

Special Education Local Plan Area (SELPA) Local Plan

SELPA Downey-Montebello SELPA

Fiscal Year 2023-24

LOCAL PLAN

Section B: Governance and Administration

SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

SELPA Downey-Montebello SELPA

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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: [EC 56195.1(d); EC 56195.1(a)(1); EC 56211; EC 56212]

The Downey-Montebello Special Education Local Plan Area (SELPA) is a multi-district SELPA comprised of two participating Local Education Agencies (LEAs) joined together to provide for the coordinated delivery of programs and services to students with special needs who reside in the area. The Downey Unified School District is designated as the Administrative Unit (AU) as referred to in Education Code 56205(a) (12) (D) (ii), also known as the Responsible Local Agency (RLA) for the SELPA as referred in Education Code 56030.

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: [EC 56195.1(b)(1)-(3)(c); EC 56205(a)(12)]

The administrative organization of the Downey-Montebello Local Plan for Special Education, hereinafter referred to as the Local Plan, incorporates the management staff from all participating LEAs into a framework that provides direct supervision over all programs and the necessary coordination of regionalized services. The respective governing boards, superintendents, and administrators of special education all provide appropriate support to the implementation of the Local Plan within their LEA. The LEA governing boards appoint their superintendent as their designee for the approval and review of all policies, procedures, programs, and fiscal decisions in the implementation of the SELPA Local Plan. The Superintendents' Council, as the governance council, provides support to the SELPA Director and is the decision-making entity for the Local Plan. In adopting the completed plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

The Superintendents' Council shall be composed of the superintendents from each participating LEA. The governance council shall:

- Determine general guidelines and procedures for the implementation of the Local Plan.
- May utilize existing superintendent meetings as the basis for Council meetings, with agenda items for SELPA, as necessary.

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- Establish procedures to supervise and evaluate the SELPA Director's performance, including discipline as may be necessary.
- As the designee for the LEA, adopt policies for the SELPA in the implementation of the Local Plan.
- Review and take action on program transfer requests.
- Establish and promote a Community Advisory Committee (CAC).
- Review and consider comments from the CAC.
- Take action on the Annual Budget and Services Plans.

The Superintendents' Council shall have the exclusive right to decide the following:

- Any matter involving a material change to the SELPA's budget.
- Any matter involving the allocation of special education funding to each participating LEA.
- Any appointment of, or material changes to the staff members of the SELPA, including the SELPA Director.
- Approval of any charter school or LEA's application for LEA status within the SELPA.

The Superintendents' Council Voting:

- A designee may represent a member of the Superintendents' Council, provided that the name and title of the designee is given to the SELPA Director in writing prior to the meeting. The designee must have the authority to commit LEA resources.
- For the Superintendents' Council to take action a quorum must be present.
- A quorum shall consist of one-half plus one of the members or designees represented.
- Each member or designee shall have one vote.
- Every act or decision done or made by the Council shall be by two-thirds vote of those members present during the vote.
 - If the SELPA has only two participating LEAs, a quorum shall exist if both LEAs are represented at the meeting. Under such circumstances, when the vote taken is a tie, the parties shall attempt to resolve the tie via discussion and re-vote over a period of 30 days. If no resolution is met, the parties shall use a mutually agreeable mediator to reach resolution on the disputed issue. The parties shall name a mutually-agreeable mediator within 30 calendar days of the failed re-vote.

The responsibilities of the SELPA Director shall include, but not be limited to, the following:

- Assist the superintendents upon request.
- Prepare Superintendents' Council agendas and distribute them in advance of scheduled meetings.
- Designate and/or serve as an ad hoc member of the CAC.
- Advise the Superintendents' Council of any action related to policies and/or procedures, distribution of state or federal funding, and/or program development.
- Compile data and submit reports as required and/or requested by the County Office and California

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Department of Education.

- Submit any waivers necessary for the implementation of the Local Plan.
- Monitor the appropriate use of IDEA, Regionalized Service Program Specialist funds, and state and federal grants for special education.
- Monitor and sign all purchase orders for low incidence materials and equipment.
- Oversee and monitor LEA data and review submission processes.
- May convene and dissolve working committees from the member LEAs in an advisory capacity to the SELPA Director in support of the Local Plan.
- Gather input from LEA program and fiscal staff to formulate policy and procedure recommendations for Superintendents' Council action related to:
 - The distribution of state and federal funds among the LEAs.
 - Special education program needs, policies, procedures, agreements, and forms; and the development and implementation of personnel development programs.
- Provide LEA program staff with a venue for sharing ideas regarding issues such as IEP development and implementation, student performance targets, assessments, instructional best practices, and day-to-day operations.
- Inform the Superintendents' Council of the status of the special education programs.
- Inform the Superintendents' Council of significant special education updates from the local, state and federal level.
- Oversee the recruitment, supervision, and evaluation of SELPA staff.

The Community Advisory Committee (CAC) acts as an advisory body to the governance council and are responsible for the following:

- Carry out a series of educational trainings for all parents based on the results of a needs assessment and/or requests from CAC membership.
- Encourage community involvement in the development and review of the Local Plan by inviting members to participate in SELPA review committee.
- Support other activities on behalf of students with disabilities through involvement of community-wide projects and community resource directory as determined by the CAC Board.
- Assist in parent awareness of the importance of regular school attendance through educational trainings.
- Advise the governance council regarding policy making and the development, implementation and review of the Local Plan. The SELPA governance council shall review and consider comments from the CAC.
- The CAC shall be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of general education pupils, individuals with exceptional needs enrolled in special education programs, adults with disabilities, general education teachers, special education teachers, other school personnel, representatives of public and private agencies, and persons

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concerned with the needs of individuals with exceptional needs.

- All board meetings of the CAC shall be held according to federal and state law, including the Brown Act. Announcements of CAC meetings and activities will be posted by the member LEAs and on the SELPA website.

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: [EC 56195.7(i)(j)(1)(2)]

The LEA governing boards appoint their superintendent as their designee for the approval and review of all policies, procedures, program and fiscal decisions in the implementation of the SELPA Local Plan.

Local board policy of each member LEA of the SELPA shall indicate that the LEA is responsible for educating students with disabilities in the least restrictive environment. Placement in special education programs or services occurs only when the nature or severity of the disability is such that the student's education, even with the use of modifications of the general educational program or use of supplementary aids or programs, cannot be achieved satisfactorily in the general education setting.

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: [EC 56195.1(c); EC 56205(a)(12)(D)(i); EC 56195.5]

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5. Does the SELPA have policies and procedures that allow for the participation of charter schools in the local plan? [EC 56207.5]

☒ Yes

☐ No

If No, explain why the SELPA does not have the policy and procedures.

The SELPA shall follow Downey-Montebello SELPA local policy L-8 (SP: L-8) when charter schools apply to be part of the SELPA Local Plan.

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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: [EC 56194(a)(b)(d); EC 56195.9(a)]

The CAC acts as an advisory body to the policy and administrative entity in the development, amendment, and review the Local Plan. The Local Plan for special education shall be updated cooperatively by a committee of representatives of special and general education teachers and administrators selected by the groups they represent and with participation by parent members of the CAC, or parents selected by the CAC.

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: [EC 56205(a)(12)(E); EC 56205(b)(7)]

To ensure adequate and effective communication, the Local Plan will be developed, revised or updated cooperatively by a committee. The committee will include administrators, special/general education teachers and parent(s) selected by the group they represent. The parent(s) will be members of the Community Advisory Committee (CAC) or selected by the CAC. The SELPA Director or designee will serve as committee chairperson.

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: [EC 56836.01(a)(b); EC 56205(a)(12)(D)(ii); EC 56195(b)(3); EC 56030]

The Downey Unified School District has been designated as the Administrative Unit (AU) or Responsible Local Agency (RLA) for the Downey-Montebello SELPA. The AU shall be responsible for functions including, but not limited to:

- Receipt and distribution of any funds for the operation of special education programs to appropriate accounts.
- Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.
- Provision of administrative support to the SELPA office.
- Employment of SELPA staff to support SELPA operations.
- Upon recommendation of the SELPA Superintendents' Council, the Administrative Unit's governing Board shall review and act on SELPA operational items such as contracts or other requisite matters as needed to support the Local Plan.

