

Sutter County Local Plan

SECTION TWO: LOCALLY HELD POLICIES

LEAA 1: FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)

It is the policy of this Local Education Agency (LEA) that a free and appropriate public education is available to all children residing in the LEA between the ages of three (3) and twenty-one (21) inclusive, including children with disabilities who have been suspended or expelled from school.

Local Policy: FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)

In order to ensure that a free, appropriate public education is available to all children with disabilities in the SELPA, the LEAs of the SELPA shall provide:

- That a combination of educational and related services is determined through each child's individual education program (IEP);
- That the unique needs of the individual are met so that the individual benefits from access to educational opportunities; and
- That the individual is prepared for employment and independent living.

In order for the student to benefit from their education, the IEP document shall reflect all appropriate special education and related services. Each LEA within the Sutter County SELPA assures that students with IEPs shall be provided the services identified on their IEP, regardless of the documented provider.

An LEA is responsible for determining eligibility, identified needs, and specialized services, accommodations and supports through the assessment process. The IEP teams shall determine and document on the IEP those services necessary for the student to derive educational benefit. If the LEA determines that services identified on the IEP will need to be provided by someone other than an educational agency, it is the responsibility of the LEA to locate an agency, contract with them, and monitor their provision of such services within the statutory timelines and with the identified frequency and duration. The LEA ensures that appropriate services are secured and provided per the IEP.

FAPE means special education and related services, reasonably calculated to achieve educational benefit, provided at public expense, under public supervision and

direction, and without charge; that meet the standards of the State of California and federal law; that include preschool, elementary school, and secondary school education; and are provided in conformity with the IEP.

It shall be the responsibility of each LEA to monitor educational benefit for each child with a disability, through both individual and agency-wide review processes. Evidence may include passing grades, advancement from grade to grade and academic progress, provision of services designed for the student to benefit from instruction, and meaningful progress.

To determine whether an IEP is reasonably calculated to provide educational benefit, LEAs should ask:

1. Is the student's IEP individualized to meet the unique needs of the child?
2. Has the student been educated in the least restrictive environment (LRE)?
3. Have the student's educational services been provided in a collaborative and coordinated manner?
4. Has the student demonstrated positive academic and non-academic benefits?

Each LEA in the SELPA shall ensure that a student-focused and compliant process to develop IEPs for each child with a disability will be followed based on state and federal law and regulations. The SELPA shall support each LEA in its implementation through professional opportunities, technical assistance, support, and monitoring.

LEAA 2: FULL EDUCATIONAL OPPORTUNITY

It shall be the policy of this Local Education Agency (LEA) that all pupils with disabilities have access to educational programs, and nonacademic programs and services available to non-disabled pupils.

Local Policy:

FULL EDUCATIONAL OPPORTUNITY

In order to ensure that all students with disabilities have access to the variety of educational programs and services available to non-disabled students, including non-academic and extracurricular services and activities, each LEA shall implement non-discriminatory universal access opportunities to all such services and activities available to students who are not disabled. Access may include, but is not limited to: physical (transportation, structural); communicative (sign-language or other than English interpreters); information (outreach, notices), or other as determined by the IEP team. Such provisions apply regardless of location of special education placement and are applicable to academic, non-academic, and social activities.

Each LEA within the Sutter County SELPA will monitor each student's IEP to ensure that all services documented are provided, without delay, and at no cost to the parent. Each LEA will regularly review and monitor CASEMIS data to ensure services, and annual and triennial IEPs are implemented and reviewed per mandated timeframes.

Each LEA, through the IEP process, shall review the special education services provided to students to ensure adequate yearly progress is occurring. Adequate yearly progress can be measured through a variety of data collection activities including but not limited to: performance on required state testing, progress towards goals and objectives, and curriculum assessments and portfolios. Per the Rowley Decision (1982), the Supreme Court determined that the Individuals with Disabilities Education Act (IDEA) generates no additional requirement that the services provided be sufficient to maximize each child's potential, commensurate with the opportunity provided other students. IEPs must be reasonably calculated to enable the child to receive educational benefit.

The LEAs within the Sutter County SELPA will consider the four-part, full inclusion test outlined in the 9th Circuit Court of Appeals decision in *Holland v. Sacramento City Unified School District*:

- The educational benefits available to the student in a general education classroom supplemented with appropriate aids and services, as compared with the educational benefits of a special education classroom;
- The non-academic benefits of interaction with students who are not disabled;
- The effect of the student's presence on the teacher and other students in the classroom;
- The cost of mainstreaming the student in a regular (general) education classroom.

The LEA is responsible for monitoring and reviewing the pattern and frequency of suspensions for all students with an IEP. If, through the monitoring and reviewing of suspensions, a pattern is indicated, an IEP meeting shall be held to review the incidents, number of days and to develop, review or update the behavior plan.

Commencing on the eleventh cumulative day of suspension within a school year, the local educational agency is responsible for providing appropriate services, as indicated in the IEP that will allow the student to access the core curriculum and progress towards meeting the goals and objectives outlined in the current IEP.

When a student with an IEP is suspended for more than 10 cumulative days or has committed an expellable offense, the LEA shall conduct collect and summarize data in order to make a manifest determination and hold an IEP meeting no later than 10 business days after the student is removed from school. The purpose of the IEP meeting is to review the current IEP, including the behavior plan, or to develop an appropriate behavior plan and to review all services in order to make a manifest determination. When a student has an existing behavior plan at the time of the removal from school, the IEP team will review and modify the plan in order to address the behavior(s).

The Sutter County SELPA has provided a Master Contract and Individual Services Agreement to each district within the SELPA which contains requirements to allow the LEA to monitor the placement and services of students in certified nonpublic schools or agencies. Each student placed in a certified nonpublic, nonsectarian school shall have at least an annual IEP that will facilitate the evaluation of the placement and services to ensure implementation of the IEP. The master contract for each placement shall be reviewed, rewritten and submitted to the board of education for approval.

The Master Contract provided to districts within the Sutter County SELPA, contains language requiring reporting progress from the certified nonpublic, nonsectarian school at least as often as reports provided by the student's district of residence. At each annual IEP which includes the district of residence, the certified nonpublic, nonsectarian school shall provide documentation

as to the student's progress towards annual goals and objectives. The annual data provided by the certified nonpublic, nonsectarian schools shall include authentic curriculum based measurements which lead to mastery of the state adopted grade level standards.

Each LEA that contracts with a nonpublic, nonsectarian school shall evaluate the placement of its pupil(s) in such schools on, at least, an annual basis as part of the annual IEP review. The local education agency representative shall review the Master Contract, the individual services agreement, and the IEP to ensure that all services agreed upon and specified in the IEP are provided. Nonpublic, nonsectarian schools are required by the Master Contract and the IEP to annually evaluate the students to determine if they are making appropriate educational progress. The LEA representative shall collaboratively review with the nonpublic, nonsectarian school the evaluations conducted by the nonpublic, nonsectarian school to ensure that they were appropriate and valid for measuring pupil progress. The LEA may choose to administer additional assessments as necessary, with parent consent, to determine whether the pupil is making appropriate educational progress.

Students who reside in districts within the Sutter County SELPA who are placed in juvenile hall, juvenile court and community school shall be provided appropriate special education services per their IEPs. These students will have equal access to an appropriate special education program available within Sutter County or provided by agreement with contiguous SELPA, regardless of their district of residence.

LEAA 3: CHILD FIND

It shall be the policy of this Local Education Agency (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 attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

Local Policy:

CHILD FIND

- The governing boards of the participating LEAs within the Sutter County SELPA assure an ongoing effort to identify all individuals with disabilities including infants, children for whom English is not a primary language, students with low incidence disabilities, students attending private schools, highly mobile children, and children who are suspected of having a disability and are in need of special education services.
- Each LEA within the SELPA has established procedures for the identification, location, and evaluation of students who may require special education services. Information regarding child find activities is included in the annual notice that is distributed to parents of all children.
- The Sutter County SELPA works closely with public agencies, such as Alta Regional Center, Easter Seals, Head Start, California Children's Services, Mental Health, and others as appropriate in the identification of individuals with disabilities.
- The SELPA convenes a meeting annually to which representatives of all private schools are invited, in order to determine how to carry out the identification, location, and evaluation of children enrolled in the private schools. Child find activities for private school children are comparable to activities undertaken for children with disabilities in public schools.

LEAA 4: INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

Also refer to LP 70: Identification, Referral and Assessment

It shall be the policy of this Local Education Agency (LEA) that an Individualized Educational Program (IEP) or an Individualized Family Service Plan (IFSP) 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 the student's progress and make appropriate revisions.

Local Policy:

INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

The LEAs within the Sutter County SELPA agree to use the state adopted SELPA-IEP forms. When state IEP forms are unavailable for an identified need, the Sutter County SELPA Administrator will work collaboratively with the LEAs to develop and revise IEP forms to meet federal and state requirements. When there is a question regarding legal requirements, the SELPA will obtain review by legal counsel.

Each LEA within the Sutter County SELPA will make a reasonable effort to ensure that one or both parents of a child with a disability are present at the IEP meeting or are afforded the opportunity to participate, including notifying the parents of the meeting with sufficient notice to ensure that they will have the opportunity to attend. To ensure that one or both parents of a child with a disability are present at the IEP meeting or are afforded the opportunity to participate, scheduling of the IEP meeting shall occur at a mutually agreed on time and place. If neither parent is able to attend the IEP meeting, the local education agency will utilize other methods to ensure parent participation, including individual or conference calls, home visits, and other reasonable accommodations.

The IEP-Notice of Meeting informs parents of their right to invite individuals who have knowledge or expertise regarding their child to the IEP meeting. This notice shall include the purpose, time, and location of the meeting and title of the professionals the LEA has invited to be in attendance. An IEP meeting is scheduled within the mandated timelines as outlined in federal and state regulation from receipt of parental consent to the assessment plan.

Each LEA shall invite a representative of any other agency that provides services to secondary or postsecondary programs. Each agency representative will receive a copy of the IEP- Notice of IEP Meeting prior to the meeting date. If the agency representative does not attend the IEP

meeting, the case manager assigned to the case and identified in the IEP follows up with the agency personnel to obtain documentation.

For each student age 16 or older, the IEP shall contain a transition plan describing specific service needs and supports that focus on the student's course of study.

The SELPA office will distribute the annual State SELPA IEP Instructions Manual. The Sutter County SELPA will provide access to all IEP forms to participating LEAs. The SELPA recognizes that LEAs may use additional forms. LEAs reserve the right to develop forms using LEA letterhead that meet legal responsibilities.

LEAA 5: LEAST RESTRICTIVE ENVIRONMENT (LRE)

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 the child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Local Policy: LEAST RESTRICTIVE ENVIRONMENT (LRE)

Special education is an integral part of the total public education system and provides education in a manner that promotes maximum interaction between students with disabilities and students without disabilities, in a manner appropriate to the needs of both. To the maximum extent appropriate, students with disabilities will be educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability of a child is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved. To support this at an individual student level, the requirements of legally compliant individualized education program (IEP) meetings will be reviewed, including the responsibility to first consider the general education classroom for each student. The four-part full inclusion test (listed below), as outlined by the 9th Circuit Court of Appeals in *Holland vs. Sacramento Unified School District*, is the guiding principle to be used by LEAs and IEP teams.

- The educational benefits available to the student in a general classroom, supplemented with appropriate aids and services, as compared with the educational benefits of a special education classroom;
- The non-academic benefits of interaction with students who are not disabled;
- The effect of the student's presence on the teacher and other students in the classroom; and
- The cost of mainstreaming the student in a regular (general) educational classroom.

When scarcity of population or other factors prevent a LEA from directly providing a required service for its pupils, the service may be provided by Sutter County SELPA regionalized or centralized providers, another school within the LEA, a school in a nearby LEA, or by a provider LEA.

In determining the appropriate LRE placement for students with disabilities, the IEP team shall:

1. Determine if the student can be served in a general education classroom setting with supplemental aids and services. The IEP shall specify any needed supplemental aids and services.
2. Determine if the student can be served by the special education services provided at the student's school. The IEP shall specify the extent to which the student will not be in the general education classroom setting and activities.

If the IEP team determines the special education services at the student's current school site are not appropriate to meet the needs as outlined by the IEP team, the following shall be implemented:

1. Document why a different school site is necessary, including why education at the student's current school site with supplemental aids and services is not appropriate to meet the IEP.
2. For students being transitioned to another school setting for all or part of the school day, specify the timeline for transition as well as the activities needed to support the transition.

The SELPA has a facilities policy and administrative regulation. SELPA classes and programs will be strategically located to maximize opportunities for interaction of special education students with non-disabled peers. The SELPA facilities policy and administrative regulation describes the process used to assign special education programs to locations on general education campuses and for appropriate disbursement throughout the SELPA and member LEAs.

The LEAs will continue to locate facilities for students and programs designed to serve students with severe disabilities on general education campuses to the extent that the needs of students, as determined by the IEP team, can best be met within an instructional setting of a general education campus.

The SELPA will ensure that it, as well as each LEA, is in compliance with all federal and state requirements applicable to the concept of LRE.

In constructing new facilities, LEAs within the SELPA will follow accessibility provisions provided by law under the Americans with Disabilities Act (ADA). It is the responsibility of the

facilities plan committee to review annually the long range facility needs of the SELPA and recommend for approval by the Superintendents' Coordinating Council an updated plan and policy, if necessary, to be implemented throughout the SELPA. Students have access to all general education activities, programs, and facilities and will participate in those activities as appropriate to their needs. The IEP team will determine how the student will participate with non-disabled peers with access in general education programs and what accommodations, if any, are needed. All school personnel will facilitate opportunities for social interactions between individuals with disabilities and non-disabled individuals.

The IEP form contains a statement of:

- Supplemental aids and services that the student needs to ensure participation in general education;

- A statement that students will participate in a general education environment with non-disabled peers unless the student's full time involvement and progress in general education curriculum is precluded by the nature and severity of the disability.

The general education resources will be considered, utilized, and the documented accommodations and/or modifications will be made prior to referral for special education services, in most cases; however, this process cannot be used to delay an assessment for eligibility for special education when a written request for referral has been received and there is a suspicion that a student may have a qualifying disability.

LEAA6: PROCEDURAL SAFEGUARDS

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.

Local Policy:

PROCEDURAL SAFEGUARD REQUIREMENTS

Each LEA shall ensure that parents receive written notification of their procedural safeguards including their right to file a complaint or for a due process hearing. A copy of the procedural safeguards shall be given to the parents, at a minimum, in the following circumstances:

1. Initial referral for assessment for eligibility as a child with a disability;
2. Annual notification of an IEP meeting;
3. Reevaluation of the child;
4. Parent notification of a manifestation determination meeting;
5. Whenever a Prior Written Notice is provided to a parent;
6. Upon receipt of a request for a due process hearing; and
5. Before a student meets the LEA board adopted graduation requirements or reaches maximum age for special education programs or services.

The notice of procedural safeguards shall be available in the primary language of parents upon their request, unless to do so is clearly not feasible. The written notice shall be in a language easily understood by the general public and shall include the following:

1. The right to initiate a referral of a child for special education services.
2. The right to obtain an independent educational assessment.
3. The right to participate in the development of the IEP and to be informed of the availability of free, appropriate public education and of alternative programs, both public and nonpublic.

Planning for the needs of non-English speaking parents shall include access to interpreters and translators, unless to do so is clearly not feasible.

The procedural safeguards are developed by the State SELPA Forms Committee, modified by the SELPA office when necessary to address local needs, approved by SELPA legal counsel as necessary, and distributed to all LEAs. The SELPA will review and update the procedural safeguards as needed to address changes in federal or state law.

LEAA 7: EVALUATION

It shall be the policy of this LEA that a re-assessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate.

Local Policy: EVALUATION

Each LEA in the Sutter County SELPA shall complete all special education assessments within required timelines per federal and state laws and regulations. The California education code uses the term “assessment” for the federal definition of “evaluation”.

When a parent makes a written request for an assessment, the LEA has 15 days in which to consider the request and respond in writing to the parent. The LEA will provide the parent with an assessment plan or a written denial of assessment along with Prior Written Notice and a copy of the Procedural Safeguards. Formal assessments require an Assessment Plan be developed by the Local Educational Agency (LEA) and parental consent obtained prior to the assessment taking place.

After the LEA receives written parent permission to conduct a special education assessment, an initial meeting to determine eligibility, needs and develop an Individualized Education Program will be held within the 60 day federal and state mandated timeline. For qualifying individuals, an IEP meeting will be held at least annually thereafter, to review and revise the IEP. An IEP meeting may also be held when a member of the IEP Team requests the need to add, delete or revise the goals and/or objective(s) and/or a special education service.

Prior Written Notice

The LEA is required to notice the parent(s) in writing, in understandable language, whenever the LEA proposes or refuses to begin or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate education (FAPE). This notice, referred to as a Prior Written Notice, must include the following:

- A description of the action proposed or refused;
- An explanation of why it was proposed or refused;
- A description of each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action;

- A statement that the parents of a child with a disability have protection under the procedural safeguards of the IDEA;
- Sources for parents to contact to obtain assistance in understanding these provisions;
- A description of other options the IEP team considered and the reasons why these were rejected; and
- A description of other factors relevant to the LEA's proposal or refusal.

Reasons to Re-Assess

Each LEA shall conduct a reassessment of each student with a disability:

- At least once every three years unless the LEA and parents agree in writing that a re-assessment is unnecessary.
- If the LEA determines that the educational or related services needs warrant reassessment and the parent consents.
- Prior to transitioning a student from a preschool program, to kindergarten or first grade, an appropriate re-assessment must be considered to determine if the individual is still in need of special education and services.
- When requested by a parent or teacher, and agreed to by the LEA.
- Prior to exiting a student from a special education service(s) unless the student is graduating with a regular diploma or ageing out of special education.

A parent may request a reassessment no more than once a year, unless the parent and LEA agree in writing. Informal assessments may be conducted annually or as necessary to provide the IEP team with sufficient information to review the student's progress towards meeting the goals and objectives, current levels of performance, the appropriateness of service(s), and if needed, the level(s) of service. Informal assessments may include but are not limited to data collection, student portfolios and/or curriculum based assessment. These types of assessment do not require development of an Assessment Plan or parental consent.

Triennial Assessment Process

A reassessment shall be conducted if the local education agency determines that the student's educational or Related Services needs, including improved academic achievement and functional performance, warrant a reassessment, or if the parents or teacher request a reassessment. As part of a triennial assessment, the IEP team and other qualified professionals, as appropriate, shall do the following:

- (1) Review existing assessment data including assessments and information provided by the parent(s), current classroom-based assessments and observations, and teacher and related services providers' observations.
- (2) On the basis of the review, and input from the parent(s), identify what additional data, if any, is needed to determine whether the student continues to have a disability, and whether changes in the special education program and services are necessary to enable the child to progress.

- (3) If the IEP team determines that no additional data is needed, the LEA shall notify the parents in writing of that determination using the Triennial Reevaluation Determination form. They will also advise the parent of their right to request an assessment. In this case, the LEA is not required to conduct an assessment unless requested by the parents.
- (4) If the IEP team determines that additional assessments are needed to produce the required information, parent consent will be obtained, the assessments will be completed, a written assessment report will be completed, and the results will be reviewed at the triennial IEP meeting. This meeting is held within 60 days of receipt of the signed assessment plan, and on or prior to the due date of the triennial assessment.
- (5) A re-assessment may not be conducted, unless the written consent of the parent is obtained except where the LEA can demonstrate that it has taken reasonable measures to obtain consent and the parent(s) have failed to respond.
- (6) If the parent refuses to consent to the reassessment, the LEA may pursue consent for re-assessment through mediation or due process; however, the LEA does not violate its obligations if it declines to pursue the reassessment.

Exiting Special Education

Before determining that the student is no longer an individual with exceptional needs, the LEA will assess the student. A reassessment is not required when eligibility ceases due to graduation with a regular diploma, or due to exceeding the age of eligibility for special education. When eligibility ceases due to graduation or ageing out, the LEA shall provide the student with a summary of academic achievement and functional performance including recommendations for assisting the student in meeting his or her postsecondary educational goals.

Compliance with Evaluation Timelines

The LEAs shall maintain special education student data in a Management Information System (MIS). Each LEA and special education service provider and or special education administrator shall develop a process for monitoring their MIS data. LEAs are responsible for assuring and signing off that their MIS data is accurate prior to the SELPA's submission of CASEMIS data to the state.

The state requires 100% compliance with annual IEP and evaluation timelines. Each LEA will monitor their compliance with these timelines. When LEAs receive a finding of Data Identified Non Compliance in the area of annual IEPs or evaluation timelines, they will take steps to identify the cause(s) and address them promptly through the state required process. The SELPA will provide technical assistance to LEAs during this process.

LEAA 8: CONFIDENTIALITY

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 (FERPA), non-academic programs, and services available to non-disabled children.

Local Policy: CONFIDENTIALITY

The Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA) and The Health Insurance Portability and Accountability Act of 1996 (HIPAA) are laws aimed at ensuring privacy and confidentiality of educational and health records.

“Confidentiality” is the restriction of access, including but not limited to, verbal and written communications, including clinical, medical and educational records.

Per IDEA and California Education Code, each LEA shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction and shall adhere to the Family Education Rights and Privacy Act (FERPA). LEAs are to protect the dissemination of student information that is confidential. The LEA shall take steps to protect the student from a situation where student information could be potentially injurious to the student and the family.

The LEAs acknowledge the role of the IEP team members who are invited to attend a student’s IEP meeting. During the IEP meeting, sensitive issues concerning the student may be discussed such as assessment data, medical and psychological assessment, and other confidential information that is important in the development of appropriate goals and objectives, supplemental aids and special education services ultimately leading to the LEAs’ written offer of a FAPE. Under IDEA, participants in the IEP process are to possess “knowledge or special expertise regarding the pupil” in order to develop, revise, and review the IEP plan. IEP team members are to participate in the IEP process by contributing valuable information with the best interest of the student in mind. At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise regarding the student, may be participants in the IEP meeting.

An “observer” is one who observes and listens, but does not participate in a meeting. Persons or other agencies (i.e., members of the news media) would not have “knowledge or special expertise regarding the pupil” or be able to engage in sharing valuable information concerning the student with the other IEP team members. California statutory language (which parallels the IDEA’s definition of required IEP team members) specifies appropriate IEP team members may only include one or both of the student’s parents, a general education teacher, special education teacher(s)/ provider(s), anyone who has assessed the student, other individuals with knowledge about the student, and an administrator or designee. The designated administrator must be qualified to supervise or provide specially designed instruction, knowledgeable about the general education curriculum, and knowledgeable about the availability of LEA resources. IDEA and Education Code Section 56341 do not authorize the attendance of “observers,” whether members of the news media or not. Observers (including members of the news media) may not attend an IEP meeting as observers even with parental invitation or with written consent.

Each LEA shall permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency. The LEA shall comply with a request without unnecessary delay and before any meeting regarding an IEP or any hearing relating to the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student, and within five (5) days following the receipt of the written request.

Each LEA shall keep a record of parties obtaining access to education records collected, maintained or used under IDEA Part B (except access by parents and authorized employees of the agency). The record must show the name of the party, date access was given, and the purpose for which the party is authorized to use the records.

Each LEA may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information under this part.

“Disclosure “means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic.

LEAs may not disclose personally identifiable information without prior signed written consent of the parent. The consent must specify the records to be disclosed, the purpose of the disclosure and identify to whom the disclosure may be made.

Permitted Disclosures without the Prior Authorization

Disclosure of information from the student’s records without parental consent is permissible if the evaluator is considered a school official with a legitimate educational interest provided that

the school's annual FERPA notification covered this type of disclosure. When an evaluator is under contract with the LEA, or is the party acting on behalf of the LEA, such a disclosure is permissible under FERPA.

FERPA permits disclosure to the juvenile justice system without prior written consent where such disclosure concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are released. The officials to whom this information is released must certify in writing that they will not release the information except as provided under state law and without the prior written consent of the parent.

LEAs may disclose personally identifiable information pursuant to a court order or subpoena upon condition that parents and students are notified of all such orders or subpoenas in advance of the compliance therewith by the education institute or agency. The LEA will make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

LEAs may disclose personally identifiable information in connection with an emergency, to appropriate persons if the knowledge of such information is necessary to protect the health and safety of the student or other persons.

Amending Student Records

A parent or eligible student may request that an education record be amended if they believe the record contains information that is inaccurate, misleading or in violation of the student's privacy rights. When a LEA receives such a written request, the LEA must decide within a reasonable time whether to amend the record. If the LEA decides not to amend, they will notify the parent of its decision and the right to request a hearing.

Health Insurance Portability and Accountability Act of 1996 (HIPAA) was enacted to simplify the administration of health care and provide protection, or confidentiality to "Protected Health Information" (PHI).

Health information is any information, whether oral or recorded in any form or medium, that:

1. Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and
2. Relates to the past, present, or future physical or mental health of condition of an individual; or the past, present, or future payment for the provision of health care to an individual; and
 - that identifies the individual; or
 - There is a reasonable basis to believe the information can be used to identify the individual.

Records released under HIPPA regulations and placed in a student's education file (Cumulative Folder (CUM)) will fall under the requirements of FERPA.

Like FERPA, individuals or authorized designees have a right to inspect and review records. The exceptions are psychotherapy notes; information in anticipation of administrative or judicial proceedings; or information that may be subject to or exempt from parts of the Clinical Laboratory Improvements Act of 1998.

Like FERPA, if the individual request PHI to be disclosed, generally, the entity must comply. An individual has a right to request that some or all of his or her PHI be amended if there is misleading or inaccurate information in the record. Like FERPA, individuals, unless otherwise unable, must state in writing what portion of their PHI they seek to amend and the reason for the request.

LEAA 9: PART C to Part B TRANSITION

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.

Local Policy: PART C to Part B TRANSITION

Transition involves preparation, planning and implementation, and it begins at the initial visit to the family. Part of the Early Start (ES) service coordinator's discussion with each family is about the program's beginning and ending, including possible options and community resources for a child at age three.

In the Sutter County SELPA, infants with qualifying conditions served under Early Start may be served by either Alta Regional Center (ARC) or by the Sutter County Infant Program (SCIP). In addition to serving infants under the SELPA Infant grant, SCIP also acts as an ARC vendor.

Transition Timelines

When a child is between the ages of 24 and 30 months, the ES Coordinator explains to the family that a transition conference will take place no later than 90 days before the child's third birthday. The written transition conference invitation is sent as soon as possible, but no later than, two days before the meeting to the family, Preschool Assessment Team (PAT) member, and ES service providers.

With written parent consent, additional identifying information about the child and family, including the current IFSP, current assessments, and other pertinent information can be provided to the PAT team. In accordance with guidance of the federal Office of Special Education Programs (OSEP), the disclosure of limited personally identifiable information is allowed without parent consent.

When a child enters the ES program later than two years and six months, the initial Individual Family Service Plan (IFSP) may also serve as the transition conference. The IFSP must include steps to ensure transition to PAT or other services, as appropriate, at age three.

When a child is made eligible for early start between 45 and 90 days prior to the child's third birthday, ES is required to conduct the initial assessment and IFSP if eligible, develop a transition plan, and send a referral to the PAT team. When a child is referred to ES between one and 44 days prior to the third birthday, the ES program may complete the activities noted above, but is not required to do so. With parent consent, ES must make a referral to the PAT team.

For children served in ES, and referred to the PAT team less than 90 days before the child's third birthday, PAT must ensure that an initial Part B evaluation is completed, and develop an individualized education program (IEP) by the child's third birthday if the child is determined eligible, even if the 60-day timeline for conducting an initial evaluation expires after the child's third birthday.

