Elk Grove Unified School District
Special Education Local Plan Area
(SELPAs)

Local Plan for Special Education

July 19, 2012

Special Education Local Plan Areas (SELPAs) are made up of Local Education Agencies (LEAs) for the purposes of Special Education. Each SELPA develops a Local Plan describing how it will provide Special Education Services and how all Federal and State funds directed for Special Education Services will be delivered. EGUSD is a single district SELPA and is governed by a Local Plan adopted by the Board of Education on June 2, 2003. This plan was further updated on June 21, 2007 as part of the SELPA assurances as required by law. No further updates are required unless substantive changes to the Local Plan are needed.
Elk Grove Unified School District
Special Education Local Plan Area
(SELPA)

Local Plan

June 2003
In accordance with Federal and State laws and regulations, Elk Grove Unified SELPA Local Education Agency (LEA) ensures that policies and procedures covered by this assurance statement are on file at the Local Education Agency and/or SELPA office.

Be it further resolved that the superintendent shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Adopted this sixteenth day of June 2003.

Yeas: 7  Nays: 0

Signed:   , President, Board of Education

Signed:   , Superintendent, Board of Education
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

1. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that a free appropriate public education is available to all children residing in the SELPA between the ages of three and 21 inclusive, including children with disabilities who have been suspended or expelled from school. Appropriate education is that combination of educational and related service(s) as determined on an individual basis that meets the unique needs of each individual in order to benefit from their access to educational opportunities.

SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

2. FULL EDUCATIONAL OPPORTUNITY

Elk Grove Unified SELPA Local Education Agency (LEA) is responsible for assuring that pupils have full educational opportunities. The LEA has available to all of its’ children with disabilities the variety of educational programs and services available to non disabled children including nonacademic and extra-curricular services and activities that afford children with disabilities an educational opportunity for participation.
3. CHILD FIND

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that ongoing efforts will be made to identify, locate and evaluate children from birth through 21 years of age inclusive, who reside within the LEA and have a confirmed or suspected disability in accordance with applicable State and Federal laws and regulations.

4. INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

The Elk Grove Unified SELPA Local Education Agency (LEA) assures that an Individualized Educational Program (IEP) or an Individualized Family Service Plan (IFSP) that meets the requirements in State and Federal law is developed, reviewed, and revised for each child with a disability who requires special education and related services in order to benefit from their educational program.
5. LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (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 regular 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 supplemental aids and services cannot be achieved satisfactorily.

6. PROCEDURAL SAFEGUARDS

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that the child with a disability and his/her parent/guardian shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free appropriate public education to the child.
SPECIAL EDUCATION LOCAL PLAN AREA SELPA ASSURANCE STATEMENT

7. ANNUAL / TRIENNIAL EVALUATION

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that a review will be conducted on at least an annual basis to review the child’s progress. This review shall include, but is not limited to, the achievement of annual goals, the appropriateness of placement, and/or to make any necessary revisions.

The LEA shall conduct a reassessment of each child with a disability at least once every three years, or more frequently, if conditions warrant a reassessment or if the child’s parents or teacher requests a reassessment and a new Individualized Education Plan (IEP) to be developed.

The LEA shall ensure that children are assessed in their native language or other mode of communication; tests are used for their validated purposes; children are evaluated in all areas related to their suspected disability; testing is conducted by a multidisciplinary team; testing materials and procedures are not racially or culturally biased; tests are administered by trained personnel qualified in accordance with all federal regulations and state standards; tests are administered in conformance with the instructions provided by the producer; and that medical evaluation, when required as part of the evaluation, shall be provided, at no cost to the parent, by a licensed physician assigned by the superintendent or his/her designee, when other no cost resources are not available.

SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

8. CONFIDENTIALITY

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that the
confidentiality of personally identifiable data information as records maintained by the LEA relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction. This LEA follows all federal regulations and state standards related to the confidentiality of data.

SPECIAL EDUCATION LOCAL PLAN AREA SELPA ASSURANCE STATEMENT

9. PART C. TRANSITION

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that children participating in Early Intervention Programs (IDEA, Part C) and who will participate in pre school programs (IDEA Part B) experience a smooth and effective transition between these programs.

SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

10. PRIVATE SCHOOLS

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) to assure that children with disabilities voluntarily enrolled by their parents in private school shall receive special education and related services in accordance with local procedures. The required proportion of federal funds received will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

11. COMPLIANCE ASSURANCES

It shall be the policy of Elk Grove Unified SELPA Local Education Area (LEA) that the local plan be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and 2) that the agency herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

SPECIAL EDUCATION LOCAL PLAN ARE ASSURANCE STATEMENT

12-13 GOVERNANCE

It shall be the policy of Elk Grove Unified SELPA to support and comply with the provisions of the governance structure and any necessary administrative support to implement the plan.
SPECIAL EDUCATION LOCAL PLAN AREA (SELP A)
12-13 GOVERNANCE

56195. Each special educational local plan area, as defined in subdivision 9d) of Section 56195.1, shall administer local plans submitted pursuant to Chapter 3 (commencing with Section 56200) and shall administer the allocation of funds pursuant to Chapter 7.2 (commencing with Section 56836).

56195.1 The governing board of a district shall elect to do one of the following: (a) If of sufficient size and scope, under standards adopted by the board, submit to the superintendent a local plan for the education of all individuals with exceptional needs residing in the district in accordance with Chapter 3 (commencing with Section 56200).

(12)(A) A description of the governance and administration of the plan, including identification of the governing body of a multi-district plan or the individual responsible for administration in a single district plan, and of the elected officials to whom the governing body or individual is responsible.

GOVERNING BODY.
The governing body of Elk Grove Unified School District (EGUSD) is the School Board of EGUSD.

RESPONSIBILITIES OF LOCAL EGUSD BOARD MEMBERS. The Elk Grove Unified SELPA Board of Education shall:

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

2. By approving the Local Plan, enter into an agreement with other agencies participating in the plan, for purpose of delivery of services and programs.

3. Review and approve revisions of the EGUSD SELPA Local Plan for Special Education.

4. Participate in the governance of the EGUSD SELPA through its designated representative, the EGUSD SELPA Administrator. The EGUSD SELPA Administrator has the authority to act as the board designee to approve and amend policies as necessary.