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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: [EC 56195.7. EC 56195.1(b)(c)]

The SELPA will facilitate agreements for the provision and coordination of services by other public agencies that are funded to serve children with disabilities. The SELPA Director shall develop, agree to and maintain Interagency agreements and/or memorandums of understanding necessary to support the implementation of the Local Plan, and as required by legal mandates, have been developed with agencies such as Regional Center. Other interagency agreements and/or memorandums of understanding will be developed as needed in support of the local plan. Copies of these documents can be requested through the SELPA office.

10. For multi-LEA local plans, specify:

- a. The responsibilities of each participating COE and LEA governing board in the policymaking process: [EC 56205(a)(12)(D)(i)]

The governing board of each LEA shall approve its participation in the Downey-Montebello SELPA Local 

- b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan: [EC 56205(a)(12)(D)(i)]

The superintendent of each LEA retains responsibility for the administration of programs operated by his/her LEA. The superintendent shall provide, as necessary, direct support to his/her staff in planning, establishing, and implementing policy decisions. In addition, each superintendent shall:

- Assure that the provisions of the Local Plan are implemented in the LEA in compliance with State Education Code and Federal IDEA.
- Calendar items requiring local board approval.
- Direct the activities of administrators of special education in coordinating the administration of the Local Plan.
- Assure that required data is submitted to the SELPA and/or administrative agency in a timely fashion.
- Assure that appropriate facilities and support services such as transportation are available to meet the needs of students with disabilities residing in the geographical area covered by the Local Plan.

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- Other duties as required by federal and state law.

c. The responsibilities of each LEA and COE for coordinating the administration of the local plan: [EC 56205(a)(12)(D)(i)]

LEA Special Education Administrators Responsibilities

The Special Education administrator and/or designee ('administrators') shall direct the operation of the special education programs and services that are operated by the LEA. In addition, the administrators shall assist in the coordination of the administration of the local plan as follows:

- Are employed by their respective LEA and are responsible to their LEA superintendent.
- Are responsible for the coordination of special education services and programs within their agencies and for the implementation of the local plan within their LEAs.
- Assign staff as required to assist in the development of regionalized services including, but not limited to, the development of a coordinated child find identification, placement and referral system, personnel, and curriculum development activities, and evaluation and program review/monitoring activities.
- Making available a free appropriate public education to all children residing in the LEA between the ages of birth through 21 inclusive, including students with disabilities who have been suspended or expelled from school.
- Identifying and serving students in medical facilities, foster care, or Licensed Childcare Institute (LCI) pursuant to federal and state law.
- Developing and providing programs and services for all eligible students residing in the LEA and for students attending private schools.
- Organize, administer, and supervise the activities of local IEP Teams and participate in regional IEP Teams as required.
- Ensuring participation in state and LEA-wide assessments.
- Operating all special education programs and services in accordance with federal and state laws and regulations.
- Organize the activities of the Resource Specialist Program (RSP) and assure that the programs comply with the provisions pursuant to EC 56362.
- Ensure equal access to all programs within the SELPA for students with disabilities by:
 - Use of similar forms and similar IEP database system
 - Acceptance of all students with disabilities appropriately referred to as regionalized programs across (Downey-Montebello SELPA) LEAs
 - Assure the availability of programs as needed

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- Assure that required information, reports and necessary waivers are submitted to the SELPA Director in a timely fashion.
 - Coordinate and conduct LEA special education monitoring and review activities as required.
 - Implement and monitor any corrective actions findings for all monitoring and review activities.
 - Respond to compliance and due process complaints and implement required corrective actions if needed.
 - Forward to the SELPA Director, copies of all monitoring activities and reviews, Office of Civil Rights, due process, and state-level complaint findings.
 - Serve in an advisory capacity to the SELPA Director.
 - Assist in the coordination of community resources if needed.
 - Perform other duties necessary to coordinate the administration of the local plan.

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: *[EC 56205(a)(12)(D)(ii)(I)]*

- The RLA/AU is responsible for the recruitment and hiring of the SELPA Director and staff.
- The selection of the SELPA Director candidate for the position shall be the sole responsibility and decision of the Superintendents' Council.
- The Superintendents' Council shall jointly supervise and evaluate the SELPA Director's performance, including implementing disciplinary action as may be necessary.
- The SELPA Director oversees the recruitment, supervision and evaluation of SELPA staff.

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- b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA: [EC 56205(a)12(D) (ii)(II); EC 56195.7(i)]

All federal and state special education funds shall be allocated to the SELPA for distribution to member LEAs according to an approved Special Education Funding Allocation Plan. It shall be the sole decision of the Superintendents' Council regarding any changes to the allocation of federal and state special education funds. The SELPA Director is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

The RLA/AU shall be responsible for functions including, but not limited to:

- Receipt and distribution of any funds for the operation of special education programs to appropriate accounts.
- Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.

- c. The operation of special education programs: [EC 56205(a)(12)(D)(ii)(III)]

c. The operation of special education programs:

Specific duties of the AU:

- The AU shall be responsible for receipt of and distribution of any funds for the operation of special education programs in accordance with the provisions of the Education Code Section 56836.

Specific duties of the SELPA Director:

- Coordinate implementation of all components of the local plan.
- Meet with LEA program and business staff regarding special education program needs, policies, procedures, agreements, and forms.
- Provide LEA program staff with a venue for sharing ideas regarding issues such as program/service development, IEP oversight and development and implementation, curriculum scope and sequence, student performance targets, instructional best practices, and day-to-day operations.
- Develop and maintain interagency agreements with appropriate public agencies to ensure a full range of special education programs and services.
- Monitor and ensure appropriate use of federal, state, and local funds allocated for special education operations.
- Provide technical assistance to LEAs with non-public schools and agencies, including distribution of a Master Contract template and rate negotiations.
- Act as a liaison between and among the SELPAs, the California Department of Education, Governance Council, Greater Los Angeles Area SELPAs (GLAAS), the Community Advisory Committee, Local Plan Committee, U.S. Department of Education Office of Special Education Programs, and elected government officials to assist with information dissemination and ensure compliance and implementation of the local plan.

Specific duties of the individual LEAs:

- Coordinating and conducting child find activities.

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- Making available a free appropriate public education to all students residing in the LEA and/or local plan geographic area.
- Developing and providing programs and services for all eligible students residing in the LEA and for students attending private schools.
- Identifying and serving students in medical facilities, foster care, or Licensed Childcare Institute (LCI) pursuant to federal and state law.
- Ensuring participation in state and district-wide assessments.
- Operating all special education programs and services in accordance with federal and state laws and regulations and in alignment with SELPA policies/procedures.

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs: [EC 56205(a)(12)(D)(ii)(IV)]

Specific duties of the RLA/AU:

The AU, as the grantee of federal funds from the California Department of Education (CDE), shall distribute all or part of the federal funds received to the SELPA through a sub-grantee process and shall annually conduct and report to the CDE the required MOE information. The AU will provide consultation and support to the SELPA related to the monitoring of the appropriate use of federal, state and local funds used for special education programs.

Specific duties of the SELPA Director:

The SELPA Director or designee shall be responsible to monitor, at a minimum annually, the appropriate use of all funds allocated for special education programs and services. Final determination, monitoring and action regarding the appropriate use of special education funds shall be made through the required annual MOE reports and Annual Budget Plan submitted to the CDE.

Specific duties of the individual LEAs:

The individual LEAs, along with support from the SELPA Director, shall ensure that the funds received from part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement state, local, and other Federal funds and not to supplant those funds; and 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 students with disabilities except as provided in Federal law and regulations. Final determination, monitoring and action regarding the appropriate use of special education funds for individual LEAs shall be made through the required annual MOE reports submitted to the CDE.

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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: [EC 56206]

The SELPA and individual LEAs will ensure that specialized equipment is accessible to students and in alignment with federal and state law (e.g., AB 650). Specialized equipment and services will be provided at the site where the Individualized Education Program (IEP) team has determined provides the program/ services where the student with a free and appropriate public education is served in the least restrictive environment.

Low Incidence funds may be used for all pupils with low incidence disabilities as defined in law (hearing impairments, visual impairments, severe orthopedic impairments or any combination thereof) where an IEP team has determined the pupil meets eligibility requirements for a low incidence disability and the specialized equipment and/or services are recommended in the student's IEP. The SELPA Low Incidence Committee shall be responsible for ensuring LEAs following the SELPA Low Incidence Disability Policy.

The LEA is responsible for providing a student with disabilities who requires the use of an assistive technology device, as noted in their IEP, with continued access to that device, or to a comparable device, when the student, because of enrollment in another LEA, ceases to be enrolled in that LEA. This responsibility is in force until alternative arrangements for providing the student with continuous access to the assistive technology device, or to a comparable device, can be made or until two months have elapsed from the date that the student ceased to be enrolled in that LEA, whichever occurs first (EC 56040.3).