Written Transition Plans

The IFSP meeting for transition results in a written transition plan including steps and services to support the smooth transition of the child. This includes the following: discussion of preschool and other services and supports; discussion of future placement and other matters related to transition; documentation of procedures to prepare the child for changes in service delivery and steps to help the child adjust to a new setting; documentation of referral; and documentation of written consent of parent to release information and reports.

The transition plan must review program options from the third birthday through the remainder of the school year, include the family in the development of the transition plan, include exit steps from ES, and any transition services needed by the child and family.

Eligibility for ESY

For children turning three during the summer who are determined eligible for Part B services, the IEP team must consider ESY services. If the IEP team determines that ESY services are not needed, or if the parent declines the service, the date of initiation of services may be at the beginning of the school year. In this case, the IEP is considered to be implemented by the child's third birthday. If the IEP team determines that ESY services are necessary, the service must be designated on the initial IEP and provided.

Preschool Assessment Team

In the Sutter County SELPA, the SELPA's Preschool Assessment Team (PAT) acts on behalf of each of the SELPA member LEAs by fulfilling legal requirements pertaining to Child Find and Assessment of children, ages 3 to 5, who do not meet the California Education Code birth date requirements for enrollment in kindergarten. This includes

participating in the transition process as children move from Part C to Part B, completing preschool assessments, holding IEPs for preschool age children, and making offers of FAPE to preschoolers. LEAs receiving a special education assessment referral for a child 3 years to 5 years of age will forward the referral to the PAT team.

Referral to the District of Residence

California has determined that all children served in Early Start are potentially eligible for special education and related services. Therefore, all ES children must be referred to Part B services by making a referral to the PAT team, no later than 90 days before the child's third birthday. The referral requirement applies to Early Start Coordinators regardless of whether they work for the LEA or Regional Center. On behalf of the DOR, the PAT team will develop an assessment plan within 15 calendar days describing evaluations and assessments that will be conducted in the areas of suspected disability. Upon completion of the assessment, PAT will arrange an Individual Education Plan (IEP) meeting with the parent(s); share the assessment findings with the team to determine eligibility, goals and special education services that address the needs of the student.

Notice to the District of Residence

Since each SELPA member LEA has a child find and serve obligation under the IDEA, it is important to inform them of infants transitioning to preschool programs. Therefore, the SCIP and PAT/PIP teams will include the child's district of residence on transition, referral and IFSP/IEP notices.

LEAA 10: PRIVATE SCHOOLS

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private school 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.

Local Policy: PRIVATE SCHOOLS

The students who are parentally placed in the private school by their parents are afforded the amount expended for the provision of those services by a local agency (LEA) equal to a proportionate amount of federal funds made available under Individuals with Disabilities Education Act (IDEA), Part B. Each LEA agrees to not spend state or local funds on such services or to provide services above the annual SELPA allocation of federal funds.

The identification, referral, assessment and eligibility criteria process for student's kindergarten through 12 grades that are enrolled in a private school by their parents is the same as for students enrolled in the public school. The LEA where the private school is located is responsible for the Child Find procedures and SST process or other types of intervention strategies. If it is determined that an assessment for special education is appropriate, the LEA administrator will contact the administrator of the LEA where the student resides concerning the assessment. The LEA of residence will provide the parent with an Assessment Plan and will conduct the assessment when written parental consent is received. The LEA of residence will invite the parent(s), representative from the private school and a representative from the LEA where the private school is located to the initial IEP meeting. The LEA of residence will determine eligibility, goals and make the offer of free appropriate public education (FAPE). For parents who choose to decline the offer of FAPE and have the student remain at the private school, the following statement shall be written on the IEP document.

"I agree that the LEA has offered my child a free, appropriate public education (including appropriate services in special education). However, I am voluntarily placing my child in a private school."

The LEAs within the Sutter County SELPA have agreed to have the SELPA, on their behalf, conduct the collaboration meeting between the LEAs and the representatives from the private schools along with the parents. The SELPA on behalf of the LEAs determines the equitable share of federal dollars to be spent on special education services which will be provided for those eligible students attending private schools during the current fiscal year.

1. The SELPA will ensure each private school within the boundaries of the SELPA are provided notification of trainings and collaboration on the SELPA adopted practices which ensure equitable participation of parentally-placed private school students in special education. The SELPA on behalf of the LEAs will develop a format used to obtain written affirmation from the private school representatives that timely and meaningful consultation was offered and did occur.
2. The SELPA, on behalf of the LEAs, shall consult with private school representatives and representatives of parents who placed their children in private school at least once a year. The meaning of consultation will include but not be limited to:
 - The funding formula using the proportionate share data process used to determine proportionate share of federal funds.
 - The prior December 1 pupil count used to determine the number of students receiving special education for proportionate funding.
 - Develop an ongoing consultation process that operates throughout the school year.
 - Determine the types of special education services to be delivered and frequency of the services, how the services will be delivered, where the services will be delivered and by whom.
 - How services will be apportioned if funds are insufficient to service all students on individual service plans (ISPs).
 - Clarify in writing the outcomes of the consulting meetings.
 - ISPs will be developed at the beginning of the current school year with services ending the final week of the current school year at an ISP meeting.

- Appropriate representatives from the private school will be invited to the ISP meeting.
 - The LEA where the private school is located and/or SELPA will have control and administration of property (i.e. materials and/or equipment) purchased in order to provide services identified on ISP documents.
 - If representatives from the private schools do not provide the written affirmation within sixty (60) days of the document being mailed, the SELPA on behalf of the LEAs shall forward the documentation to the California Department of Education (CDE) Special Education Division.
3. The SELPA on behalf of the LEAs will provide a written explanation to the LEAs and representatives of the private schools if a disagreement on the provision of special education services occurs and the final determination of services to be provided.

LEAA 11: LOCAL COMPLIANCE ASSURANCES

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

Local Policy: LOCAL COMPLIANCE ASSURANCES

The local education agencies (LEAs) within the Sutter County SELPA shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of Section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

The LEAs within Sutter County SELPA recognize the need to identify and evaluate students with disabilities residing within the LEA in order to provide them with services required by law. The LEA will take appropriate steps to notify those persons and their parents or guardians of the LEA's duties under Section 504 of the Rehabilitation Act of 1973. The LEA's governing board further adopts a policy of nondiscrimination in provision of educational services. Eligible disabled students under this act between the ages of 3 and 21 who have not graduated are covered by these procedures.

Parents or guardians who allege that the LEA has violated the provisions of Section 504 may:

1. File a complaint with the Section 504 Coordinator, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution; or
2. File a complaint with the Office of Civil Rights.

Federal and state law requires the California Department of Education (CDE), as the state education agency (SEA), to enforce local compliance with laws guaranteeing children with

disabilities a free appropriate public education (20 U.S.C. Section 1412 (a)(11); 34 C.F.R. Section 300.600; Ed. Code Section 56000). CDE has established a process to monitor complaints and timelines associated with complaints through individual compliance complaint investigations, the Data Identified Non Compliance (DINC) review and correction process, and the annual District Compliance Determinations. A complaint investigation is a formal inquiry required by federal and state law when it is alleged that a public education agency (PEA) has not followed a special education law or regulation. An investigation is required when it is alleged that:

- A due process final decision has not or is not being implemented;
- The health, safety, and welfare of a student or students are of concern;
- Federal law (Part B of IDEA) is not being followed;
- The student's IEP is not being implemented as written;
- A public agency, other than the local education agency (LEA), has failed or refused to comply with an applicable law or regulation relating to the provision of free appropriate public education to students with disabilities (Government Code Section 7570, i.e., mental health, etc.).

The LEAs within the Sutter County SELPA will follow the timelines and processes established by the CDE as it relates to compliance issues.

COMPLIANCE MONITORING

The Sutter County SELPA has been formed by member local education agencies (LEAs) to assure access to special education and services for all individuals with exceptional needs residing in the geographic area served by the member (LEA's). The Sutter County Superintendents' Coordinating Council (SCC) is responsible for monitoring the completed plan to verify that each participating LEA carries out the policies and administrative regulation within the plan through the SELPA Administrator.

The administrative regulation is designed to identify the combination of factors that will be monitored by the State, SCC, SELPA, and LEA to ensure federal and state mandated responsibilities are met and to direct the SELPA staff in the level of support to be provided to LEAs. A combination of factors must be reviewed to determine the quality of a program or service or the degree to which a LEA is compliant with the intentions of the law. As the State monitors LEAs and takes action to encourage and enforce compliance, it is incumbent upon the SELPA to monitor the practices of LEAs and to provide technical assistance to LEAs targeted for prevention activities and appropriate intervention when necessary.

The State has identified State test scores, Annual Compliance and Performance Reports, Data Identified Non-Compliance (DINC) reports, Disproportionality and Significant Disproportionality findings, compliance investigation outcomes, Office of Administrative Hearing outcomes, pupil count (CASEMIS), self-review (SR), verification review (VR), maintenance of effort (MOE), and Excess Cost Reports as some of the activities that will be monitored for compliance and potential state intervention. LEAs and the SELPA will monitor these areas as well. When a combination of systemic characteristics is present, the SELPA will provide specific support. The goal is to recognize the exemplary practices with commendations and target resources in support of LEAs requiring assistance, while assuring that the practices of one LEA are not detrimental to other LEAs of the SELPA as a whole.

1) COMPLIANCE COMMENDATION

- a) No significant non-compliance findings identified.
- b) Data sources are complete and provided in a timely manner.
- c) Dispute outcomes are below statewide levels.
- d) No issues identified by the State.

SELPA Support:

Monitors data and provides general training per direction of Operations Council and/or Superintendents' Coordinating Council. The SELPA will recognize exemplary practices by sharing with other LEAs.

2) OPERATIONAL NON-COMPLIANCE

- a) Non-compliance issues are identified locally.
- b) Data is complete and provided in a timely manner.
- c) Dispute outcomes are below statewide levels.
- d) No significant issues are identified by the State.

SELPA Support:

Notifies special education administrator and monitors data. Assists with development and implementation of corrective action plan or improvement plan. Provides general training.

3) STATE IDENTIFIED NON-COMPLIANCE

- a) Corrective action plan with SELPA involvement.
- b) Data incomplete or untimely.
- c) State findings of Data Identified Non-Compliance
- d) Dispute outcomes are above the statewide levels.
- e) State is involved in non-compliant issues.

SELPA Support:

Notifies Special Education Administrator and LEA Superintendent. Provides training and input to enable LEA to develop a corrective action plan as per State directives. The

plan is approved by LEA superintendent. Assists with development and implementation of corrective action plan or improvement plan.

4) SYSTEMIC STATE IDENTIFIED NON-COMPLIANCE

- a) Corrective action plan if outstanding issues continue for 3-12 months beyond the state imposed deadlines.
- b) Data incomplete or not provided in a timely manner.
- c) Dispute outcomes above the statewide average and clusters of systemic issues are identified.
- d) Multiple state level corrective actions on Annual Performance Reports, Data Identified Non-Compliance, Disproportionality and/or Significant Disproportionality.
- e) State involved in on-site corrective action plan or improvement plan which may include withholding of state or federal funds and/or formal orders compelling compliance.

SELPA Support

Notifies SCC and LEA superintendent. SELPA and LEA agree on assigning program specialist to support implementation of elements of the corrective action plan to focus on technical assistance, specific training, and monitoring of outcomes.

If funding is withheld by the State, the SELPA will withhold like funds until such time as the LEA submits required corrective action reports and State resumes funding.

LEAA 12: INTERAGENCY COORDINATION

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 and Appropriate Education (FAPE), are provided, including the continuation of services during an interagency dispute resolution process.

Local Policy: INTERAGENCY COORDINATION

Assurance of Provision of Special Education and Related Services

All special education and related services determined by the Individualized Education Program (IEP) team to be necessary for a student to benefit from education shall be listed on the IEP. A LEA shall assure that each student with a disability is provided services in accordance with his/her IEP, regardless of which LEA or Non Public Agency provides the service.

Determination of Eligibility or Provision of Services from Other Agencies

A determination that a student is in need of a service shall be based on appropriate educational assessment(s). When the IEP team has determined, and included on an IEP, a statement that a student is in need of a service not available within the LEA, the LEA shall make arrangements for provision of the service by another LEA within the SELPA, within a neighboring SELPA, or through a Non Public Agency. When a service is in dispute, the LEA District of Residence shall provide or pay for the service(s) pending dispute resolution between the involved parties or the determination of eligibility including during assessment delays or delays in implementing the assessment results. The LEA is solely responsible for obtaining all services and service providers needed to implement the IEP. The LEA shall monitor the statutory timelines to ensure that services are provided without delays.

Assurance of Service When Another Agency Fails to Provide Related Services

All special education and related services determined by the IEP team to be necessary for a student to benefit from education shall be listed on the IEP. A LEA shall assure that each student with a disability is provided services in accordance with his/her IEP, regardless of the provider of services.

LEAA 13: GOVERNANCE

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 Educational Agency.

LEAA 14: PERSONNEL QUALIFICATIONS

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

Local Policy:

PERSONNEL QUALIFICATIONS

Highly Qualified Teacher – HQT

The LEAs within Sutter County SELPA will follow the guidelines set forth in Every Student Succeeds Act (ESSA) and IDEA with regard to providing Highly Qualified Teachers

(HQT) and support staff for special education services as outlined in the Annual Service Plan (ASP) of the Sutter County SELPA.

The LEAs recognize the unique needs of special education students. Each LEA will take measurable steps to recruit, hire, train and retain appropriately and adequately trained special education personnel.

Paraprofessionals

A paraprofessional is defined by ESSA as an employee of a local educational agency who provides “instructional support” in a program supported with Title I, Part A funds. It includes paraprofessionals in targeted assistance schools paid with Title I, Part A funds; paraprofessionals in a school-wide program school; and paraprofessionals offering instructional support to a teacher who provides equitable services to eligible private school students. 34 CFR 200.58(a) (3).

Paraprofessionals subject to ESSA may not be assigned a duty inconsistent with those listed above. 34 CFR 200.59(a).

Additionally, a paraprofessional may not provide any instructional service to a student unless the paraprofessional is working “under the direct supervision of a teacher.” According to the ESSA regulations 34 CFR 200.59(c), a paraprofessional works “under the direct supervision of a teacher” if the teacher plans the instructional activities that

the paraprofessional carries out. The teacher must evaluate the achievement of the students with whom the paraprofessional is working. Finally, the regulation requires the paraprofessional to work "in close and frequent proximity to the teacher."

Qualifications for paraprofessionals must be consistent with any state-approved or state-recognized certification, licensing, registration or other comparable requirements applying to the discipline in which they provide services. Section 612(a) (14) (B)

LEAA 15: PERFORMANCE GOALS AND INDICATORS

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.

Local Policy: PERFORMANCE GOALS AND INDICATORS

The Special Education Division of the California Department of Education (CDE) monitors Local Education Agencies to ensure that procedural guarantees of the Individuals with Disabilities Act (IDEA) are followed. The CDE has set performance indicators and targets for analyzing student level data to ensure compliance with state and federal requirements. These indicators conform to those identified in the California State Performance Plan. Reports measuring LEA performance are published annually. When an LEA is found to be out of compliance, the LEA will take steps to improve performance in the area of non-compliance.

Annual Performance Report measures are as follows:

1. Graduation Four Year Rate: Percent of all exiting student in grade twelve, and exiting ungraded students eighteen and over, who graduate from high school with a regular diploma.
2. Dropout Four Year Rate: Percent of all students in grades nine or higher, and ungraded students thirteen and over, who exit special education by dropping out of school.
3. Statewide Assessments: Statewide achievement testing to address:
 - a. Percent Participated
 - b. Percent Proficient or Advanced
4. Suspension and Expulsion: The percent of all students ages three through twenty-two receiving special education that are suspended or expelled for greater than ten days in the school year.
 - a. Overall
 - b. By race and ethnicity
5. Least Restrictive Environment: The average amount of time students ages six through twenty-two receive their special education or services in settings apart from their non-disabled peers:

- a. Inside the regular class 80% or more of the day
 - b. Inside the regular class 40% of the day
 - c. In separate schools, residential facilities, or homebound/hospital placements
6. Preschool Least Restrictive Environment: The percent of children aged 3 through 5 with IEPs attending a:
- a. Regular early childhood program and receiving a majority of special education and related services in the regular program
 - b. Separate special education class, separate school or residential facility
7. Preschool Assessments: This is a SELPA level calculation applying to all LEAs within the SELPA. Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:
- a. Positive socio-emotional skills (including personal relationships)
 - b. Acquisition and use of knowledge and skills (including early language/communication and early literacy)
 - c. Use of appropriate behaviors to meet their needs
8. Parent Involvement: Percent of parents with a child receiving special education services who report that schools facilitates parent involvement as a means of improving services and results for children with disabilities.
9. Disproportionality Overall: Percent of racial and ethnic disproportionality among students ages six through twenty-two which may be due to policies, procedures, or practices.
10. Disproportionality by Disability: Percent of racial and ethnic disproportionality by disability among students ages six through twenty-two which may be due to policies, procedures, or practices.
11. Eligibility Evaluation: * Percent of children ages birth through twenty-two whose eligibility for special education was determined within 60 days of receipt of parental consent for evaluation.
12. Part C to Part B Transition: * Percent of children ages birth through two in each district receiving special education under IDEA Part C who were referred for assessment for special education under IDEA Part B, found eligible under Part B, and had an IEP developed before their third birthdays. This is a SELPA level calculation and applies to all LEA members.
13. Indicator 13: * Secondary Transition Goals and Services: Percent of youth aged 16 and above with an IEP that includes all eight coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet post-secondary goals.
14. Indicator 14-Post –school: Percent of youth who had an IEP, are no longer in secondary school, and who have been:
- a. Enrolled in higher education

- b. Enrolled in higher education or competitively employed
- c. Enrolled in higher education, or in some other post-secondary education or training program; or competitively employed or in some other employment

Indicators that are starred (11, 12, 13) are "compliance" indicators and have targets of 100%. Additionally, student data on timeliness of annual assessments and triennial re-evaluations are reviewed by CDE with a target of 100% compliance.

Other indicators are "performance" indicators and the target is set by the state and is increased incrementally on an annual basis.

Consequences for failing to meet targets include creating an improvement plan, and for continuing non-compliance, can include the withholding, or diverting to improvement activities, a portion of federal funds. When a portion of an LEA's federal funds are withheld, the LEA's federal distribution will be reduced by that amount.

The SELPA will provide technical assistance and support to all LEAs in an effort to progress toward and meet performance and compliance targets.

LEAA 16: PARTICIPATION IN ASSESSMENTS

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 by their respective Reps.

Local Policy:

PARTICIPATION IN ASSESSMENTS

All special education students within the Sutter County SELPA shall have access to state and/or LEA assessments and reports relating to assessments. Through the IEP process, each student's strengths and weaknesses will be evaluated to determine appropriate means of access to a LEA and/or state adopted assessment(s). Each LEA shall implement the use of the SELPA-wide IEP form to address individual student access to the statewide and LEA assessments. The State Assessment IEP form is updated as needed to reflect current federal and state laws as related to special education students' access to mandated assessments.

All special education students shall be tested with the designated state achievement test and the standards-based test, unless their individualized education program specifically identifies that the student will be tested with an alternative state adopted performance assessment(s).

Students receiving special education services through an Individualized Education Plan or students with a current Section 504 plan shall be assessed with the accommodations or modifications as identified in either the IEP or Section 504 document. Preschool age students receiving special education services will have access to the Desired Results Developmental Profile (DRDP).

Special education personnel have a responsibility to ensure special education students have appropriate accommodation(s) and/or modification(s) to meet the individual needs of the students and allow access to all State and LEA assessments. Accommodation(s) and/or modifications(s) identified on the IEP for use during state assessments, must also be used regularly in the classroom. Each LEA shall follow and implement the California State Board of Education policies and administrative regulations related to assessment, data collection and waiver processes.

LEAA 17: SUPPLEMENTATION OF STATE/FEDERAL FUNDS

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 supplant state, local, and other Federal funds.

LEAA 18: MAINTENANCE OF EFFORT (MOE)

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 law and regulations.

Local Policy: MAINTENANCE OF EFFORT (MOE)

RATIONALE

The Sutter County Special Education Local Plan Area (SELPA) is required to meet Maintenance of Effort (MOE) regulations requiring that federal funds be used only to pay the excess costs of providing special education and related services to children with disabilities and to supplement and not supplant state and local funds for special education (Title 34 Code of Federal Regulations CFR Section 300.203-300.205).

POLICY STATEMENT

The SELPA Administrative Unit, 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. Member LEAs shall compile and submit budget and expenditure information including SEMA and SEMB reports to the Sutter County SELPA.

ADMINISTRATIVE REGULATION

The two required comparison tests are as follows:

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

- 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.
- Comparison is made before the allocations of Part B funds are made to the LEAs

Section 1 - Each year, LEAs should record any of the exceptions listed below:

These items will reduce the amount required to meet MOE:

- The voluntary departure or departure for just cause, of special education or related service personnel, who are replaced by qualified, lower-salaried staff.
- 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:

- Has left the jurisdiction of the agency.
- Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
- 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 – LEAs who have 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 sub-grant allocation received for the current fiscal year compared to the prior fiscal year, and reducing their state and local MOE requirement by that amount.
- The LEA must spend the calculated “freed up” local, or state and local funds on activities that are authorized under Every Student Succeeds Act (ESSA). This includes any activities under Title 1, Impact Aid, and other ESSA programs.

Section 3 – MOE Test

- Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.
- When the capability exists to isolate “local only” funding sources the comparison may be made using only “local” resources.
- 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)

If the SELPA as a whole passes Comparison 1, the SELPA as a whole, is eligible to receive Part B funding.

If the SELPA fails Comparison 1, 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 Comparison 1, but one or more individual LEA sub-grant

recipients fails Comparison 1, they shall have until First Interim occurs to comply with MOE requirements. If an LEA has not rectified the problem by the date that the First Interim budget report is made, its proportionate share of the federal funds shall be re-distributed, on a proportionate share basis, to those LEA sub-grant recipients that complied with the MOE requirements at Comparison 1, but only to the extent that they don't reduce state and local or "local only" expenditures to the point that they create MOE problems for the receiving LEA.

Second Comparison (SEMA) – Prior Year Actuals *vs.* Second Prior Year Actuals

- Actual local or state and local expenditures must equal or exceed prior year expenditures.
- 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 LEAs should record any of the exceptions listed below: These items will reduce the amount required to meet MOE:

- The voluntary departure or departure for just cause, of special education or related service personnel, who are replaced by qualified, lower-salaried staff.
- 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:
 - Has left the jurisdiction of the agency.
 - Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - 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 – LEAs 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 sub-grant allocation received for the current fiscal year compared to the prior fiscal year, and reducing their state and local MOE requirement by that amount.

- The LEA must spend the calculated “freed up” local, or state and local funds on activities that are authorized under Every Student Succeeds Act (ESSA). This includes any activities under Title 1, Impact Aid, and other ESSA programs.

Section 3 – MOE Test

- Combined actual local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.
- When the capability exists to isolate “local only” funding sources the comparison may be made using only “local” resources.
- 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))

If the SELPA, as a whole, fails Comparison 2 after applying the exceptions, the SELPA will be billed by the State for the amount the SELPA, 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) or adjust the apportionment of the individual sub-grant recipient(s) that failed MOE Comparison Test 2 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 Comparison 2 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, the CDE will invoice the LEA 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.

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.

LEAA 19: PUBLIC PARTICIPATION

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

LEAA 20: SUSPENSION/EXPULSION

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.

Local Policy:

SUSPENSION/EXPULSION

This administrative regulation is to provide support to the Local Education Agencies in the Sutter County SELPA in determining appropriate options in the discipline of students with disabilities. This administrative regulation does not supersede LEA policies and administrative regulations with respect to Board Policies on Discipline, Suspension or Expulsion.

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) and Section 504 is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

cf. 5144.1 – Suspension and Expulsion/Due Process

cf. 6159.1 – Procedural Safeguards and Complaints for Special Education

For purposes of this regulation, 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).

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 LEA’s disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the LEA had prior knowledge that the student may have a disability before the behavior occurred.

1. The LEA shall be deemed to have prior knowledge that the student may have a disability if one of the following conditions exists:
2. The parent or guardian has expressed concern in writing, to a supervisory or administrative personnel, or teacher, that the student is in need of special

education or related services. If the parent or guardian does not know how to write, or has a disability that prevents a written statement, staff will provide assistance in developing a written statement.

3. The behavior or performance of the student demonstrates the need for such services in accordance with 34 CFR 300.7.
4. The parent or guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.530-300.536.

The teacher of the student or other LEA personnel has expressed concern about the behavior or performance of the student to the LEA's director of special education or other supervisory personnel in accordance with the LEA's established child find or special education referral system.

The LEA would be deemed to not have prior knowledge as specified in items 1-4 above if as a result of receiving such information:

- the LEA either conducted an evaluation and determined that the student was not a student with a disability,
- determined an assessment was not necessary and provided notice to the parent or guardian of its determination,
- or the parent or guardian has not allowed an initial assessment of the student or refused the initial offer of FAPE.

If it is determined that the LEA did not have prior knowledge that the student was disabled prior 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 assessment of a student during the time period in which the student is subject to disciplinary measures, the assessment shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

Suspension

California law regarding student discipline allows a student to be suspended for five days, with a subsequent extension in the case of a pending expulsion hearing. However, special education students cannot be suspended for more than 10 consecutive days, as this would constitute a change in placement, without an IEP meeting being held. The principal or designee shall monitor the number of days, including portions of days that students with individualized education programs (IEPs) have been suspended during the school year.

Services during Suspension

Students suspended for more than 10 school days in a school year shall continue to receive services during the term of the suspension, to the extent necessary to provide the student a free, appropriate public education (FAPE) and access to the general education curriculum.

Students who require specialized transportation in order to access their education are entitled to alternate transportation at no cost to the student, parent or guardian in the event they are suspended for more than 10 school days.

DISCIPLINARY ACTION THAT IS A CHANGE OF PLACEMENT

Manifestation Determination

A manifestation determination shall be made if school personnel are seeking to impose a suspension beyond 10 school days or more in a school year and if the action will cause a "change of the student's placement" or if the school personnel are contemplating expulsion.

1. A reassessment of the student is not necessary unless the members of the IEP team are in need of additional diagnostic information in order to assist the team in making the Manifestation Determination.
2. If a reassessment is deemed necessary for a student who has committed an expellable offense and school personnel are contemplating expulsion, the parents shall be provided an Assessment Plan; but it is not necessary that written parental consent be obtained prior to conducting the assessment.

For students exceeding the 10-days suspension of suspension and the team believes an assessment is necessary in order to complete a Manifestation Determination, an assessment plan will be presented to the parents prior to conducting the assessment.

3. If a reassessment is not deemed necessary, members of the appropriate IEP team shall review all relevant information in the student's file including but not limited to:
 - The student's IEP.
 - Any teacher observations and relevant data.
 - Any relevant information provided by the parents.
4. At Manifestation Determination meeting the IEP team will:
 - Identify the handicapping condition per the last assessment and IEP.
 - Identify the behavior or actions of the student.