GOVERNANCE, STRUCTURE AND ADMINISTRATIVE SUPPORT.
EGUSD, pursuant to Section 56195 of the California Education Code has the responsibility to adopt a plan in accordance with California Education Code 56200 to assure access to special
education and services for all eligible individuals with disabilities residing in the geographic area served by EGUSD Special Education Local Plan Area (EGUSD SELPA).

RESPONSIBILITY OF PARTICIPATING AGENCIES.

Participating agencies may enter into additional contractual arrangements with EGUSD to meet the requirements of applicable federal and state law. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students, including students attending charter schools where EGUSD SELPA has granted that charter. In addition, each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in EGUSD programs. Such cooperation ensures that a range of program options is available throughout the EGUSD Special Education Local Plan Area (see Service Plan).

IMPLEMENTATION OF ADMINISTRATIVE FUNCTIONS.

EGUSD is designated as the Administrative Unit (AU) for the EGUSD SELPA. It shall be responsible for functions such as, but not limited to:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.
3. The employment of staff to support SELPA functions.

The EGUSD Special Education Department, under the direction of the SELPA Administrator, is designated as the entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations.

SELPA STAFFING.

The EGUSD Board of Education assures that the SELPA shall identify the need for and designate positions necessary for the operation of the SELPA functions according to this policy. In reviewing and approving the SELPA Budget Plan and Service Delivery Plan on an annual basis, the EGUSD School Board approves the staffing recommendations of the SELPA. The SELPA Administrator, in conjunction with the EGUSD Personnel Department. Shall use a selection process that includes representation from Administration, the Bargaining Unit, the Special Education AU and the Community Advisory Committee. The SELPA Administrator or his/her designee shall conduct the final interview. The candidate selected in the final interview shall be recommended to the School Board for consideration and approval.

The EGUSD Special Education Department may be requested by the Superintendent, Associate Superintendent of Education Services, Assistant Superintendent of Student Services, or other EGUSD Cabinet members or administrators to provide advice or assistance in other areas as needs are identified within the SELPA.
The duties of the EGUSD Special Education Department, under the direction of the SELPA Administrator include, but are not limited to, the following:

1. Provide information and recommendations for the development, modification and implementation of the Local Plan.

2. Develop and implement procedures for the identification, referral, assessment, IEP development and placement of individuals with disabilities as established by the Local Plan.

3. Develop forms, procedures and recommendations for programs and services for review, modification and approval by the EGUSD Superintendent or designee and School Board.

4. Develop an Annual Budget Plan for SELPA operations, including modification and Approval by the EGUSD Superintendent or designee and School Board.

5. Develop in-service/staff development programs, including parent education activities, for review, modification and approval by the EGUSD Superintendent or designee and School Board.

6. Provide recommendations for membership for the Community Advisory Committee.

7. Develop the Annual Service Plan for approval by the EGUSD Superintendent or designee and School Board.

RESPONSIBILITIES OF ELK GROVE UNIFIED LOCAL EDUCATION AGENCY ADMINISTRATORS

SUPERINTENDENT
The superintendent of the LEA shall be responsible for special education programs operated by the SELPA and for implementing all requirements of the Local Plan.

SELPA ADMINISTRATOR
The EGUSD SELPA Administrator, under the supervision of the EGUSD Assistant Superintendent of Student Services, is responsible for the coordination of special education services and programs within EGUSD and for the implementation of the Local Plan. The SELPA Administrator is subject to the Administrative Unit's (AU) policies and procedures for day-to-day operations. The Assistant Superintendent of Student Services and SELPA Administrator are given authority to implement policies and procedures.
The SELPA Administrator shall serve on behalf of the LEA and implement the Local Plan including the following services and operations:

1. Coordination of the SELPA and the administration of the Local Plan
2. Coordinated system of identification and assessment
3. Coordinated system of procedural safeguards.
4. Coordinated system of staff development and parent education
5. Coordinated system of curriculum development and alignment with the core curriculum
6. Coordinated system of internal program review, evaluation of the effectiveness of the local plan and implementation of a local plan accountability mechanism
7. Coordinated system of data collection and management
8. Coordination of interagency agreements
9. Coordination of services to medical facilities
10. Coordination of services to licensed children’s facilities and foster family homes
11. Preparation and transmission of required SELPA reports
12. Fiscal and logistical support of the Community Advisory Committee
13. Coordination of transportation services for students with disabilities
14. Coordination of career and vocational and transition services
15. Assurance of full educational opportunity
16. Fiscal administration and the allocation of state and federal funds
17. Direct program and instructional support provided by Director, Program Supervisors and Program Specialist

PROGRAM DIRECTOR/ SUPERVISORS/ SPECIALIST
The program director, supervisors and specialists are employed by the SELPA, and serve under the direction of the SELPA administrator.

The EGUSD Board of Education approves the employment of program supervisors and specialists following the procedure outlined above. Program Director, Supervisors and Specialists provide unique and necessary services to pupils in the EGUSD SELPA. Program Director, Supervisors and Specialists shall provide the following services:

1. Observe, consult with, and assist, in accordance with EGUSD procedures, special education teachers and support staff

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

3. Assist with EGUSD staff development, program development and innovation of special methods and approaches.

4. Provide coordination, consultation and program development in one or more specialized areas of expertise.
5. Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.
6. Assist in mediation, due process hearings and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.

7. Assist in developing training for parents and members of the Community Advisory Committee.

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

9. Assist as a liaison to various community agencies such as Department of Mental Health, Department of Health and Human Services, the Alta Regional Center, California Children’s Services, and the Probation Department.

**Regionalized Services 56205(a) (12) (B) 56195.7(c) (1-6)**

- Program Specialist services

- Personnel development for staff, parents, CAC, volunteers, and governing board as appropriate. Such staff development programs will be coordinated with other staff development programs in the SELPA

- Evaluation responsibilities for ongoing comprehensive evaluations of special education programs as per the evaluation plan and requirements of the California Department of Education-Special Education Division (E.C. 56600, Ed seq.).

- Data collection and implementation of required Management Information Systems.

