while we know and understand the above concepts, it is critical that we analyze what we are doing over time for individual children to truly measure educational benefit. It is not just a snapshot at the time of a single IEP meeting. In a nutshell, analyze what did assessments/present levels say about needs, what goals, supports & services were agreed to in response to identified needs, was the IEP implemented and did the student make progress or gain educational benefit. True analysis looks back through years or the span of time between triennials.

EDUCATIONAL BENEFIT ANALYSIS

In preparation for an annual IEP meeting

Review the following points related to the previous IEP. **Use the worksheet provided in this section of the handbook.**

1) What did assessments in all areas of suspected disability and present levels identify as areas of need? Were individual strengths and interests of student in relation to participation and progress in general curriculum described?

2) What did the IEP team decide was appropriate in relation to each need?
- English Learner?
- Disproportionality?
- Goals?
- Services?
- Accommodations/Modifications/Supplementary Services
- Special factors (AT, Behavior Support, Low Incidence needs)?
- Services and supports allowing the student to be educated with typically developing peers and having access to general education curriculum to the maximum extent possible
- Other?

3) Was the IEP implemented appropriately? (were all supports as services provided as written)? Was there a measurable description of the students' response to academic instruction in the areas of identified need?

4) Did the child make adequate progress? Are services and supports structured in such a way as to move a student towards his/her levels of independence? Did they receive **educational benefit** from the plan?

5) If not, what adjustments need to be made to the IEP contents to respond to

lack of educational benefit? Additional assessment? Adjusted goals? Different services or level of services? Change in location where services are being delivered? (See “Educational Benefit Review Process” chart)

The Educational Benefit Review process is directed toward answering the following questions (see SESR worksheets VR & 2a):

1. Is the Assessment complete and does it identify the student's needs?
2. Does the present level of performance include all of the needs identified in the assessment including behavioral, social, emotional, functional, vocational, special factors, English learner?
3. Are all of the student's educational needs addressed by appropriate goals and objectives?
4. Do the services support the goals and objectives including English learners, where appropriate?
5. Did the student make yearly progress inclusive of grades and standardized test scores?
6. If the student did not make progress, were the goals and objectives changed in the next IEP to assist the student to make progress?
7. If the student did not make progress, were the services changed in the next IEP to assist the student to make progress?
8. Were sufficient services provided to ensure that the student would make progress?
9. **To assess for overall compliance:** Considering the answers to each of the above, was the IEP reasonably calculated to result in educational benefit?

Reasonable Calculation of Educational Benefit

1. The IEP Team identified needs related to:

   a. The student's ability; and

   b. Involvement and progress in the general curriculum.
2. Goals and objectives were established in each need area.
3. Services were planned to support:

   a. Progress toward goals;

   b. Progress in the general curriculum;

   c. Participation in extracurricular and other nonacademic activities; and

   d. Education with other disabled and non-disabled students
4. The IEP Team reviewed the student's progress and adjusted the student's IEP if progress was not made and/or to address anticipated

needs.

The question of how to deal with students who are not capable of obtaining passing grades under any circumstances is not clearly answered by the Supreme Court in Rowley. However, the footnotes make reference to the required full continuum of alternative settings and the need for some students to be placed in settings other than the mainstream. It is clear, especially in light of decisional case law subsequent to Rowley, that when a child is placed in a more restrictive setting, the decision must be driven by the unique needs of the student and not by administrative convenience or other factors.

Educational Benefit Analysis Over Time

We should be preparing for every annual review with this analysis. When done over a period of years, you have a comprehensive analysis and rationale for the IEP team recommendations over time. Assuming the IEP is implemented fully and in compliance, you then have a long term record of the success of a carefully planned and implemented special education program for the student. This process provides proof positive of individual educational benefit.

When San Joaquin SELPA districts participate in the state required Special Education Self Review (SESR) conducted periodically, a three year analysis or look back doing this educational benefit analysis is part of the review for several student records. Additionally, when individual districts are selected for State required Verification Reviews which includes CDE participation, the same educational benefit analysis is conducted on student files by CDE.