- Describe the disciplinary action taken by the LEA.
 - Identify if an assessment was conducted, or a data report presented which includes observational information
 - Review and document progress towards goals (and benchmarks if written) as documented in the current IEP.
 - Obtain input from the parents.
 - Identify the student's weaknesses, average and strength areas which affects the academic areas.
 - Answer the questions per Education Code, and as outlined on the SELPA Manifestation Determination Form.
 - Request signatures of the parent and obtain administrator's signature presiding over the IEP meeting.
 - Offer a copy of the procedural safeguards to the parents.
5. The following procedures will be implemented for special education students receiving their primary special education services from a LEA provider (other than by their LEA of residence), who have committed an expellable offense:
- The LEA provider program will complete all the suspension paperwork.
 - The LEA provider program will suspend the student and conduct the fact finding investigation.
 - The administration of the LEA provider will contact the LEA of residence and provide required documentation. At that time, the LEA provider of special education services and LEA of residence determine if additional written documentation is needed. If so, the agencies will determine the responsibilities and the time frame for completion.
 - The LEA provider will conduct the Manifestation Determination meeting and invite administration from the LEA of residence to the IEP meeting. If there is not a relationship between the offense and the disability, the LEA of residence will assume responsibility for the case.
 - The LEA of residence continues to maintain responsibility for the student and to provide appropriate services during the suspension and/or expulsion.

- The LEA of residence will compile all the documentation from the provider LEA and move forward with the board-adopted process for expulsion of the student.
- The LEAs within the Sutter County SELPA agree that the Sutter County Superintendent of Schools is a provider of services at the request of the LEAs. As such, the Sutter County Superintendent of Schools does not have students and the students attending Sutter County Superintendent of Schools programs are the responsibility of the LEA of residence for the purposes of implementing the board-adopted policy pertaining to expulsion.
- The County Board of Education's responsibility is to hear and rule on an appeal of an expulsion ruling by a LEA.

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, the LEA must provide services during the pendency of an expulsion proceeding.

If the action is determined to be a Manifestation of the Student's Disability and is determined that the conduct in question was a manifestation of the student's disability, the expulsion cannot proceed. Instead, the student's IEP team shall do one of the following:

6. If the student did not have a behavior intervention plan in place prior to the misconduct:
 - Conduct a functional behavioral assessment of the student;
 - Implement a behavioral intervention plan for the student; and
 - Return the student to the placement from which the student was removed or obtain agreement from the parent to change the student's placement as part of the behavior intervention plan and documented on the IEP
7. If the student did have a behavior intervention plan in place prior to the misconduct:
 - Review the behavior intervention plan; and
 - Modify the plan, as necessary, to address the behavior, and
 - Return the student to the placement from which the student was removed or the LEA obtains agreement from the parent to change the

student's placement as part of the modification of the behavior intervention plan and documented on the IEP.

The student is returned to the placement which they were in prior to the removal, unless the parent and the LEA agree to change the placement as part of modifying the Behavior Intervention Plan.

8. Interim Alternative Educational Setting (IAES):
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:
9. Carries a weapon, to or at school, on the school premises or to 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 2 ½ inches in length.

Knowingly possesses or uses illegal drugs while at school or 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 Controlled Substance Act (21 U.S.C. 812 (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.

The 45-day Interim Alternative Educational Setting must be selected so as to enable the student to:

- Continue to participate in the general education curriculum.
- Continue to receive those educational services contained in the student's IEP that will enable the student to meet the goals set out in the IEP.

- Include services and modifications to address the misconduct that are designed to prevent the behavior from recurring.

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:

- 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.
EXAMPLE: 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.
- The extension of suspension may only be imposed if the Superintendent or designee has determined, 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. Such determination can be made following a meeting to which the student and the student's parent are invited to participate.
- 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.
- If it is determined that the student's misconduct was not a manifestation his/her disability, and if the student's suspension was extended, the student shall:
 - 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
 - be place in an interim alternative educational setting determined by the student's IEP team pending the Governing Board's decision on the recommendation for expulsion.

Free and Appropriate Public Education

If a student with a disability is removed from the current placement or services or suspended for more than 10 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 IEP goals. The student shall also receive, as appropriate, a functional

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

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 LEA believes that maintaining a student's current placement is substantially likely to result in injury to the student or to others, the LEA may request an expedited due process hearing. Pending the parent's or LEA's request for an expedited due process hearing, 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 LEA agree otherwise.

Notification

The LEA shall notify the parents of the decision to take disciplinary action no later than the date on which the decision may result in a change of a student's placement. The LEA shall advise the parent of the special education procedural safeguards.

Notification to Law Enforcement Authorities

A LEA is not prohibited from reporting crime by a special education student to the appropriate authorities. The LEA is to ensure that copies of the student's special education records are transmitted for consideration by the appropriate authorities. Records may be transmitted only to the extent permissible under FERPA which is with parental consent, court order or lawfully issued subpoena.

LEAA 21: ACCESS TO INSTRUCTIONAL MATERIALS

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.

LEAA 22: OVERIDENTIFICATION AND DISPROPORTIONALITY

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.

LEAA 23: PROHIBITION ON MANDATORY MEDICATION

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.

Local Policy 24: ALLOCATION OF SPECIAL EDUCATION FUNDS

The governing body of the Sutter County SELPA, as set forth in the Local Plan, is the Superintendents' Coordinating Council (SCC). One of the responsibilities of SCC is to equitably allocate public funds to support services for all eligible SE students attending member LEAs within the SELPA.

The Sutter County SELPA allocation plan is based on the following principles:

1. It provides no incentive for LEAs to over identify students in SE programs.
2. There is a focus on maintaining effective programs.
3. Revenues are distributed in the same manner as they are generated.
4. The impact of special education funding on the overall budget of each LEA is considered; and
5. It meets requirements for state and federal funding.

LEAs acknowledge that state and federal revenues do not cover the total costs of SE services. The current year's December 1st count of student's placement and services and the current year SELPA wide funding is the basis for budgeting. Each LEA is responsible for paying for the actual year costs of services provided to their students using current year state, federal and local revenues. Some services, as noted below, are supported by all LEAs in the SELPA. The SELPA office prepares fiscal reports and distributes federal, state and local funds. This plan considers the current statutory requirements and is subject to change by SCC, if necessary, to conform to changes in statute or regulation or to address changing educational needs.

SRAR 3: ALLOCATION OF SPECIAL EDUCATION FUNDS

FISCAL ALLOCATION PLAN COMPONENTS REVENUE:

Special education revenue is comprised of federal, state and local funding. After funding risk pools, SE funds are used to pay for centralized programs, regional programs/services and LEA operated SE programs. Federal and state SE resources are not sufficient to cover the complete cost of special education programs. LEAs within the SELPA support SE services, when necessary, with general fund contributions. Where possible, the Sutter County SELPA allocation plan distributes revenue to LEAs in the same manner as the funds were generated. The various revenues and distributions for each LEA are identified in the annual Revenue Distribution Summary report.

EXPENSE:

To determine LEA expense for centralized programs and regional services, the SELPA identifies all SE students by DOR, who are placed in centralized programs and/or who receive services in regionally operated programs as of December 1 of the current year. The number of identified students, and the cost of their placement and services, determines each LEA's portion of the cost for each centralized program and regional service. Cost for centralized programs and regional services, by LEA, are summarized annually on a Cost Allocation spread-sheet, and this is provided to each member LEA.

NET COST:

The net share of cost for each LEA is the difference between LEA revenue and the LEA expense for each student placed in a centralized program, and/or receiving regional services. Revenue will be transferred to LEAs with positive net cost (i.e. when revenue exceeds expenditures). LEAs with a negative net cost (i.e. expenditures exceed revenue) will receive an invoice for the difference. LEAs with a positive net cost will apply the revenue to LEA operated SE programs. Should the revenue exceed the LEA's cost for regional and LEA operated SE programs, the LEAs can carryover state and local funds in excess of their SE costs. Federal funds may not be carried over. Special education carryover funds are restricted for future special education expenditures.

REVENUE ALLOCATION SUMMARY RESTRICTED**REVENUE:****AB 602**

The difference between the aggregate of federal, state and property taxes and the aggregate base rate for the 2012-13, plus accumulated COLA and applied deficit factor, will be applied as a credit to centralized programs. This credit to centralized programs will offset program costs proportionately based on current year December 1 count. Current year P2 ADA is used to determine the allocation of current year revenue, should a charter move to another LEA authorizer within our SELPA, the revenues will follow. In the event of an LEA lapsation, closure, or withdrawal from SELPA membership, revenues will be re-allocated to remaining members based on current year P2 ADA. *(See August 27, 2013 SCC meeting minutes for historical information regarding changes and baseline base rates.)*

OUT OF HOME CARE

These funds are allocated to districts based on their bed count for students residing in foster family homes and licensed children's institutions.

LOCAL CONTROL FUNDING FORMULA

Districts receive funds through their Local Control Funding Formula (LCFF) directly for students attending centralized programs. These funds were previously known as Revenue Limit Transfer funds. Although these funds are not reflected as revenue in the model, districts are required to set these funds aside as restricted (i.e. RS 6500) for special education expenditures, including payment of excess costs.

PROGRAMSPECIALIST/REGIONALIZEDSERVICES(PS/RS)

As described above, PS/RS funds will be included in the AB 602 amount allocated in the base rate.

LOTTERYREVENUE

These revenues are generated by individual students, including students attending centralized programs. Unrestricted Lottery funds will be used to offset program expenditures in centralized programs and will be shown as a "credit" to program cost.

SELPA STAFF DEVELOPMENT

Funds for SELPA Professional Development will be set aside annually as determined by action of SCC.

MEDI-CALFUNDS

Medi-Cal funds generated by centralized programs and regional services will be used to supplement these respective programs and services as determined by the respective providers. Providers will present an expenditure report for the prior year to the SCC.

UNRESTRICTED REVENUE: MAA

All providers will retain funds in a separate holding account until the deferral window has passed and the total amount will be distributed 30% to providers, and 70% to participating LEAs based on the prior year unduplicated students in programs that generate MAA. The 30% allocated to providers will be based on the per FTE rate multiplied by the eligible FTEs in the current year. Providers will report expenditures and fund balance annually. Eligible staff are: Adaptive Physical Education (APE) Specialist, Behaviorists, Licensed Vocational Nurses (LVN), Occupational Therapists (OT), Psychologists, Physical Therapists (PT), Speech Language Pathologists (SLP), and certificated Special Education (SE) classroom teachers.

In the example below, 90k (30%) / certificated FTE's = amount per FTE. The remaining 70% (i.e. 210 k) would be distributed to LEAs that participated in programs that generate MAA funding.

2012-13 Available MAA generated by Provider 1	\$270,000
2012-13 Available MAA generated by Provider 2	<u>\$ 30,000</u>
Total Revenue	\$300,000
30% (Retained for providers)	\$ 90,000
70% (Distributed to participating LEA's)	\$210,000
Certificated and Licensed FTEs :	
Provider 1	100
Provider 2	<u>35</u>
Total Certificated/Licensed FTE	135

Amount retained by Provider 1 ($100/135 = 74\% \times \$90,000$) = \$66,600

Amount retained by Provider 2 ($35/135 = 26\% \times \$90,000$) = \$23,400

EXPENDITURE DISTRIBUTION

CENTRALIZED PROGRAMS

LEA cost for centralized programs will be distributed proportionally based on the prior year student enrollment in each program as of December 1, less any credit applied.

REGIONALIZED/DESIGNATED INSTRUCTIONAL SERVICES (DIS)

LEA cost for regionalized and DIS programs will be distributed proportionally based on the prior year student usage of programs as of December 1.

SELPA

Proportional SELPA cost will be allocated based on LEAs prior year K-12 certified P-2 ADA

COMMUNITY ADVISORY COMMITTEE (CAC)

The CAC is funded at a rate of \$1 per student based on the prior year December 1 count. District proportional cost will be allocated based on the prior year K-12 certified P-2 ADA. At the end of the fiscal year, unexpended funds will be returned to the SELPA for allocation in the next year, unless a request is made to SCC to keep the funds for an ongoing project or other purpose.

PROGRAM COST ALLOCATION

The centralized and regionalized programs and services will operate as separate cost centers. These are included in the funding model as silos. The allocation for shared cost will be distributed across programs as outlined in the table below. For regionalized programs, administrative and program specialist costs may be identified in certificated and classified salaries.

Cost	Methodology
Provider Administration	Distribute administrative and clerical cost proportionately between the programs operated by that provider based on the certificated and/or licensed FTEs.
Site/Program Administration	Distribute cost across assigned programs based on the number of centralized classrooms or regional/DIS FTEs.
Behaviorist	Allocate to centralized programs proportionately based on the number of certificated FTEs in each program.
Program Specialist	Allocate to programs based on Certificated FTE or direct charged to regionalized programs based on assigned time
Psychologist	Allocate average cost to programs based on staffing guidelines
Nursing	Allocate average cost to programs based on staffing guidelines
Extended Year	Allocate to programs that operate ESY based on staff/student ratios

Management Information Services Allocate to programs based on the technology assets used in each silo

RISK POOLS

The Risk pools have been created to offset costs in designated areas. The funding for the risk pools revenue will be generated from LEA contributions. The proportional share will be based on the prior year K-12 certified P-2 ADA. In any given year, the SCC may elect to change the amount held within any of the Risk Pools.

RESERVE

All providers maintain a 3% reserve based on centralized and regionalized program expenditures as a safeguard against unanticipated costs.

FACILITIES POOL

LEAs hosting regional programs and program providers may access this pool to address facility needs.

The target funding for the facilities pool is \$50,000.

NON PUBLIC SCHOOL (NPS)

After applying revenues generated by students placed in NPS, related expenditures may be reimbursed by the NPS Pool. Amounts will be distributed proportionately per the number of NPS placements.

The target funding level for the NPS Pool is \$250,000.

MENTAL HEALTH EXTRAORDINARY COST POOL (MHEC)

The MHEC risk pool reimburses LEAs for extraordinary costs in the provision of Mental Health (MH) services for eligible students including residential placement costs and MH service costs related to NPS placements. The percentage of MH funding to be used for the risk pool shall not exceed forty-five percent (45%) of the total MH funding. If approved expenses exceed the funds available in the MHEC risk pool, reimbursements will be made on a proportional basis. The available MHEC pool funds will be divided by the total expenses to calculate a percentage of expenses that will be reimbursed.

The target funding level for the MHEC is \$200,000.

Local Policy 25: IDENTIFICATION, REFERRAL AND ASSESSMENT

The LEA governing boards of the Sutter County SELPA assure an ongoing effort to identify, locate and assess all individuals with disabilities aged birth through 21 including homeless, migrant and private school students. The Sutter County SELPA and its member LEAs works closely with public agencies in the identification of individuals with disabilities.

Referrals shall be made in a written format and may be received from parents, school staff, student study teams, agencies, appropriate professional persons, and other members of the public. The LEA will respond to the parent within 15 days with an assessment plan or a written response outlining the denial of the referral request, including the required components of a Prior Written Notice, along with a copy of the procedural safeguards.

The assessment must be completed and the Individual Education Program (IEP) team must meet and develop the IEP within sixty (60) calendar days after the parent's consent for assessment is received.

Assessments are conducted by a multi-disciplinary team, including a general education teacher and a specialist with knowledge in the area of suspected disability who are appropriately trained to administer and interpret test results. The assessment process ensures that no single procedure is the sole criterion for determining eligibility and placement.

The Individual Education Program will be reviewed annually for the following purposes:

1. Review of pupil progress toward goals and objectives/benchmarks.
2. Appropriateness of placement.
3. Need for revisions.
4. An offer of FAPE.

Referral Procedures

1. Referrals may be received from parents, school staff, student study teams, agencies, appropriate professional persons, and other significant members of the public and shall be in a written form. If a verbal referral is made, school LEA staff shall assist the individual in making and submitting a written request. When the written referral is received by the LEA administration, site level or other public school agency, it shall be date stamped and forwarded to the appropriate personnel per each LEA special education process.
2. A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized. Documentation will include attempts to modify the general education program prior to referral for special education services.
3. LEAs have an obligation to ensure that evaluations of pupils suspected of having a disability are not delayed or denied because of implementation of a Response to Intervention strategy (OSEP Memorandum 11-07).
4. The LEA will respond to the parent within fifteen (15) days with an assessment plan OR a written response, outlining the denial of the referral request, and including required elements of the Prior Written Notice, along with a copy of the procedural safeguards. The Assessment Plan will be provided in the primary language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. This 15-day timeline is suspended during school breaks in excess of five (5) days from the date of receipt of the referral; however, in any event the assessment plan will be developed within ten (10) days after the commencement of the next school term or year. In the case of school vacations, the 15-day timeline recommences on the date that regular schooldays reconvene. Each school site shall maintain a Log of Referrals that will document that all referrals have been received and processed including referrals for infants from birth to 3 years.
5. The parents have fifteen (15) days to sign and return the assessment plan. Parents may be given additional time to arrive at a decision. If the parent does not provide consent for an initial assessment, or the parent fails to respond to a request to provide consent, the local education agency (LEA) may, but is not required to, pursue the initial assessment through mediation and/or due process. The LEA does not violate its child find obligations if it declines to pursue the assessment. In order to meet the reasonable efforts requirement, the LEA shall document its attempts to obtain parent consent.

6. The pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history shall be obtained when appropriate.
7. The assessment and multi-disciplinary team report must be completed, and the individualized education program (IEP) team must meet and develop the IEP, at least sixty (60) calendar days after the parent's consent for assessment is received, not counting days between regular school sessions, terms, or days of school vacation in excess of five school days. For referrals made thirty (30) calendar days, or less, prior to the end of the regular school year (EC 56344), an individualized education program is developed within thirty (30) calendar days after a school year begins. Parents are notified of the IEP meeting a reasonable period of time in advance, except by mutual agreement.
8. A multidisciplinary team will conduct the assessment. The assessment results and the documentation of needs and determination of eligibility for special education will be written in a multidisciplinary team report which will be provided to the parent at the IEP meeting.
9. The individual education program (IEP) shall be implemented per the date identified in the IEP document. In situations where this is not possible, a projected date for placement and reason for delay shall be stated in the IEP including an interim service plan. Interim service plans are subject to the approval of the LEA director or their designee at the time of the IEP meeting.
10. The individualized education program will be reviewed annually for the following purposes:
 - Review of pupil progress towards the goals (and objectives if included).
 - The development of new goals (and objectives if included) based on the current levels of performance as written into the document.
 - Need for revisions of services based on the current levels of performance, goals (and objectives if included), and ability to access the general education curriculum.
 - Appropriateness of special education services, accommodations and modifications and location.

- Written offer of FAPE.
11. The individualized education program will be reviewed at the request of a parent or teacher or whenever a change of program is indicated.
 12. The IEP forms are written in language understandable to the general public.

Assessment Plan and Assessment Process

A multi-disciplinary team is involved whenever assessments are conducted, including a general education teacher and specialist(s) with knowledge in the area of suspected disability. Those persons assessing a pupil shall maintain a complete and specific record of diagnostic procedures and assessments employed, the instruments utilized, the conclusions reached, and the proposed education or services indicated by the assessment results. Vision and hearing screening will be provided for all initial referrals and for three year assessments unless parent refused permission.

Appropriate assessment provisions will be made by educational professionals for pupils whose primary language is other than English. Individuals are assessed in all areas of suspected disability and in their primary language or ~~other~~ mode of communication, unless it is clearly not feasible to do so. When appropriate, an interpreter will be used and documented in the assessment report.

Assessment materials and procedures are selected and administered so as not to be racially, culturally, or sexually discriminatory and will reflect the individual's skills and aptitude levels. Personnel are appropriately trained to administer and interpret test results and, when necessary, are knowledgeable and understand the cultural and ethnic backgrounds and are competent in assessing both the oral and written skills of Limited English (EL) individuals. Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure they measure the extent to which a student has a disability rather than measuring English proficiency.

Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills, the test results accurately reflect the pupil's aptitude, achievement level, or other factors and not the impaired sensory, manual or speaking skills, unless those skills are the ones being measured. Individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.

SELPA assessment procedures, which reflect the intent of the Larry P. court order, will be implemented. IQ scores of African-American students will not be contained in educational reports or files. An individual with a suspected low incidence disability will be assessed by

qualified and trained personnel, consistent with state guidelines, and in all areas related to the suspected disability.

The assessment process ensures that no single procedure is the sole criterion for determining eligibility and services.

Assessment results are documented in a written format and must contain but are not limited to the following information:

- Results of tests administered in primary language by qualified personnel
- Statement regarding validity and reliability of the assessment results, and a description of the extent to which testing varied from standard conditions.
- Indication that an interpreter was used and the interpreter's qualifications or training.
- Determination of whether student needs can be met in the general education classroom or whether the student may need special education services.
- Notification of relevant behavior noted during the observation of the student in an appropriate setting.
- Opportunity for and consideration of parent information including assessment results provided by the parent.
- The relationship of behavior to the student's academic and social functioning and recommendations based on learning strengths and styles as well as areas of needs.
- Input from teacher(s).
- Educationally relevant health, developmental, and medical findings.
- Determination of the effects, if any, of environmental, cultural, and economic disadvantage.
- Need for specialized services, materials and equipment for pupils with low incidence disabilities.
- Consideration of independent education assessment (IEE).
- Determination of the student's need for special education and related services.

- Information related to enabling the child to be involved in, and progress in, the general curriculum.
- Involvement of a general education teacher as part of the assessment team.
- Observation of children in the classroom, and for those children less than five years old, documentation that the observation occurred in an appropriate setting.

Local Plan 26: ELIGIBILITY CRITERIA

A child shall qualify as an individual with exceptional needs if the results of the assessment demonstrate that the degree of the child's impairment requires special education. The decision as to whether the degree of the child's impairment requires special education shall be made by the IEP team. In making this determination, the IEP team shall consider all relevant material which is available on the child and general education programs. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the child's eligibility for special education.

ELIGIBILITY CRITERIA

The disability terms to be used in defining an individual with exceptional needs are as follows:

- (1) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.
 - a. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.
 - b. A child who manifests the characteristics of autism after age three could be identified as having autism if the above criteria are satisfied.
- (2) Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.
- (3) Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.
- (4) Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:
 - a. An inability to learn that cannot be explained by intellectual, sensory, or health factors.

- b. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
 - c. Inappropriate types of behavior or feelings under normal circumstances.
 - d. A general pervasive mood of unhappiness or depression.
 - e. A tendency to develop physical symptoms or fears associated with personal or school problems.
 - f. Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance as described in above criteria.
- (5) Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included in the definition of deafness in item 3.
- (6) Intellectual disability means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.
- (7) Multiple disabilities is defined as; concomitant impairments, such as intellectual disability- blindness or intellectual disability-orthopedic impairment, the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. "Multiple disabilities" does not include deaf-blindness.
- (8) Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g. poliomyelitis, bone tuberculosis), and impairments from other causes (e.g. cerebral palsy, amputations, and fractures or burns that cause contractures).
- (9) Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:
- a. Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
 - b. Adversely affects a child's educational performance.
- 10) Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may

have manifested itself in the imperfect ability to listen, think, speak, read, write, spell or mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

- (A) Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environment, cultural, or economic disadvantage.
- (B) In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a severe discrepancy between intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material available. No single score or product of scores, test or procedure shall be used as the sole criterion for the decision of the IEP team as to the pupil's eligibility for special education. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
- (C) If the standardized tests do not reveal a severe discrepancy, the IEP team may find that a severe discrepancy does exist provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall include information considered by the team which shall include, but not be limited to:
 - a. Data obtained from standardized assessment instruments;
 - b. Information provided by the parent;
 - c. Information provided by the pupil's present teacher;
 - d. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
 - e. Consideration of the pupil's age, particularly for young children; and
 - f. Any additional relevant information.
- (D) A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.
- (E) Whether or not a pupil exhibits a severe discrepancy, a pupil may be determined to have a SLD if:

1. Achievement is not adequate for the pupil's age or to meet State grade-level standards in one or more of the following areas when provided with learning experiences and appropriate instruction:

Oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving,

AND

2. The pupil does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified above when using a process based on the pupil's response to scientific research-based intervention;

OR

The pupil exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of a specific learning disability using appropriate assessments.

3. The findings are not primarily the result of a visual, hearing or motor disability, and intellectual disability, an emotional disturbance, cultural factors, environmental or economic disadvantage, or Limited English Proficiency.
4. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:
 - a. Data that demonstrate that prior to, or as a part of, a referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - b. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.
5. In determining whether a pupil has a specific learning disability, the public agency must ensure the pupil is observed in the pupil's learning environment. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age.

(11) A pupil has a language or speech disorder by meeting one or more of the following criteria:

- a) Articulation disorder:

1. The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference occurs when the pupil's production of single or multiple speech sounds on a developmental scale of competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.

2. A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

- b) **Abnormal Voice:** A pupil has an abnormal voice when it is characterized by persistent, defective voice quality, pitch, or loudness.
- c) **Fluency Disorders:** A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and the listener.
- d) **Language Disorder:** The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:
 1. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on **TWO** or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics or pragmatics.
 2. The pupil meets criteria specified above on **ONE** or more standardized tests in one area of language development, and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty (50) utterances. The language sample must be recorder or transcribed and analyzed and the results included in the assessment report. If the pupil is unable to produce the sample, the language, speech and hearing specialist shall document why including the contexts in which attempts to elicit the sample were made.
 3. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by an alternative means as specified on the assessment plan.

(12) **Traumatic brain injury (TBI)** means an acquired injury to the brain caused by an extreme physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing and speech. TBI does

not apply to brain injuries that are congenital or degenerative, or to brain injuries caused by birth trauma.

- (13) Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Additional Eligibility Criteria for Individuals with Exceptional Needs-Age Birth to Younger than Three Years:

- (a) A child, age birth to younger than three years, shall qualify as an individual with exceptional needs if the Individualized Family Service Plan (IFSP) team determines that the child is identified as an individual with exceptional needs within one of the above eligibility categories AND meets the following criteria:
- a. Is identified as requiring intensive special education and services by meeting one of the following criteria:
 - i. The child has a developmental delay as determined by a significant difference between the expected level of development for their age and their current level of functioning in one or more of the following five developmental areas:
 1. Cognitive development;
 2. Physical and motor development including vision and hearing
 3. Communication development
 4. Social or emotional development; or
 5. Adaptive development.
 - ii. A significant difference is defined as a 33 percent delay in one developmental area before 24 months of age, or, at 24 months of age or older, either a delay of 50 percent in one developmental area or a 33 percent delay in two or more developmental areas.
 - iii. The child has a disabling medical condition or congenital syndrome which the IFSP team determines has a high predictability of requiring intensive special education and services.

Local Policy 27: HOSPITAL, LCI, JUVENILE COURT SCHOOL, COUNTY JAIL

Hospitalized Pupils

Each LEA shall be responsible for the provision of special education and related services to individuals with exceptional needs residing in hospitals and other residential facilities located within the geographical area of the LEA. Each LEA shall first consider services operated by the LEA, next by the SELPA, and then by the SELPA centralized and/ or regionalized program providers. If the special education services available within these entities are not appropriate, then the district shall contract with an appropriate service provider for implementation of the pupil's IEP. These may include employees of other LEAs within the SELPA, those of a neighboring SELPA, or a Non Public Agency.

State Hospital Programs

No state hospital programs are located within the Sutter County SELPA. The education code provides that the county wherein the hospital is located shall provide special education services. The local education agency is to receive prior notice regarding the return of the student to the LEA within the SELPA. If the LEA of residence does not receive prior notification, the LEA will attempt to obtain the current educational records and the LEA providers in the SELPA agree to provide appropriate technical assistance to the LEA of residence in order to facilitate a timely and appropriate placement into an educational setting.

Licensed Children's Institutions (LCI) and Foster Homes

Each district shall be responsible for the provision of special education and related services to individuals with exceptional needs residing in LCIs and foster homes located within the geographical area of the LEA. Each LEA shall first consider services operated by the LEA and then by SELPA centralized and/ or regionalized providers. If the special education services available within the entities are not appropriate, then the district shall contract with an appropriate Non Public Agency service provider for implementation of the pupil's IEP.

Juvenile Court and Correctional Programs

Pupils with exceptional needs who have been determined by the juvenile court for placement in a juvenile hall, home, day center, ranch, camp, or for individuals with exceptional needs placed in a community school will be provided services as appropriate to their IEP. As identified in the Education Code, procedures for identification, referral, program planning, and review shall be utilized. The policy for providing services in the least restrictive environment may be interpreted to mean with no segregation from the programs being utilized in the institution.