- Curriculum development and support for special education programs and services in the SELPA.

- Ongoing review of special education programs and procedures in the SELPA, and mechanisms for correcting any identified problems. Such review and procedures will be in accordance with any state level procedures, but many include local interventions starting at the most direct level of intervention, e.g., district support to the classroom teacher who needs it, or training and instruction in the identified problem area.

Program Specialists' support services shall be available to all individuals with exceptional needs, their families, and district staff. A Program Specialist is a specialist possessing (or eligible for one of the following California credentials: Special Education, Clinical Services, Health Services, Education or a School Psychologist authorization and has advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in preschool disabilities, career vocational development or one or more areas of major disabling conditions. 56368(a)
DISTRIBUTION OF FEDERAL AND STATE FUNDS

All federal and state special education funds shall be allocated to the SELPA Administrative Unit for distribution according to an approved Special Education Funding Allocation Plan. The Elk Grove Unified SELPA AU shall make any changes to the allocation of federal and state special education funds.

A. Responsibilities for distribution of federal and state funds

The governing board of Elk Grove Unified School District (EGUSD) agrees that students with disabilities will be provided with appropriate special education services. The EGUSD SELPA shall be responsible for the distribution of the funds according to an approved Special Education Budget Plan. The SELPA Administrator is responsible to ensure that the funds are distributed in accordance with the Budget Plan.

The Annual Budget Plan shall be reviewed by the EGUSD Community Advisory Committee and approved by the EGUSD Board of Education.

B. Monitoring the use of special education funds

Funds allocated for special education programs shall be used for services to students with disabilities. Federal finds under Part B of IDEA may be used for the following activities:

C) For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP for the child, even if one or more non disabled children benefit from these services.

D) To develop and implement a fully integrated and coordinated services system.

The SELPA Administrator shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. Final determination and action regarding the appropriate use of special education funds shall be made through the Annual Budget Plan process.

C. Preparation of program and fiscal report

The SELPA Administrator, with the assistance of the Administrative Unit, shall be responsible to prepare all program and fiscal reports required of the SELPA by the state.

D. Amendments to the annual service and budget PLANS

The EGUSD Board of Education agrees to review and approve the SELPA-wide annual service and budget plans and any subsequent modifications.
COMMUNITY ADVISORY COMMITTEE

C) Verification that a community advisory committee has been established pursuant to Section 56190.

Elk Grove Unified SELPA has established a community advisory committee for special education (See Appendix G “Community Advisory Committee By-Laws”).

LOCAL PLAN DEVELOPMENT

The description of the governance and administration of the Local Plan and the policymaking process shall be consistent with subdivision (f) of Section 56001, subdivision (a) of Section 56195.3 and Section 56195.9, and shall reflect a schedule of regular consultations regarding policy and budget development with representatives of special education and regular education teachers and administrators selected by the groups they represent and parent members of the community advisory committee established pursuant to Article 7 (commencing with Section 56190) of Chapter 2.

The Local Plan shall be developed and updated cooperatively by a committee of representatives of special and general education teachers and administrators, and representatives of charter schools selected by the groups they represent and with participation by parent members of the community advisory committee, or parents selected by the community advisory committee to ensure adequate and effective participation and communication. (See Appendix F for documentation of the development of the Local Plan, including the required representation.) (See Appendix G for CAC Bylaws)

AMENDMENTS TO THE PERMANENT SECTIONS OF THE LOCAL PLAN
Changes or amendments to the permanent portion of the Local Plan may be considered during the annual service and budget plan process. Amendments approved in this manner shall become permanent upon subsequent approval by the EGUSD Board of Education and the State Board of Education.

PUBLIC PARTICIPATION
Members of the public, including parents or guardians of students with disabilities, may address questions or concerns to the EGUSD Board of Education.

PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS WITH DISABILITIES

56303. A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.
It is the intention of the SELPA to provide a full continuum of services to students with disabilities, including students in charter schools, throughout the geographic region of the SELPA. The referral, assessment and IEP process is utilized to identify the needs of each individual student with disabilities. Elk Grove Unified SELPA has committed to policies and procedures to assure that students will have their rights to appropriate services provided in the least restrictive environment.

The SELPA Administrator shall develop the Annual Service Plan for approval by the EGUSD Board of Directors and Superintendent and submitted to the Community Advisory Committee for review (See Annual Service Plan).

56205 (7)(c) A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each pupil's individualized education program are being met The description shall include a method for evaluating whether the pupil is making appropriate educational progress.

Elk Grove Unified SELPA has developed a Master Contract and Service Agreement for students placed in certified nonpublic, nonsectarian schools. When EGUSD contracts with a nonpublic, nonsectarian school, EGUSD shall evaluate the placement of its student(s) in such schools on at least an annual basis as part of the annual IEP review. The EGUSD representative shall review the master contract, the individual service 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 EGUSD 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 student progress. EGUSD may choose to administer additional assessments as necessary, with parent consent, to determine whether the student is making appropriate educational progress.

The IEP team will determine standards for meeting requirements for special education students placed in nonpublic schools who are unable to attain Elk Grove Unified SELPA’s graduation requirements. IEP determined standards, if needed, are specified on the student’s IEP.

CHARTER SCHOOLS

56207.5 A request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirement shall apply:
56207.5 (a) The special education local plan area shall comply with Section 56140.

56207.5 (b) The Charter school shall participate in state and federal funding for special education and the allocation plan developed pursuant to subdivision (f) of Section 56195.7 or Section 56836.05 in the same manner as other local educational agencies of the special education local plan area.

56207.5 (c) The Charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area.


SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

14. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

It shall be policy of Elk Grove Unified SELPA Local Education Agency (LEA) that the LEA support and assist the state’s efforts and activities to ensure an adequate supply of qualified special education, general education and related services personnel (Appendix C).

SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

15. PERSONNEL STANDARDS

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) to make an ongoing, good faith effort to recruit and hire appropriately and adequately trained personnel, as defined by state standards, to provide special education and related services to children with disabilities. Where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable coursework necessary to meet state standards, shall be assigned.
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

16. PERFORMANCE GOALS

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) to comply with the performance goals and indicators developed by the state and provide data as required by the state.

SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

17. PARTICIPATION IN ASSESSMENTS

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that students with disabilities shall participate in local and statewide testing programs or be provided an alternative assessment. The determination shall be made at the IEP team meeting.

SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) ASSURANCE STATEMENT

18. SUPPLEMENTATION OF STATE/FEDERAL FUNDS

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) to include this information in the Annual Budget Plan submitted annually to the State (See Budget Plan).
19. MAINTENANCE OF EFFORTS

It shall be policy of Elk Grove Unified SELPA Local Education Agency (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; will be used to supplement state, local and other Federal funds and not to supplant those funds; and will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

20. PUBLIC PARTICIPATION

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that prior to its adoption of policies and procedures, the LEA shall make the policies and procedures available to the general public, hold public hearings and provide an opportunity for comment by the general public.

21. SUSPENSION/EXPULSION

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) that data on suspension and expulsion rates will be provided in a manner prescribed by the State. (See Expulsion Guidelines).
SPECIAL EDUCATION LOCAL PLAN AREA (SELP A) 
ASSURANCE STATEMENT 

22. INFANTS AND TODDLERS WITH DISABILITIES 

It shall be the policy of Elk Grove Unified SELPA Local Education Agency (LEA) to submit Local Interagency Agreements to the State as part of the Annual Service Plan.

SPECIAL EDUCATION LOCAL PLAN AREA (SELP A) 

22. INFANTS AND TODDLERS WITH DISABILITIES (PART C)

RESPONSIBILITIES OF LEA AND REGIONAL CENTER
See Appendix E, Interagency Agreement between Elk Grove USD and the Alta Regional Center.

COORDINATION OF CHILD FIND
See Appendix E, Interagency Agreement, Section 4.0, Pages 3-5. COORDINATION OF REFERRALS

See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 9, Pages 8.

ASSIGNMENT OF SERVICE COORDINATOR
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 8.0, Page 7.

RESPONSIBILITIES FOR COMPLETING EVALUATIONS
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 4.31, page 4.

TIMELY EXCHANGE OF INFORMATION
See Appendix E, Interagency Agreement between the Alta Regional Center and EGIUSD, Section 4.31, page 4.
**AVAILABILITY OF CONTACTS**
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 4.5, Pages 5-6.

**INTERAGENCY IFSP DEVELOPMENT**
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 4.4, page 5.

**PROVISION OF SERVICES DURING SCHOOL VACATIONS**
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 4.5, Pages 5-6.

**TRANSITION PLANNING PROCEDURES**
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 4.6, Page 6.

**PROCEDURES FOR DISPUTE RESOLUTION**
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 7.0, page 7.

**PROCEDURES FOR SURROGATE PARENT ASSIGNMENT AND TRAINING**
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 5.0, Page 6.

**PROCEDURES FOR ACCEPTANCE OF TRANSFERS**
See Appendix E, Interagency Agreement between the Alta Regional Center and EGUSD, Section 4.32, Page 4.
Appendix A

Reading
SECTION VIII
The California Reading Initiative and Special Education in California

A. Special Education Participation in CRI.

Elk Grove Unified School District recognizes the importance of teaching all children to read and adheres to the tenets set forth in the California Reading Initiative: January Update 1999.

The California Reading Initiative (CRI) applies to all students and the research base includes all learners (e.g., students with a reading disability, dyslexia, or a learning disability on students who are gifted, English learners, low achieving, or receiving services under Title I of Improving America’s Schools Act). The CRI sets a clear and directed plan for increasing reading proficiency and is critical for those in leadership positions at all school and district levels. It is a key instrument used by special education teachers and specialists, school psychologists and speech and language specialists in order to improve the educational results for students with disabilities, since the failure to read proficiently is usually a main indicator of a student’s lack of educational and consequently life’s success.

The EGUSD will participate in the California reading Initiative (CRI) in an ongoing, multi-year, comprehensive effort to improve the reading achievement and literacy levels of all students who require special education.
In order to improve the educational results for students with disabilities two important components of the CRI will be used. The first is the **English - Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve** (1998). The second is the **Reading/Language Arts Framework for California Public Schools, Kindergarten Through Grade Twelve** (1999).

**B. Staff Development In-Service Opportunities**

EGUSD recognizes it is critical to have special education educators know of research-validated instructional approaches and appropriate strategies for identifying and serving students with reading disabilities. These students must be taught the fundamental reading skills that all successful readers must learn such as auditory-related skills, including identifying individual sounds with words (phonemic awareness) and associating those sounds with written letters (sound-symbol relationships).

EGUSD special education educators will participate in well-designed, explicit and systematic staff development in-service opportunities which include:

- Linguistic pre-skills (phonemic awareness)

- Oral language skills (receptive vocabulary and syntax)

- Word analysis/decoding skills (sound-symbol relationships and blending ability)

- Reading fluency and automaticity of word recognition
Reading comprehension strategies

Prior knowledge for comprehension of text

Spelling and orthography

The Elk Grove SELPA will include special education staff in the 1086 staff development plan.

1. Literacy and Learning Research

Reading failure is largely preventable if interventions can be introduced before the end of the primary grades. EGUSD will aggressively utilize literacy and learning research in early intervention and prevention strategies in an attempt to “catch them before they fall” approach.

*Delayed instruction fosters increased failure. Effective early intervention and prevention includes the direct teaching of critical literacy skills, such as phonemic awareness, letter recognition, oral language, and vocabulary development. These skills should be taught as early as preschool.*

*(Foorman et al. 1997; Good et. al. 1998).*

*The vast majority of students with reading difficulties can learn to read when given intensive instruction using research-validated practices.*

*(Foorman et. al. 1998; Lyon 1997, 1998)*
2. **State Resources**

The following resources will be used along with current literacy and learning research.

- The 1999 *Reading/Language Arts Framework for California Public Schools, Kindergarten Through Grade Twelve*, which specifies many factors necessary in the design to guide resource providers language art instructional materials to increase student success.

- The 1999 “California Supplementary Language Arts Instructional Materials Adoption”, which identify materials that teach fundamental reading skills systematically and explicitly.

- The 1999 *California Reading Initiative and Special Education in California: Critical Ideas Focusing on Meaningful Reform*, which includes discussion about effective reading instruction, early reading intervention, and practices linked to research.