In Summary

Our programming for students should be analytical, thoughtful and consistently designed based on individual assessed needs and the growth made from one IEP to the next. When you read an IEP you should be able to track threads through the document. Assessment report data should be visible in present levels. Needs should be visible in present levels. Services/supports and goals should be chosen and designed in response to specific, identified needs, and measurable growth should result. The result of this process over time is **EDUCATIONAL BENEFIT**.

16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The SELPA Administrator's responsibility for the fiscal administration of the annual budget plan; the allocation of state and federal funds; and the reporting and accounting of special education funding.

Reference Number: N/A

SELPA: San Joaquin County SELPA

Fiscal Year: 2020-21

Document Title: Supplementation of State and Federal Funds

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

SUPPLEMENTATION OF STATE AND FEDERAL FUNDS

Allocation Plan: Revenue and Expenses

State and federal revenues received by San Joaquin County SELPA are equitably allocated to LEAs using the adopted revenue distribution process. The San Joaquin County SELPA funding allocation plan ensures that cost effective services are available for all students within the SELPA. The plan does not create an incentive to place students in special education programs. The plan accommodates growth and decline by individual LEAs and the addition of other special education program providers such as charter schools.

LEAs acknowledge that state and federal revenues shall not cover the total costs of special education services. The prior year use of services and the current year SELPA- wide funding is the basis for budgeting. The plan reflects the actual costs of services used by students in County program. Each LEA is responsible for paying for services provided to their students through their federal, state, and local revenues. Some services, as noted in the allocation plan, are paid for by all LEAs who are a part of the Local Plan.

The SELPA office prepares and distributes state and federal funds according to the San Joaquin County SELPA adopted plan.

Legal Reference:
EDUCATION CODE:
56205(a)(12)(D)(ii)
(II)
56195
56195.7(h)(4)(i)

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17. Direct instructional program support that maybe provided by program specialists in accordance with *EC* Section 56368:

Reference Number: N/A

Document Title: Local Plan Section B: 10 (c) Page 39-40

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

PROGRAM SPECIALIST SERVICES

[56368(a-c)]

A program specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of the major disabling conditions.

For purposes of Section 41403, a program specialist shall be considered a pupil services employee, as defined in subdivision (c) of Section 41401. The Program Specialists are employed by the AU for employment purposes, and serve the SELPA under the direction of the Assistant Superintendent/SELPA Director. The Superintendents' Council designates through the approval of the SELPA Budget the number and type of specialists to be employed upon recommendation of the Council of Directors.

Program Specialists shall provide the following services:

1. Observe, consult with, and assist, in accordance with local education agency procedures, special education teachers, related service providers, and support staff.

2. Plan programs, coordinate curricular resources, and share in the evaluation of the effectiveness of programs for IWENs.

3. Assist with local education agency staff development, program development and innovation of special methods and approaches.

4. Provide coordination, consultation, and program development in one or more specialized areas of expertise.

5. Assure that pupils have full educational opportunity regardless of the LEA of residence.

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6. Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.

7. Assist in mediation, due process hearings, and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.

8. Assist in developing training for parents and members of the Community Advisory Committee (CAC).

9. Provide in-service training and technical assistance for general and special education teachers, administrators, support staff and parents.

10. Assist as a liaison to various community agencies such as Department of Mental Health, Department of Human Services, Valley Mountain Regional Center, California Children's Services, Head Start, and the Probation Department.

Special Education Local Plan Area Services

1. A description of programs for early childhood special education from birth through five years of age:

Reference Number: N/A

Document Title: Part C and Part C Transition

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

PART C - EARLY INTERVENTION SERVICES

It shall be the policy of this LEA to submit Part C (infant/toddler) Local Interagency Agreements to the State as part of the Local Plan.

Legal References:
EDUCATION CODE
56205(B)(3)
EC 56429
14 GC 95000 et seq.
17 CCR 52000-52175
UNITED STATES CODE, TITLE 20

SELPA San Joaquin County SELPA

Fiscal Year 2020-21

Description:

1431-35

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Special Education Local Plan Area
POLICY

PART C - TRANSITION

It shall be the policy of this LEA that children participating in Early Intervention Programs (Individuals with Disabilities Education Act, Part C) and who will participate in preschool programs (Individuals with Disabilities Education Act, Part B) experience a smooth and effective transition between these programs.