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 (If applicable. Leave blank if not applicable); the document title; and the physical location where the policy can be found.

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1. Free Appropriate Public Education: 20 USC Section 1412(a)(1); EC 56205(a)(1)

Policy/Procedure Number:

Document Title:

Document Location:

"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

2. Full Educational Opportunity: 20 USC Section 1412(a)(2); EC 56205(a)(2)

Policy/Procedure Number:

Document Title:

Document Location:

"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

3. Child Find: 20 USC Section 1412(a)(3); EC 56205(a)(3)

Policy/Procedure Number:

Document Title:

Document Location:

"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

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implemented to determine which children with disabilities are currently receiving needed special 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); EC 56205(a)(4)**

Policy/Procedure Number:

Document Title:

Document Location:

"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

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 USC §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 § 1414 (d). It shall be the policy of this LEA that a of 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 and is inclusive of the below.

Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP)

Note: The following mandated administrative regulation reflects the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) and the conforming state legislation, AB 1662 (Ch. 653, Statutes of 2005). Implementing federal regulations will need to be revised to conform to the new requirements. Note that in cases where state law provides greater protections, state law supersedes federal law.

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. (34 CFR 300.342; Education Code 56344).

Members of the IEP Team

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The IEP team for any student with a disability shall include the following members: (20 USC 1414(d)(1); 34 CFR 300.344; Education Code 56341, 56341.2, 56341.5)

1. One or both of the student's parents/guardians, and/or a representative selected by the parent/guardian.
2. If the student is or may be participating in the regular education program, not less than one regular education teacher.
If more than one regular education teacher is providing instructional services to the student, the district may designate one such teacher to represent the others.
3. Not less than one special education teacher or, where appropriate, not less than one special education provider for the student.
4. A representative of the district who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities.
 - b. Knowledgeable about the general education curriculum.
 - c. Knowledgeable about the availability of district and/or Special Education Local Plan Area (SELPA) resources.
5. An individual who can interpret the instructional implication of assessment results.
6. This individual may already be a member of the team as described in items #1-4 above or in item #6 below.
7. At the discretion of the parent/guardian or district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate.

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team. (Education Code 56341)

8. Whenever appropriate, the student with the disability.
9. For transition service participants:
 - a. The student, of any age, with the disability if the purpose of the meeting is the consideration of the student's transition service needs. If the student does not attend the IEP team meeting, the district shall take other steps to ensure that the student's preferences and interests are considered.
 - b. A representative of any other agency that is likely to be responsible for providing or paying for transition services. If a representative of such other local agency has been invited but does not attend the meeting, the district shall take other steps to obtain participation of the agency in the planning of any transition services.
10. For students suspected of having a specific learning disability in accordance with 34 CFR 300.540 and 300.542, at least one individual who is qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist, or remedial reading teacher.
In accordance with 34 CFR 300.542, at least one team member other than the student's regular education teacher shall observe the student's academic performance in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.
11. For students who have been placed in a group home by the juvenile court, a

representative of the group home.

If a student with disabilities is identified as potentially requiring mental health services, the district shall request the participation of the county mental health program in the IEP team meeting. (Education Code 56331)

Upon request of the parent/guardian of a child who was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), the district shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414(d)(1)(D))

Meetings of the IEP Team

The IEP team shall meet: (20USC 1414(d); Education Code 56045; 56341.1, 56341.1, 56343, 56380)

1. Whenever the student has received an initial formal assessment and, when desired, when the student receives any subsequent formal assessment.
2. Whenever the student demonstrates a lack of anticipated progress.
3. Whenever the parent/guardian or teacher requests a meeting to develop, review, or revise the IEP.
4. Periodically, but at least annually, to:
 - a. Determine whether the student's annual goals are being achieved.
 - b. Revise the IEP as appropriate to address, among other matters, the provisions for transition services specified in Education Code 56341.1
 - c. Review the IEP and the appropriateness of placement
 - d. Make any necessary revisions to the IEP.

The IEP team shall conduct this review. Others may participate if they have essential expertise or knowledge. (Education Code 56341; 34 CFR 300.344)

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (20 USC 1414(d); Education Code 56345.1)

A meeting to develop an initial IEP shall be conducted within 30 days of a determination that a student needs special education and related services pursuant to 34 CFR 300.343. (Education Code 56344)

An IEP required as a result of an assessment of the student shall be developed within 60 days (not counting days between the student's regular school sessions, terms of days of school vacation in excess of five school days) from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension.

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(Education Code 56344)

However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for the student for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time limit shall recommence on the date that student's school days reconvene. (Education Code 56344)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school session, terms, or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing a written request. (Education Code 56043, 56343.5)

As a member of the IEP team, the regular education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of: (20 USC 1414(d)(3)(C); 34 CFR 300.346; Education Code 56341)

1. Appropriate positive behavioral interventions and supports and other strategies for the student.
2. Supplementary aids and services, program modifications, and support for school personnel that will be provided for the student, consistent with 20 USC 1414(d)(1)(A)(i)(IV).

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian consents in writing and the district agrees that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting involves a discussion of the member's area of the curriculum or related service, the IEP team member may be excused from the meeting if the parent/guardian consents in writing to the excusal and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414(d)(1)(C))

To the extent possible, the district shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A))

IEP Team Meetings: Parent/Guardian Notice and Attendance

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting and scheduling the meeting at a mutually agreed upon time and place. (34 CFR 300.345; Education Code 56341.5)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings

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early enough that they will have an opportunity to attend. These notices shall: (34 CFR 300.345; Education Code 56341.5)

1. Indicate the purpose, time, and location of the meeting.
2. Indicate who will be in attendance at the meeting.
3. Inform the parents/guardians of the provisions of 34 CFR 300.345(b)(1)(ii) relating to their right to have on the IEP team other individuals who have knowledge or special expertise about the student.
4. Identify any other local agency that is likely to be responsible for providing or paying for transition services in accordance with 34 CFR 300.344.
5. For students beginning at age 16 (or younger than 16 if deemed appropriate by the IEP team):
 - a. Indicate that the purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1 and 20 USC 1414(d)(1)(A)(i)(VIII)
 - b. Indicate that the district will invite the student to the IEP team meeting.
 - c. Identify any other agency that will be invited to send a representative.

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

If no parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conference, individual or conference telephone calls. (20 USC 1414(f); 34 CFR 300.345; Education Code 56341.5)

An IEP team meeting may be conducted without a parent/guardian in attendance if the district is unable to convince the parent/guardian that he/she should attend. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including: (34 CFR 300.345; Education Code 56341.5)

1. Detailed records of telephone calls made or attempted and the results of those calls.
2. Copies of correspondence sent to the parent/guardian and any response received.
3. Detailed records of visits made to the parent/guardian's home or place of employment the results of those visits.

Parents/guardians and the district shall have the right to audiotape the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the district gives notice of intent to audiotape a meeting, and the parent/guardian objects or refuses to attend because the meeting would be audiotaped, the meeting shall not be audiotaped. Parents/guardians also have the right to: (Education Code 563.41.1)

1. Inspect and review the audiotapes.
2. Request that the audiotapes be amended if the parents/guardians believe they contain information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights.

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3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, or in violation of the student's privacy rights or other rights.

The district shall take any action necessary to ensure that the parent/guardian understands the proceedings at a meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56345.1)

Contents of the IEP.

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following: (20 USC 1414(d)(1)(A); 34 CFR 300.347; Education Code 56043, 56345, 56345.1)

1. A statement of the present levels of the student's academic achievement and functional performance, including the manner in which the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students)

a. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities.

b. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.

2. A statement of measurable annual goals, including academic and functional goals, designed to do the following:

a. Meet the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general curriculum.

b. Meet each of the student's other educational needs that result from the student's disability.

3. A description of the manner in which the progress of the student toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards.

4. A statement of the specific special educational instruction and related services and supplementary aids and services, based on peer-reviewed research, to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:

a. Advance appropriately toward attaining the annual goals.

b. Be involved and make progress in the general curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities.

c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in Education Code 56345(a)

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the extracurricular and other nonacademic activities described in item #4(c) above.

6. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments.