- Current literacy and learning research

3. **Student Assessments**

EGUSD will increase participation of students with disabilities in statewide student assessments. Assessment procedures that provide more detailed diagnostic information is also needed to select instructional goals and objectives as well as to monitor a student’s progress. Standardized assessments can provide information to used to qualify students for special education.
4. **Reaching a wide range of diverse learners**

Learning is accelerated when instruction is at an appropriate level of difficulty. Even through a variety of many other factors must be considered, information about the student’s instructional level will help determine which grade-level reading materials are appropriate and if alternative materials are needed. Within the reading plan, attention must be given to specific reading skill areas which are listed in section B. Finally, reading fluency is highly correlated with reading comprehension (Shinn and Baker 1996).

Students with reading difficulties may require additional time to master these components by increasing instructional time, explicit and sequenced teaching, and more precise and immediate feedback during learning (Fletcher and Lyon 1998; Simmons and Kame’enui 1998; Torgesen 1998).

C. **Access to Core Curriculum and Instructional Materials**

EGUSD assures access to core curriculum and instruction for all learners. Students with special reading needs will be provided appropriate reading instruction, reading strategies, and reading materials.

1. **Core Curriculum Materials**

All required state adopted core curriculum text books and supplementary text books will be available to special education students as needed. Core curriculum refers to the standards as well as basic skills in subject areas. For students with
serious reading difficulties the general classroom reading is almost always too
difficult. A balance is required between subject-area instruction and reading
instruction. Access to core curriculum may require accommodations and adequate
basic reading instruction.

2. **Instructional Materials and Support**

Appropriate reading materials along with teachers using research based
instructional practices will be used by EGUSD in order to support students with
reading disabilities. Special educators need instructional tools that support
effective instruction (1999 CRI and Special Education in California) EGUSD will
provide special educators and their students with core curriculum materials and
other instructional materials required for appropriate instruction in special
education.

The Elk Grove SELPA will include special education staff in the AB2519 materials
selection process.
Appendix B

Behavior Intervention
Hughes Bill Guidelines

Appendix B

Elk Grove SELPA
Positive Behavioral Interventions
Implementation Guidelines for the Hughes Bill

Overview

A. Effective May 20, 1993, any student with an IEP who exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives on the student's Individualized Education Plan (IEP) must have a behavior intervention plan developed by an IEP team with a behavioral intervention case manager. The behavioral plan must now become a part of the IEP under sections 3001 and 3025 in Title 5, California Code of Regulations. These sections mandate that attempts to change serious and pervasive behavior problems result in lasting positive changes; provide greater access to community, social, and public events; that the behavioral interventions do not cause pain or trauma (see definition below), and that the interventions respect the dignity and privacy of the individual. Moreover, in the event of a behavioral emergency, defined procedures which govern the range of responses to that emergency are clearly specified.

B. Following are the Elk Grove SELPA guidelines for the implementation of these code sections (referred to as "Positive Behavior Interventions"). These guidelines and the corresponding code sections apply only to identified special education students who have IEPs.

II. Definitions

A. Serious behavior problem: "behaviors which are self-injurious, assaultive, or causing property damage which could lead to suspension or expulsion, and other severe behavior problems that are pervasive and are maladaptive that require a systematic and frequent application of behavioral interventions."
Commentary: Behaviors which are self-injurious, assaultive, or which cause property damage are clear and obvious, however they must be viewed within the context of the student’s total school history, and other needs for behavior management. A one-time incident which involves breaking school rules would not necessarily be considered a serious behavior problem, as opposed to an incident involving a student who has had repeated behavioral problems. Threatening assault such that the teacher is concerned would also be a serious behavior problem. Behaviors which are pervasive and maladaptive are defined by the Elk Grove SELPA as lasting over time (one month with informal interventions, less if the problem involves actual or potential harm to self or others), occurring more than 2-3 times daily (pervasive), and interfering with learning and/or building relationships with others (maladaptive). These definitions are to be considered by the educational staff in making a request for behavioral assessment, or can be considered by the IEP team in determining if such an assessment is necessary.

B. Behavioral intervention: “the systematic implementation of procedures that result in lasting positive changes in behavior and provide greater access to community, social, and public events. The interventions do not cause pain or trauma. The interventions do respect the individual’s dignity and privacy.”

Commentary: A behavioral intervention is not required for every behavior, but is required for every behavior that meets the definition of a serious behavior problem. The Elk Grove SELPA defines trauma as anything more or other than what a reasonable person would allow to be done to him/herself. Specifically prohibited under the regulations are, for example, yelling, insults, public humiliation, denial of food, water, sleep, shelter or access to bathroom facilities, release of noxious unpleasant, or toxic sprays in or near the individual’s face, locked seclusion, and/or application of physical pain. Behavioral interventions shall be developmentally and age appropriate for the individual with whom they are used. For example, a behavioral intervention for a three-year old having a tantrum would be different from that for a 13 year old throwing classroom furniture.

C. Behavioral intervention case manager: “a person trained in behavior analysis with emphasis on positive behavioral interventions who has specific duties to plan and implement the behavioral intervention plan.”

Commentary: According to the California Department of Education, this is not to be a new position/person, but rather a function or an on-going job responsibility. The appropriate qualifications for a person functioning as a behavioral intervention case manager in the Elk Grove SELPA are either a Pupil Personnel Services Credential, preferable with a school psychologist authorization, a California Teaching Credential
with any Special Education teaching authorization or other qualified personnel. The behavioral case manager and the educational staff who will use the intervention plan are not to be the same person. For the purposes of a behavioral intervention plan, the behavioral case manager supervises the implementation of the plan.

D. **Functional analysis assessment:** an assessment of specific behavior(s) to determine strategies for teaching and maintaining adaptive behavior and reducing or eliminating behavior problems. This analysis provides information to guide decisions about the types of environmental modifications and support features, as well as skill enhancement and instruction, that must be put into place to provide effective support to students who demonstrate a serious behavior problem.