Legal References:
EDUCATION CODE
56205(B)(3)
EC 56429
14 GC 95000 et seq.
17 CCR 52000-52175
UNITED STATES CODE, TITLE 20
1431-35

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2. A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Reference Number: N/A

Document Title: Public Participation

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area

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Description:

POLICY

PUBLIC PARTICIPATION

It shall be the policy of this LEA that prior to its adoption of policies and procedures, the LEA shall make the policies and procedures available to the general public, hold public hearings and provide an opportunity for comment by the general public. Prior to sending the policies to the county and district boards for final approval, the SELPA will have them approved by the Council of Directors and District Superintendents.

Legal References:
EDUCATION CODE
56205(a)
UNITED STATE CODE, TITLE 20
1412(a)(20)

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3. A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan:

Reference Number: N/A

Document Title: Local Plan Section B: 4 Page 14

Document Location: SELPA Office

San Joaquin County
Special Education Local Plan Area
POLICY

PROCEDURE BY WHICH DISPUTES AMONG MEMBERS WILL BE RESOLVED

[56205(b)(5)]

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Description:

Should disputes arise concerning special education related matters or related to the interpretation of this plan between or among the LEAs regarding the scope of the JPA or interpretation of the Local Plan or other matters pertaining to special education, the disputing LEAs shall first attempt to arrive at a settlement. If settlement is not reached at the LEA level, the San Joaquin County SELPA Director shall mediate the dispute. Any dispute not successfully resolved by the San Joaquin County SELPA Director shall be referred to the Superintendents' Council.

The Superintendents' Council shall hear the facts of the dispute and shall render a written decision on the matter, which shall be binding on the parties. In case of a tie vote, the Responsible Local Agency Superintendent shall cast the deciding vote.

4. A description of the process being used to ensure a student is referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized:

Reference Number: N/A

Document Title: Identification and Evaluation of Individuals for Special Education

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Note: Education Code 56300 and 34 CFR 300.111 require each district, Special Education Local Plan Area (SELPA), or county office of education to actively seek out all residents from birth to age 21 (not “through” age 21) who have disabilities as defined by Education Code 56026. The district, SELPA, or county office is also required to include a “child find” process to identify children with disabilities placed by their parents/ guardians in private schools. See San Joaquin County Office of Education Policy - Students with Disabilities Enrolled by Their Parents in Private Schools.

Note: Identification, evaluation, assessment, and instructional planning procedures for children younger than age three must conform with Education Code 56425-56432 and the California Early Intervention Services Act (Government Code 95000-95029). The California Department of Education and

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Description:

local education agencies are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairment; the Department of Developmental Services and its regional centers must provide services to all other eligible children in this age group. The law also requires regional centers and local education agencies to coordinate family service plans for infants and toddlers and their families. Education Code 56441.11 sets forth eligibility criteria for preschool children ages three to five.

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

Note: Education Code 56301 mandates that districts, SELPAs, or county offices have policies and procedures for a continuous "child find" system which addresses the relationships among identification, screening, referral, evaluation, planning, implementation, review, and triennial assessment.

Note: Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414, the federal Individuals with Disabilities Education Act (IDEA) and accompanying federal regulations. The following policy and administrative regulation use the phrase interchangeably.

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment, (Education Code 56301) as well as procedures for the planning, implementation and review of the education and related services provided to such individuals. The district's process shall prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

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

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

education services. (Education Code 56301)

Legal Reference:
EDUCATION CODE
44265.5 Professional preparation for teachers of impaired students
56000-56885 Special education programs, especially:
56195.8 Adoption of policies
56300-56304 Identification of individuals with disabilities
56320-56331 Assessment
56333-56338 Eligibility criteria for specific learning disabilities
56340-56347 Instructional planning and individualized education program
56381 Reassessment of students
56425-56432 Early education for individuals with disabilities
56441.11 Eligibility criteria, children 3 to 5 years old
56445 Transition to grade school; reassessment
56500-56509 Procedural safeguards
GOVERNMENT CODE
95000-95029.5 California Early Intervention Services Act
CODE OF REGULATIONS, TITLE 5
3021-3029 Identification, referral and assessment
3030-3031 Eligibility criteria
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1412 State eligibility
1415 Procedural safeguards
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.818 Individuals with Disabilities Education Act, especially:
300.301-300.306 Evaluations and reevaluations

Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education:
http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osers/osep

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Federally Required Policy
Assurances 3, 7, 24
Assurances I, J
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5. A description of the process being used to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each student's individualized education program are being met. The description shall include a method for evaluating whether the student is making appropriate educational progress:

Reference Number: N/A

Document Title: Nonpublic, Nonsecretarian School and Agency Services for Special Education

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Nonpublic, nonsectarian school (NPS) and agency (NPA) services shall be available to pupils in the SELPA. When no appropriate public educational services are available within the SELPA, neighboring counties or SELPAs, or state special schools, a designated member of the IEP team or the SELPA Director shall contact the LEA of residence administrator/designee if this type of placement might be considered at an upcoming IEP meeting.

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Description:

The Governing Board may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

Legal References:
EDUCATION CODE
56034-56035 Definitions of nonpublic, nonsectarian school and agency 56042 Placement not to be recommended by attorney with conflict of interest 56101 Waivers
56163 Certification
56168 Responsibility for education of student in hospital or health facility school 56195.8 Adoption of policies
56360-56369 Implementation of special education 56711 Computation of state aid
56740-56743 Apportionments and reports 56760 Annual budget plan; service proportions
56775.5 Reimbursement of assessment and identification costs GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:
7572.55 Seriously emotionally disturbed child; out-of-state placement FAMILY CODE
7911-7912 Interstate compact on placement of children WELFARE AND INSTITUTIONS CODE
362.2 Out-of-home placement for IEP
727.1 Out-of-state placement of wards of court CODE OF REGULATIONS, TITLE 5
3001 Definitions
3061-3069 Nonpublic, nonsectarian school and agency services UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act CODE OF FEDERAL REGULATIONS, TITLE 34
300.129-300.148 Children with disabilities in private schools COURT DECISIONS Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

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Management Resources:
CDE LEGAL ADVISORIES
0317.99 Nonpublic School/Agency Waivers and Reimbursement to Parents
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, page 46539-46845 WEB SITES
CDE: http://www.cde.ca.gov
US Department of Education, Office of Special Education and Rehabilitative Services: http://www.ed.gov/offices/OSERS

State Required Policy
Assurance E
March 2020/tmt

6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in *EC* 56026(c)(4)) who has been incarcerated in a county jail and remains eligible for special education services:

   The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (*EC* Section 56040)

   It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (*EC* Section 56041)

Reference Number:	N/A
Document Title:	Identification of and Provision of Service to Eligible Students in Adult County Jails
Document Location:	SELPA Office

San Joaquin County

Special Education Local Plan Area
Administrative Regulation

Free Appropriate Public Education

Every individual with exceptional needs who is eligible to receive special education instruction and related services under the Individuals with Disabilities Education Act (IDEA) and state special education laws, shall receive that instruction and those services at no cost to his/her parents or, as appropriate, to him or her. A Free Appropriate Public Education (FAPE) shall be available to individuals with exceptional needs in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Federal Regulations.

Eligible Adults

Adults who are age 18 through 22 years, who have not graduated with a high school diploma, who at the time they turned 18 years were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter, "eligible adults"). (See 20 U.S.C. § 1400 (d) (1) (A), (B), (C); U.S.C. § 1412(a) (1) (A); Education Code, § 56000, 56040 (b).) This applies to adults incarcerated in California adult jails and prisons.

However, an individual aged 18 through 22 years, who, in the educational placement prior to his/her incarceration in an adult correctional facility was not identified as an individual with exceptional needs or did not have an IEP under the IDEA, is not entitled to a FAPE. (20 U.S.C. § 1412 (a) (1) (B); Education Code, § 56040(b).)