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If the IEP team determines that the student shall take an alternate assessment on a particular state or district-wide assessment, a statement of the following:

- a. The reason that the student cannot participate in the regular assessment.
 - b. The reason that the particular alternate assessment selected is appropriate for the student.
7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications.
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, and updated annually thereafter, the following shall be included:
- a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.
 - b. The transition services, including courses of study, needed to assist the student in reaching those goals.
9. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to Education Code 56041.5 that will transfer to the student upon reaching age 18.

Where appropriate, the IEP shall also include: (Education Code 56345)

1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation.
2. Linguistically appropriate goals, objectives, programs, and services for students whose native language is not English.
3. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education.
4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular education program in a public school for any part of the school day.

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the regular education program, including indications of the nature of each activity and the time spent on the activity each day or week.
 - b. Support the transition of the student from the special education program into the regular education program.
5. Specialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines pursuant to Education Code 56136.

Development, Review, and Revision of the IEP

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In developing the IEP, the IEP team shall consider the following: (20 USC 1414(d)(3)(A); 34 CFR 300.346; Education Code 56341.1, 56345)

1. The strengths of the student.
2. The concerns of the parents/guardians for enhancing the education of their child.
3. The results of the initial assessment or most recent assessment of the student.
4. The academic, developmental, and functional needs of the student.
5. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, the use of positive behavioral interventions and supports and other strategies to address their behavior.
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP.
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille.

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, his/her future needs for instruction in Braille or the use of Braille, and other appropriate reading and writing media.

8. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, including the following:

- a. The student's primary language mode and language, which may include the use of spoken language with or without visual cues and/or the use of sign language.
- b. The availability of a sufficient number of age, cognitive, and language peers of similar abilities which may be met by consolidating services into a local plan area-wide program or providing placement pursuant to Education Code 56361.
- c. Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language consistent with existing law regarding teaching training requirements.
- d. Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities consistent with the federal Vocational Rehabilitation Act and the federal Americans with Disabilities Act.

9. Whether the student requires assistive technology devices and services.

If, in considering the special factors in items #1-9 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive a free appropriate public education, the IEP team must include a statement to that effect in the student's IEP. (34 CFR 300.346; Education Code

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56341.1)

All IEPs shall be reviewed on an annual basis for student progress, appropriateness of placement, and to include any necessary revisions. (Education Code 56380)

The IEP team shall review the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and to revise the IEP, as appropriate, addressing, among other matters, the following: (20 USC 1414(d)(4); Education Code 56341.1)

1. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate.
2. The results of any reassessment conducted pursuant to Education Code 56381.
A reassessment of the student shall be conducted at least once every three years, or more frequently if the district determines that the educational or related services needs, including the academic achievement and functional performance of the student, warrant a reassessment, if conditions warrant a reassessment, or fit the student's parent/guardian or teacher requests a reassessment and a new IEP to be developed. (Education Code 56381)
3. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to Education Code 56381(b).
4. The student's anticipated needs.
5. Other relevant matters.

The student shall be allowed to provide confidential input to any representative of his/her IEP team. (Education Code 56341.5)

If a student with disabilities residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the district shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include a provision for a review, at least every six months, by the full IEP team of all of the following: (Education Code 56043)

1. The case progresses.
2. The continuing need for out-of-home placement.
3. The extent of compliance with the IEP.
4. Progress toward alleviating the need for out-of-home care.

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the district may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. Upon request, the district shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (20 USC 1414(d)(3)(D))

Transfer Student

If a student with a disability transfers to this district from a district within this district's SELPA

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during the school year, this district shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the parent/guardian and district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325)

If a student with a disability transfers to this district from a California district outside of this district's SELPA during the school year, the district shall provide the student with a free appropriate public education, including services comparable to those described in the previous district's IEP. Within 30 days, the district shall, in consultation with the parents/guardians, adopt the other district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325)

If a student with a disability transfers to this district from a district out of state during the school year, the district shall provide the student with a free appropriate public education, including services comparable to the out of state district's IEP, in consultation with the parent/guardian, until such time as the district conducts an assessment, if the district determines such an assessment is necessary, and develops a new IEP, if appropriate. (Education Code 56325)

To facilitate the student's transition, the district shall take reasonable steps to promptly obtain the records of a student with disabilities transferring into this district, including his/her IEP and the supporting documents related to the provision of special education services. (Education Code 56325)

Due Process/Mediation

A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed, in writing, of the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian consents, in writing, to all or part of the IEP after receiving this notice. If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

If the Superintendent or designee determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free appropriate public education to the student, he/she shall either initiate a due process hearing or a pre-hearing mediation conference with the state pursuant to Education Code 56500.3. While the due process hearing or pre-hearing mediation conference is pending, the student shall remain in his/her current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

While a due process hearing is pending, the Superintendent or designee may choose to meet informally with the parent/guardian pursuant to Education Code 56502 or may hold a mediation conference pursuant to Education Code 56503. If a due process hearing is held, the hearing

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decision shall be the final administrative determination and shall be binding upon the parties.
(Education Code 56346)

5. Least Restrictive Environment: USC Section 1412(a)(5); EC 56205(a)(5)

Policy/Procedure Number:

Document Title:

Document Location:

"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); EC 56205(a)(6)

Policy/Procedure Number:

Document Title:

Document Location:

"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

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

"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 and is inclusive of the below.

SELPA Downey-Montebello SELPAFiscal Year 2023-24**Procedural Safeguards****Informal Process/Pre-Hearing Mediation Conference**

Before requesting a due process hearing, the Superintendent or designee and a parent/guardian may agree to meet informally to resolve any issue(s) relating to the identification, assessment or education and placement of a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. Based on the mediation conference, the Superintendent or designee may resolve the issue(s) in a manner that is consistent with state and federal law and is to the satisfaction of both parties. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

If either of these processes fails to resolve the issue(s), either party may file for a state-level due process hearing.

Due Process Complaint Notice and Hearing Procedures

A parent/guardian, the district, and/or a student who is emancipated or a ward or dependent of the court may initiate due process hearing procedures whenever: (20 USC 1415(b); Education Code 56501)

1. There is a proposal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student.
2. There is a refusal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student.
3. The parent/guardian refuses to consent to an assessment of his/her child.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.403(b).

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint notice, which shall remain confidential, specifying: (20 USC 1415(b); 34 CFR 300.507)

1. The student's name.
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student.

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3. The name of the school the student attends.

4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem.

5. A proposed resolution to the problem to the extent known and available to the complaining party at the time.

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint notice, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint specifying: (20 USC 1415(c)(1))

1. An explanation of why the district proposed or refused to take the action raised in the complaint.

2. A description of other options that the individualized education program (IEP) team considered and the reasons that those options were rejected.

3. A description of each evaluation procedure, assessment, record, or report the district used as the basis for the proposed or refused action.

4. A description of the factors that are relevant to the district's proposal or refusal.

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt, send a response specifically addressing the issues in the complaint. (20 USC 1415(c)(1))

Parties requesting a due process hearing shall file their request with the Superintendent of Public Instruction or designated contracted agency and give a copy of the request, at the same time, to the other party. (Education Code 56502)

Prior Written Notice

The Superintendent or designee shall send to parents/guardians of any student with a disability a prior written notice within a reasonable time before: (Education Code 56500.4, 56500.5; 20 USC 1415(c); 34 CFR 300.503)

1. The district initially refers the student for assessment.

2. The district proposes to initiate or change the student's identification, evaluation, educational placement or the provision of a free, appropriate public education.

3. The district refuses to initiate or change the identification, evaluation or educational placement of the student or the provision of a free and appropriate public education.

4. The student graduates from high school with a regular diploma.

This notice shall include: (20 USC 1415(c); 34 CFR 300.503)

1. A description of the action proposed or refused by the district.

2. An explanation as to why the district proposes or refuses to take the action.

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3. A description of any other options that the IEP team considered and why those options were rejected.
4. A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action.
5. A description of any other factors relevant to the district's proposal or refusal.
6. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of procedural safeguards can be obtained.
7. Sources for parents/guardians to obtain assistance in understanding these provisions. (cf. 5145.6 – Parental Notifications)

Students with disabilities and their parents/guardians shall be provided written notice of their rights in language easily understood by the general public and in the primary language of the parent/guardian or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible. The notice shall include, but not be limited to, those rights prescribed by Education Code 56341. (Education Code 56341, 56506; 34 CFR 300.503)
If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that: (34 CFR 300.503)

1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication.
2. The parent/guardian understands the contents of the notice.
3. There is written evidence that items #1 and #2 have been satisfied.