E. **Behavioral intervention plan:** "a written document which includes (a) information from the functional analysis assessment, (b) a description of the challenging behaviors, (c) goals and objectives, (d) a description of the behavioral interventions, (e) schedules for recording information about the behaviors and interventions and when changes in interventions might be made, (f) criteria for changes in implementing the interventions, (g) plan for using the interventions in other setting, (h) dates for review by the IEP team.” Commentary: The behavioral intervention case manager who conducts the functional analysis of behavior is responsible for drafting the behavioral intervention plan which is presented to the IEP team for decision. It is important to note the plan must include an evaluation component for determining the effectiveness of the interventions.

F. **Behavioral emergency:** “the demonstration of a serious behavior problem, previously unobserved and for which no behavioral intervention plan has been written, or for which a previously designed behavioral intervention is not effective.”

Commentary: The behavioral intervention case manager who conducts the functional analysis of behavior is responsible for drafting the behavioral intervention plan which is presented to the IEP team for decision. It is important to note the plan must include an evaluation component for determining the effectiveness of the interventions.

Commentary: Behaviors which are “dangerous to self or others” are considered to be behavioral emergencies, and are to be accorded an immediate response. This definition does not include behaviors which may be disruptive or annoying.

G. **Behavioral emergency report:** any time a behavioral emergency intervention is used, a behavioral report shall immediately be completed and maintained in the individual’s file. The report shall include:

1. Name and age of individual.

2. The setting and location and date of the incident.
3. Name of staff or other persons involved.

4. Description of the incident and emergency intervention used, and whether the individual currently has a behavioral intervention plan.

5. Details of any injuries sustained by the individual or others, including staff, as a result of the incident. Student accident report files if necessary.

6. Documentation of law enforcement involvement.
Behavioral Interventions For Special Education Students,
Sections 3001 and 3052 of Title 5 of the California Code of Regulations
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This manual has been developed in response to Title 5, Sections 3001 and 3052 of the California Code of Regulations regarding Behavioral Interventions for Special Education students.

The document has two components:

- Component One provides definitions and information that pertain to the intent of the Hughes Bill, the analysis and assessment of behaviors, the management of behaviors and behavior interventions.

- Component Two includes a comprehensive appendix of forms to assist parents and school personnel in the documentation of students behaviors and the resulting behavior management techniques.

Although this information has been compiled as a result of recent regulations, special education staff are encouraged to use this manual as a management tool to address student behavior problems before they escalate to a more serious or disruptive nature. For example, the functional analysis form could be utilized in the classroom as an informal way to assess the onset of particular behaviors. Additionally, the appendix of forms provides documentation and assessment tools which will help in creating a more successful learning environment.

We sincerely hope that this manual will provide the resources and strategies for successful behavior interventions that teachers can employ in their classroom.

Martin J. Cavanaugh, Director
ACKNOWLEDGEMENTS

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Teacher, staff and administrators who share a common interest in providing successful interventions for all students.
Section One: Hughes Bill

- Intent of the Hughes Bill
- Title 5 Regulations Behavior Definitions
What is the Hughes Bill

In 1990, the legislature enacted AB 2586 (Hughes) requiring the California Department of Education and the State Department of Education officially introduce regulations governing the use of appropriate behavioral interventions with special education students. State regulations have been in effect since May 20, 1993. (Legal Advisory 1-94)

To Whom Does the Hughes Bill Apply

1. any student with an IEP and;
2. any student with an identified serious behavior problem.

Serious behavior problems are defined as the individual’s behaviors which are:
1. self injurious
2. assaulitive
3. causing property damage which could lead to suspension or expulsion,
4. other severe behavior problems that are pervasive enough and that require a systematic and frequent application of behavioral interventions. (California Code of Regulations, Title 5, Section 3001 (y))

These regulations do not apply to any individual in general education even though that student may engage in behaviors that if s/he were identified as a special education student regulations would apply.

Context for the Hughes Bill

1. Historically, regulations have focused on prohibiting the use of corporal punishment and very little on the use of other types of behavior change procedures. As a consequence, several children have died in the last few years during the implementation of an “emergency behavioral procedure.”

2. Those persons with the least ability to advocate for themselves are the individuals who will most likely be subject to the most invasive procedures. As a result, these individual’s rights are often violated.

3. Behavioral interventions are widely utilized and accepted in educational settings. Occasionally, they are implemented without an adequate understanding of the principles of behavior. Positive reinforcement procedures are usually paired with aversive procedures such as: time-out, denial of privileges, restriction of movement and others.

Intent of the Hughes Bill
It is the intent of the Legislature (California Education Code, Section 56520 (b) (1)) that:

a) All students should be educated in a safe and healthy environment regardless of possible physical, mental or emotional disabilities;
b) teachers of special education students need training and guidance in providing positive ways for working successfully with children who have difficulties conforming to acceptable behavioral patterns;
c) procedures for the elimination of maladaptive behaviors shall not include those which cause pain or trauma;
d) behavioral interventions must be administered in a manner that respects human dignity and personal privacy, and which assures the right to placement in the Least Restrictive Environment (LRE) and

e) in-service training programs be made available as necessary in Local Education Agencies (LEAs).

The Legislature intended that the regulations include the following elements:

a) Specify the types of positive behavioral interventions which may be utilized and specify that interventions which cause pain and trauma are prohibited.
b) Require that, if appropriate, the pupil’s individual education plan (IEP) includes a description of the positive behavioral interventions to be utilized which accomplishes the following:
   1. assesses the appropriateness of positive behavioral interventions;
   2. assures the pupil’s physical freedom, social interactions, and individual choices;
   3. respects the pupil’s human dignity and personal privacy;
   4. assures the pupil’s placement in the least restrictive environment;
   5. includes the method for measuring the effectiveness of the interventions;
   6. includes a timeline for regular and frequent review of the pupil’s progress.

Definitions As They Relate To Title V Regulations

1. “Serious Behavior Problems” are defined as pupil behaviors which are: self-injurious, assaultive, and/or cause property damage, which could lead to suspension or expulsion pursuant to Education code Section 48900 (f) and other severe behavior problems that are pervasive, maladaptive and that require a systematic and frequent application of behavioral interventions.

A serious behavior problem significantly interferes with the implementation of the goals and objectives of the pupil’s IEP.