Child Find

For eligible adults who prior to reaching the age of majority resided within the San Joaquin County SELPA geographic boundaries, the applicable local educational agency (LEA) within the SELPA shall ensure they have a FAPE available to them. Generally, the district of residence (DOR) responsible for providing special education and related services to pupils between the ages of 18 to 22 years, inclusive, shall be assigned, as follows: (a) For non-conserved pupils the last district of residence in effect prior to the pupil's attaining the age of majority shall become and remain as the responsible local educational agency, as long as and until the parent or parents relocate to a new district of

residence. At that time, the new district of residence shall become the responsible local educational agency. (b) For conserved pupils, the district of residence of the conservator shall attach and remain the responsible locational educational agency, as long as and until the conservator, relocates or a new one is appointed. At that time, the new district of residence shall attach and become the responsible local educational agency. (Education Code § 56041)

Provision of Service

Once SELPA or the responsible LEA is informed that an eligible adult in an adult correctional facility, the responsible LEA will determine whether the eligible adult requests to receive FAPE. Once the request has been made, the responsible LEA shall review and revise the IEP as necessary, subject to the cooperation of the correctional facility where the eligible adult is located. The eligible adult must consent to the receipt of such services in order to receive said services while incarcerated.

The responsible Local Education Agency (LEA) will determine within 30 days of eligibility notification whether the qualified individual requires a FAPE. And if so, the LEA will ensure that the qualified individual is provided a Free Appropriate Public Education (FAPE) pursuance to the IDEA and corresponding California special education law. To receive special education services while incarcerated, the student must consent to the receipt of such services such as but not limited to transition services, specialized academic instruction and other services as determined by the IEP team. The student may revoke their consent for special education services at any time.

Limitations

The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

The requirements set out in 20 U.S.C. § 1412(a) (16) and 20 U.S.C. § 1414(d) (1) (A) (i) (VI) relating to participation in general assessment) do not apply. Eligible individuals convicted as adults under State law and incarcerated in adult prisons are exempted from participation in State and district-wide assessment programs under the IDEA.

1. The requirements of items (aa) and (bb) of 20 U.S.C.§ 1414(d) (1) (A) (i) (VIII) (relating to transition planning and transition services), do not apply with respect to such individuals whose eligibility under the IDEA will end, because of their age, before such individuals will be released

Description:

from county jail.

2. If an individual with a disability is convicted as an adult under State law and incarcerated in an adult county jail, the individual's IEP team may modify the individual's IEP or placement notwithstanding the least restrictive environment (LRE) requirements of 20 U.S.C.§ 1412(a)(5)(A) and the IEP contents requirements of 20 U.S.C. § 1414(d)(1)(A) if there is a bona fide security or compelling penological interest that cannot otherwise be accommodated.

An individual who was not identified as a student with exceptional needs or did not have an IEP under IDEA in the educational placement prior to his/her incarceration in an adult correctional facility is not entitled to a FAPE.

Adults (aged 18-22 years) incarcerated in California adult jails and prisons are entitled to a Free Appropriate Public Education (FAPE) if they meet the following criteria:

1. The inmate is not a graduate with a high school diploma and
2. At the time they turned 18, the inmate was identified as an individual with exceptional needs and had an individualized educational program (IEP) under IDEA. (Students who reach age 22 are no longer eligible.)

Enrollment and Intake Procedures

1. Students who were found eligible for special education services or on an IEP prior to incarceration in San Joaquin County Jail are entitled to a FAPE. The San Joaquin County Sherriff's Department and corrections facility will be informed to contact the San Joaquin County SELPA, or the appropriate member LEA within the SELPA should be correctional facility become aware of an adult student who is on an IEP. The adult student also may contact the San Joaquin County SELPA or the responsible member LEA.

2. Upon receive notice of an adult student in county jail with an IEP, the responsible LEA shall ensure the provision of special education services for inmates who remain eligible for such services.

Responsible Agency

1. It shall be the responsibility of the San Joaquin County Superintendent of Schools (SJCSS) and San Joaquin County Probation that SJCSS will provide the educational program within the Juvenile Detention Assessment Centers through a Memorandum of Understanding, regarding these services.

Pursuant to a California Department of Education directive, the District of Residence (DOR) will be responsible for providing a special education and

related services to eligible inmates in the jails operated by the San Joaquin County Sheriff's Department, until there is a judicial, legislative, executive, or regulatory decision that impacts the directive. The directive is limited to inmates between the ages of 18 and 22 (once a student reaches age 22, the directive no longer applies).