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with a disability once a year and upon: (Education Code 56301; 20 USC 1415(d)(1))

1. Initial referral for evaluation.
2. Each notification of an IEP meeting.
3. Reevaluation of the student.
4. Registration of a complaint.
5. Filing for a pre-hearing mediation conference or a due process hearing.

This notice shall include information on the procedures for requesting an informal meeting, pre-hearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341.

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (20 USC 1415(d)(2); Education Code 56321, 56321.5)

In addition, this notice shall include a full explanation of the procedural safeguards relating to

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independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints to initiate due process hearings; the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parents/guardians of students in private schools at public expense; mediation; due process hearings; state-level appeals; civil action; attorney's fees, and the state's complaint procedure. (20 USC 1415(d)(2); 34 CFR 300.504)

7. Evaluation: 20 USC Section 1412(a)(7); EC 56205(a)(7)

Policy/Procedure Number:

Document Title:

Document Location:

"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); EC 56205(a)(8)

Policy/Procedure Number:

Document Title:

Document Location:

"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); EC 56205(a)(9)

Policy/Procedure Number:

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Document Title:

Document Location:

"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); EC 56205(a)(10)

Policy/Procedure Number:

Document Title:

Document Location:

"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); EC 56205(a)(11)

Policy/Procedure Number:

Document Title:

Document Location:

"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:

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☒ Yes ☐ No

12. Interagency: 20 USC Section 1412(a)(12); EC 56205(a)(12)(D)(iii)

Policy/Procedure Number:

Document Title:

Document Location:

"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

13. Governance: 20 USC Section 1412(a)(13); EC 56205(a)(12)

Policy/Procedure Number:

Document Title:

Document Location:

"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

14. Personnel Qualifications; EC 56205(a)(13)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to ensure that personnel providing special education related services

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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 (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); EC 56205(a)(14)

Policy/Procedure Number:

Document Title:

Document Location:

"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); EC 56205(a)(15)

Policy/Procedure Number:

Document Title:

Document Location:

"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); EC 56205(a)(16)

Policy/Procedure Number:

Document Title:

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Document Location:

"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 SELPA as stated:

☒ Yes ☐ No

18. Maintenance of Effort: 20 USC Section 1412(a)(18); EC 56205(a)(17)

Policy/Procedure Number:

Document Title:

Document Location:

"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

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

"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 revised." The policy is adopted by the SELPA as stated and is inclusive of the below.

Maintenance of Effort

"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 SELPA Administrative Unit (AU), as the grantee of federal funds from the State Department of Education, shall distribute all or part of the federal funds received to participating Local Education Agencies (LEA) within the SELPA through a sub-granting process and shall annually conduct and report to the State Education Agency (SEA) the required MOE information. For the purposes of maintenance of effort, the SELPA AU is the recipient of the federal funds from CDE and is, in turn, a grantor of all or part of those funds as sub-grants to participating LEAs. The LEAs within the Downey-Montebello (AV) SELPA

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shall compile and submit budget and expenditure information including SEMA and SEMB reports to the DM SELPA. The two required comparison tests are as follows:

First Comparison Eligibility Requirement – Grant year Budget to Prior Actual Expenditures (SEMB)

- Each LEA will submit to the SELPA the required MOE documentation each year.
- Budgeted local or state and local expenditures must equal or exceed prior year expenditures for each LEA and for the SELPA, as a whole, subject to the federal Subsequent Years rule.
- SELPA must ensure LEA meets the eligibility comparison test before the allocations of Part B funds are made to the LEAs.

Section 1 – Each year, LEA's should record any of the exceptions listed below:

- a. These items will reduce the amount required to meet MOE:
 - The voluntary departure, by retirement or otherwise or departure for just cause, of special education or related service personnel.
 - A decrease in the enrollment of children with disabilities.
 - The termination of the obligation of the agency to provide a program of special education to a particular child with disabilities that is an exceptionally costly program because the child:
 - a) Has left the jurisdiction of the agency.
 - b) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - c) No longer needs the program of special education.
 - The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

Section 2 – LEA's who received a "meets requirement" compliance determination from CDE and have not been found to be significantly disproportionate may also reduce their MOE requirement. Under these conditions, the LEA may reduce the level of local or state and local expenditures otherwise required by the LEA MOE requirement by calculating 50 percent of the increase in federal subgrant allocation received for the current fiscal year compared to the prior fiscal year, and reducing their state and local MOE requirement by that amount.

Please note: The LEA must use an amount of local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the Elementary and Secondary Education Act (ESEA) of 1965. This amount includes any activities under Title 1, Impact Aid, and other ESEA programs.

- The amount of funds expended by an LEA for early intervening services under 34 CFR, Section 300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under this section.

Section 3 – Four MOE Test Methods to Maintain Effort

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a. Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.

b. Comparison may be either total amount or a per capita (per child with a disability unless some other basis is permitted by the SEA for determining "per capita") basis (34 CFR Section 300.203).

The four methods to maintain effort are:

1. The combination of state and local funds.
2. Local funds only.
3. The combination of state and local funds on a per capita basis.
4. Local funds only on a per capita basis.

If the SELPA as a whole passes the first comparison (budget vs. actual), the SELPA as a whole, is eligible to receive Part B funding.

Consequences for Failure to Maintain Effort:

If the SELPA still fails the first comparison (budget vs. actual), the SELPA, as a whole, and all of its participating members will be ineligible to receive Part B funding until budgetary revisions are made to enable the SELPA, as a whole to meet MOE requirements.

If the SELPA, as a whole, passes the first comparison (budget vs. actual), but one or more individual LEA sub-grant recipients fail Comparison 1, they shall have until the first principal apportionment (better known as P-1 certification) occurs to comply with MOE requirements. The P-1 certification is the first time the current year expenditure data is available. If an LEA has not rectified the problem by the date that P-1 certification is made, the SELPA will notify the CDE. The SELPA will provide the CDE with the LEA's IDEA subgrant amounts. The CDE will reduce the SELPA's grant awards by the amount of the LEAs subgrant amount.

When an LEA fails to meet the MOE test in one year, the LEA is required in subsequent fiscal years to maintain effort at the level prior to the failure. Thus, the LEA must calculate its level of effort on the most recent fiscal year in which the MOE test was met.

Second Comparison Compliance Requirement – Prior Year Actuals vs. Second Prior Year Actuals or the most recent year LEA met using the method (SEMA).

- Actual local or state and local expenditures must equal or exceed prior year expenditures subject to the federal Subsequent Years rule.
- SELPA comparison is made after unaudited actuals data is submitted to CDE following the end of the fiscal year.
- The comparison will occur annually.

Section 1 - Each year LEA's should record any of the exceptions listed below:

These items will reduce the amount required to meet MOE:

- The voluntary departure, by retirement or otherwise, or departure for just cause, of

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special education or related service personnel.

- A decrease in the enrollment of children with disabilities.
- The termination of the obligation of the agency to provide a program of special education to a particular child with disabilities that is an exceptionally costly program because the child:
 - a) Has left the jurisdiction of the agency.
 - b) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - c) No longer needs the program of special education.
- The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

Section 2 – LEA's who received a "meets requirement" compliance determination from CDE and have not been found to be significantly disproportionate may also reduce their MOE requirement. Under these conditions, the LEA may reduce the level of local or state and local expenditures otherwise required by the LEA MOE requirement by calculating 50 percent of the increase in federal subgrant allocation received for the current fiscal year compared to the prior fiscal year, and reducing their state and local MOE requirement by that amount.

Please note: The LEA must use an amount of local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the Elementary and Secondary Education Act (ESEA) of 1965. This amount includes any activities under Title 1, Impact Aid, and other ESEA programs.

- The amount of funds expended by an LEA for early intervening services under 34 CFR, Section 300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under this section.

Section 3 – Four MOE Test Methods to Maintain Effort

- a. Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.
- b. Comparison may be either total amount or a per capita (per child with a disability unless some other basis is permitted by the SEA for determining "per capita") basis (34 CFR Section 300.203(c))

The four methods to maintain effort are:

1. The combination of state and local funds.
2. Local funds only.
3. The combination of state and local funds on a per capita basis.
4. Local funds only on a per capita basis.

Consequences for Failure to Maintain Effort

If the SELPA, as a whole, still fails the second comparison test (actual vs. actual) after applying the exceptions, the SELPA will be billed by the CDE for the amount the SELPA,

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collectively, failed to spend from local or state and local funds to maintain its level of effort. The SELPA AU will then invoice the LEA(s) of the individual sub-grant recipient/s that failed MOE the MOE second comparison test for the amount the LEA(s) failed to spend from local or state and local funds to maintain its level of effort.