2. A “behavioral emergency” is defined as an act or an event not previously observed and for which a behavioral intervention plan has not been developed which poses a clear and present danger of serious physical harm to the student, others or
serious property destruction. Further more, emergency physical interventions (i.e., Management of Assaultive Behavior) by qualified personnel is necessary to control the behavior and prevent further harm or destruction. The behavior cannot be prevented by a response measure less restrictive than the temporary application of a technique specifically designed to contain such a behavior. The definition incorporates five primary elements which, when applied, may serve to avoid unnecessary use of emergency techniques on students.

**Primary Elements**

1. The potential danger must be of a degree in which the student or other individual is threatened with serious physical harm.

2. The possibility of serious physical harm must be imminent.

3. Closely tied to the second element is the requirement that there be an absence of less restrictive alternatives.

4. The duration of the application cannot be longer than is necessary to control the situation and to insure safety. Beyond this point, the emergency event would cease and further application would exceed reasonable force and may constitute an abusive situation.

5. Any situation which requires prolonged use of an emergency intervention shall require staff to seek assistance of the school site administrator and/or law enforcement agency, as applicable to the situations.

The technique applied to contain the violent behavior must have been specifically designed for such contingencies with a focus on containment of the student without accompanying harm or injury. Additionally, due to the specialized nature of the technique, it should serve no other purpose in relation to the student than for which it was intended. Such techniques shall never be used as a substitute for treatment. In other words, emergency restraint shall not be used as retribution, or for the convenience of the staff, or as a substitute for adequate programming.

3. "Behavior Intervention means the systematic implementation of procedures that result in lasting positive changes in the individual's behavior. Behavior interventions provide the pupil with greater access to community, social contacts and public events; and ensure the individual's right to placement in the LRE as outlined in the pupil's IEP. (California Code of Regulations, Title 5, Section 3001 (d)).

4. "Behavior Intervention Case Manager" means a designated certificated school/district/county staff member(s) or other qualified personnel, contracted by
the school district or county office who has been trained in behavior analysis with an emphasis on positive behavioral interventions. The duties of the behavioral intervention case manager may be performed by any existing staff member trained in behavior analysis with an emphasis on positive behavioral interventions, including, but not limited to, a teacher, resource specialist, school psychologist, or a program specialist". (California Code of Regulations, Title 5, Section 3001 (e)).

5. The Behavioral Intervention Plan (BIP) is a written document which is developed when:

   a) an individual exhibits a serious behavior problem that significantly interfered with the implementation of the goals and objectives of the individual's IEP.

   b) a behavior emergency (serious behavior problem) has occurred which has not been previously observed and for which a behavioral intervention plan has not been developed.
SECTION TWO: ANALYSIS AND ASSESSMENT

- Functional Analysis

- Behavioral Intent

- Components of a Behavior Intervention Plan
Behavior management is now focusing on integrating strategies for teaching and maintaining adaptive behavior and reducing or eliminating problem behaviors. Such integration focuses on preventing and minimizing inappropriate behaviors before they become major behavior problems.

This type of approach emphasized the manipulation of a broader variety of variables in attempting to bring about positive behavior change. Many of these approaches are dependent on information from functional analysis.

Functional analysis procedures and their results are not an end goal. Rather, they are only a step in the process of providing effective behavioral support. Behavioral support programming can be maximally effective only when it is based on a detailed analysis of current environmental features and the way persons interact with those features. This analysis provides the information necessary to guide decision about types of environmental modifications and support features, as well as skill enhancement and instruction, that must be put into place to provide effective support.

"Functional Analysis" is a technical term describing the process of determining the functions of a given behavior, for an individual, under specified conditions. The term "needs" is an adequate substitute for the technical term “functions”. What we are interested in is how the behavior functions to help the individual meet some of his/her needs. (Institute for Effective Education)

A "Functional Analysis" answers the following questions:

1. What need does the student meet with this behavior?

2. How did you conclude that this behavior meets this (these) needs?

   a) Is there something significant in the students’ environment that the behavior seems to be in reaction to? (antecedent analysis)

   b) What happens with or to the student after this behavior? (consequence analysis)

   c) Does the behavior happen only when the student’s environment is changed in a certain way?
The information gathered through the Functional Analysis is used to decide the intent of a behavior. Here are some descriptions:

<table>
<thead>
<tr>
<th>Behavioral Intent</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power/Control</td>
<td>When a child’s outcome is the control of events and/or situations and, characterized by the child acting to stay in control.</td>
</tr>
<tr>
<td>Protection/Escape/Avoidance</td>
<td>When a child’s outcome is to avoid a task, activity; escape a consequence; terminate or leave a situation.</td>
</tr>
<tr>
<td>Attention</td>
<td>When a child becomes the focus of a situation; draws attention to self; result is that the child puts himself/herself in the foreground of a situation; discriminates self from group for a period of time; distinguishing feature is “becoming the focus” as the end product of the behavior.</td>
</tr>
<tr>
<td>Acceptance/Affiliation</td>
<td>When a child connects/relates with others; mutuality of benefit is present.</td>
</tr>
<tr>
<td>Assertive/Expression of Self</td>
<td>When a child develops a forum of expression; could be statements of needs or perceptions, or demonstration of skills and talents.</td>
</tr>
<tr>
<td>Gratification</td>
<td>When a child is self-rewarded or pleased; distinguishing characteristic is that reward is self-determined; others may play agent role.</td>
</tr>
<tr>
<td>Justice/Revenge</td>
<td>When a child settles a difference; provides restitution, or demonstrates contrition; settling the score.</td>
</tr>
<tr>
<td>Sensory Stimulation</td>
<td>When a child engages in a level of stimulation with repetitive and stereotypical mannerisms which can interfere with attention and learning.</td>
</tr>
</tbody>
</table>
Behavioral Intervention Plan

Components

The Behavioral Intervention Plan includes the following:

- Data from a functional analysis assessment
- An objective and measurable description of the targeted maladaptive behavior(s) and replacement behavior(s)
- Goals which are specific to the behavior intervention plan
- A detailed description of the behavioral interventions to be used and the circumstances for their use
- Specific reinforcement schedules
- Criteria for fading to less intense/frequent restrictive behavioral intervention schedules
- Extent to which interventions will be used at home or elsewhere
- Specific dates for review by IEP team

Considerations:

1. The Behavior Intervention Plan is a written document and is part of the IEP process

2. The Behavior Intervention Plan must describe the frequency of the consolation to be provided by the behavior case manager.