County Jail

Students age 18-21 who were enrolled in or eligible for a special education program before their 19th birthday and who did not graduate with a regular high school diploma, are entitled to

receive special education and related services as identified in their IEP. The obligation to make FAPE available also extends otherwise eligible individuals 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 been identified as a child with a disability. Local Educational Agencies (LEAs) must actively and systematically seek out all individuals with exceptional needs. This responsibility includes identifying adult students in a county jail who remain eligible for special education, through means such as self-reporting, interviewing, and requesting prior school records. It also includes a responsibility to notify a LEA outside the SELPA that its eligible adult student is in a county jail within the SELPA. After identification, it is the responsibility of the District of Residence (DOR) to provide special education and related services and desires to receive such services. 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 the DOR of the conservator.

Equal Access to All Programs and Services

Any pupils within the SELPA may be referred for special education services. Pupils are referred by parent or guardian, teacher, or other adult or a pupil may request a self-referral. Information regarding rights and legal provisions are given to the parent or guardian. All eligible students will have equal access to an appropriate special education program and services available within Sutter County SELPA per the adopted SELPA Service Plan or provided by agreement with a contiguous SELPA, regardless of their district of residence. Individuals with exceptional needs who transfer into an LEA within the Sutter County SELPA with a current IEP will be provided appropriate services deemed most nearly the same as the previous program or services outlined on the current IEP. Each LEA will review previous and current data prior to the IEP meeting in order to facilitate the development of appropriate goals and objectives and offer of FAPE.

Local Policy 28: NONPUBLIC, NONSECTARIAN SCHOOLS

Nonpublic, nonsectarian school (NPS) and agency (NPA) services shall be available to pupils in the SELPA. When no appropriate public educational services are available within the SELPA, neighboring counties or SELPAs, or state special schools, a designated member of the IEP team, a School Based Mental Health Services representative, or the Sutter County Superintendent of Schools Special Education Director shall contact the LEA of residence administrator/designee if this type of placement might be considered at an upcoming IEP meeting.

The LEA of residence administrator or designee shall review all documented efforts to utilize all public school options prior to utilizing an NPS or NPA. The LEA of residence will process referrals and locate an appropriate nonpublic school to meet the student's needs. The SELPA, School Based Mental Health team and/or county special education staff may assist and/or collaborate with the LEA to locate an appropriate NPS.

Each LEA agrees to use the Master Contract and individual service agreement adopted by the SCC. The SELPA office will ensure that the Master Contract has been approved by the State SELPA Association NPS Committee including updates per federal or state requirements. The NPS is required by the Master Contract and the IEP to annually evaluate the pupils (formally and informally) to determine if the student is making appropriate educational progress. As part of the IEP review process, each LEA that contracts with a NPS shall evaluate the placement of its pupil(s) in such a school on at least an annual basis. The LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring pupil progress. The LEA may determine to conduct the evaluation(s) and/or choose to administer additional assessments with parent consent.

NONPUBLIC SCHOOL

Non-Public School Collaboration and Placement Roles

When a student receiving regional mental health services is considered for placement in a Non-Public School (NPS), or is placed in an NPS, the School Based Mental Health Services (SBMH) staff will act as the lead and coordinate placement related activities in collaboration with the school psychologist, site administrator and service providers.

The necessary activities include the following:

- Collaborate with IEP teams on interventions for LRE and assist the team as increasingly intensive interventions/placements are provided prior to NPS offer.
- Attend IEPs when NPS placement, including (SBMH) services, is offered.

- Assist IEP teams in finding NPS placements that will meet the student's needs.
- Coordinate with the NPS administration and clinical staff during the placement process.
- Assist the IEP team/district of residence with executing the NPS contract.
- Provide parent and student support during the transition to a Non-Public School (e.g., provide ongoing parent and student support if needed and add to IEP, increase Regional SBMH services during the transition, and fade as the NPS begins their own mental health service delivery).
- Assist NPS with clinical/social-emotional goal development and progress monitoring and reporting.
- Provide annual visits to the NPS to ensure that quality of care is occurring, FAPE is being offered at NPS placement, all services are being provided as per the IEP and a curriculum equivalent to district curriculum is being utilized.
- Provide agency linkage support for students attending NPS as outside agencies are often involved (e.g., FAST team, WRAP, Probation, County Mental Health).
- Work with district/county program specialists to ensure all components of the IEP and offer of FAPE are being addressed at the NPS (e.g., adequate curriculum, counseling and behavioral services).
- Coordinate services between district and NPS (i.e., a clinician and behaviorist work with the NPS staff to develop appropriate and legally defensible goals and objectives and Behavior Support Plans).
- Assist the home district in IEP development (e.g., annuals, triennials, program reviews) which includes:
 - Setting up the meeting between all parties
 - Ensuring the SBMH services and goals are legally defensible
 - Collaborating with the NPS and outside agencies to receive information for the social emotional present levels of performance section
 - Collaborating with parents to assist with obtaining information prior to the IEP
- Assist in triennial assessment with home district and NPS teams.
- Maintain confidential records relating to IEP and SBMH data.

Local Policy 29: REVIEW OF CLASS ASSIGNMENTS AT TEACHER REQUEST

When a LEA within the SELPA receives a request for a review of the class assignment for a special education student, a meeting will be held to review that classroom assignment. Requests may be made by a general education or special education teacher or specialist. The purpose of the review meeting is to determine the teacher's concerns and a solution to the identified concerns. If after the review it is determined that a possible change in pupil placement, instruction, or a related service may be needed, the administrator will schedule an IEP within thirty days.

Local Policy 30: RESOURCE SPECIALIST PROGRAM

The resource specialist program provides instruction to students who spend a majority of the school day in the general education classroom. Instructional services are provided in an appropriate educational setting that may include the general education classroom. The resource specialist has a caseload not exceeding twenty-eight (28) pupils except as approved by State Department of Education waiver. At least 80% of the resource specialists within Sutter County SELPA shall be provided with an instructional assistant.

Resource specialists are credentialed special education teachers with three or more years teaching experience, including both general and special education, as defined by the Commission on Teacher Credentialing. In this special education service region, resource specialists are hired according to standard personnel procedures.

The resource specialist responsibilities include, but are not limited to, the provisions of EC 56362 and LEA personnel policies and standards.

Local Policy 31: TRANSPORTATION FOR STUDENTS WITH DISABILITIES

The local education agencies (LEAs) shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or 504 accommodation plan. The LEA shall make home-to-school transportation available for students at no cost to parents or guardians as specified in the student's IEP.

Established criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or 504 accommodation plan has been established. Transportation schedules shall be arranged so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

The LEA shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

The individualized education program (IEP) team shall consider, at a minimum, all of the following:

1. The student's safety and health needs.
2. The extents to which transportation arrangements may help the student develop independent mobility skills.
3. The student's difficulty in using general education transportation.
4. The coordination of general education and special transportation.

Disabled students who do not meet any of the above criteria may use general education home-to-school transportation.

When a disabled student is excluded from school bus transportation due to expulsion, the LEA shall provide alternative transportation at no cost to the student or the parent or guardian.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the LEA shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services specified in the student's IEP.

Alternative transportation arrangements may be coordinated between the LEA and the parent or guardian. Guide dogs, signal dogs, and service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers, or persons training the dogs.

Local Policy 32: EQUIPMENT AND SERVICES FOR LOW INCIDENCE STUDENTS

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. The specialized equipment or services are recommended in the student's IEP.

EQUIPMENT AND SERVICES FOR LOW INCIDENCE STUDENTS

Procedure for Requesting Reimbursement for Low Incidence Equipment, Materials, or Services

1. The IEP team recommends and documents the specialized equipment, materials, or services on the Low Incidence form.
2. The LEA purchases the specialized equipment and/or materials.
3. The Low Incidence packet is completed and submitted to the Sutter County SELPA for consideration with the following documentation:
 - A completed "Request for Low Incidence Funds" signed by the LEA superintendent or special education administrator.
 - Invoice for materials or equipment purchased.
 - A copy of the IEP, indicating the student's disability and recommending specialized equipment or materials.
 - A copy of an appropriate assessment.
 - If applicable, a completed form for home use.
4. Requests for reimbursement will be accepted by the Sutter County SELPA until June 1st of the current year. Requests received after June 1st will be rolled over to the next fiscal year.
5. The Sutter County SELPA Low Incidence Review Committee will meet at least quarterly to review requests to assure that expenditures meet the criteria

outlined in current sections of the Education Code and as required by this procedure.

6. Any request that is denied by the Low Incidence Review Committee can be appealed to the SCC at a scheduled public meeting.
7. In the event SCC approved requests exceed the monies available in the Low Incidence Fund, LEAs will be reimbursed on a prorated amount (if the SCC approved requests total \$60,000 and \$30,000 is available in the Low Incidence Fund, each request would be reimbursed at 50% of the expenditure).

An inventory will be kept by the SELPA on behalf of the LEAs for all specialized equipment and materials purchased using low incidence funds. This inventory will be updated annually. LEAs will:

- Immediately notify the SELPA in the event a "low incidence" child moved from the Sutter County SELPA and the equipment is available for use by other low incidence pupils.
- Assist the Sutter County SELPA in tracking the use and disposition of equipment and materials purchased with these funds.
- Assist the Sutter County SELPA in labeling and inventorying equipment and materials purchased with these funds.

Guideline for Home Use of Low Incidence Equipment

Provisions to use school equipment at home:

1. The student must qualify as a student with a low incidence disability.
2. The IEP team must determine that the student requires the use of the equipment at home in order for the student to benefit from his/her educational program. This is documented in the IEP.
3. The LEA will be responsible for the loss or damage of equipment if parent(s) fail to make restitution. The LEA will be responsible for tracking the location.
4. Equipment will be returned to the LEA when the LEA is not in session for the school year and extended school year.
5. Parent(s) or guardian(s) will agree in writing:
 - Secure the equipment and supervise proper use.

- Provide necessary and safe transportation of the equipment between home and school.
- Acknowledge that the equipment was purchased for LEA use with state funds.
- Assume responsibility for the loss or damage of equipment.
- Receive training in the use of the equipment before it can be sent home.
- Return the equipment to the LEA should they move out of the Sutter County SELPA.

Local Policy 33: BEHAVIOR INTERVENTIONS FOR STUDENTS WITH SPECIAL NEEDS

The member LEAs within Sutter County SELPA seek to provide an appropriate and meaningful educational program in a safe and healthy environment for all children regardless of physical, mental or emotionally disabling conditions. Some school-age individuals with exceptional needs have significant behavior challenges that have an adverse impact on their learning, or the learning of other pupils, or both. The education of children with disabilities can be made more effective by providing incentives for positive behavior, and behavioral interventions and supports to address the learning and behavioral needs of those children. Procedures for the elimination of maladaptive behaviors shall not include those that cause pain, trauma or subject a student to verbal abuse, ridicule or humiliation.

Children with special needs exhibiting serious behavioral challenges shall receive timely and appropriate assessments and positive supports and interventions. These shall be developed and implemented in a timely manner and as part of the child's IEP. When behavioral interventions, supports, and other strategies are used, they shall be used in consideration of the pupil's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and that ensure a pupil's right to placement in the least restrictive environment. When a pupil is also the responsibility of another agency for residential care or related services, the behavioral intervention plans should be developed and used in a consistent manner by these agencies.

POSITIVE BEHAVIOR INTERVENTIONS AND PLANS

In the case of a child whose behavior impedes the child's learning or that of others, the individualized education program team shall consider the use of positive behavior interventions and supports and other strategies to address the behavior. This includes those environmental supports that remove the need for the student to select the problem behavior. Through the IEP process, the IEP team may address these behaviors in a variety of ways including developing behavior goals, conducting a behavior assessment, and developing positive behavior interventions and supports.

BEHAVIOR ASSESSMENTS

A Functional Behavior Assessment (FBA) requires informed parent consent. An FBA may be conducted to create a hypothesis regarding why a behavior is occurring. This may include, but is not limited to the following: a review of records, stakeholder interviews, direct observations of the student, collection of baseline data, and analysis of ecological factors that may be supporting the maladaptive behavior and/or the replacement behavior. The FBA is conducted to identify strategies and interventions that support development of positive behaviors.

A Local Education Agency (LEA) is not required to use a Board Certified Behavior Analyst to conduct behavior assessments and provide behavior intervention services for individuals with exceptional needs. Notwithstanding this, an LEA may utilize a Board Certified Behavior

Analyst to conduct behavior assessments and provide behavior intervention services for individuals with exceptional needs.

EMERGENCY INTERVENTIONS

Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restricted than the application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic behavior intervention plan that is designed to change, modify, or eliminate a targeted behavior. No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the school site administrator or law enforcement agency, as applicable in the situation.

A local education agency, or nonpublic school or agency serving individuals shall not authorize, order, or consent to, or pay for the following interventions, or any other interventions similar to or like the following:

1. Are designed to, or likely to, cause physical pain, including, but not limited to, electric shock.
2. Involves the release of noxious, toxic, or other unpleasant sprays, mists, or substances in the close proximity to the face of the individual.
3. Denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
4. Subjects, is used to subject, or likely to subject, the individual to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma.
5. Use of a device, material, or objects that simultaneously immobilize all four extremities, including prone containment, except as used by trained personnel as a limited emergency intervention.
6. Locked seclusion, unless with in a facility licensed or permitted by state law.
7. An intervention that precludes adequate supervision of the individual.
8. An intervention that deprives the individual of one or more of his or her senses.

NOTIFICATION OF THE USE OF EMERGENCY INTERVENTIONS

To prevent emergency interventions from being used in lieu of planned, systematic behavior interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified **within one school day** if an emergency intervention is used or serious property damage occurs. A behavior emergency report shall be completed and maintained in the file of the student with disabilities. The behavior emergency report shall include all of the following:

- a. The name and age of the individual with exceptional needs.
- b. The setting and location of the incident.
- c. The name of the staff or other persons involved.
- d. A description of the incident and the emergency intervention used.

- e. Whether the individual is currently engaged in any systematic behavior intervention plan.
- f. Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.
- g. All behavior emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator.

OBLIGATION TO SCHEDULE AND CONVENE AN IEP MEETING WHEN EMERGENCY INTERVENTIONS ARE USED

If a behavior emergency report is written regarding an individual with exceptional needs **who does not have a behavior intervention plan**, the designated responsible administrator shall, **within two days**, schedule an individualized education program (IEP) team meeting to do the following:

- a. Review the emergency report
- b. Determine the necessity for a functional behavior assessment
- c. Determine the necessity for an interim behavior plan
- d. Document reasons for not conducting the functional behavior assessment, not developing an interim plan, or both

If a behavior emergency report is written regarding an individual with exceptional needs **who does have a positive intervention plan**, the IEP team must determine the need to modify the existing BIP when the incident involves a previously unseen serious behavior problem, or ineffective behavior intervention.

Local Policy 34: PROGRAM TRANSFERS

The Superintendent's Coordinating Council shall base its approval of a Program Transfer by a LEA on conformity of the request to the mission of the Sutter County SELPA, through fairness, equitability and support to the Community of LEAs.

Definition of a Formal Program Transfer

According to the California State Department of Education (CDE) memorandum of April 7, 1999, "a program change is presumptively considered a program transfer when all three of the following criteria are met":

1. The proposed change involves a change in the LEA of service – the movement of students from one service provider (LEA) to another.
2. The change involves the movement of funding locally from one service provider (LEA) to another.
3. The change must involve one or more employees who would be affected by the provisions of Education Code 44903.7 and Education Code 45120.2. Section 44903.7 establishes the right of certificated employees to retain employment if their assignment moves to another LEA. Section 45120.2 establishes similar rights for classified employees.

Section 44903.7 and Section 45120.2 state that any employee, certificated or classified, who is performing service for one employer, is terminated, reassigned, or transferred, or becomes the employee of another employer because of the reorganization of special education program, the employee shall be entitled to . . . [certain rights]. In addition to the three criteria for a program transfer as identified by CDE, the formal program transfer process applies only in the following situations:

1. The transfer of an intact, identifiable class which results in the creation of a teaching position by the receiving program operator and a reduction of a teaching position by the sending program operator. These students must be residents of the district or region to which the program will be transferred.
2. The transfer of students from several classes combined to form an intact, identifiable class or a full inclusion caseload which results in the creation of a teaching position by the receiving operator. These students must be residents of the district or region to which the program will be transferred.

Education Code 56207 states that "no educational programs and services already in operation in school districts or a county office of education pursuant to Part 30 (commencing with Section 56000) shall be transferred to another school district or a county office of education or from a county office of education to a school district unless the special education local plan has developed a plan for the transfer which addresses, at a minimum, all of the following:

1. Pupil needs;
2. The availability of the full continuum of services to affected pupils;
3. The functional continuation of the current individualized education programs of all affected pupils;
4. The provision of services in the least restrictive environment from which affected pupils can benefit;
5. The maintenance of all appropriate support services;
6. The assurance that there will be compliance with all federal and state laws and regulations and special education local plan policies;
7. The means through which parents and staff were represented in the planning process."

Appeal to CDE to Resolve Questions on Program Transfers

Because of ambiguities in the definition of a program transfer, the CDE will allow any LEA or parent to request, in writing, for the Department to undertake a determination whether a proposed change constitutes a program transfer. All requests should be signed by the LEA or parent and a copy should be forwarded to the SELPA Director. The Department will make a determination within 60 days and issue a public opinion in writing to the relevant LEA(s) and SELPA.

Program/Service Standards

In order to assure program and service continuity and quality, the receiving LEA agrees to maintain the standard of program or services delivery provided by the sending LEA unless they receive approval to change the nature of the program by the SCC. LEAs may only change the nature of the program if they can continue to implement the IEPs of the students affected by the program transfer. The receiving LEA agrees to operate the program and services for at least three years unless otherwise agreed to by the SCC.

Special Considerations

The SELPA may consider any other factors, which are deemed relevant to the proposed program transfer, such as LEA identification rates, impact on transportation, etc. The primary consideration, however, must be to provide service to all identified students within the SELPA by qualified personnel under IDEA and ESSA.

LEA Responsibilities When Operating Programs

The SELPA assures services to special students by offering centralized and regionalized programs and services provided by member LEAs. When a program transfer is proposed for one of these programs and services, the receiving LEA will guarantee the continuation and/or

provision of services to students outside the LEA's attendance area. Requests to relinquish programs must be submitted in writing to the SELPA office. The SELPA administrator will forward requests to the SCC for consideration. Until another LEA agrees to operate the program and services, it will remain the responsibility of the current LEA. Any action to transfer the program and services will follow the procedures and timelines outlined in LAR 80.

When a LEA in the Sutter County SELPA that has not previously directly provided special education services makes the request to provide these services, the LEA will follow policies and procedures to determine if it falls under the "Definition of Program Transfer". The SELPA administrator will notify any LEA in Sutter County SELPA that has not previously directly provided special education services that the LEA will become a special education service provider when the LEA meets the criteria of Sutter County SELPA Local Policy 81.

Facilities

Transfer of facilities, when appropriate, will be based on the current SELPA Facilities policies and administrative regulations.

Materials and Equipment

Materials and equipment purchased by the sending LEA for the program being transferred will be considered in a manner which is not detrimental to either the sending or receiving LEA. Any material or equipment purchased with Low Incidence funds is the property of the CDE and will remain with the student.

Dispute Resolution

If either the sending or receiving LEA disagrees with the proposed transfer, the matter shall be resolved by the dispute resolution process established in accordance with Education Code Section 56205 and the Sutter County SELPA Local Plan.

PROGRAM TRANSFER

The timelines for submitting and processing transfer requests will vary depending on whether the LEA is requesting a program transfer using the standard process or the accelerated process. The program transfer requests will not take effect before the first day of the second fiscal year following the year in which the request is filed with Sutter County SELPA. The accelerated transfer process requests may take place as early as the first day of the fiscal year following the year in which the request is filed with the SELPA Director.

A LEA considering a program transfer shall notify the SELPA Director in writing (Exhibit 80.1) of its intent:

- Standard Process by March 1.
- Accelerated Process by September 1.

The SELPA Director will review the request to determine if the request constitutes a program transfer according to the "Definition of a Program Transfer" outlined in Local Policy (LP 80) and will make a written recommendation to the Superintendents' Coordinating Council (SCC). All requests for transfers will be decided on a case-by-case basis.

Standard Transfer Process

The LEA requesting the transfer shall submit a Written Intent of Special Education Program Transfer (Exhibit 80.1) to the SELPA Director with a copy to the affected LEA by March 1. The LEA will submit to the SELPA Director by January 1 of the next school year the Sutter County SELPA Program Transfer Assurances Document (LE 80.3) which addresses all of the requirements contained in E.C. Section 56207(a). The Program Transfer Assurances Document and the SELPA Director's recommendation will be reviewed by the Operations Council at their January meeting. The Operations Council and SELPA Director will submit their recommendation to the Superintendents' Coordinating Council (SCC) for review and approval no later than the January SCC meeting. If approved by the SCC, the receiving LEA documents the process to complete all steps outlined in the Program Transfer Assurances Document for submission to the SELPA Director by May 1. The SELPA Director will recommend to the SCC by the May meeting. If approved by the SCC, the receiving LEA will assume operation of the program on July 1. Final approval will require all of the following:

- Signed agreement by the sending LEA;
- Signed agreement by the receiving LEA; and
- Signed agreement by the chairperson of the SCC.

Any modifications to the LEA's original request must be made in writing to the SELPA office by November 1 or the LEA will have to proceed with the original request or withdraw its request.

Accelerated Transfer Process

The LEA requesting the transfer shall submit a Written Intent of Special Education Program Transfer (Exhibit 80.1) to the SELPA Director with a copy to the affected LEA by September 1.

The SELPA Director will submit a recommendation to the Operations Council at its next meeting. The Operations Council and SELPA Director will submit a recommendation to the SCC at its next public meeting. In order to be eligible for the accelerated transfer process time line, the following criteria must be met:

- The SCC must unanimously approve the request;
- There must be adequate time to complete the local planning process and state approval processes; and

- There must be adequate time to meet all legally required and locally negotiated timelines regarding personnel notifications.

The LEA will submit to the SELPA Director by January 1 of the next school year the Sutter County SELPA Program Transfer Assurances Document (LE 80.3) which addresses all of the requirements contained in E.C. Section 56207(a). The Program Transfer Assurances Document and the SELPA Director's recommendation will be reviewed by the Operations Council at their January meeting. The Operations Council and SELPA Director will submit their recommendation to the Superintendents' Coordinating Council (SCC) for review and approval no later than January SCC meeting. If approved by the SCC, the receiving LEA documents the process to complete all steps as outlined in the Program Transfer Assurances Document for submission to the SELPA Director by May 1. The SELPA Director will make a final recommendation to the SCC by the May meeting. If approved by the SCC, the receiving LEA will assume operation of the program on July 1.

Final approval will require all of the following:

- Signed agreement by the sending LEA;
- Signed agreement by the receiving LEA; and
- Signed agreement by the chairperson of the SCC.

Any modifications to the LEA's original request must be made in writing to the SELPA office by November 1 or the LEA will have to proceed with the original request or withdraw its request. The timelines for an accelerated transfer process may be waived by unanimous vote of the SCC in cases where staff is not affected by the proposed transfer, e.g., retirements, resignations, etc., provided that there is adequate time to meet the criteria in subsections 1, 2, and 3 above.

Funding

The transfer of funds could be accomplished through an agreement between LEAs or through the current SELPA allocation plan. Sutter County SELPA allocates funds based on current year revenue and prior year pupil count. Details of this plan are contained in the State required administrative regulation (SRAR) 25.

If the Program Transfer includes a Preschool Program, any Preschool grants will be prorated on a per pupil basis and the funds will be transferred to the receiving LEA. The sending LEA will identify the students who will be included in the Program Transfer based on the prior year December pupil count. These students and their identified services will be allocated to the receiving LEA on the SELPA duplicated pupil services distribution chart (AB 602 Allocation Plan) for the upcoming budget year.

If the Program Transfer includes an Infant Program, any Infant Program grants will be prorated on a per pupil basis and the funds will be transferred to the receiving LEA.

The sending LEA will identify the students who will be included in the Program Transfer based on the prior year December pupil count. These students and their identified services will be allocated to the receiving LEA on the SELPA pupil services distribution chart (AB 602 Allocation Plan) for the upcoming budget year. State Apportionment funds for the Infant Program are calculated using the J-50 process. The receiving LEA will receive their percentage of the current unit allocation based on a percentage of the students included in the program transfer based on the prior year December Pupil Count.

Certificated/Classified Employee Transfers

(Certificated staff members include special education teachers, speech therapists, and other specialists providing direct service to students. Classified service providers include paraprofessionals, interpreters, braillists, occupational therapists, and physical therapists, etc.)

Employee's rights when transferred, terminated, or reassigned as a result of a program transfer are governed by Ed. Code 44903.7(a)-(d) for certificated employees, and Ed. Code 45120.2(a)-(e) for classified employees:

1. **Seniority for transferred or reassigned employees:**
The employee retains his or her seniority date and classification.
2. **Salary placement for the transferred or reassigned employees:**
The employee is credited year for year for placement on the salary schedule in the LEA to which she or he is transferred or reassigned and his or her salary may be subject to Y rating.

The Sutter County SELPA supports a community concept of which LEAs are requested to become a provider of special education services for the LEAs as specified in Local Policy 82. The receiving LEA agrees to honor the sending LEA's hiring practices which includes but not limited to:

- the placement on the salary schedule.
 - the years of experience in the public school system and/or private sector.
 - the years of credited service which may include part time status
3. **Salary placement for laid off employee who is later hired by the LEA that received the transferred program (receiving LEA):**
Employee is credited year for year for placement on the salary schedule in the LEA to which she or he is hired and her or his salary may by subject to Y rating.
 4. **Reassignment or Transfer of Employees:**
An employee shall have priority in being informed of and in filling positions in special education in the areas in which the employee is certificated within the LEA that he or she is then currently employed. This priority shall expire 24

months after the date of the reassignment or transfer, and may be waived by the employee during the period.

5. **Termination of an Employee:**

An employee shall have first priority in being informed of, and in filling vacant certificated positions in special education for which the employee is certificated and was employed in any LEA that provides the same type of special education programs and services for pupils.

6. **Employment Rights:**

When a program is being transferred from one LEA to another, the receiving LEA will observe the following procedures:

- Employees currently assigned to the specific service the receiving LEA is requesting in the program transfer may volunteer by completing 80.4 (TBA name) and submitting it to the receiving LEA. If an employee is providing the service to more than one site and the majority of service is to students on the receiving LEA's sites, the employee may volunteer by completing Exhibit 80.4 (TBA name).

7. **If there are more volunteers than positions available, the following criteria are applied in sequential order:**

- appropriately credentialed or licensed.
- highly qualified teachers/ESSA.
- Programmatic need with the least disruption to students and school sites.
- Seniority.

8. **If all positions are filled by volunteers, no further action is needed.**

9. **If all positions are not filled by volunteers, the following steps are then taken:**

- The receiving LEA will post the vacancy within the sending LEA. Volunteers will submit a request for transfer to the receiving LEA. The receiving LEA will hire within that pool of volunteers.

If there are more volunteers than positions available, the following criteria are considered in sequential order:

- appropriately credentialed or licensed.
- highly qualified teacher/ESSA.

- program need with the least disruption to students and school sites.
- Seniority.

If no one volunteers for the position, the receiving LEA will follow normal hiring procedures and the sending LEA will provide a lay-off notice as appropriate.