If the SELPA, as a whole, passes the second comparison test (actual vs. actual) but one or more individual LEA sub-grant recipients fail to spend from local or state and local funds to maintain their level of effort, CDE will invoice the SELPA for the amount that the LEA failed to spend from local or state and local funds to maintain their level of effort. The amount must be paid to CDE by the LEA from its state and local funding in the budget year.

When an LEA fails to meet the MOE test in one year, the LEA is required in subsequent fiscal years to maintain effort at the level prior to the failure. Thus, the LEA must calculate its level of effort on the most recent fiscal year in which the MOE test was met.

For the purposes of Maintenance of Effort, the SELPA AU is the recipient of the federal funds from CDE and is, in turn, a grantor of all, or part, of those funds as sub-grants to participating LEAs.

19. Public Participation: 20 USC Section 1412(a)(19); EC 56205(a)(18)

Policy/Procedure Number:

Policy/Procedure Title:

Document Location:

"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); EC 56205(a)(19)

Policy/Procedure Number:

Document Title:

Document Location:

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

"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 revised." The policy is adopted by the SELPA as stated and is inclusive of the below.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred.

The district shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

1. The parent/guardian has expressed concern in writing, to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education or related services; and
2. The parent/guardian has requested an initial evaluation of the student for special education pursuant to federal law; or
3. The teacher of the student or other district personnel has expressed specific concern about a pattern of behavior demonstrated by the student to the district's Director of Special Education or to other supervisory personnel.

The district would be deemed to not have knowledge as specified in items #1-3 above if the parent/guardian has not allowed an initial evaluation of the student or has refused services, or if the student has been evaluated and it was determined that the student was not a child with a disability.

If it is determined that the district did not have knowledge that the student was disabled prior

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to taking disciplinary action against the student, then the student shall be disciplined in accordance with procedures established for students without disabilities.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

Disciplinary Change of Placement

A disciplinary change of placement always includes a recommendation for expulsion and an extension of a student's suspension pending an expulsion decision, if the extension of suspension exceeds a total of ten (10) school days of suspension. A disciplinary change in placement may also include suspensions during the school year in excess of ten (10) school days, as determined at the discretion of the school or district personnel. If a student with a disability is recommended for a disciplinary change of placement such as expulsion, the District must take the following steps before making a final decision:

A. Manifestation Determination.

1. A manifestation determination must be made if school personnel seek to impose a suspension beyond ten (10) school days in a school year that will change the student's placement, or if school personnel have recommended an expulsion.

2. Within ten (10) school days of the decision to change the placement of a student with a disability for disciplinary reasons, the District, the parent, and relevant members of the student's IEP Team (as determined by the District and parent) shall review all relevant information in the student's file, including:

- a. the student's IEP;
- b. any teacher observations;
- c. any relevant information provided by the parents.

3. During the review of all relevant information, the District, the parent, and relevant members of the student's IEP Team must determine:

- a. if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- b. if the conduct in question was the direct result of the District's failure to implement the IEP.

4. Not a Manifestation of the Student's Disability. If it is determined that the conduct in question was not a manifestation of the student's disability, the action described in A.1., above, may proceed following the same process used for general education students. In the case of a recommendation for expulsion, see paragraph C.5., below, regarding placement during the pendency of an expulsion proceeding.

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5. Is a Manifestation of the Student's Disability. If it is determined that the conduct in question was a manifestation of the student's disability, the action described in A.1., above, may not proceed. Instead, the student's IEP Team shall do one of the following:

- a. If the student did not have a behavior intervention plan in place prior to the misconduct:
 - i. conduct a functional behavioral assessment of the student;
 - ii. implement a behavioral intervention plan for the student; and
 - iii. return the student to the placement from which the student was removed (except as provided in paragraph B, below), or obtain agreement from the parent to change the student's placement as part of the behavior intervention plan.
- b. If the student did have a behavior intervention plan in place prior to the misconduct:
 - i. review the behavior intervention plan; and
 - ii. modify the plan, as necessary, to address the behavior; and
 - iii. return the student to the placement from which the student was removed (except as provided in paragraph B, below), or obtain agreement from the parent and the District to change the student's placement as part of the modification of the behavior intervention plan.

B. Interim Alternative Educational Setting.

1. School personnel may remove a student to an interim alternative educational setting determined by the student's IEP Team for not more than 45 school days regardless of whether the behavior is determined to be a manifestation of the student's disability if the student commits one or more of the following offenses:

- a. carries or possess a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of any State or local educational agency;

Weapon is defined as:

A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, but not including a pocket knife with a blade of less than 2½ inches in length.

- b. knowingly possesses or uses illegal drugs or sells a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency;

Illegal Drug is defined as:

A controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority of the Controlled Substances Act or any other provision of Federal Law.

Controlled Substance is defined as:

A drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the

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Controlled Substances Act (21 U.S.C. 812(c)).

c. inflicts serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

Serious Bodily Injury is defined as:

Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

C. Extension of Suspension. When a student with a disability is recommended for expulsion, the student's initial suspension may be extended in the following manner:

1. The Superintendent or designee may extend the student's suspension so that the total number of days suspended does not exceed 10 consecutive school days. For example, if the student is initially suspended for 5 school days, the student's suspension typically may be extended for up to an additional 5 school days for a total suspension of 10 school days.

2. The extension of suspension may only be imposed if the Superintendent or designee has determined, following a meeting to which the student and the student's parent are invited to participate, that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.

3. If a student or the student's parent requests a meeting to discuss the original suspension, the Superintendent may determine at that meeting whether to extend the suspension.

4. If it is determined that the student's misconduct was not a manifestation of his or her disability, and if the student's suspension was extended, the student shall:

a. be placed in, or continue in, an interim alternative educational placement as set forth in B., above, for not more than 45 school days; or

b. be placed in an interim alternative educational setting determined by the student's IEP Team pending the Governing Board's decision on the recommendation for expulsion.

D. Free, Appropriate Public Education. If a student with a disability is removed from the current placement or suspended for more than ten days in a school year, the student shall continue to receive a free and appropriate public education as determined by the IEP Team so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the student's IEP goals. The student shall also receive, as appropriate, a functional behavioral assessment, behavioral intervention

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services and modifications, that are designed to address the misconduct so that it does not recur.

E. Appeal. If the parent of a student with a disability disagrees with the manifestation determination or with a decision regarding the student's placement, the parent may request an expedited due process hearing. If the District believes that maintaining a student's current placement is substantially likely to result in injury to the student or to others, the District may request an expedited due process hearing. While the parent or the District's due process hearing request is pending resolution, the student shall remain in his or her interim alternative educational placement until a decision by the administrative law judge or until the expiration of the disciplinary placement, whichever occurs first, unless the parent and the District agree otherwise.

F. Notification. Not later than the date on which the decision to take disciplinary action that will result in a change in placement is made, the District shall notify the parents of that decision, and notify the parents of their special education procedural safeguards.

G. Student with a Disability Defined. For purposes of these regulations, the use of the term "student with a disability" refers to a student with exceptional needs who is eligible for special education services pursuant to the Individuals with Disabilities Education Improvement Act (IDEA 2004) (20 U.S.C. § 1415 and following).

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245.

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10.

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind.

21. Access to Instructional Materials: 20 USC Section 1412(a)(23); EC 56205(a)(20)

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Policy/Procedure Number:

Document Title:

Document Location:

"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); EC 56205(a)(21)

Policy/Procedure Number:

Document Title:

Document Location:

"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); EC 56205(a)(22)

Policy/Procedure Number:

Document Title:

Document Location:

"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:

☒ Yes ☐ No

Administration of Regionalized Operations and Services

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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 respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the document title and the location (e.g., SELPA office) for each function:"

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

Document Title: LPRM 24.0

Document Location: Local Policy Reference Manual (LPRM)

Description:

Role of the AU/RLA:

The AU receives and maintains accountability for fiscal and accounting records in accordance with federal and state requirements and submitting reports to appropriate authorities, as well as distributes funds to member districts in accordance with the SELPA allocation plan, at the direction of the SELPA office.

Role of Program Administrator Director :

The SELPA Program Administrator Director will ensure that the local plan is implemented and will make recommendations to the Superintendents Council when revisions are needed. The SELPA Program Administrator Director will also facilitate the development and approval of the SELPA policies and procedures necessary to implement the local plan.