Upon incarceration: San Joaquin County Sheriff's Department currently has established intake procedures for inmates placed in or transferred to the jails under its authority. These intake procedures generally include gathering information of the inmate's Regional Educational Programs and Services including special education by determining:

a) When and where the inmate was last enrolled in school
b) Whether the inmate has ever received services as a student with a disability and has not graduated with a high school diploma
c) Whether the inmate currently wishes to have educational services including special education services. The San Joaquin County Jail personnel are required to maintain this information on an intake form: San Joaquin County Jail personnel are advised to contact the San Joaquin Special Educational Local Plan Area (SJCOE SELPA) to review the referral, coordinate and assist the District of Residence (DOR) or the educational agency acting on behalf of the DOR to begin services.

Upon Notification:

Upon receiving notification from the San Joaquin County Sheriff's Department, a representative of the District of Residence (DOR) or a representative of the San Joaquin County Superintendent of Schools acting on behalf of the LEA will contact the jail to:

1. Verify that the inmate is between ages 18-22 (students who reach age 22 are no longer eligible)
2. Verify the last District of Residence of the inmate and/or inmate's parents to confirm that San Joaquin County SELPA is the proper service area
3. Review the SEIS data system to determine if the inmate was a student with a disability when last enrolled in school with San Joaquin County SELPA's participating districts
4. Determine if the inmate has a current Individualized Education Program (IEP) or had one in the past

Status Confirmation and Service Provision:
Upon completion of the review of the data system, each designated LEA staff or designated staff acting on behalf of the LEA will provide the information to the special education teacher(s).

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The acting Lea member will coordinate actions with the San Joaquin County Sheriff's Department to review and confirm and services to be provided to the inmate.

- All services providers will be required to complete the standard security protocols of the jail prior to providing services.
- All service providers will follow the security check-in and check-out procedures of the jail and abide by security request made by the staff of the San Joaquin County Sheriff's Department.
- In some cases, services identified on the IEP may be incompatible with the security procedures of the jail. While it is anticipated that this incompatibility will be uncommon, in such instance's other steps (such as convening an IEP team meeting) may be taken to determine alternate means to meet the inmate's needs.

Legal References:
UNITED STATES CODE, TITLE 20
§ 1400 Individuals with Disabilities Education Act (d), (1), (A), (B), (C)
§ 1412 State eligibility FAPE (a), (1), (A), (B), (5), (16)
§ 1414 Evaluations, eligibility determinations, individualized education programs, and educational placements (d), (1), (7), (A), (i), (VI), (VIII)

CODE OF FEDERAL REQUIREMENT TITLE 34
§ 300.101 Free appropriate public education
§ 300.342(D) Children with disabilities in adult prisons

GOVERNMENT CODE
§ 7579 (D)

EDUCATION CODE
§ 56000
§ 56026 (c), (4)
§ 56040 (b)
§ 56041

Letter to Yudien, 39 IDELR 270, 103 LRP 37913 (OSEP 2003)

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Certification 5: Participating Local Educational Agency

The SELPA shall include a signed copy of the following local educational agency (LEA) certification for each participating agency when submitting the original, or revised local plan Governance and Administration (Section B).

LEA Jefferson Elementary School District

The LEA certifies the SELPA local plan has been adopted by the LEA/county local governing board(s) and is the basis for the operation and administration of special education programs. The LEA will meet all applicable requirements of special education state and federal laws and regulations, and state policies and procedures. Be it further resolved, the LEA superintendent shall administer the local implementation of policies, procedures, and practices in accordance with special education state and federal laws, rules, and regulations, which will ensure full compliance. The Superintendent certifies the LEA is participating in a:

○ Single LEA SELPA ◉ Multi-LEA SELPA

This Governance and Administration was:

Adopted on the _____ day of January , 2021

Yeas _____ Nays _____

The superintendent, or chief administrator of the LEA ensures the current local plan: Governance and Administration (Section B), Annual Budget Plan (Section D), and Annual Services Plan (Section E), including updates or revisions to Sections B, D, E, and/or Attachments, is posted on the LEA web site, is on file at each LEA, and is available to any interested party.

Web address where the SELPA local plan, including all sections, is posted.

https://www.sjcoe.org/SELPA/

_____ _____

LEA Superintendent/Chief Administrator Date