10. Timelines specified or applicable to this policy may be waived by agreement of the respective parties and the SCC when there is a conflict with either or both of the LEA's collective bargaining agreements.
11. **Employee Health Benefits:**
The sending LEA will continue to provide the same level of health benefits after the end of the fiscal year for each certificated and classified employee moving to another LEA as a result of a program transfer. The sending LEA will provide benefits from July 1 through the end of month when the employee begins her or his assignment in the receiving LEA, but not beyond August 31. The receiving LEA will begin providing health benefits on the first day of the month after the employee begins work in the LEA, but no later than September 1. The cost associated with providing benefits during this period of time will be billed back to all members of the SELPA on a pro-rata basis based on the total unduplicated count taken on December 1 of the year prior to the transfer.
 - Reassignment or transfer of certificated employee (Education Code 44903.7I: An employee shall have priority, in being informed of and in filling certificated positions in special education in the areas in which the employee is certificated within the LEA is then currently employed. This priority shall expire 24 months after the date of the reassignment or transfer, and may be waived by the employee during the period.
 - Termination of a certificated employee (Education Code 44903.78 (d)): An employee shall have first priority in being informed of and in filling vacant certificated positions in special education, for which the employee is certificated and was employed in any LEA that provides the same type of special education programs and services for pupils.

SUTTER COUNTY SELPA

WRITTEN INTENT OF SPECIAL EDUCATION PROGRAM TRANSFER

Time Frame: STANDARD PROCESS – Due to SELPA by March 1

ACCELERATED PROCESS – Due to SELPA by September 1st

PART I – Identification

Education Code (EC) 56207

LEA Submitting Request: _____

6. Receiving LEA: _____

7. Sending LEA: _____

8. Date of Request: _____

9. Standard Program Transfer _____ Accelerated Program
Transfer _____

10. Effective Date of Transfer: _____

PART II – List type of programs and/or services requested to be transferred

11. Description of Program/Services: _____

B. If a partial transfer of program/services is being requested, please list type of program and/or services that the LEA will be contracting with another LEA or agency. Please list the name of the LEA, the SELPA that the LEA is a member of and/or the name of the agency. Please identify if SELPA Local Plan Policy and AR 82 has been implemented and attach. If not, please indicate when the contracting requirements will be completed.

Definition of a Program Transfer

According to the California State Department of Education (CDE) Memorandum of Understanding dated April 7, 1999, "a program change is presumptively considered a program transfer when all three of the following criteria are met":

12. The proposed change involves a change in the LEA of service – the movement of students from one service provider (LEA) to another.

YES NO

2. The change involves the movement of funding locally from one service provider (LEA) to another.

YES NO

13. The change must involve one or more employees who would be affected by the provisions of Education Code 44903.7 Education and Education Code 45120.2.

Section 44903.7 establishes the right of certificated employees to retain employment if their assignment moves to another LEA. Section 45120.2 establishes similar rights for classified employees. Section 44903.7 and Section state that any employee, certificated or classified, who is performing service for one employer, is terminated, reassigned, or transferred, or becomes the employee of another employer because of the reorganization of special education program, the employee shall be entitled to . . . [certain rights].

YES NO

In addition to the three criteria for a program transfer as identified by CDE, the program transfer process applies only in the following situations:

14. The transfer of an intact, identifiable class which results in the creation of a teaching position by the receiving program/**service** operator and a reduction of a teaching position by the sending program/**service** operator. These students must be residents of the district/region to which the program will be transferred.

YES NO

15. The transfer of students from several classes combined to form an intact, identifiable class or a full inclusion caseload which results in the creation of a teaching position by the receiving program/**service** operator and a reduction of a teaching position by the sending program/**service** operator. These students must be residents of the district/region to which the program will be transferred.

YES NO

6. The current LEA of service has been notified of this request Yes NO

The current LEA Superintendent and Special Education Administrator have been sent a copy of this request on _____.

Date

LEA Superintendent Submitting Intent

LEA Director of Special Education

For SELPA Director Use Only

Date Reviewed: _____

Recommend

Not Recommend

Program Transfer Timeline

STEP 1 - Non-provider LEA –Within 30 days of notification of the current year certified CBED count. The SELPA Director will notify in writing any Non-provider LEA that the LEA has exceeded the enrollment requirements of Local Policy 81. The LEA will complete Exhibit 80.1 and submit it to the SELPA office for a recommendation.

Provider LEA – When an LEA provider wishes to initiate a Program Transfer, the LEA will complete Exhibit 80.1 and submit it to the SELPA office for a recommendation per the Local Plan policy and administrative regulation.

STEP 2 –The SELPA Director will review Exhibit 80.1 Review the Program Transfer Request to determine if the program transfer will be operated as:

1. A single district program/service.
2. As a multi-district, centralized or regionalized program/service.
3. Shared operating responsibilities between LEAs (i.e. JPA within the Sutter County SELPA).

The SELPA Director will then make a written recommendation within 15 days of receipt of Exhibit 80.1. The SELPA Director will then notify the Operations Council, Superintendents' Coordinating Council, the sending LEA superintendent and/or special education administrator, and the receiving LEA superintendent and/or special education administrator.

If the SELPA Director denies the request, the SELPA dispute resolution process policy may be initiated by the requesting LEA.

STEP 3 – Proposed Timeline _____

The sending LEA will take the necessary steps to notify staff that may be affected by a possible program transfer.

1. A meeting is held with staff members potentially involved in the program transfer. At that time the sending and receiving LEAs along with the SELPA director will go through the process including the adopted Employment Rights process and document.

STEP 4 - Proposed Timeline _____

If data is requested in writing, this data will be provided. Data that may be requested in writing with timelines by the receiving LEA **may include:**

1. Review the student needs serviced by the current service provider:
 - Current December 1st pupil count.
 - Primary and secondary services.

- Ages.
 - Disability categories.
 - Specialized needs.
 - Number of classes or services that might be affected by the program transfer.
 - Implement the current Sutter County SELPA Ratio Guidelines to determine:
 - Number of staff that will be needed by the receiving LEA.
 - Number of staff that will be needed by the sending LEA in order to continue to providing services to other LEAs within the SELPA.
2. Determine personnel expenditures for the service(s) for possible program transfer.
- 1000-3000's**
1. 1000-Certificated or Licensed staff providing the service(s)/program(s) to be transferred (Including FTEs per service) – Proposed Timeline _____
- a. Teachers
 - b. Adaptive P.E.
 - c. Audiologist
 - d. Language and Speech Specialist
 - e. Nurse
 - f. Other
 - g. Scattergram
- 1000-Administrative Support
- a. Administrator (FTE)
 - b. Clerical Staff (FTE)
 - c. Other
 - d. Scattergram
2. 2000-Classified Support Staff (including FTE per service) – Proposed Timeline _____
- a. Behaviorist
 - b. Health Care Services
 - c. Occupational Therapist/COTA
 - d. One to one aides
 - e. Paraprofessionals
 - f. Physical Therapist
 - g. Psychologist
 - h. Sign language Interpreter
 - i. Scattergram
3. 3000-Benefits
Personnel – Proposed Timeline _____:
- Review Education Code 44903.7(a)-(d) and Education Code 45120.2(a)-(e) regarding employees' rights.

- As appropriate, notify bargaining units (sending and receiving LEAs) in writing within 30 days of receipt of SELPA acceptance of the Program Transfer Exhibit 80.1. Determine staff needed for the service(s) being transferred for both the sending and receiving LEAs in order to meet the needs of students per the Sutter County SELPA Ratio Guidelines
- Implement Staffing Transfer Process (See-----)
- Determine needed administrators, program specialists and other support staff based on the Sutter County SELPA Ratio Guidelines
- Contracted Services:

4000-6000's:

1. 4000's Instructional Materials and 6000's Equipment - Proposed Timeline _____

- The materials and equipment that is in the classroom or service space remains on the school site or is transferred to the receiving LEA. The receiving LEA director or superintendent will guarantee that materials and equipment are equitably distributed throughout the SELPA.

2. 5000's Conferences – Proposed Timeline _____

Facilities – Proposed Timeline _____:

- Determine if facilities will be affected in the program transfer
- Determine how existing facilities were initially funded
- Determine eligibility that was used to build the existing facilities
- Based on the funding of existing facilities, determine which LEA owns the title.
- Develop a plan to transfer existing facilities to the receiving LEA
- Transfer existing leases to the receiving LEA
- Determine if any new facilities will be needed by building, purchasing or leasing
- Other

Fiscal:

Revenue for the services(s) for possible transfer – Proposed Timeline _____:

- Determine the current revenue sources for the sending LEA's services and/or program for possible transfer.
- Determine if the transfer involves the movement of funding locally from one service provider (LEA) to another.
- Determine allocation of revenue sources to the receiving or sending LEA per the SELPA adopted allocation plan.

Local Policy 35: NON-PROVIDER LEAs

A Non-Provider LEA is one which provides no direct special education services and contracts services from another LEA or agency is identified in the Sutter County SELPA as a Non-Provider LEA. A Non-Provider LEA does not directly receive special education revenue per the

SELPA Allocation Plan (FAP 17). The Contractor Policy and Administrative Regulation 82 will be implemented prior to the implementation of services between the two entities.

A Non-Provider LEA is one which has the following enrollment on the previous October CBEDS:

- Elementary LEA – under 901
- High school LEA – under 301
- Unified LEA – under 1501

The Non-Provider LEAs agree to form a mini-consortium within the Sutter County SELPA with the understanding that the fiscal, programmatic and services issues made one LEA have an effect on the LEAs within the consortium. The total costs of services provided by an agency(s) to the Non-Provider will be totaled and divided by each LEA's total percentage of duplicated services on the previous December 1st pupil count.

NON-PROVIDER LEAs

The Non-Provider LEAs have agreed to form a mini-consortium within the Sutter County SELPA. The SELPA Fiscal Allocation Plan (SRE17) reflects the mini-consortium by a separate column of reflecting expenses which are then distributed on a per service cost on the Non- Provider LEAs Fiscal Program Sheet which is presented for adoption at the May SCC meeting. The members understand decisions made by one LEA will have an effect on the services and fiscal excess costs of the non-provider mini-consortium due to the averaging of service costs.

When a Provider LEA requests in writing to move from Provider to Non-Provider status the following will occur:

- A LEA will notify the SELPA in writing of the request. The request must include the name(s) of the LEA and the specific circumstances regarding the change of status.
- The SELPA Director will determine if the request falls under the provisions of the Education Code 56207 and the SELPA Program Transfer Policy 80.
- The SELPA Director will report on the following items to the SCC:

The LEAs written request:

- If the LEA is requesting to become part of the Non-Provider funding pool;
- If the request falls under the provisions of a Program Transfer.

The SCC will vote on the request at a public meeting. If the vote is affirmative, the LEA is required to adhere to the Local Plan Policy 82-Contractor Policy. The written request is for one year only and must be renewed on a yearly basis and is to be submitted to the SELPA Director no later than January 1st of the current school year for the subsequent school year.

The Non-Provider LEAs agree that special education enrollment numbers should not be the driving factor for the allocation of special education services. Each LEA agrees to the adoption of an average of 12% percent of students which may be identified as eligible for and requiring special education services. The percentage will be based on the previous year's CBEDS count divided by the most recent December 1st pupil count. The LEAs have agreed to allocate the 12 percent of special education students on the following percentages:

- 6% Mild-Moderate Disabilities with services including but not limited to RSP, LC or Small Group Instruction services.
- 4% Language and Speech and other Related Services.
- 2% Severe Disabilities with the provision services including but not limited to SDC, home instruction, one-one paraprofessional, RSP or other intensive instruction settings.

When a LEA exceeds the 12% percent of special education students or the agreed upon percentages per disability grouping, the LEA agrees to do a self-review of the current cases using a process including but limited to:

- Educational Benefit.
- Goals and Objectives.
- Implementation of Services on the IEP.
- The number of inter-district transfers.

The LEA will be responsible for all additional costs associated with additional services being allocated to the LEA due to the inter-district transfers. The LEAs agree to meet a minimum of twice a year to discuss issues affecting Non-Provider LEAs such as:

- Percentage of special education students receiving services per each LEA;
- Inter-district enrollment numbers.

- Costs to the Non-Provider LEAs;

- Service models for the upcoming school year;

When a LEA CBEDS count exceeds the identified enrollment numbers, the provisions of Education Code 56207 regarding program transfers will be initiated within the timeframes outlined in the Education Code so that the non-provider LEA will become a provider of special education services as outlined in the Sutter county SELPA Annual Service Plan through the Program Transfer Process (LP80). The SELPA director or designee will notify the LEA when the LEA has exceeded the CBEDS enrollment and the obligation to implement the Program Transfer process outlined in Local Plan 80. The LEA will complete the program transfer paperwork and clearly outline the services in the Annual Service Plan the LEA will be providing and/or contracting with another agency.

A Non-Provider LEA as defined above may choose to become a provider of special education services as outlined in the Sutter County SELPA Annual Service Plan through the Program Transfer Process LP 80.

The LEA will be responsible to provide services needed for students either internally or by contract with another LEA or agency.

Local Policy 35: SERVICE PROVIDER MOUs

Each LEA within the Sutter County SELPA is required to provide a full continuum of special education services to meet the identified needs of the special education students. The LEA is obligated to ensure that all required special education services are made available. A LEA may choose not to provide any or all of the special education services for students and contract with another LEA Provider within the SELPA, LEA in another SELPA or a Non-Public Agency (NPA). As used in this policy, the term Provider refers to another LEA within the SELPA, typically the SELPA Provider of services. In order to utilize special education funds, a service provider must be either an employee of a LEA or of a certified NPA. The LEA and the provider will enter into an annual MOU as outlined below.

PROVIDER SERVICES

A LEA may choose to become a LEA Provider of some or all of special education services for students (LP 92), but the LEA is obligated to ensure that all required special education services are made available (as provided for in the SELPA Annual Service Plan and student's IEPs). The LEA will be responsible to provide services needed for students or by contract/MOU with another LEA or Agency. When a LEA Provider chooses to contract with another LEA or Agency, a MOU is to be developed and updated yearly between the LEA/Agency receiving services and the LEA/Agency that is the provider of services.

By February 1 of each year, the special education SELPA service providers within Sutter County SELPA are to notify LEAs regarding the current MOU agreement in order to discuss the possible revisions to the MOU for the upcoming school year which could include:

- the current year staff ratio and the SSC adopted Ratio Guidelines for the upcoming school year;
- the December CASEMIS pupil count;
- the number of students who will be matriculating or graduating at the end of the current school year.
- LEA identified needs which may affect staffing.
- the current number of inter-district transfers.

The LEA will communicate with the SELPA Provider in writing by March 1 of each year regarding services and service levels. When a LEA chooses to accept inter- SELPA transfers which transfers affect the special education staffing based on the SCC adopted Staffing Ratios, the LEA is responsible for the additional costs for staffing.

The Memorandum of Understanding (MOU) is to be executed each fiscal year and includes the following:

- The name of the LEA receiving the special education services and the SELPA Provider.
- Type of special education service(s) to be purchased.
- Level of service which may be a service level other than those allocated to the LEA under the Sutter County SELPA allocation plan or services that are outside of the allocation plan for contracting LEAs (e.g., nurse, one-to-one aide, program specialist, APE)
- Estimated budget or fees.

Other areas to be addressed:

Receiving LEA Responsibilities	SELPA PROVIDER Responsibilities
Participating in the hiring process as necessary to meet needs.	Hiring staff with appropriate credentials and experience.
	Approving years of service credit and placement of staff on the adopted salary schedule.
Requesting in writing to the contractor of services to providing staff above the adopted Services Ratio Guidelines.	Assigning staff according to the adopted Services Ratio Guidelines or as outlined in the MOU.
Informing the SELPA Provider of special education students on inter-district transfers.	Provision of additional services and/or staff, as identified by LEA, including the fiscal process to be implemented in order to meet the identified needs of special education students that the LEA accepted on an inter-district transfer.
Consulting with SELPA Provider regarding the evaluation of SELPA Provider staff.	Evaluating SELPA Provider staff.
	Implementing progressive discipline process as outlined in CTA and CSEA contracts. Providing copies of current contract annually.

Providing initial approval and modifications of annual staff calendar and daily and weekly schedules.	Providing final approval of annual calendar
Notifying the contractor of services of the approved in-service or buy back days for the school year. Working collaboratively to find solutions to the provision of services to students when there is a conflict in the adopted work calendars and/or in service days	Notifying LEA administrator of approved in-service days where services may be interrupted.
Input into staff assignments or schedule changes.	Notifying the LEA administrator prior to staff assignment changes.
Contacting another LEA administrator to arrange exchange days for shared staff members.	
Providing initial approval for staff absences	Confirming and track staff absences
Providing initial approval of conference requests	Providing final approval and arrangements for conferences
Providing LEA administrator or designee at IEP meetings	Providing administrative support when requested.
Reviewing monthly class lists and monitoring for compliance (i.e., annual and triennial IEPs)	Providing monthly class list for review.
Providing appropriate space and furniture for assigned staff.	Providing appropriate materials
Providing LEA adopted instructional materials including texts and consumables for special education instructional programs.	Providing technical assistance and monitoring IEP compliance.
Implementing student discipline according to LEA board adopted policies and procedures and Education Code.	Providing technical assistance and input.
Initiating contact with assigned SELPA Provider administrator and/or SELPA Administrator regarding staff concerns, difficult student cases, and complaints or due process.	Providing support to LEA regarding staff concerns, difficult student cases, and complaints or due process

Local Policy 36: SPECIAL CIRCUMSTANCE SUPPORT PERSONNEL

Every LEA within the Sutter County Special Education Local Plan Area (SELPA) is required to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Act (IDEA '97) and California laws and regulations describe a continuum of placements such as instruction in general classes, special classes, special schools, home instruction, and instruction in hospitals and institutions (CFR 300.551 (b)(1)). Both federal and state laws also contain provisions to ensure that students with disabilities are educated to the maximum extent possible with students who are not disabled, and that students are removed from the general education environment only when the nature and severity of the disability is such that education in the general classroom cannot be satisfactorily achieved with the use of related services.

In compliance with these requirements, the **Superintendent's Coordinating Council (SCC)** has identified LEAs as providers of centralized and regionalized programs and services on behalf of the Sutter County SELPA. These programs provide a base level of staffing based upon the ratios **guidelines** adopted by the Superintendents' Coordinating Council. There are, however, special circumstances or conditions that may occur which exceed the allocated staffing ratios **guidelines**, resulting in a temporary or long term need for additional support **personnel** beyond the base program. These special circumstances may be the result of the Individualized Education Program (IEP) team decisions or exceptional circumstances impacting individual programs. Such decisions should be based on either individual student assessment data or program assessment data.

GUIDELINES AND PROCEDURES FOR RELATED SERVICES OF SPECIAL CIRCUMSTANCE SUPPORT

I. Guiding Principles

A. Rationale

Every LEA within the Sutter County Special Education Local Plan Area (SELPA) is required to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Act (IDEA '97) and California laws and regulations describe a continuum of alternative placements such as instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions (CFR 300.551 (b)(1)). Both federal and state laws also contain provisions to ensure that students with disabilities are educated to the maximum extent possible with students who are not disabled, and that students are removed from the general education environment only when the nature and severity of the disability is such that education in the regular classroom cannot be satisfactorily achieved with the use of related services.

B. Special Circumstance Assistance/Support

By law, services to students with special needs must be delivered in "the least restrictive environment." When an IEP team is considering special circumstance support for a

student, all aspects of the student's program must be considered with the intent of supporting the education program and services.

C. Factors for Special Circumstances Support Personnel

Whenever special circumstance support is being considered by an IEP team for a student with special needs, the student's personal independence must be discussed. First and foremost, the goal for any special needs student is to encourage, promote, and maximize independence. If not carefully monitored, special circumstance support can easily and unintentionally foster dependence. A student's total educational program must be carefully evaluated to determine where and type of support is indicated. Natural support and existing support shall be used whenever possible to promote the least restrictive environment.

The four general categories to be considered for special circumstance instructional assistance are:

- Health/Personal Care Issues.
- Behavior Support.
- Instruction.
- Inclusion/Mainstreaming.

D. Related Services

California's related services as defined in Education Code and Title V regulations are referred to as Designated Instruction and Services (DIS). Although the phrase Related Services was not defined in previous federal law, IDEA 1997 defines it as signifying the utilization of aids, services, and other supports that are provided in regular (general) education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate in accordance with 300.550-300.556. This applies to any general education program or special education program in which the student may participate (34 CFR Part 300, Appendix C).

II. Procedures/Guidelines

The following steps and procedures followed when considering special circumstance support personnel. All supporting documents and the summary report will be added to the student's

special education file following the conclusion of a special circumstance support personnel assessment (described below).

The assessment must include a thorough description of the student's current level of functioning in the major areas of development. It must also include an analysis of the learning environment and identify the specific tasks and times of day when special circumstance support personnel may be required. When appropriate, the evaluation should include a trial placement in the recommended environment for a long enough period of time to determine the student's level of independence. The summary report when appropriate is to include the following documentation:

- Student Need for Additional Support Rubric.
- Classroom Observation form.
- Evaluation to Determine the Need for Supplemental Aids and Services.
- Analysis of School Day Worksheet.
- Task Analysis Worksheet.
- Summary of findings and a statement as to whether a special circumstance paraprofessional is necessary in order for the student to benefit from his/her educational program.

The summary report will be shared with the parent, site administrator, and LEA Director of Special Education, prior to the IEP meeting.

III. Documentation on the IEP

The IEP team must identify the need for related services based on appropriate documentation and assessment. If the IEP team recommends such services, the following statements must be included on the appropriate forms of the IEP.

- The related service is necessary for the student to benefit from his/her special education program:
- The program modifications or supports for school personnel are necessary to assist the student and:
- The related service will assist the student to:
 - Advance appropriately toward annual goals.
 - Be involved in and progress in the general curriculum.
 - Participate in extracurricular and other nonacademic activities.
 - Be educated and participate with other disabled and non-disabled students.

The following must also be included in the IEP document:

- The skills that need to be taught in order for special circumstance assistance and services to be faded.
- A regularly scheduled review of the student program which will lead to the fading of the special circumstance support.
- Definition of the role of the special circumstance support personnel as well as the role of the teacher and any other adult interfacing with the student in the educational setting.

Goals and objectives that address the skills that need to be taught in order for the student to increase his/her level of independence and reduce the need for special circumstance assistance (may not be necessary for students with serious health or physical disabilities). For students who require additional support as a related service, the frequency and duration of the services.

An appropriate support plan must be developed for all students requiring special circumstance support assistance. Students require different levels of support and a plan must be developed and monitored in accordance with the individual's unique needs and the particular setting. It is important for the plan to specify the type of assistance needed, the location, frequency and duration of the assistance, the methods for training support staff, the methods for monitoring student progress, the data to be collected and criteria for fading support, and the methods for communicating with support staff and parents.

For students requiring additional personnel support as a result of a student's behavioral difficulties, the student's IEP needs to include appropriate goals and objectives. In addition, a behavior support plan (BSP) should be developed, or if appropriate, a Behavioral Intervention Plan (BIP) should be developed in accordance with Sections 3001 and 3052 in Title V, California Code of Regulations. The behavior plan needs to include a provision describing how and when support, including personnel, will be utilized to implement the plan, and when the plan will be reviewed and modified.

When determining a need for additional personnel support due to an instructional need, the IEP team shall utilize appropriate assessment information to support the recommendation. The written plan must be developed which specifies how the additional support personnel will be utilized to support the teacher in implementing the student's goals and objectives and what attempts will be made to transition to other available classroom resources and supports.

For students with medical needs, a specialized physical health care plan specifying the role of the special circumstance support shall be developed.

The IEP team is responsible for determining the need for specialized transportation. Any additional personnel needed to support special education students receiving specialized transportation shall be documented and, if recommended by the IEP team, reviewed to

determine if the increase in support personnel can be modified, based on appropriate alternatives available.

IEP teams will be creative in using natural supports to the maximum extent possible. Team members and IEP implementers need to share ideas, expertise and resources in planning as well as carrying out the needed support/assistance for the identified special needs students.

IV. Special Circumstances Support Personnel for Program Purposes

It is sometimes necessary to provide additional support to a particular program rather than to an individual student. In some cases, adding additional support to a program may allow the program to meet the needs of individual students in a manner that eliminates the need for one-on-one aides. The need for special circumstances support personnel in these cases may be the result of programmatic variables or school site requirements. For example:

- An increase in class size beyond the recommended ratios.
- An increase in the number of students with serious health and/or behavior problems.
- An increase in the number of students requiring intensive one-on-one instruction (i.e. discrete trial training).
- An increase in the number of students requiring assistance for mainstreaming purposes.
- The general education site where a program is located may request that additional aide support be provided to a particular student or class for safety, mainstreaming, or other purposes.
- Needs for community based instruction.

Prior to requesting additional aide support, the resources of both the special and general education programs should be considered and, whenever possible, utilized. Whenever additional support personnel are being requested for a particular program, the site administrator of the program will conduct a thorough analysis to determine the extent of support required using the Analysis of Program Needs worksheet. The immediate supervisor of the program or service requesting additional support personnel is to submit the request to the SELPA Director. The SELPA Director will notify the supervisor or the program administrator of the next Operations Council where the item will be placed on the agenda OR the above information will be presented to the LEA Director of Special Education for approval prior to implementation.

V. Monitoring

Because the goal for every student is to become as self-sufficient and independent as possible, the need for special circumstance support personnel must be monitored on a regular and on-going basis. With the exception of students who are totally dependent on support personnel in

order to meet their physical needs, the test as to whether IEP designated special circumstance support personnel are being successful should be judged by the data collected as to the amount of progress a student is making toward his/her IEP goals and objectives related to independence. Student progress should therefore be monitored and reported to parents quarterly. The case manager, site administrator, and IEP team members should also review student progress and the plan quarterly. IEP meetings should be scheduled as necessary to address any required changes.

The Sutter County SELPA recognizes the following educational agencies for their contributions to the development of this document:

- Butte County Office of Education.
- Riverside Office of Education.
- San Joaquin SELPA.

Suggestions for Consideration

Below is a list of issues that should be considered prior to the IEP meeting. Discussion of these items could facilitate creative ways to utilize staff and resources in order to meet student needs.

Address the philosophy of the special circumstance support personnel, which indicates that too much support can become more disabling to a student and that staff should always work toward student independence.

1. Review and discuss the results of all the data gathered.
2. Look at options related to more effective use of existing staff, rather than adding a special circumstance support personnel. Discuss exactly how much individual assistance the student needs and who might be able to assist the student at a "high need" time. Consider natural supports.
3. Review the behavior support plan. Discuss whether a full functional analysis assessment and/or behavior intervention plan might be necessary. Discuss and make a plan on how the Special Education Support Personnel will be trained and monitored.
4. Look toward additional materials or resources that might decrease need for additional staff.
5. Use all information gathered to assist the team in quantifying the severity of student need.
6. Discuss specifically where and when additional assistance is needed, and make a determination if a part-time special circumstance support personnel, rather than a full time, should be considered (3 hours vs. 6 hours)

7. Discuss plan for fading the extra support to maximize student independence.

Independence Plan for 1 on 1 Support Personnel

A plan for reducing the need for a special circumstance support personnel needs to be specifically written which is clearly understood by the entire team and is very exact. It is important that everyone understand the plan to reduce dependence on the special circumstance support personnel and increase independence for the student.

Utilizing the Student Needs for Additional Support rubric, the student will have documentation identifying in which area of the rubric the individual student's needs occur. A student that falls within area 3 or 4, which includes a Functional Analysis/Behavior Intervention Plan, will qualify to have a full-time special circumstance support personnel. Regular modification to the FAA/BIP will occur to increase independence for the student. As the student moves up the rubric to areas 0, 1, and 2, the student will be encouraged to become more independent thereby reducing the need for the special circumstance 1 on 1 support personnel. The IEP team will reconvene as appropriate in each individual case, to review the independence of the student and reduce the 1 on 1 accordingly.