Role of the individual LEAs:

Ensure a full continuum of services/supports are available in order to provide a free and appropriate public education to all students with disabilities for whom they are responsible.

Through their representative at the Superintendents' Council, will review and approve policies/procedures to implement the local plan.

Role of the Program Specialist:

SELPA program specialist(s) work under the direction of the SELPA Administrator to support the coordination and implementation of the local plan through their support to regionalized programs and member LEAs, as requested.

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2. Coordinated system of identification and assessment:

Document Title: LPRM 25.0

Document Location: Local Policy Reference Manual (LPRM)

Description:

Role of the Program Specialist:

Observe and consult with services providers.

Role of AU/RLA:

N/A

Role of the SELPA *Program Administrator Director* :

Ensures each LEA conducts child find activities.

Provides technical support to LEAs and guidance to parents as needed.

Participates in child find activities by establishing policies and procedures for the member LEAs and ensuring appropriate inter-agency agreements are in place.

Role of the individual LEAs:

Responsible for identifying and assessing all students for whom they are responsible.

3. Coordinated system of procedural safeguards:

Document Title: LPRM 26.0

Document Location: Local Policy Reference Manual (LPRM)

Role of the Program Specialist:

The program specialist provides training and professional development to member districts. The program specialist also assures procedural safeguards by providing technical assistance and guidance on forms and procedures to LEAs in the areas of assessment, identification, compliance and placement.

Role of AU/RLA:

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Description:

N/A

Role of SELPA Director:

Assist parents with understanding of parent rights.

Provide guidance to LEAs on procedural safeguards.

Assure procedural safeguards are in place by providing technical assistance, identification and placement.

Post procedural safeguards on website.

Role of Individual LEAs:

LEAs will provide procedural safeguards to parents consistent with the education code and ensure that the safeguards are implemented. LEAs will assist parents with understanding of procedural safeguards.

4. Coordinated system of staff development and parent and guardian education:

Document Title:

LPRM 27.0

Document Location:

Local Policy Reference Manual (LPRM)

Description:

Role of the Program Specialist:

Support and provide staff development, program development and innovative methods and approaches within the SELPA.

Role of AU/RLA:

N/A

Role of the SELPA Director:

On an annual basis, input is collected by the SELPA Director, Special Education Directors of the member LEAs and California Department of Education's compliance determination data to determine the staff development needs that the SELPA shall provide. On an annual basis, the Community Advisory Council will provide input on the parent and guardian educational needs. The SELPA Director, or designee, will coordinate and/or provide needed trainings and supports as requested

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or determined appropriate for each member LEA.

Role of Individual LEAs:

LEAs determine their staff development and parent/guardian education needs, based on their local needs. They may seek assistance and staff/professional development from the SELPA.

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

Document Title: LPRM 28.0

Document Location: Local Policy Reference Manual (LPRM)

Description:

Role of the Program Specialist:

The program specialist provides technical assistance and compliance guidance as requested or determined appropriate for member LEAs.

Role of AU/RLA:

N/A

Role of the ***Administrator of the SELPA Director***:

The SELPA provides technical assistance and staff development as requested or determined appropriate for member LEAs.

Role of the individual LEAs:

Individual LEAs will determine their needs for curriculum development and alignment with the core curriculum, based on their local needs.

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

Document Title: LPRM 29.0

Document Location: Local Policy Reference Manual (LPRM)

Role of the Program Specialist:

When requested, the program specialist will evaluate effectiveness of programs for students with disabilities.

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Description:

Role of the AU/RLA:

Monitor allocations

Role of the ***Administrator of the SELPA Director***:

Review Annual Performance Reports, California School Dashboard, and other data sources with LEA administrators.

Review Annual Budget Plan by Superintendents, CAC and other parents, community or educational groups.

Review of the funding Allocation Plan by the Superintendents to ensure appropriate distribution of funds.

Role of the individual LEAs:

Review and monitor Annual Performance Reports, California School Dashboard, and other data sources to ensure SWDs receive a free and appropriate public education.

Engage in monitoring activities as required by CDE.

7. Coordinated system of data collection and management:

Document Title:

LPRM 30.0

Document Location:

Local Policy Reference Manual (LPRM)

Description:

Role of the Program Specialist:

SELPA program specialist(s) work under the direction of the SELPA Administrator to support a coordinated system of data collection and management.

Role of RLA/AU:

N/A

Role of the ***Administrator of the SELPA Director***:

The SELPA will approve the California Longitudinal Assessment and Pupil Data System (CALPADS) submission of each member LEA as required by the California Department of Education. The SELPA will provide technical assistance and training to LEAs as requested and/or

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deemed necessary by the SELPA.

Role of the individual LEAs:

LEAs are responsible for data entry, quality, accuracy and integrity. LEAs will approve the California Longitudinal Assessment and Pupil Data System (CALPADS) submission as required by the California Department of Education.

8. Coordination of interagency agreements:

Document Title: LPRM 31.0

Document Location: Local Policy Reference Manual (LPRM)

Role of the Program Specialist:

SELPA program specialist(s) work under the direction of the SELPA Administrator to support the coordination of interagency agreements.

Role of the AU/RLA:

The AU is responsible for executing interagency agreements at the direction of the SELPA. Such agreements may be required to be approved the AU's governing board in the interest of the member districts of the SELPA.

Description: Role of the SELPA Director:

The SELPA Director, or designee, will serve on committees as interagency agreements are being reviewed, revised, or developed. The SELPA administrator will ensure that interagency agreements are in place as required by the California Education Code and provide technical assistance and dispute resolution as needed.

Role of the individual LEAs:

Through their Superintendent's participation in the Superintendents' Council and/or at the direction of the SELPA, LEAs will approve and implement interagency agreements as appropriate.

9. Coordination of services to medical facilities:

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Document Title: LPRM 32.0

Document Location: 9625 Van Ruiten Street, Bellflower, CA

Description:

Role of the Program Specialist:

The program specialist will support with providing technical assistance to member LEAs as they coordinate services to medical facilities.

Role of AU/RLA:

N/A

Role of the SELPA Director:

The SELPA will support LEAs as they coordinate of these services.

Role of Individual LEAs:

Special education services for students with disabilities who are placed in public hospital, state licensed children's hospital, psychiatric hospital, propriety hospital, or a health facility for medical purposes ar the educational responsibility of the local educational agency in which the hospital or facility is located.

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

Document Title: LPRM 33.0

Document Location: 9625 Van Ruiten Street, Bellflower, CA

Description:

Role of the Program Specialist:

The program specialist provides support and technical assistance to member LEAs in order to assure pupils have full educational opportunities regardless of district of education accountability.

Role of AU/RLA:

N/A

Role of the SELPA Director:

The SELPA will technical assistance and guidance of these services to the designated LEAs. The SELPA will facitate the coordination of these

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services by the designated LEAs.

Role of the individual LEAs:

Special education services for students with disabilities residing in foster family homes or licensed children's institutions shall be the responsibility of the district in which the foster family home or licensed children's institution is located, unless based on education code there is another district of special education accountability which would be responsible.

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

Document Title: LPRM 34.0

Document Location: 9625 Van Ruiten Street, Bellflower, CA

Description:

Role of the Program Specialist:

N/A

Role of the RLA/AU:

N/A

Role of the SELPA Director:

Provide fiscal and logistical support CAC meeting, events, and trainings that is approved by the Superintendents' Council.

Role of the individual LEAs:

The LEAs superintendents through the Superintendents' Council.

Role of the individual LEAs:

The LEAs superintendents through the Superintendents' Council will ensure that the SELPA has appropriate fiscal and logistical support for the CAC. LEA Special Education Directors shall facilitate communication between their CAC representative from the LEA.

12. Fiscal and logistical support of the CAC:

Document Title: LPRM 35.0

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Document Location: Local Policy Reference Manual (LPRM)

Description:

Role of the Program Specialist:

The program specialist will provide technical assistance as needed or requested by member LEAs.

Role of the RLA/AU:

N/A

Role of the SELPA Director:

Provide fiscal and logistical support for CAC meetings, events and trainings that is approved by the Superintendents' Council.

Role of the individual LEAs:

The LEA's superintendents through the Superintendents' Council will ensure that the SELPA has appropriate fiscal and logistical support for the CAC. LEA Special Education Directors shall facilitate communication between their CAC representative from the LEA.