In order to promote and maximize student independence, special circumstance support personnel will be discontinued when specific student skills have been acquired and the level of independence warrants it. Examples to reduce dependence and promote independence are:

- decrease direct proximity with the student (standing or sitting next to the student).
- when not in direct proximity of the student, the para-educator will remain in the same classroom, working with other students or on other tasks in order to be available, if necessary, for the student.

Special Circumstance Support Personnel Forms:

- Sutter County SELPA Special Circumstance Support Personnel Check List.
- Documentation of Special Circumstance Support Personnel.
- Student Needs for Additional Support Rubric.
- Classroom Observation.
- Evaluation to Determine Need for Special Circumstance Support Personnel and Service.
- Analysis of Program Needs for Special Circumstance Support for Program Purposes.

SPECIAL CIRCUMSTANCE SUPPORT PERSONNEL

- SCSP-1: Special Circumstance Support Personnel-PROCESS CHECKLIST.
- SCSP-2: Documentation of Special Circumstance Support Personnel.
- SCSP-3: Student Needs for Additional Support Rubric.
- SCSP-4: Classroom Observation.
- SCSP-5: Evaluation to Determine the Need for Special Circumstance Support Personnel.
- SCSP-6: Special Circumstance Support for Individual Student.
- SCSP-7: Special Circumstance Support for Individual Student-TASK ANALYSIS.
- SCSP-8: Special Circumstance Support for Program Purposes Analysis of Program Needs.
- SCSP-9: Summary of Evaluation for Special Circumstance Support Personnel.

1. Sutter County SELPA Special Circumstance Support Personnel

PROCESS CHECKLIST

DATE COMPLETED

1. _____ LEA Provider of Centralized or Regionalized Special Education or LEA administrator notifies the LEAs Special Education Director when there is consideration for the need of Special Circumstance **Support Personnel**.
2. _____ The Student Needs for Additional Support Rubric is completed
3. _____ The classroom observation form is completed
4. _____ The Evaluation to Determine the Need for Special Circumstance Assistance and Services form is completed.
5. _____ Analysis of School Day is completed.
6. _____ Task Analysis is completed.
7. _____ Summary of Evaluation for Special Circumstance Support is completed
8. _____ All above information is submitted to the LEA's Director of Special Education or **designee** for review.
9. _____ Informal staff meeting is convened with the site staff, Director of Special Education and site administrator to discuss the results of the evaluation including possible duration and hours of additional support.
10. _____ IEP meeting is convened.
11. _____ If the decision is to provide a special circumstance **support personnel**, it is written on the IEP with specific goals and objectives, monitoring strategies, fading strategies, and review dates (3 months is suggested). A goal and objective is written for the student and a Special Circumstance **support personnel** is the person listed, along with the teacher, as responsible.

Teacher's Name: _____ School Site: _____
Student's Name: _____ Date: _____

2. Documentation of Special Circumstance Support Personnel

(To be completed by the Principal)

School Year: _____

Date: _____

Student
Name: _____

Date of Birth: _____

Aide Start
Date: _____

District of: _____

Program/Service of Attendance: _____

Please check the appropriate box:

Permanent Employee
 Temporary Agency

Short Term Temporary SCSOS-Employee
 Other: Moved staff around to meet his student need

A Copy of this document MUST be sent to the District of Residence to the attention of the Business Department.

Person sent to: _____

Date: _____

A Copy of this document MUST be sent to the attention of the Business Department of the LEA Provider.

Person sent to: _____

Date: _____

Date Student no longer requires Special Circumstance Support

Personnel: Date: _____

3. Student Needs for Additional Support Rubric

Student Name: _____ DOB: _____ Disability: _____
 Date Reviewed: _____

Teacher: _____ Current Program: _____

Select the number that best describes the student in each rubric category that is appropriate.

	Narrative	Behavior/Rating	Narrative	Inclusion/Main streaming/ Rating
0	a) b) c) d)	a) Follows adult directions without frequent prompts or close supervision. b) Handles change and redirection. c) Usually gets along with peers and adults. d) Seeks out friends.	a) b) c)	a) Participates fully in whole class instruction. b) Stays on task during typical instruction activity. c) Follows direction with few to no additional prompts.
1	a) b)	a) Follows adult direction but occasionally requires additional encouragement and prompts. b) Occasional difficulty with peers or adults.	a) b)	a) Participates in groups at instructional level but may require additional prompts, cues, or reinforcement. b) Requires reminders to stay on tasks, follow directions

2	<p>a)</p> <p>b)</p>	<p>a) Has problems following directions and behaving appropriately.</p> <p>b) Can be managed adequately with a classroom behavior management plan, but unable to experience much success without behavior support plan implementation.</p>	<p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p>	<p>a) Cannot always participate in whole class instruction.</p> <p>b) Requires smaller groups and frequent verbal prompts, cues, or reinforcement.</p> <p>c) On task about 50% of the time with support.</p> <p>d) Requires more verbal prompts to follow directions.</p>
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Student Needs for Additional Support Rubric (Continued)

	Narrative	Behavior/Rating	Narrative	Inclusion/Main streaming/ Rating
3*	<p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p>	<p>a) Serious behavior problems almost daily.</p> <p>b) Defiant and/or prone to physical aggression.</p> <p>c) Requires a Behavior Intervention Plan (BIP) and behavior goals and objectives on the IEP.</p> <p>d) Requires close visual supervision to implement BIP.</p>	<p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p> <p>e)</p>	<p>a) Difficult to participate in a large group.</p> <p>b) Requires low student staff ratio, close adult proximity and prompts including physical assistance to stay on task.</p> <p>c) Primarily complies only</p>

				<p>directions & monitoring.</p> <p>d) Cognitive abilities & skills likely require modifications not typical for class as a whole.</p> <p>e) Needs individualized methodologies</p>
4*	<p>a)</p> <p>b)</p> <p>c)</p>	<p>a) Serious behavior problems with potential for injury to self and others, runs-away, aggressive on a daily basis.</p> <p>b) Functional Analysis of Behavior or Hughes Bill has been completed and the student has a well-developed BIP, which must be implemented to allow the student to safely attend school.</p> <p>c) Staff has been trained in the management of assaultive behaviors.</p>	<p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p>	<p>a) Cannot participate in a group without constant 1:1 support.</p> <p>b) Requires constant verbal and physical prompting to stay on task and follow directions.</p> <p>c) Regularly requires specific 1:1 instructional strategies to benefit from the IEP.</p> <p>d) Cognitive abilities and skills require significant accommodation</p>

4. CLASSROOM OBSERVATION

Student Name:

Date of Observation:

Observer:

School:

Class/Activity:

Time of Observation:

Pertinent Comments (e.g. seating, noise level, class size, etc.):

--

Code Key

0 = Never or rarely

1 = Less often than other children

2 = As often as other children in class

3 = More often than other children in class

4 = Cannot say/ not observed

Code

Behavior

Comments

Attempts assigned tasks

**Works independently for
Appropriate time**

Completes tasks

Uses non-task time appropriately

**Is able to work with normal
classroom distractions**

Follows directions

Attends during group activities

Contributes/works well in group activities

**Responds appropriately when
Approached by other children**

Avoids interaction with other children

Seeks attention from Teacher

5. Evaluation to Determine the Need for Special Circumstance Support Personnel and Services

Student Name: _____
 Person Completing Form: _____
 Classroom: _____

Date of Birth: _____
 Date: _____
 School Site: _____

Health:

1. Indicate medical diagnosis, specialized care needs, and level of training of special supplemental aids and services staff needed:

2. List equipment purchases needed to support student:

3. Attach Individual Health Care Plan

Complete the following for all other Special Supplemental Aids and Service needed other than health

Section I: Please complete the following review of the visual and physical structure of the classroom curriculum design, data collection, and planning.

Posted Classroom Schedule

1. The following are included in the posted schedule:
 - Time
 - Staff time
 - Student
 - Activity

Visual Schedule for Individual Student

1. Student uses the following as a symbol for individualized visual schedule:
 - Object
 - Photograph
 - Picture
 - Icon
 - Words

- 2. Room is arranged with a visual structure to show where tasks are completed per visual schedule:
 - Area for work one-to-one
 - ⊙
 - Area for group work
 - Area for independent work
 - Area for leisure
- 3. Level for student following the visual schedule:
 - Independent
 - Indirect verbal or gesture prompt
 - Direct verbal prompt
 - Physical prompt
 - Not at all
- 4. Student use of the visual schedule:
 - Student carries schedule
 - Student goes to schedule board
 - Student uses transition cards
 - Teacher carries and shows the schedule

Curriculum and Instructional Planning

- 1. Check the curriculum domains included in student program:
 - Communication
 - Self-care
 - Functional academics
 - Motor skills/mobility
 - Pre-vocational/vocational
 - Behavior
 - Other
- 2. Describe reinforcers and reinforcement schedule used:
 - Class point system
 - Replacement behaviors targeted
 - Natural reinforcers
 - Primary reinforcers
 - Other/describe
- 3. List equipment or devices used that may relate to the need for assistance (may be low incidence equipment or assistive technology device):
- 4. List age appropriate materials and activities.

Current data systems and collection of data.

1. Is there current data on each objective that include:
 - Date
 - Task
 - Level of independence (prompting needed)
2. How often are data collected?
 - Daily
 - Weekly
 - Bi-weekly
 - Monthly
3. How are data summarized?
 - Graphed
 - Written narrative
 - Other

On-going classroom staffing meetings

1. How often are staffing meetings held? (Formal or informal meetings)
 - Daily
 - Weekly
 - Bi-weekly
 - Monthly

Classroom Environment (Physical Structure)

- Diagram the arrangement of furniture and small group instruction areas and equipment that provides the physical structure of the classroom.

****Attachments**

1. Please attach sample of the following:
 - classroom schedule
 - individual schedule
 - reinforcement schedule
 - task analysis form
 - data chart
 - performance based assessment
 - other data collection devices
 - staffing format
 - intensive medical need documentation
 - school day description and assistance needed form

Placement and Services History:

A large, empty rectangular box with a thin black border, intended for recording the placement and services history of a subject. The box is currently blank.

6. Special Circumstance Support for Individual Student

ANALYSIS OF SCHOOL DAY

Staff to Student Ratio (Do not include 1 on 1 aides designated in IEP's):

Student Name:				Date of Birth:		Date:
Time	Activity	Student need	Current Accommodation	Current Type of Support	Provide by Whom	Additional Support Required

***Attach to Report of Summary Findings**

7. Special Circumstance Support for Individual Student TASK ANALYSIS

Student Name: _____ Date: _____

Directions: The purpose of this worksheet is to analyze each of the needs identified in the Student Needs Analysis. For each need identified on that form, answer the following questions. Use additional sheets as necessary.

Is the current placement appropriate? Yes
No If no,
include explanation and recommendation.

Is there an appropriate goal/objective in the IEP? Yes
No

Should there be? If yes, state goal/objective.

Have appropriate accommodations been provided? Yes No
Should they be? Yes No
If yes, state accommodations.

Have appropriate attempts been made to address need? Yes
No

Explain:

Can current staff address need? Yes No
Explain:

Can needs be addressed through general education resources? Yes
No

Explain:

Will the above recommendations address the identified needs of the student? Yes
No If

no, what additional support is required?

8. Special Circumstance Support for Program Purposes

ANALYSIS OF PROGRAM NEEDS

Person Completing Report:

Date:

Classroom:

School Site:

Directions: To be completed by the program administrator.

Purpose of Additional Support

- Meet program demands within Special Education classroom
- Meet requirements of school site for mainstreaming or safety purposes
- Other:

Current Staffing Ratios/Student Needs

- FTE Teachers
- FTE Special Education program aides (1.0 FTE = 6 hours)
- FTE General Education program aides
- FTE 1 on 1 Aides (aides who must remain with one student/Bus aide)
- Number of Students
- Specify Age/Grade
- Range: Specify
- Disabilities: OHI
- Number of Behavior Plans (BSPs or PBIPs)
- Number of Specialized Physical Health Care Plans
- Number of students receiving discrete trial training.

Description of Special Education Program Needs:

Description of General Education Program Needs:

(Give a detailed explanation if needs are based on mainstreaming or safety requests/requirements in the general education program.)

Site Administrator Signature

Date

ANALYSIS OF PROGRAM NEEDS (Continued)**Previous Attempts to Meet Program Needs:**

Document attempts, including duration, to address needs in special and/or general education with existing resources.

Request for Additional Program Support

1. Indicate the amount of additional paraprofessional support needed to meet the identified program needs.
2. How long will the additional support be needed?
3. What is the estimated cost?

Plan for Additional Program Support

1. List the specific assistance to be provided by the paraprofessional.

2. Describe the method for providing ongoing training to the paraprofessional(s) so that she/he can provide the assistance described above.

3. Describe the conditions that might warrant a reduction in or elimination of additional aide support.

4. Explain how the conditions described above will be monitored.

Action by LEA Director of Centralized or Regionalized Special Education:

Approved Disapproved

Signature of Special Education Director/Date

***Attach to Report of Summary Findings**

**9. SUMMARY OF EVALUATION FOR SPECIAL CIRCUMSTANCE
SUPPORT PERSONNEL**

Student Name: _____ Date _____ of _____ Birth: _____
 Person Completing Form: _____ Date: _____
 Classroom: _____ School Site: _____

Check the areas of intensive need that might indicate need for special circumstance assistance:

Health/Personal Care:

- Specialized Health Plan
- G-tube
- Medication
- Suctioning
- Food preparation
- Diaper changing
- Feeding-full support
- Seizures weekly
- Lifting/transfers
- Other: _____

Behavior:

- Behavior Plan in place
- Physically aggressive weekly
- Non-compliant in class
- Non-compliant on campus
- Runs away weekly
- ADHD medicated
- Mental Health client
- Other:

Instruction:

- Physical prompts 80%+
- Verbal prompts 80%+
- Structured teaching
- Alternate location
- Frequent 1:1 teaching 80%+
- Assistive Technology
- PECS
- Other: _____

Inclusion/Mainstreaming

- Direct adult instruction
- Physical support/positioning
- Safety supervision 80%+
- Close visual supervision 80%+
- Other: _____

Describe EACH area of intensive need marked above and indicate if there is an IEP goal/objective written to address the area. Use additional paper if needed to describe all the needs:

Describe interventions used to support student in EACH of the areas marked above.
Provide data that documents the prior success or failure of interventions:

DETERMINING THE NEED FOR ASSISTANCE

- 1. The student needs assistance for the following reason (s):
 - Intensive medical need
 - Serious behavior
 - Instruction
 - Inclusion/Mainstreaming
 - Other:

- 2. Does the student need a special circumstance paraprofessional?
 - Yes
 - No

If yes, describe the times of the day, number of hours, the type of supports, etc., of special circumstance assistance needed:

Local Policy 37: INDEPENDENT EDUCATIONAL EVALUATION (IEE)

A parent or guardian of a student with a disability has the right to ask for and obtain, at public expense, an independent educational evaluation from qualified educational specialist(s) subject to the provisions of this policy, if the parent or guardian disagrees with an assessment conducted by the Local Education Agency (LEA). A parent or guardian is entitled to only one independent educational assessment at public expense each time the LEA conducts an assessment with which the parent or guardian disagrees. The LEA must respond to the parent or guardian's request for an independent educational evaluation and provide information about where to obtain an independent educational assessment. If the LEA believes that its assessment is appropriate and disagrees that an independent assessment is necessary, the LEA may request a due process hearing to prove that its assessment was appropriate. If the district prevails, the parent or guardian still has a right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

LEA assessment procedures provide for in class observations of students. An individual conducting an assessment must also be allowed to observe the student in the classroom. If the LEA proposes a new school setting for the student and an independent educational evaluation is being conducted, the independent assessor must be allowed to observe the proposed new setting.

INDEPENDENT EDUCATIONAL EVALUATION (IEE)

When a parent disagrees with an evaluation conducted by the LEA and requests an independent educational evaluation (IEE), the LEA must either:

- A. Initiate a due process hearing to show that the evaluation is appropriate.
 - The LEA believes their evaluation is appropriate, addresses all areas of suspected disability(s), and meets federal and state regulations. If a decision by a hearing officer is in favor of the LEA's evaluation, the parent still has the right to an independent evaluation but not at public expense.
 - The parent has made a special education referral and will not allow the LEA to assess the student, but instead wants the LEA to use an outside assessor to determine eligibility and services.
 - In all cases, if the LEA denies the parent request for an IEE and initiates a due process hearing the parent will receive Prior Written Notice of refusal to evaluate and be informed of the procedural safeguards available to parents and students. No reimbursement shall be made unless ordered by a hearing officer.

OR

B. Provide the parent an opportunity to obtain an IEE, paid for at public expense, in accordance with the Sutter County SELPA policy and administrative regulation.

If the parent requests an IEE at public expense, the LEA will implement the following:

- The LEA will inquire regarding the parent's disagreement with the LEA's evaluation. The parent is not required to reply, and the LEA will not delay either arranging for the IEE or filing for due process due to the lack of parental replies to the inquiry. The LEA will keep a record of all parental contacts.
- The LEA will provide the parent with the SELPA policy and administrative regulation pertaining to IEEs.
- If the parent agrees to meet with the LEA, a focus of the meeting will be to identify areas of disagreement.
- The LEA will respond to the request for an IEE in a timely manner by offering the parent an alternative assessor(s) including one or more of the following options:
 - Staff member(s) from another LEA in the SELPA;
 - Staff member(s) from another SELPA; or
 - Private sector provider(s)

SELPA personnel may not provide an IEE if they are a service provider for the LEA in question.

- The LEA will encourage the parent to choose an alternative assessor option offered by the LEA within 15 days.
- If agreement to the use of an alternative assessor cannot be reached between the LEA and the parent, the parent will be provided with the SELPA IEE criteria and the name(s) of qualified independent evaluators who meet SELPA standards. The parents are not required to use the LEA's listing of qualified independent evaluators.
- The LEA will provide an assessment plan, obtain a consent for Exchange of Information, and arrange for the alternative assessor or initiate a contract with a qualified independent evaluator within 15 days of the date that the parents' written consent to the evaluation is received by the LEA.
- LEAs may refuse to reimburse for IEEs should parent(s) refuse to sign consent for exchange of information (OSEP Letter to Varney, 2010).

- The LEA will make arrangements for the evaluation. The alternative assessor or independent evaluator must be able to provide a written report for an IEP meeting within 60 days of the date that the signed assessment plan is received by the LEA. If the selected evaluator cannot meet the time line, the LEA will inform the parent and ask for agreement to an extension of time or selection of another option.
- Independent evaluators must agree to release their assessment information and results to the LEA prior to receipt of payment for services.
- The LEA will set a date and time for an IEP meeting that is convenient for the parents.
- In compliance with Senate Bill 145, LEAs within the Sutter County SELPA shall allow observation of a student's educational performance in a classroom by an independent evaluator. The following procedure pertains to any classroom observations made by a non-parent of a student:
 - Observation must be for the purposes of the student assessment only;
 - LEA staff and student interview are strictly prohibited during the scheduled observation;
 - Forty-eight hours written notice is required, specifying the purpose of the observation;
 - The written release form (Exhibit 84.1) must be signed by the Parent/Guardian and provided at the time of the observation.
 - Observer must register at the school office and be provided a "Visitor's Badge;"
 - Observation is limited to a maximum of 45 minutes;
 - Observation will be done on a mutually agreed date and time;
 - Observer is to be accompanied by a LEA employee for the entire period of the observation; and
 - The school site and/or LEA retain the right to defer and reschedule the observation if the required written release form (Exhibit 84.1) is not provided.
- The result of the independent evaluation will be considered by the LEA in eligibility determination, development of goals and objectives and services, but

the offer of Free Appropriate Public Education (FAPE) as required by the Individuals with Disabilities Act, is the LEAs responsibility.

A parent may:

- Make a referral to consider special education services or a reevaluation.
- Provide copies of evaluations completed by outside evaluators in order to assist the LEA in developing an appropriate assessment in order to plan and not to duplicate or invalidate current or future assessment data.
- Disagree with the LEAs evaluation and request an IEE.
- The parents must request the IEE within two calendar years of the date the results of the LEA evaluation were shared at an IEP meeting. If the request for an independent evaluation comes two years or more from the date of completion of the LEAs evaluation, the LEA will seek to complete a reevaluation prior to purchase of an independent education evaluation.
- Request one publicly funded independent evaluation for each evaluation completed by the LEA with which the parent is in disagreement.
- Request the independent evaluation within two calendar years of the date that the results of the LEA assessment are shared at an IEP meeting, and with which the parent disagreed.

The LEA does not have an obligation to reimburse parents for privately obtained evaluations prior to the date that the LEA evaluation is completed and discussed at an IEP meeting. The LEA is not obligated to reimburse parents for privately obtained evaluations if the parent agrees with the LEA's evaluation.

The LEA will consider the results of the IEE by a qualified evaluator, to determine educational needs and possible goals and objectives and make the written offer of a free and appropriate public education (FAPE).

The LEA may reimburse the parents for a privately obtained IEE, even though the policy and administrative regulation were not followed, in any one (1) of the following circumstances:

1. All the following conditions have been met:
 - The parent disagreed with the evaluation;
 - The parentally obtained evaluation meets the criteria;
 - The parent, in a timely manner and upon request, provides the LEA with written consent to exchange information with the examiner;

- The parent provides a copy of the written evaluation report and all other documents and assessments related to the report in a timely manner; and
 - The examiner attends the relevant IEP team meeting in person or by telephone to discuss his or her findings and provides protocols of all assessments to the LEA.
2. The LEA assessment has not been provided in compliance with law.
 3. The privately obtained evaluation assessed the student in an area of suspected disability, which was not previously assessed by the LEA.
 4. The privately obtained evaluation results differed from the LEA assessment results.

Reimbursement will be in accordance with the Sutter County SELPA policy and procedures, criteria and in an amount no greater than the actual cost to the parent.

SELPA CRITERIA FOR INDEPENDENT EDUCATIONAL EVALUATIONS

Limitations on Location of Evaluators

Evaluators must be located within 200 miles of the LEA. Evaluators outside of this area will be approved only on an exceptional basis if the parents can demonstrate the necessity of using personnel outside the specified area.

Note: Evaluators must be free from any conflict of interest.

COST LIMITATIONS

Reimbursement for an IEE will be limited to the amount it would have cost the LEA to provide the same type of evaluation. Costs in excess of this amount will not be approved unless the parent can demonstrate that such costs reflect a reasonable and customary rate for such evaluative services, or the parents can demonstrate that there are other factors that make the extraordinary costs necessary.

Costs beyond the IEE (i.e., transportation, lodging, food, etc.) are not covered in the cost of the independent evaluation and will not be approved, unless the parent can document that such travel costs reflect factors that make the extraordinary costs necessary.

Exhibit 84.1

REQUEST FOR CLASSROOM OBSERVATION BY INDEPENDENT EVALUATOR

The procedure below must be followed when a request for classroom observation by an independent evaluator is made.

In compliance with Senate Bill 145, LEA's within the Sutter County SELPA shall allow observation in a classroom by an Independent Evaluator of a student's educational performance. The following procedure pertains to any classroom observations made by a non-parent/guardian of student:

- o Observation must be for purposes of student assessment only.
- o LEA staff and/or student interviews are strictly prohibited during this observation time.
- o Forty-eight (48) hour written notice is required, specifying the purpose of the observation.
- o This written release or permission form with name, title, purpose of observation, and parent's signature must be provided.
- o Observer must provide this signed release or permission form and additionally sign school site's visitor log.
- o Observation is limited to a maximum of 45 minutes.
- o Observation will be done on a mutually agreed on date and time.
- o Observer is to be accompanied by a LEA employee for entire period of observation.
- o The school site retains the right to defer and/or reschedule observation, if required documentation is not provided.

Please complete and submit to:

LEA Administrator: _____
Name

I give my permission for _____ to observe my son/daughter for
(Independent Evaluator)
purposes of assessment.

(Parent/legal guardian signature) (Date)

I have read and agree to the above procedure(s) for classroom observation.

(Independent evaluator signature) (Date)

(LEA administrator) (Date)

*Exhibit 84.2***MINIMUM QUALIFICATIONS FOR EVALUATORS**

<u>Type of Assessment</u>	<u>Qualifications</u>
Academic Achievement	Certificated Special Education Teacher, Licensed Educational Psychologist, or School Psychologist (Credentialed)
Adaptive Behavior	Licensed Educational Psychologist, Certificated Special Education Teacher (Master's Degree), or School Psychologist
Assistive Technology (AT)	Certificated or Licensed Speech/Language Pathologist, Occupational Therapist with expertise in AT, or Certificated Special Education Teacher
Auditory Acuity/ Perception (CAP)	Licensed or Certificated Audiologist Auditory Licensed or Certificated Audiologist
Cognitive	Licensed Educational Psychologist or School Psychologist (Credentialed)
Motor	Licensed Physical Therapist, Registered Occupational Therapist, or Adaptive Physical Education Specialist
Speech and Language	Certificated or Licensed Speech/Language Pathologist (MA/MS)
Social/Emotional/Behavioral Worker	School Psychologist (Credentialed), Social (LCSW), Licensed Educational Psychologist, or Certified Behavior Analyst
Functional Vision	Certificated Teacher of the Visually Impaired
Visual-Motor Integration	School Psychologist (Credentialed) or Licensed Educational Psychologist

Local Policy 38: ALTERNATIVES TO A DIPLOMA

The LEAs within the Sutter County SELPA support rigorous and challenging standards for all students. The goal of such standards is to prepare students to lead, to the maximum extent possible, productive and independent adult lives. A priority of each LEA within the Sutter County SELPA is to provide appropriate support services to assist special education and 504 students in meeting the LEA board adopted regular diploma requirements. Each LEA within the Sutter County SELPA will adopt a policy and administrative regulations addressing the standards required for special education or 504 students to earn an alternative to a diploma.

ALTERNATIVES TO A DIPLOMA

Special Education students on an IEP or 504 Plan are provided appropriate supports in order to complete the LEA board adopted course of study, access required examinations or assessments and meet the standard diploma requirements. The LEA shall follow the State Board of Education approved waiver process or procedures related to a special education students acquiring a standard diploma.

The IEP team determines if a student requires modifications and/or accommodations in order to access the board's adopted course of study, access required examinations or assessments, and to meet diploma requirements. If the student's individual needs, as identified by the IEP team, require an alternative course of study which does not meet the board adopted requirements for a standard diploma, the parents and students should be notified no later than the end of the freshman year of high school at an IEP and ITP meeting. The student's program outlined in the IEP and ITP will lead to an alternative diploma as described in the LEA board-adopted policy and administrative regulation rather than the regular diploma.

Upon completion of the student's course of study as indicated on his/her IEP and ITP, the LEA shall certify that the student is eligible for the LEA board adopted alternative to a standard diploma when one or more of the following criteria has been met:

- The student has satisfactorily completed an alternative course of study approved by the governing board of the LEA specified in the student's IEP; and/or ITP; or
- The student has satisfactorily achieved his or her IEP and/or ITP goals and objectives during high school as determined by the IEP team; or
- The student has satisfactorily attended high school, as identified in the IEP, participated in the instruction specified in his or her IEP and ITP, and has met the objectives of the student's individualized transition plan.

A student who meets the criteria for a certificate or document as described above shall be eligible to participate in any graduation ceremony and any high school activity related to graduation in which a pupil of a similar age without disabilities would be eligible to participate. The right to participate in graduation ceremonies does not equate with a regular high school diploma.

Students who earn an alternative to a regular diploma may be eligible for special education and related services through age 21, and to the 22nd birthday as follows: Any person who becomes 22 years of age during the months of January to June while participating in a program of special education may continue for the remainder of the school year, including an extended school year program. An eligible student turning 22 during the months of October, November or December while participating in a special education program shall cease to be eligible on December 31. When a participating student will turn 22 in July, August or September, the student shall cease to be eligible at the end of the extended school year (i.e. prior to August 1). However, if an otherwise eligible student is attending a year round school program and is completing his or her individualized education program in a term that extends into the new school year, then the student may complete that term.

No LEA may develop an IEP that extends these eligibility dates, and in no event may a student be required or allowed to attend school beyond these eligibility dates, solely on the basis that the individual has not met his or her goals or objectives.

Local Policy 39: SERVICE LOADING GUIDELINES

A committee will be designated each year by the Operations Council to review, revise and recommend Special Education Service Loading Guidelines for the following fiscal year. The committee will submit the proposed loading guidelines to the Operations Council no later than the January meeting for a recommendation to the Superintendent's Coordinating Council (SCC) January public meeting. The LEA may only add services not reflected in the adopted loading guidelines during a fiscal year by submitting a written proposal to the Operations Council and Superintendent's Coordinating Council for approval at a public meeting.

SERVICE LOADING GUIDELINES

The Service Loading Guidelines provide guidance to each of the special education service providers within the Sutter County SELPA. The loading factors used for the guidelines are reviewed each year by a committee appointed by the Operations Council. The committee will meet between the start of the current fiscal year until January when the recommended Service Loading Guidelines are presented to the Operations Council for recommendation to the Superintendent's Coordinating Council. The service loading guidelines will affect the proposed budgets of each special education provider of special education services for the SELPA.

The Service Loading Guidelines are to include recommended staffing of teachers, para-professionals, administrative and clerical support. The committee will use a variety sources to assist in the development of the guidelines that shall include but not limited to

- researched based data.
- universal design data.
- guidelines from other county offices or districts within the state.
- decisions from due process hearings or other legal sources.
- trainings and other professional growth activities.
- state and national professional organizations.

The committee will take into consideration all of the data shared in order to develop reasonable guidelines that will address meeting students' needs. When a provider of special education services for the SELPA is recommending a change in a guideline for a service, data will be provided from the sources listed above to assist the committee in the discussions and recommendation and fiscal input.

Each January the recommended Service Loading Guidelines will be presented to the Operations Council meeting for discussion and recommendation to the subsequent meeting of the Superintendent's Coordinating Council (SCC). Once adopted by the SCC, the service provider will develop the proposed budgets for the upcoming fiscal year based on the guidelines. The SCC adopts the provider's budget for the upcoming year and the provider agrees to operate within the approved budgets. The service provider is permitted to make needed program or service revisions within the adopted service loading guidelines which remain within the adopted budget.

When the service provider implements programs or service revisions that exceed the SCC adopted budget, the service provider will bring the request along with all supporting data to the Operations Council for a recommendation to SCC. The service provider will not implement any revisions that exceed the adopted budget without approval by the SCC.



Staffing Guidelines

2019-2020

The Staffing Guidelines provide annual guidance. Actual staffing varies depending on the needs of the students being served and the services, accommodations and modifications specified in student IEPs.

Autism Program (ASD)

This program provides services to students with severe autism or who struggle with severe autistic-like behaviors. The program focuses on the development of language, communication, academic, social skills, and sensory needs.

Staffing Guideline

Class	Student enrollment	Adult:Student
Preschool	4-6	1:2
Kindergarten	4-6	1:2
1st grade	6-8	1:2
2nd-5th grade	6-8	1:2
Middle	8-10	1-3
High School	8-10	1-3

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Certified Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Classified Conf./Travel	\$50	\$50		Reflects actual program expenditure patterns
Mileage	-	-		

Additional Considerations:

- Program requires 960 sq. ft. room
- Bathroom/ changing area
- Instructional stations
- Specialized training due to nature of disability
- Risk management due to behavior considerations
- Additional professional development, technology needs and conferences supplemented by Medi-Cal dollars

*Fiscal ratios are per certificated FTE unless otherwise

Significant Disabilities (SD)

This program provides services to students who have severe developmental disabilities. This program focuses on the development of functional skills in the areas of self-help, independent living, vocational, recreational, and communication.

Staffing Guideline

Class	Student enrollment	Adult:Student
Preschool	6-8	1:2
Preschool	6-8	1:3
Kindergarten	8-10	1:3
1st grade	8-10	1:5
2nd - 5th	8-10	1:5
Middle School	10-12	1:6
High School	10-12	1:6
16-22 Functional	10-12	1:6
Yuba College	10-12	1:6

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Certified Conf/Travel	\$200	\$200		Reflects actual program expenditure patterns
Classified Conf/Travel	\$50	\$50		Reflects actual program expenditure patterns
Mileage	-	-		

Additional Considerations:

- Behavior plans
- Health protocols
- Variety of disabilities and developmental levels
- Specialized equipment

*Fiscal ratios are per certificated FTE unless otherwise

- Toileting and diapering
- Specialized circumstance paraprofessionals
- Inclusion
- Size of students

Secondary/Adult classrooms:

- Bathroom, kitchen, living room, laundry
- Behavior plans
- Variety of disabilities
- Specialized equipment
- Special circumstance paraprofessionals
- Health protocols
- Community-based instruction
- Size of students
- Vocational readiness

*Fiscal ratios are per certificated FTE unless otherwise

Multiple Disabilities (MD)

This program provides services to students who have multiple severe disabilities. Some may have medical needs. This program is designed to address the development of communication, mobility, social, and independent daily living skills.

Staffing Guideline

Class	Student enrollment	Adult:Student
Preschool-Elementary	8-10	1:3
Upper Elementary - Adult	8-10	1:3

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$600		Reflects actual program expenditure patterns
Certified Conf/Travel	\$200	\$200		Reflects actual program expenditure patterns
Classified Conf/Travel	\$50	\$50		Reflects actual program expenditure patterns
Mileage	-	-		

Additional Considerations:

- 1200-1500 sq. ft.
 - Bathroom/ diapering
 - Food preparation area
 - Specialized equipment
 - Health protocols
 - Behavior plans
 - Health aide
 - LVN
 - Size of students
 - Hot water and sink

*Fiscal ratios are per certificated FTE unless otherwise

Emotional Disabilities (ED)

This program provides services students who are not succeeding educationally in school due to emotional disturbances. This program provides an intense therapeutic environment in the educational setting.

Staffing Guideline

Class	Student enrollment	Adult:Student
Primary School	8-10	1:3
Middle School	8-10	1:3
High School	8-10	1:3

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Certified Conf/Travel	\$200	\$200		Reflects actual program expenditure patterns
Classified Conf/Travel	\$50	\$50		Reflects actual program expenditure patterns
Mileage	-	-		

Additional Considerations:

- Quiet room
- Behavior plans
- Special circumstance paraprofessionals
- Size of students
- Risk management due to behavior considerations
- Transportation consideration to NPS setting

*Fiscal ratios are per certificated FTE unless otherwise

Non-Categorical (NC)

This program provides services to students who have diverse disabilities who require a flexible multifaceted educational program. This program focuses on the development of language, communication, academic, and social skills.

Staffing Guideline

Class	Student enrollment	Adult:Student
Preschool 1	8-10	1:3
Kindergarten 1	8-10	1:3
Primary 1	8-10	1:5
Primary 2	10-12	1:6
4th - 5th	10-12	1:6
6th - 8th	10-12	1:6
9th - 12th	10-12	1:6
9th - 12 th (Combined)	8-10	1:5

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Certified Conf/Travel	\$200	\$200		Reflects actual program expenditure patterns
Classified Conf/Travel	\$50	\$50		Reflects actual program expenditure patterns
Mileage	-	-		

Additional Considerations:

- Behavior plans
- Multiple disabilities
- Restrooms
- Specialized training due to nature of disability
- Risk management due to behavior considerations

*Fiscal ratios are per certificated FTE unless otherwise

Deaf and Hard of Hearing (D/HH)

This program provides services to students who are deaf or hearing impaired. The program focuses on the development of language, communication, academic, and social skills.

Staffing Guideline

Class	Student enrollment	Adult:Student
Preschool-Kindergarten	6-8	1:2
1st-3rd	8-10	1:5
4th-8th	10-12	1:6
9th-12th (DHH Only)	10-12	1:6
9th-12th (Combined Class)	8-10	1:5

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Certified Conf/Travel	\$200	\$200		Reflects actual program expenditure patterns
Classified Conf/Travel	\$50	\$50		Reflects actual program expenditure patterns
Interp Mileage	\$1,500	\$1,500		Reflects actual program expenditure patterns

Additional Considerations:

- Restrooms (Preschool – Kindergarten)
- Educational interpreters

*Fiscal ratios are per certificated FTE unless otherwise

Preschool Intervention Program

This program provides services to children age three through five years who do not require intensive special education services. The program addresses the development of cognitive, physical, language and speech, social-emotional, self-help, and pre-academic skills.

Staffing Guideline

Staff	Caseload
Special Ed Teacher	1:28
Psychologist	1:100
Speech Pathologist	1:40

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	175	175		
Supplies Pool	400	400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	400	400		
Conf./Travel (Grant)	-	-	\$200	
Mileage	500	500		Reflects actual program expenditure patterns

Additional Considerations:

- Number of sites served
- Services at inclusion classrooms
- High volume assessment needs
- Number of referral sources

*Fiscal ratios are per certificated FTE unless otherwise

Regional and Centralized Speech and Language Services

This program provides services to students who have an identified language or speech disability in any of the following areas: articulation, receptive and/or expressive language, or fluency and voice. Services are provided at the school sites and to county operated programs, and through in class services in SDCs.

Staffing Guideline

Classroom	Staff	Caseload	Additional Considerations
Preschool	1	40	Maximum set by Education Code
K-12	1	55	Local Average
SDC Classes	1	45	All Classes receive 2 times 30 minutes per week.

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$300	\$300		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$300	\$300		Reflects actual program expenditure patterns
Conf./Travel	\$150	\$150		Reflects actual program expenditure patterns
Mileage	\$700	\$700		Reflects actual program expenditure patterns

Additional Considerations:

- Provides service to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Regional Visually Impaired (VI)

The Visually Impaired Program provides services to students with visual impairments and provides materials in Braille and large print to a wide variety of students who are either blind or partially sighted.

Staffing Guideline

Staff	Student enrollment	Adult:Student
Itinerant VI Teacher	1-16	1:8
VI Teacher	1-6	1:3
Braillist	1-4	1:4
Orientation/Mobility Specialist	Varies	Fluctuating caseload based on the number of identified students

*Fiscal Ratio

	2016-17	2017-18	2018-19	Rationale
Supplies	\$200	\$200		Reflects actual program expenditure patterns
Supplies Pool	-			
Equipment	\$650	\$650		Reflects actual program expenditure patterns
Equipment Pool	-	-		
Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Mileage	\$1,500	\$1,500		Reflects actual program expenditure patterns

Additional Considerations:

- Provides service to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Adaptive Physical Education (APE)

This program provides services to students requiring specially designed instruction in physical education, in order to develop physical and motor skills necessary for educational progress and inclusion in general physical activity.

Staffing Guideline

Teacher	Caseload
1	36-46

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Mileage	\$1,500	\$1,500		Reflects actual program expenditure patterns

Additional Considerations:

- Provides services to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Assistive Technology (AT)

This program includes technological support to assist students with disabilities in performing tasks which are necessary to make progress toward educational goals and objectives.

Staffing Guideline

Staff	Caseload	Description
1	38-42	Provides direct services to students, monitoring, training and consultation to parents and staff, research and set up of technology equipment.

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	-	-		
Supplies Pool	\$1,500	\$1,500		
Equipment	-	-		
Equipment Pool	\$1,500	\$1,500		
Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Mileage	\$1,500	\$1,500		Reflects actual program expenditure patterns

Additional Considerations:

- Rapidly changing technology training needs
- Provides service to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Occupational Therapy (OT)

Occupational therapists evaluate, plan, and implement treatment with special education students on an individual basis or in small group settings.

Staffing Guideline

Staff	Caseload
1 OT/R	36-40

*Fiscal Ratio

2016-17	2017-18	2018-19	Rationale
Supplies	\$650	\$650	
Supplies Pool	-	-	Reflects actual program expenditure patterns
Equipment	\$650	\$650	
Equipment Pool	-	-	Reflects actual program expenditure patterns
Conf./Travel	\$200	\$200	Reflects actual program expenditure patterns
Mileage	\$1,700	\$1500	Reflect actual program expenditure patterns

Additional Considerations:

- Provides service to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Physical Therapy Services (PT)

The Physical Therapist evaluates, plans, and implements treatment with special education students on an individual basis or in small group settings.

Staffing Guideline

Staff Caseload

1	35 - 40 students
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*Fiscal Ratio

	2016-17	2017-18	2018-19	Rationale
Supplies				
Supplies Pool	\$1,500	\$1,500		Reflects actual program expenditure patterns
Equipment				
Equipment Pool	\$1,500	\$1,500		Reflects actual program expenditure patterns
Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Mileage	\$1,300	\$1500		Reflect actual program expenditure patterns

Additional Considerations:

- Provides service to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Itinerant D/HH

This program provides services to students who are deaf or hearing impaired. The program focuses on the development of language, communication, academic, and social skills. Services are provided to infant – 22 year old students in Sutter and Yuba County.

Staffing Guideline

Teacher	Caseload	Description
1	10-16	Provides assessment, supplementary aids and services, and DHH instruction. -
	3-6	Provides indirect and technical support to students and IEP team; may include 504 teams.

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Certified				
Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Mileage	\$1,700	\$2350		Reflects actual program expenditure patterns

Additional Consideration:

- Provides service to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Educational Specialist Program

This program provides services to mild to moderately disabled special education and at-risk general education students who are experiencing difficulties in a particular area. Students are served in small groups either in a pull-out or push-in program. Students receive specialized instruction for part of the school day and modified curriculum materials in order to access the school curriculum.

Staffing Guidelines

Class	Adult:Student
Elementary School	1:28
Middle School	
High School	

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$400	\$400		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Certified Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Mileage	\$1,700	\$1000		Reflects actual program expenditure patterns

Additional Considerations:

- Provides service to multiple sites throughout the SELPA
- Classified support staff

*Fiscal ratios are per certificated FTE unless otherwise

Behavior Support

The following are examples of some of the duties the behaviorist performs: conducts staff trainings, student staffing, assessment, classroom support, student observations, staff consultation, program development, data collection, attend 200-225 IEP meetings, respond to behavioral emergencies.

Staffing Guideline

Staff	Caseload	Description
1 Behaviorist	35-40 students	<ul style="list-style-type: none"> Provides direct oversight and accountability of Behavior Support Plan and Behavior Intervention Plan throughout the SELPA
	25-30 students	<ul style="list-style-type: none"> Provides indirect behavior support and consultation
1 Behavior Assistant	5-10 classrooms	Collects data, assists with implementation of Behavior Intervention Plans, and reports to Behaviorist and teachers. Provides behavior support throughout the SELPA.

Additional Considerations

- Multiple Sites
- Travel Time
- Intensive Needs

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	-	-		
Equipment	-	-		
Equipment Pool	\$400	\$400		
Conf./Travel	\$200	\$200		
Mileage	\$3,100	\$3,100		Reflects actual program expenditure patterns

*Fiscal ratios are per certificated FTE unless otherwise

Health and Nursing Services

This program provides Health and Nursing services to students requiring medical support for educational progress and inclusion.

Staffing Guideline

Staff	Caseload	Additional Considerations
1 RN	1 student or more students as appropriate	Medically fragile students with related health care procedures that require a RN per the Local Plan.
1 Paraprofessional	1 student or more students as appropriate	One or more students who require specialized health procedures performed during the school day.
1 LVN	1 student or more students as appropriate	One or more medically fragile students that requires an LVN license.
1 Nurse	120 Students	Centralized Special Education Programs
1 Nurse	2500	General Education including Special Education

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$1,825	\$1,825		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$600	\$600		Reflects actual program expenditure patterns
Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Mileage	\$1,000	\$1,000		Reflects actual program expenditure patterns

*Fiscal ratios are per certificated FTE unless otherwise

Psychological Services

Psychologists provide assessments and school based psychological services to SELPA programs.

Staffing Guideline

Staff	Caseload	Additional Considerations
Site based Psychologist	1200	Multiple Sites
Centralized Special Ed. Programs	100	Assignments will be based on severity of the program.

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	\$300	\$300		Reflects actual program expenditure patterns
Equipment	-	-		
Equipment Pool	\$400	\$400		Reflects actual program expenditure patterns
Conf./Travel	\$200	\$200		Reflects actual program expenditure patterns
Mileage	\$1,200	\$1,200		Reflects actual program expenditure patterns

Additional Consideration:

- Provides service to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

School Based Mental Health

The clinical staff evaluates and develops treatment plans, implementing mental health services in individual, small group or classroom settings. Clinicians conduct prevention activities and trainings, parenting skills sessions and individual family work.

Staffing Guidelines

Staff	Caseload
1 Clinician	18-22
1 Clinical Assistant	5-10 Classrooms

Additional Considerations

- Provides services to multiple sites throughout the SELPA.
 - Provides services outside of the traditional school day.
 - Intensive needs.
-

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
SUPPLIES	\$1,000	\$1,000		
SUPPLIES POOL	-	-		
EQUIPMENT	\$1,000	\$1,000		
EQUIPMENT POOL	-	-		
CONF./TRAVEL (Grant)	-	-		
MILEAGE	\$1,500	\$1,500		

*Fiscal ratios are per certificated FTE unless otherwise

Regional/Centralized Program Administration

The following are examples of some of the duties Special Education principals perform: supervise special day classes on four to seven sites, coordinate designated instructional services (DIS), provide case management oversight, serve as administrative designee at 220-250 IEPs per school year, supervise instructional quality, manage student discipline, present professional development workshops, evaluate staff, coordinate transportation, supervise 20 days of ESY, coordinate facility's needs.

Staffing Guideline

Staff	Classrooms/Supervisory	Description
1 Principal	11-12 Classes 10-12 NP Districts 10-12 Related service provider	Other comparable SELPAs administrative ratios average 1:100 students/1:8 classrooms
1 Coordinator	supervision	Oversees non-provider district special education and speech services

*Fiscal Ratios (Site Based)

	2016-17	2017-18	2018-19	Rationale
Certified Supplies	\$1,000	\$1,000		Reflects actual program expenditure patterns
Clerical Supplies	\$200	\$200		Reflects actual program expenditure patterns
Supplies Pool	-	-		
Equipment	\$1,000	\$1,000		Reflects actual program expenditure patterns
Equipment Pool	-	-		
Conf./Travel	\$400	\$400		Reflects actual program expenditure patterns
Mileage	\$1,000	\$1,000		Reflects actual program expenditure patterns

Fiscal Ratios (Central Office)

*Fiscal ratios are per certificated FTE unless otherwise

	2016-17	2017-18	Rationale
Supplies	-	-	
Supplies Pool	\$2,000	\$2,000	Reflects actual program expenditure patterns
Equipment	-	-	
Equipment Pool	\$2,000	\$2,000	Reflects actual program expenditure patterns
Conf/Travel	\$200	\$200	Reflects actual program expenditure patterns
Mileage	\$4,000	\$4,000	Reflects actual program expenditure patterns
Supplies	-	-	

Additional Considerations:

- Provides service to multiple sites throughout the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Centralized Program/Program Specialist

Program Specialists observe and analyze SDC classes, teachers, para-educators, and students to analyze and provide consultative support and recommendations.

Staffing Guideline

Program Specialist	Students/Classrooms	Additional Considerations
1	300-350 / 28-33 SE	Provides assessment, supplementary aids and services to students in addition to the instructional caseload.

*Fiscal Ratios

	2016-17	2017-18	2018-19	Rationale
Supplies	\$175	\$175		
Supplies Pool	-	-		
Equipment	\$1200	\$1200		Purchase of computer.
Equipment Pool	\$400	\$400		Reflects actual program expenditures
Certified Conf./Travel	\$200	\$200		Reflects actual program expenditures
Mileage	\$2700	\$2700		Reflects actual program expenditures

*Fiscal ratios are per certificated FTE unless otherwise

Local Policy 40: ANNUAL SERVICE PLAN

The Sutter County SELPA Local Plan Area on behalf of the LEAs will convene the Local Plan Committee to review and revise, if needed, the Sutter County SELPA Annual Service Plan. This committee will meet no later than March 1st of each fiscal year. The Annual Service Plan for Sutter County SELPA will be in a format that is easily understandable by the public and will include the following information:

- The service category descriptors.
- The appropriate CASEMIS code for each service category descriptor.

The Local Plan committee will forward the Draft Annual Service Plan to the Operations Council for review and for a recommendation to the SCC. The SCC will adopt the Annual Service Plan at the May meeting for implementation in the following school year.

Local Policy 41: RESERVES FOR LEA PROVIDERS OF SELPA CENTRALIZED AND REGIONALIZED SPECIAL EDUCATION SERVICES

The Superintendents' Coordinating Council (SCC) has agreed to fund a reserve for each of the LEAs providing centralized or regionalized services to ensure solvency of each of the services provided. The fund balances will be reviewed and funded at the November SCC public meeting when the providers' ending balances are presented for distribution.

RESERVES FOR LEA PROVIDERS OF SELPA CENTRALIZED AND REGIONALIZED SPECIAL EDUCATION SERVICES

The Superintendents' Coordinating Council will fund the following LEA providers of SELPA centralized and regionalized services at the following levels:

SELPA - no less than \$10,000

SELPA Occupational Therapy Services - no less than \$25,000

Sutter County Superintendent of Schools Office – 3% of the prior year expenditures or no less than \$25,000

Yuba City Unified School District Vision Impairment Services - no less than

\$25,000 Yuba City Unified School District Physical Therapy Services - no less than \$10,000

*Fiscal ratios are per certificated FTE unless otherwise

Local Plan 42: COMPLAINT RESOLUTION

It shall be the policy of member LEAs to investigate complaints promptly and to seek satisfactory resolution of all identified issues that may be found to be noncompliant. Further, each LEA will follow the process set out by the California Department of Education including timelines and written response.

COMPLAINT RESOLUTION

Upon notification of a State complaint alleging violations of state laws or regulations, the LEA(s) will carefully review the citations and allegations as listed and take the following steps:

- Contact the CDE complaint investigator to clarify the complaint and to negotiate the local findings needed to clear the complaint;
- If appropriate, contact the parent to clarify the issues;
- Conduct a fact finding process on the case related specifically to the complaint allegations (determine what will need to be reviewed: IEP, assessment plan, site logging procedure for referral, timelines for assessment/IEP, etc.); and
- Conduct a local investigation.

Within **seven** (7) days of receiving this notification, any additional supporting documentation or evidence regarding the allegations will be sent to the Procedural Safeguards Referral Service (PSRS) Unit of the Special Education Division (SED) at the California Department of Education (CDE).

Complainants and LEA staff are encouraged to resolve complaints at the local level using an alternative dispute resolution process, alternative resolution method, or any other local resolution option. A successful resolution at the local level may lead to the withdrawal of the complaint rendering further state investigation unnecessary. Although complaint resolution is the responsibility of the LEA, the SELPA can be contacted for assistance with resolution of complaints. If the complaint is resolved locally, the complainant must submit a signed letter withdrawing the case either to the SED investigator on the case or to the PSRS unit, if the complainant and the LEA agree to resolution.

While a local complaint resolution may be pending, the CDE investigation itself must continue until the complainant submits a signed letter of withdrawal. It is therefore imperative that the LEA respond in a timely manner to all SED requests. As the investigation concludes, a CDE report will be completed and made available to both the complainant and the LEA. If the LEA is found out of compliance with special education laws or regulations, the report will include

*Fiscal ratios are per certificated FTE unless otherwise

steps that must be taken as corrective actions. SED staff will then follow up to ensure completion of these corrective actions.

If the LEA remains out of compliance with special education laws or regulations beyond the time frame prescribed for corrective action follow-up, steps may be taken by the State Superintendent of Public Instruction to effect compliance pursuant to 5 CCR Section 4670. These steps may include but are not limited to: 1) withholding state or federal funds; or 2) formal orders compelling compliance.

The SELPA Administrator will inform the Administrative Unit Superintendent and Superintendents' Coordinating Council at a public meeting of a LEA's prolonged and substantial noncompliance. The item will be placed on the public meeting agenda. The SELPA Administrator and LEA Superintendent will provide supportive documentation of the LEA investigation findings including the following:

- Attempts to resolve compliance locally.
- Interactions with CDE in an attempt to resolve the issues.
- Requests for mediation through the Office of Administrative Hearings (OAH) and the mediation outcomes.

The Superintendents' Coordinating Council may:

- Provide a directive to the LEA through an action.
- Ask the Administrative Unit Superintendent to mediate with one or all parties.

Local Plan 43: DUE PROCESS POLICY

The student's District of Residence (DOR) acknowledges that it is responsible for the provision of special education and related services on behalf of students residing within their jurisdiction. This means ensuring that each student identified as a student with special needs receives a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment in a manner that confers Educational Benefit, and in conformance with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Americans with Disabilities Act, and all other provisions of the Education Code. When a DOR places a student with special needs in a program provided by another LEA, or procures services on behalf of a student(s) from another Provider, the DOR acknowledges that it continues to be fully responsible for provision of FAPE, and all that it entails, to its students.

DUE PROCESS POLICY

The DOR and all Providers (known collectively as "Parties") of special education services will include parents in their student's special education program, and related decisions, in a meaningful way. Every effort will be made to resolve disputes with parents through local approaches. These dispute resolution approaches include a continuum of resolution options including the following: scheduling meetings with the Special Education Director and parent(s) to discuss concerns, expanding that meeting to include the SELPA Administrator as appropriate, and utilizing formal processes that have been found to be effective such as Alternate Dispute Resolution, Facilitated IEP meetings, Mediation and the development of a legally binding Resolution Agreement between the parties. The DOR is responsible for costs associated with local resolution of special education disagreements with parents.

Should a parent concern elevate to the level of a written complaint, due process filing, or other formal legal claim, the DOR and Provider(s) will work cooperatively to resolve the matter. If it becomes necessary to obtain legal counsel, the DOR's legal counsel will be utilized until such time as it is apparent that there is a conflict of interest. This may be determined by legal counsel; however, any of the involved Parties could make this determination. When both parties utilize their own legal counsel, each is responsible for the payment of their attorney's fees. The DOR will continue to be responsible for prospective offers of FAPE, compensatory services, payment of attorney's fees and/or other agreed to resolutions.

Within 10 working days of receipt of a written complaint, due process filing or other formal legal action, Provider and LEA will work together to provide a written synopsis including conclusions regarding strengths and weaknesses of the case. This will be submitted to legal counsel(s) and/or SELPA Administrator, depending on the circumstances of the case. Based on the preliminary case analysis, should the DOR assert that Provider(s) actions have impacted provision of FAPE in a material way, this assertion should be provided in writing to legal counsel(s), Provider(s) and/or to the SELPA Administrator. The Provider will have 10 working days in which to provide a written response to DOR, legal counsel(s), and/or to the SELPA

*Fiscal ratios are per certificated FTE unless otherwise

Administrator. Actions which may materially impact FAPE may include but are not limited to failure to do any of the following: develop assessment plans in all areas of suspected disability, conduct appropriate assessments, adhere to legal timelines and notice procedures, hold timely IEP meetings with appropriate participants, implement IEPs as written, and provide related services as identified in the IEP. Upon determination of findings of liability by a hearing officer for the outcome of any hearing complaint, due process, or other formal legal action, the Parties agree to share liability proportional to the responsibility identified in the written outcome. In the absence of written findings of responsibility by the hearing officer, the Parties will assume responsibility proportional to one of the following, in this order of availability:

1. The agreement of the respective Superintendents.
2. the agreement of legal counsel(s) for the Parties.
3. the SELPA Administrator's written determination.
4. review by an independent mediator recommended by the SELPA Administrator and agreed to by both parties.