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

Document Title: LPRM 36.0

Document Location: Local Policy Reference Manual (LPRM)

Description:

Role of the Program Specialist:

SELPA program specialist(s) work under the direction of the SELPA Administrator to provide technical assistance as requested.

Role of the RLA/AU:

N/A

Role of the SELPA Director:

Provide technical assistance as requested.

Role of the individual LEAs:

Each member LEA will be responsible for providing transportation for

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

Document Title:

Document Location:

Description:

15. Assurance of full educational opportunity:

Document Title:

Document Location:

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Description:

The program specialist supports member districts as they assure pupils have a full educational opportunity regardless of the district special education accountability.

Role of the AU/RLA:

N/A

Role of the SELPA Director:

Through approval of the Services Plan the SELPA Director will ensure that the full continuum of services is provided. The SELPA Director will assist with Inter-SELPA Transfers, as needed. Additionally, professional development and technical assistance is available upon request or as determined to be needed by the SELPA to LEAs and/or nonpublic schools.

Role of the individual LEAs:

Each LEA, through their representative to the Superintendents' Council will determine the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each LEA is responsible for providing a full continuum of services.

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.

Document Title:

LPRM 39.0

Document Location:

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Role of the Program Specialist:

N/A

Role of the RLA/AU:

Support and monitor the SELPA staff to ensure that distribution and allocation of funds are distributed based on the funding Allocation Plan.

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Description:

Role of the SELPA Director:

The SELPA will:

Ensure that the distribution and allocation of funds to member LEAs is in alignment with the SELPA Allocation Plan.

Review, monitor and submit required fiscal reports as identified by CDE.

Review and submit the Annual Budget Plan.

Role of the individual LEAs:

The individual LEAs, through representation to the Superintendents' Council representative, determine and approve the allocation of funds to the member LEAs and the Annual Budget Plan. The LEAs will submit required fiscal reports as required by state and federal law.

17. Direct instructional program support that maybe provided by program specialists in accordance with *EC* Section 56368:

Document Title:

LPRM 40.0

Document Location:

Local Policy Reference Manual (LPRM)

Description:

Role of the Program Specialist:

Under the direction of the SELPA Administrator, direct instructional program support that may be provided by SELPA program specialist(s) shall include, but are not limited to:

- Conduct observations consult with special and general education staff, administrators, and parents regarding appropriate placement and services for students.
- Participate in program development, including the development and support of regionalized programs.
- Coordinate curricular resources and take leadership in ensuring the use of appropriate instructional methods, strategies, interventions and resources.
- Facilitate the development and implementation of staff development and parent education activities.

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Role of the RLA/AU:

N/A

Role of the SELPA Director:

The SELPA Director supervises and evaluates designated SELPA program specialist(s) and provides training and guidance to the program specialist(s) as needed.

Role of the individual LEAs:

LEAs are responsible to provide direct instructional support to programs in order to ensure students have access to a full continuum of Special Education and Related Services.

Special Education Local Plan Area Services

1. A description of programs for early childhood special education from birth through five years of age:

Document Title:

Local Procedure Reference Manual (LPRM) 41.0

Document Location:

Local Policy Reference Manual (LPRM)

Downey Montebello SELPA member districts provides Early Start services identified children birth-3 years of age, providing service coordination and special education and related services. The individual LEAs will make timely referrals to the Regional Center for potentially eligible infants and toddlers with additional needs. The Downey-Montebello SELPA is committed to providing procedural safeguards to families of infants and toddlers with disabilities as mandated by state and federal law. Parent rights are given to all families upon initial Individual Family Service Plan (IFSP) meetings.

Referrals for students ages 3, 4, and 5 who are not in transitional kindergarten or kindergarten are made to the child's school district of residence. Referrals for assessment may be received from parents, pediatricians, social workers or other community members. Parents will receive either an Assessment Plan or Prior Written Notice within 15 days of the referral. If an Assessment Plan is signed by the parent/guardian, the assessment will be completed according to timelines by the LEA.

Preschool special education services are provided to students with IEPs

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Description:

in a variety of ways according to LEA procedures. Some LEAs offer individual and small group instruction in special education class settings. Trans-disciplinary teams share their expertise, working with parents, in addressing the needs of children. LEAs may work collaboratively to provide regionalized preschool services and/or programs within the SELPA. Some 3, 4 and 5-year olds with disabilities are enrolled in state preschool programs or Head Start as part of their IEP and receive special education and related services to support progress in that setting. The IEP team may determine that some special education eligible 3, 4, and 5-year olds do not require individual and small group instruction to address their special education needs.

See Memorandum of Understanding between the Downey-Montebello SELPA, individual LEAs and South Central Los Angeles Regional Center or East Los Angeles Regional Center regarding related to services for children aged birth to three years. For a listing of programs and/or services for children aged three through five years of age, refer to the Annual Service Plan.

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:

Document Title:

Document Location:

Description:

Members of the public, including parents or guardians of students with disabilities, may address questions or concerns to the governing boards of each LEA, the Superintendents' Council, the LEA Special Education Administrators, the SELPA Program Administrator, and/or the CAC.

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:

Document Title:

Document Location:

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Description:

local educational agencies and the Administrative Unit, local educational agencies and/or the Administrative Unit and the SELPA regarding the distribution of funding, responsibility for service provision and any other governance activities specified in the Local Plan, it is the intent of the Superintendents' Council that issues be resolved at the lowest level possible in the SELPA's governance structure. The Superintendents' Council is the board of last resort. This policy is intended to resolve disagreements within a period of 45 days, but is not intended to undermine local authority.

If a local educational agency disagrees with a decision or practice of another agency or the SELPA Office, that local educational agency has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties directly involved. The parties involved will present the issues to their respective superintendents or designees who will attempt to resolve the matter. Either party may request direct assistance of the SELPA Program Administrator or designee, **or Chairperson of the Superintendents' Council**. In the event the issues have not been resolved, either party may request review by the Finance Committee. If this process fails, the parties may pursue a hearing on the issues and resolution with the Superintendents' Council. The decision of the Superintendents' Council shall be final.

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:

Document Title:

LPRM 44.0

Document Location:

Local Policy Reference Manual (LPRM)

Description:

The SELPA provides a full continuum of services to students identified with disabilities, including students in charter schools, alternative education, and students who are not in residence but approved to attend the LEA. Access to services is through each of the LEAs. The referral, assessment, and Individual Education Program (IEP) process is utilized to identify the needs of each individual student with disabilities. The LEA ensures that supplemental aids and services are provided in the Least Restrictive Environment (LRE). A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and where appropriate, utilized.

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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:

Document Title:

LPRM 45.0

Document Location:

Local Policy Reference Manual (LPRM)

Description:

Nonpublic, nonsectarian school (NPS) means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an IEP and is certified by the CDE. The LEA may contract with a NPS when no public education program is available, as determined by the IEP team.

The LEA, or SELPA on behalf of the LEA, shall oversee and evaluate all placements in nonpublic, nonsectarian schools. The LEA, or SELPA on behalf of the LEA, shall do the following:

Annually verify the NPS has conducted training pursuant to EC 56366.1 (a)(4)

Conduct one onsite visit to the NPS prior to placement of a pupil if the LEA does not have any pupils enrolled at the school at the time of placement.

Conduct one onsite monitoring visit each school year that the LEA has a pupil attending and which it maintains a master contract. The monitoring visit shall include:

A review of services provided to the pupil through the individual service agreement between the LEA and NPS.

A review of progress the pupil is making toward the goals in the IEP.

A review of progress the pupil is making toward the goals set forth in the pupil's behavior intervention plan, should one be included in the IEP.

Observation of the pupil during instruction.

Conduct a walkthrough of the facility.

The onsite monitoring visit shall be documented in a report to be submitted to the CDE within 60 calendar days of the visit.

The IEP team shall consider the onsite monitoring visit report when

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evaluating whether the student is making appropriate educational progress at the NPS.

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*)

Document Title:

LPRM 46.0

Document Location:

Local Policy Reference Manual (LPRM)

Description:

The LEAs of the SELPA shall:

- Seek out eligible adults residing within its boundaries.
- Review and revise IEPs as necessary, including conducting annual reviews.
- Determine whether the qualified individual wishes to receive FAPE and if so ensure FAPE is provided with consent.

The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

- Eligible individuals are exempt from
 - o State and LEA-wide assessment programs.

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o Transition Planning and transition services.

o IEP team may modify the individual's IEP or placement notwithstanding the least restrictive environment requirement if there is a security or compelling penological interest that cannot otherwise be accommodated.