Share of liability will be limited to costs for compensatory education and services, parent's attorney's fees and funds or reimbursement awarded specifically to remedy the denial of FAPE.

Local Policy 44: FISCAL POOLS

The Local Education Agencies in the Sutter County SELPA support the development, implementation and access to specific Fiscal Pools. Each of the Fiscal Pools will have a specific funding level and may be replenished using LEA Positive Ending Balances, Program Ending Balances or other funding sources; such replenishment to be voted upon by the Superintendents. Funds remaining in a given pool after funding approved requests will carry over into the next school year.

FISCAL POOLS

The Sutter County SELPA has fiscal pools that include a due, a Non Public School Pool, a Facilities Pool, a Mental Health Extraordinary Cost Pool and a Mental Health Reserve Stabilization Pool.

NONPUBLIC SCHOOL POOL

The SELPA Superintendents' Coordinating Council (SCC) established a Nonpublic School (NPS) Pool of funds for reimbursing LEAs who have a Non Public School placement(s) to help offset costs of that placement. A LEA may be reimbursed for up to 100% of the educational placement cost up to the limit of the funds in the NPS Pool in a fiscal year. The funds are distributed after SCC approval and a year in arrears.

NPS Placements

Funding from the NPS Pool for new or continuing placements is approved year-to-year by the SCC and is dependent on availability of funds. No later than April, the SELPA Administrator will send a notification to each LEA to submit a request to access the NPS Pool along with the NPS- Residential Placement Review Form (exhibit 91.1). The SELPA Administrator will review the submitted student documentation and provide a written recommendation and reimbursement request for approval to Operations Council and to Superintendents Coordinating Council by May of each year. At the end of each fiscal year in which a LEA has an eligible NPS placement, the LEA must submit net NPS expenditures by August 15 for the prior fiscal year after revenue sources are deducted (revenue limit and unrestricted lottery-4th quarter estimate). Up to 100% of NPS expenses will be reimbursed to the LEA up to the limit of the funds available in the NPS Pool in a fiscal year based on the recommendation of the Superintendents' Coordinating Council.

A LEA will reapply annually through the NPS review process to be eligible to access NPS Pool funds for continuing placements. There is no cap on the number of NPS placements that a LEA may request funding for from the NPS Pool.

Funding Level for NPS Pool

The target funding level for the NPS Pool is \$250,000.

- Any unused funds will remain in the NPS Pool after the close of the fiscal year.

*Fiscal ratios are per certificated FTE unless otherwise

- The Superintendents’ Coordinating Council will determine the proportion of any LEA positive ending balances that will be placed in the NPS Pool at the close of the fiscal year.
- If additional funds are needed to reach the NPS Pool target funding level of \$200,000, the funds will be taken “off the top” of the AB 602 funding base.

Annual Distribution of NPS Pool Funds

Up to 100% of NPS expenses will be reimbursed to the LEA up to the limit of the funds available in the NPS Pool in a fiscal year with the approval of the Superintendents’ Coordinating Council. Funds will be dispersed after the close of the fiscal year.

If approved expenses exceed the funds available in the NPS Pool, reimbursements will be made on a proportional basis. The NPS Pool funds available will be divided by the total expenses (100% per NPS placement) to calculate a percentage of expenses that will be reimbursed.

Example:

NPS Pool Funds Available: \$30,000

Eligible Expenses	Proportional Reimbursement (represents 86% of costs)
20,000	17,200
10,000	8,600
<u>5,000</u>	<u>4,200</u>
35,000	30,000

FACILITIES POOL

The Facilities Pool, target funding level \$50,000, is for the purpose of supporting costs associated with deferred maintenance and repair of dedicated SELPA Facilities. See LP/ LAR 92.

Methods for Replenishing the Due Process, Nonpublic School, and Facilities Pools

- Use a per A.D.A. assessment. This could be a deduction similar to the NPS deduction.

MENTAL HEALTH POOLS

These pools are funded with restricted mental health funds prior to utilizing the funds for payment of other mental health program costs.

Mental Health Extraordinary Cost Pool (MHEC)

The MHEC risk pool contains \$200,000 and is replenished as needed at the end of each fiscal year using available mental health funding. This pool reimburses LEAs for extraordinary costs in the provision of Mental Health (MH) services for eligible students attending Non Public Schools. These mental health costs may include the residential placement when

*Fiscal ratios are per certificated FTE unless otherwise identified on the IEP. If approved expenses exceed the funds available in the MHEC risk pool, reimbursements of costs will be made on a proportional basis. The available MHEC

pool funds will be divided by the total expenses to calculate a percentage of expenses that will be reimbursed (see above examples). Requests for reimbursement by this pool should be incorporated into the request for NPS reimbursement by identifying the Residential Placement and MH services costs on the reimbursement request and on the NPS-Residential Placement Review Form (exhibit 91.1). The SELPA Administrator will review the student documentation and provide a written recommendation and reimbursement request for approval to Operations Council and Superintendents Coordinating Council by May of each year.

Mental Health Reserve Stabilization Pool

This pool contains \$200,000 and was created to stabilize mental health revenues versus expenditures and to offset potentially unforeseeable mental health costs. Should costs relate to mental health services exceed funding, the SCC would consider approving the use of funds from this pool to address the shortfall. They would also determine whether or not to replenish the pool.

Local Plan 45: FACILITIES

The intent of the Sutter County SELPA facilities policy is to ensure that SELPA Programs are strategically located to maximize opportunities for special education students to be educated in the Least Restrictive Environment (LRE) on regular education sites. Local Education Agencies (LEAs) within the Sutter County SELPA recognize that students who are placed in SELPA Programs require access to those educational programs, nonacademic programs, and services available to non-disabled students. Facilities for SELPA Programs are located such that, to the maximum extent appropriate, children with disabilities are educated with children who are of similar ages and are not disabled. This includes a commitment to inclusion in a variety of settings (e.g., recess, lunch, electives, academic subjects, and other school activities as determined by the IEP team), and for a variety of purposes (e.g., socialization, preparation for transition to less restrictive placement). Shortages of space, and/or location of schools across our rural county make it difficult to identify appropriate facilities for our special education students; however, our LEAs are committed to working together to create timely facilities solutions.

FACILITIES

GUIDING PRINCIPLES

While taking the above policy into consideration, Sutter County SELPA Facilities will address the following:

- a. Compliance with Section 504 of Public Law 93-112 and the Individuals with Disabilities Education Act, 34 CFR Parts 300 and 303;
- b. Special education student's ability to participate with age appropriate peers;
- c. Opportunities for special education students to form relationships that can continue after school hours;
- d. Opportunities for special education students to have inclusion/mainstreaming opportunities including access to educational programs, nonacademic programs, and services available to non-disabled peers;
- e. Opportunities for parents of special education students to become an integral part of a neighborhood school community and participate in school and community activities;
- f. Placement of multiple strands of class types on the same site when possible to maximize continuity and facilitate ongoing relationships among peers and families;
- g. Minimize change in school sites for students to the extent possible;
- h. Facilitate provision of space for ancillary related services needed to support students (e.g., copy machine, meeting rooms, staff rooms);
- i. Minimize the amount of time special education students spend in travel;
- j. Minimize the special education transportation costs; and
- k. Reduce the expense of moving and remodeling classes.

*Fiscal ratios are per certificated FTE unless otherwise

DEFINITIONS

SELPA Facility refers to buildings or classrooms used to house SELPA Programs. These may include facilities under three year agreements as well as those purchased or constructed by SCSOS on behalf of SELPA Member LEAs and paid for either through State Facilities Funds, or member LEA contributions. On behalf of SELPA member LEAs, SCSOS has acted as the lead agency.

SELPA Program refers to both centralized SDC programs and regionalized services available to SELPA students of member LEAs.

SELPA Members refers to LEAs belonging to the Sutter County SELPA who gather together to support students with special needs through policy decisions, governance and collective funding.

SE Student refers to students with disabilities placed by their IEP in a centralized Special Day Class and/or receiving regionalized SELPA services.

Building Owner refers to the LEA, or group of LEAs, that owns the actual building not including the land on which it is placed.

Host District/LEA refers to the school site on which the SELPA Facility is located.

Program Provider refers to the LEA providing the programs hosted on specific school sites on behalf of children with disabilities attending centralized special day classes and/or receiving regionalized services.

Occupying LEA refers to any LEA occupying a SELPA Facility, other than a SELPA Program Provider.

Facilities Pool refers to collective funds made available through individual SELPA member contributions in order to fund specialized SELPA Facility projects.

Routine Maintenance refers to small scale activities generally associated with regular and general upkeep of a building or a classroom. These types of activities are expected to be maintained by the host district and costs are covered under the Facilities Reimbursement portion of this policy.

Deferred Maintenance refers to capital improvement to a building or classroom required as a result of age and/or wear such as HVAC systems, carpet, roofing, and scheduled painting or resurfacing. Costs of these types of activities are anticipated to be paid for by the Facilities Reimbursement portion of this policy.

ROLE OF SUTTER COUNTY SUPERINTENDENT OF SCHOOLS (SCSOS)

SELPA Members are responsible for providing SELPA Facilities to house SE Students attending SELPA Programs. Due to facilities space shortages, their obligation has been historically fulfilled in a variety of ways as follows:

1. Host Districts/LEAs provide SELPA Facilities using the three year facilities agreement described below.
2. SELPA Members, through SCSOS as Building Owner and lead agency, contribute to purchase a portable for placement on a designated school site. Expenses specific to the purchase of the SELPA Facility, and the related site improvements are funded by the Facilities Pool, as are the ongoing costs of repairs and deferred maintenance.
3. On behalf of SELPA Members, SCSOS has obtained various state funding to build one or more SELPA Facilities and acts as the Building Owner, completing ongoing repairs and deferred maintenance. These costs are funded via the Facilities Pool.
4. For programmatic or site specific reasons, SELPA Facilities, as described in two and three above, may not always be occupied by SE Students. The Host District/LEA may request to utilize one or more SELPA Facilities for their use by completing a three-year Facility Agreement. During the time that these classrooms are occupied by general education classes, the cost of general maintenance and repairs (such as custodial duties, gutter cleanout, washing sides of buildings, and routine interior painting) will be completed and paid for by the Occupying LEA on the same schedule as the site. Major repairs and deferred maintenance remains the responsibility of the Building Owner, funded through the Facilities Pool.

MULTI-YEAR PLANNING

By **October 1** of each school year, the Program Provider will provide an analysis of enrollment trends (see exhibit 92.1) and recommendations for increases or decreases in facilities space for each program to Operations Council. This analysis will include student counts for the prior three years by program and grade. Based on the projection of the movement of students from year to year within the program and the overall increase in placements annually, enrollment projections will be made for the next three school years along with data based classroom space recommendations. The program provider will provide a written update to the appropriate committees by **February 1 and April 1**.

Each participating LEA will provide updated LEA Enrollment Projections (see exhibit 92.2) by **October 1** to SELPA for review by related committees. As part of this projection, SELPA Members will identify potential classroom site(s) within their LEA appropriate to house SELPA Programs. If a classroom within the district is unavailable, the LEA will identify possible location(s) for a portable and/or potential classroom build including the necessary supports.

During the November meeting of the Operations Council, the projected three-year enrollment trends, recommended need for classrooms, district facility data (see exhibit 92.3), and three-year average of placements by districts (see exhibit 92.4) will be reviewed. The Operations Council will then prioritize potential classroom sites. In making these recommendations, they will consider the following priorities:

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- Foundation schools (i.e. K-8 schools) that have a nearby high school hosting a centralized program
- High schools that have a nearby foundation school hosting a centralized program
- K-8 sites that can host a sequence of programs of a certain type (e.g., MH, NC, ED)
- Distance from central Sutter County and transportation impact
- The existence of a group of students within one of our four geographic areas as follows:
 1. Yuba City
 2. Live Oak
 3. Brittan, Franklin, Meridian, Nuestro, Winship-Robbins, Sutter High
 4. Browns, Marcum Illinois, Pleasant Grove, East Nicolaus
- Staff and other supports available for the centralized program
- An LEA's three-year average of placements in centralized programs

During the **February** Operations Council meeting, updated facilities recommendations will be developed for review by related committees.

Should the above process fail to result in identification of the SELPA Facilities necessary to support the students served by centralized programs, a panel will be appointed by SCC. The panel will consider representation by Superintendents and others knowledgeable in the area of facilities. Should this panel fail to identify a facilities solution, SCC will consider identifying a facilities consultant to study the problem and provide recommendations.

THREE-YEAR FACILITY AGREEMENT

Districts/LEAs hosting (Host District/LEA) SELPA Programs agree to house the program for a minimum of three years unless an alternative agreement is approved by SCC. Facility agreements (see exhibit 92.5) will start on August 1 and end on July 30 to accommodate Extended School Year sessions. The Program Provider will be responsible for maintaining and updating agreements.

The Building Owner, Host District, and the Program Provider or Occupying LEA (as appropriate) may mutually agree to extend the facility agreement for up to three years. Extensions, or notice of termination of the agreement, are to be submitted to the Program Provider, the Building Owner, the Host Site and the SELPA prior to March 1 of the third year of the agreement.

If at the end of a three-year agreement, a Host site does not elect to renew the agreement for a SELPA Facility, the Program Provider is responsible for the move to a new location. The Facilities Pool is responsible for the cost.

EARLY TERMINATION

If during the three-year facility agreement:

1. Should the Program Provider's need for space change (e.g., reduction of program, expansion of program or program needs change (e.g., shift of age of students, need for new or fewer classes at a certain level), the Program Provider is responsible for moving the class to the new location. The Facilities Pool is responsible for the cost.
2. If the Host District/LEA initiates relocation, the Host District will be responsible for moving the class and will be responsible for all costs of relocation, including utilities, site

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preparation or modification, installation of a facility (i.e., a portable) and required hookups. SELPA membership would work together to identify a new location for the SELPA program. The Host District/LEA may request reimbursement through the Facilities Pool. Should unanticipated emergency circumstances arise, any Host District/LEA may call for a meeting to discuss the need for relocation.

RELOCATION PROCESS

The process to relocate a program is as follows:

1. The Host Site or Program Provider submits a written letter of intent by March 1 of the current year to the SELPA.
2. The Host Site or Program Provider completes and submits a cost estimate by April 1st for consideration by the appropriate governance committees, and action by SCC.
3. The SCC approves or denies the relocation request at the April or May meeting.
4. If approved by SCC, the Host Site or Program Provider submits a signed Facility agreement by June 1 of the prior school year.

Note: The above timeline can be modified by approval of SCC.

MAINTENANCE AND OPERATIONS/BUILDING OWNER RESPONSIBILITIES

When a SELPA Facility is occupied by SELPA Programs, the Facilities Pool will be responsible for the costs. Responsibilities are as follows:

1. Modernization, upgrades and restructuring related to anything that is part of the permanent structure, including anything attached to the structure (e.g., bathrooms, lights, windows, heating/AC, window blinds, doors, carpet, plumbing, sinks, electrical, cabinetry). These shall be completed on the same schedule as district-occupied classrooms.
2. Coordinating with the Program Provider to prepare the SELPA Facility for occupancy by SELPA Programs.

MAINTENANCE AND OPERATIONS/OCCUPYING LEA RESPONSIBILITIES

The Occupying LEA is responsible for the following:

1. General maintenance and repairs such as custodial duties, gutter cleanout, washing sides of buildings and routine interior painting.
2. When mutually agreeable for a SELPA Program to re-occupy a class, the Occupying LEA is responsible for restoring the classroom to a mutually agreeable condition for its original purpose including necessary painting, carpeting, replacement of removed structures and/or fixtures at the cost of the Occupying LEA.

MAINTENANCE AND OPERATIONS/HOST DISTRICT/LEA RESPONSIBILITIES

The Host District/LEA is responsible for the following:

1. Ongoing maintenance of the classroom such as custodial duties, gutter cleanout, washing the sides of the building, and routine interior painting.
2. Providing custodial services and supplies on district-owned sites during the regular and extended year in the same proportion as provided to regular education classes.
3. Facilities must be ready for occupancy at least the week prior to the first day of school. This policy does not prohibit Host Districts from notifying the SELPA when exigent circumstances will not allow the district to meet the timeline, or to request an extension to the timeline.
4. Any custodial services required outside of Host District/LEA routine services shall be the responsibility of the Program Provider based on prior mutual agreement with the

*Fiscal ratios are per certificated FTE unless otherwise

Host District/LEA.

MAINTENANCE AND OPERATIONS/PROGRAM PROVIDER RESPONSIBILITIES

1. The Program Provider shall be responsible for any maintenance and support on provider-owned furniture, computers or other items that are moved into the classroom.
2. The Program Provider is responsible for required remodeling and restoration of facilities upon occupying or vacating occupied classrooms. (e.g., ramps, handrails, bathroom facilities). The Facilities Pool will be responsible for the costs. Remodeling and restoration shall be done only in consultation and collaboration with the Program Provider, Building Owner, Occupying LEA and Host District/LEA pursuant to the 3-year facility agreement.
3. Maintenance/ custodial outside of routine maintenance/ custodial services, or that specified above, shall be agreed upon by the Program Provider/ Occupying LEA, Building Owner, and Host District/LEA prior to completion of the work.
4. The Program Provider will comply with the Host Site's energy management protocol. Considerations will be made for Program Provider individualized student needs, for example, the need for a refrigerator to maintain student medications at a certain temperature.
5. Program Provider and Host District/LEA will communicate regarding calendars and other specialized classroom needs related to students in their classrooms.

OTHER COSTS

When SELPA Facilities purchased on behalf of SELPA LEA's are no longer in service or need to be surplus and/or demolished, the Facilities Pool will be responsible for the costs.

FACILITIES REIMBURSEMENT

Host Districts/LEAs providing space for SELPA Programs will be reimbursed an average sum for actual square footage of classroom space, support services and administration. This fee addresses all or part of the cost to the Host District for routine upkeep and maintenance including custodial services, supplies, cleaning, and repairs. An annual survey will be conducted for Facilities Maintenance per square footage cost using prior year data. An inventory of all classrooms and facilities utilized by regional programs and their square footage will be compiled annually. Districts/LEAs will confirm their survey square footage. The cost for SELPA Facilities space is charged out to districts based on the December 1 count of students attending centralized SELPA Programs within each of the silos.

FACILITIES POOL

A Facilities Pool, with target funding of \$50,000, is available to support funding of specialized SELPA Facilities projects. This pool is specific to extraordinary building, deferred maintenance and/or modernization projects for SELPA Facilities purchased or built specifically for the purpose of housing SELPA Programs. Additionally, approved costs for specialized construction projects needed for the operation of the SELPA Program, or preparation for occupancy, shall also be paid for through the Facilities Pool. All SELPA Members pay into the Facilities Pool based on their total ADA. The Facilities Pool is increased to support necessary projects by a vote of Superintendent's Coordinating Council (SCC). Methods for replenishing or adding to the pool are also determined by SCC and could include the use of LEA Positive Ending Fund Balances, Program-Ending Balances, or LEA contributions based on ADA as determined by SCC vote.

WAIVER PROCESS

A SELPA Member may request waiver of any Facilities Procedure or Policy by submitting a written request to the SCC. The request will outline the specific portions of the policy or procedure to be waived, the reason(s) for the request and suggested options for meeting the requirements of the plan. The SELPA Administrator will meet with the District Superintendent/ Designee to review the request prior to submission to the Operations Council and the SCC to assess the options and make recommendations to the party requesting the waiver.

DISPUTE RESOLUTION

Disputes will be resolved according to the procedures outlined in the Local Plan.

Facility
Agreement

Facility
Exhibit 92.5

This facility agreement pertains to SELPA Facilities built for the purpose of housing SCSOS centralized program students or staff. The agreement is made between:

_____ (Building Owner)

_____ (Occupying LEA) and

_____ (Host District/LEA)

_____ (Program Provider)

This agreement is for _____ year(s) starting on
August 1, 20____ and ending July 30, 20____. For the classroom

space located at:

(Address, city, state and zip code)

Room #/ Plate #: _____

Attach campus map identifying the exact location of the classroom space.

All parties to this agreement will adhere to the Sutter County SELPA Local Plan Facilities Policy and agree to do the following:

Building Owner Responsibilities:

1. Modernization, upgrades and restructuring related to anything that is part of the permanent structure, including anything attached to the structure (e.g. bathrooms, lights, windows, heating/AC, window blinds, doors, carpet, plumbing, sinks, electrical, cabinetry, etc.). These shall be completed on the same schedule as district-occupied classrooms.
2. The Building Owner is responsible for coordinating with the Program Provider to prepare the SELPA Facility for occupancy by SELPA Programs.

Occupying LEA Responsibilities (when applicable):

1. ~~Preparing the classroom for occupancy by the SELPA Programs.~~
2. General maintenance and repairs such as custodial duties, gutter cleanout, washing sides of buildings, and routine interior painting.

3. Restoring the classroom to a mutually agreeable condition for its original purpose including necessary painting, carpeting, replacement of removed structures and/or fixtures at the cost of the Occupying LEA.

Host District/ LEA Responsibilities:

1. Ongoing maintenance of the classroom such as custodial duties, gutter cleanout, washing the sides of the building and routine interior painting.

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2. Providing custodial services and supplies on district-owned sites during the regular and extended year in the same proportion as provided to regular education classes.
3. Facilities must be ready for occupancy at least the week prior to the first day of school. This policy does not prohibit notification of the SELPA when exigent circumstances will not allow the district to meet the timeline, or to request an extension to the timeline.
4. Any custodial services required outside of the Host District/LEA routine services shall be the responsibility of the Program Provider based on prior mutual agreement with the Host District/LEA.
5. The host district will receive reimbursement as outlined in the SELPA Local Plan Facilities Policy.

Program Provider Responsibilities:

1. Maintenance and support on provider-owned furniture, computers or other items that are moved into the classroom.
2. Required remodeling and restoration of facilities upon occupying or vacating classrooms (e.g. ramps, handrails, bathroom facilities). Remodeling and restoration shall be done only in consultation and collaboration with the Program Provider, Building Owner, Occupying LEA and Host District/LEA.
3. Maintenance/ custodial outside of routine maintenance/custodial services, or that specified above, shall be agreed upon by the Program Provider/Occupying LEA, Building Owner and Host District/LEA prior to completion of the work.
4. Compliance with Host District/LEA energy management protocol with consideration for individualized student needs, for example, the need for a refrigerator to maintain student medications at a certain temperature.
5. Program Provider and Host District/LEA will communicate regarding calendars and other specialized classroom needs related to students in their classrooms.

Note: The SELPA Facilities Local Plan Policy outlines SELPA Facilities project funding and cost reimbursement.

(Building Owner)	(Date)
(Occupying LEA)	(Date)
(Host District)	(Date)
(Program Provider)	(Date)

*Fiscal ratios are per certificated FTE unless otherwise

Definitions

- A. Free appropriate public education (FAPE) under Section 504 of the Rehabilitation Act of 1973 means the provision of either regular or special education and related aids and services, designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)
- B. Eligible to receive FAPE under Section 504 means a student has a physical or mental impairment which substantially limits one or more major life activities. Physical or mental impairment means any of the following: (34 CFR 104.3)
 - 1. Any physical disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, respiratory, cardiovascular, reproductive, digestive, bowel, genital-urinary, lymphatic, skin, endocrine, immune system, normal cell growth, bladder, and reproductive functions.
 - 2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- C. Major life activities mean functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, sitting, standing, reaching, thinking, concentrating, reading, communicating, interacting with others, learning, working, eating, sleeping, lifting and bending.

Referral, Identification, and Evaluation

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

Upon receipt of referral for eligibility, the principal or 504 Coordinator shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on review of the student's school records, including academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs. If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as described in the "Procedural Safeguards" section below.

If it is determined that a student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to initial placement and before any significant change in placement. (34 CFR 104.35) Prior to conducting an initial evaluation of student eligibility under Section 504, the district shall obtain written parent/guardian consent. The district's evaluation procedures shall ensure that tests and other evaluation materials: (34 CFR 104.35)

1. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publisher.
2. Are tailored to assess specific areas of education need and are not based solely on a single IQ score.
3. Reflect aptitude or achievement or whatever else the test purports to measure and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits.

Whether a physical or mental impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures like medication, equipment, assistive technology, prosthetics, hearing aids, interpreters, reasonable accommodations, learned behavior or adaptive motivations except glasses or contact lenses. If impairment would constitute a disability when active, it is still a disability if in remission or dormant. A student deemed disabled may not be in need of accommodations but may still be "protected" under the law as determined by the Multi-Disciplinary Team.

Section 504 Services Plan and Placement

A Multi-Disciplinary 504 Team shall be convened to review the evaluation data in order to make placement decisions. The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35) In interpreting the evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical conditions, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34 (34 CFR 104.35). If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular services or special education services, accommodations and supplementary aids and services necessary to ensure that the student received FAPE. The parents/guardians shall be invited to participate in the meeting and shall be given opportunity to examine all

relevant records.

If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis of the decision that no special services are presently needed. The student's parents/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

The student shall be placed in the regular education environment, unless the district can demonstrate that the education of the student in the regular environment with the use of all supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

The district shall complete the identification, evaluation, and placement process within a reasonable time frame. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements. If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student enrollment in the new school.

Review and Reevaluation

The 504 team shall monitor the progress of the student and the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. The team shall review the student's plan annually. In addition, the student's eligibility under Section 504 shall be reevaluated at least once every three years. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

Procedural Safeguards

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

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

If a parent/guardian disagrees with the decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing in accordance with the following procedures:

1. Within 30 days after receipt of the district's decision with which the parent/guardian disagrees, the parent/guardian may request an administrative review of the decision. The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue. This review shall be held within 14 days of receiving the parent/guardian's request.
2. If the parent/guardian chooses not to request an administrative review or if the review does not resolve the issue, the parent/guardian may request in writing a Section 504 due process hearing. The parent/guardian's request for a hearing shall be made within 30 days of receiving the district's decision or within 14 days of completing the administrative review. The request shall include:
 - a. The specific nature of the decision with which the parent/guardian disagrees.
 - b. The specific relief the parent/guardian seeks.
 - c. Any other information the parent/guardian believes pertinent.
3. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties. The 504 Coordinator shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartially, such officers shall not be employed by or under contract with the district in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartially or objectivity in the matter.
4. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties. Any party to the hearing shall be afforded the right to:

- a. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504.
- b. Present oral or written evidence.
- c. Question and cross-examine witnesses.
- d. Receive written findings by the hearing officer. If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notification

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

California High School Exit Examination Change to California *Education Code* for Student with Disabilities

On January 28, 2009 Governor Arnold Schwarzenegger signed assembly Bill 2 of the 2009-10 Fourth Extraordinary Session (ABXS 2) (Chapter 2, Statutes of 2009). ABX4 2 enacted California Education Code Section 60852.3, which, beginning in 2009-10, would exempt an eligible student from meeting the California High School Exit Examination (CAHSEE) requirement as a condition of graduation.

An eligible student is defined by law as a student with a disability who has an individualized education program (IEP) or Section 504 Plan that indicated that the students has satisfied all other state and local requirements to receive a high school diploma on or after July 1, 2009. Students with disabilities are required to take the CAHSEE in grade ten for the purpose of fulfilling the requirement of the federal Every Student Succeeds Act.

This exemption shall last until the State Board of Education either implements an alternative means for students with disabilities to demonstrate achievement in the standards measured by the CHASEE or determines that an alternative means assessment to the CAHSEE is not feasible.