3. Primary language needs and cultural factors should be considered in preparing a Behavior Intervention Plan.
SECTION THREE: BEHAVIOR MANAGEMENT

- Positive Reinforcers for Behavior Management
- Managing Escalating Behaviors
- Continuum of Interventions
Positive Reinforcers for Behavior Management

Social Reinforcers

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<td>Touching</td>
<td>Walking among students</td>
</tr>
<tr>
<td>Smiling</td>
<td>Patting shoulder, back</td>
<td>Sitting in a group</td>
</tr>
<tr>
<td>Shaking head admiringly</td>
<td>Hugging</td>
<td>Going to recess with class</td>
</tr>
<tr>
<td>Nodding</td>
<td>Shaking hand</td>
<td>Eating with Class</td>
</tr>
<tr>
<td>Looking</td>
<td>Putting arm around</td>
<td></td>
</tr>
<tr>
<td>winking</td>
<td></td>
<td></td>
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</tbody>
</table>

Verbal Praise

<table>
<thead>
<tr>
<th>Positive Reinforcement</th>
<th>Positive Reinforcement</th>
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</thead>
<tbody>
<tr>
<td>You’ve got it made!</td>
<td>That’s right!</td>
</tr>
<tr>
<td>You’re on the right track!</td>
<td>That’s good!</td>
</tr>
<tr>
<td>You are very good at that!</td>
<td>That’s coming along nicely!</td>
</tr>
<tr>
<td>That’s much better!</td>
<td>Good work!</td>
</tr>
<tr>
<td>I’m happy to see you working like that!</td>
<td>You’re really working hard!</td>
</tr>
<tr>
<td>I’m proud of the way you worked today!</td>
<td>You’re doing a good job!</td>
</tr>
<tr>
<td>You’ve just about got it!</td>
<td>That’s the best you have ever done!</td>
</tr>
<tr>
<td>That’s it!</td>
<td>I knew you could do it!</td>
</tr>
<tr>
<td>Congratulations!</td>
<td>Now you’ve figured it out!</td>
</tr>
<tr>
<td>That’s quite an improvement!</td>
<td>Now you have it!</td>
</tr>
<tr>
<td>You are doing that much better today!</td>
<td>You really know how to work!</td>
</tr>
<tr>
<td>Great!</td>
<td>You are learning fast!</td>
</tr>
<tr>
<td>Keep working on it you’re getting better!</td>
<td>Good for you!</td>
</tr>
<tr>
<td>You make it look easy!</td>
<td>Couldn’t have done it better myself!</td>
</tr>
<tr>
<td>You really make my job fun!</td>
<td>That’s the right way to do it!</td>
</tr>
<tr>
<td>One more time and you’ll have it!</td>
<td>You’re getting better every day!</td>
</tr>
<tr>
<td>You did it that time!</td>
<td>You should show this to your parents!</td>
</tr>
<tr>
<td>WOW!</td>
<td>That’s the way!</td>
</tr>
<tr>
<td>Nice going!</td>
<td>Now you’ve figured it out!</td>
</tr>
<tr>
<td>Sensational!</td>
<td>You haven’t missed a thing!</td>
</tr>
<tr>
<td>That’s the way to do it!</td>
<td>Keep up the good work!</td>
</tr>
<tr>
<td>That’s better!</td>
<td>Nothing can stop you now!</td>
</tr>
<tr>
<td>That’s first-class work!</td>
<td>Excellent!</td>
</tr>
<tr>
<td>Perfect!</td>
<td>That’s the best ever!</td>
</tr>
<tr>
<td>You’re really going to town!</td>
<td>Fine!</td>
</tr>
<tr>
<td>Terrific!</td>
<td>You’ve just about mastered that!</td>
</tr>
<tr>
<td>That’s better than ever!</td>
<td>Outstanding!</td>
</tr>
<tr>
<td>Nice going!</td>
<td>You did very well!</td>
</tr>
<tr>
<td>How that’s what I call fine job!</td>
<td>You must have been practicing!</td>
</tr>
<tr>
<td></td>
<td>Right on!</td>
</tr>
</tbody>
</table>
You're really improving!
Superb!
Keep it up!
You've got that down pat!
Tremendous!
Good thinking!
Keep on trying!
I've never seen anyone do it better!
I like that!
I'm very proud of you!
Good job (name of student)!
You remembered!
It's a pleasure to teach when you work!
That makes me feel good!
That's it!
Well, look at you go!
Congratulations! You got (behavior) right!
Much better!
Super!
Exactly!
Clever!
Show this to the class!
You really paid attention!

Good remembering!
You did a lot of work today!
You certainly did well today!
You're doing fine!
You are really learning a lot!
You outdid yourself today!
Good for you!
Good going!
Marvelous!
I think you have got it now!
You figured that out fast!
That's really nice!
You're right!
Clever!
That's great!
Way to go!
Now you have the hang of it!
You've got your brain in gear today!
Wonderful!
Good thinking!
Interesting!

ACTIVITY REINFORCERS

<table>
<thead>
<tr>
<th>Elementary Students</th>
<th>Secondary Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead flag salute</td>
<td>Note or phone call to parents</td>
</tr>
<tr>
<td>Privilege to buy ice cream</td>
<td>Extra art/PE time</td>
</tr>
<tr>
<td>Student of the day/week</td>
<td>Lead a class discussion</td>
</tr>
<tr>
<td>Go to recess early</td>
<td>Be a member of class council</td>
</tr>
<tr>
<td>Name on board for good behavior</td>
<td>Choose or lead a class project</td>
</tr>
<tr>
<td>First in line</td>
<td>Get a more convenient parking space</td>
</tr>
<tr>
<td>Awards</td>
<td>Make homework optional</td>
</tr>
<tr>
<td>Note or phone call to parents</td>
<td>Game time with friends</td>
</tr>
<tr>
<td>Tutor a younger student</td>
<td>Correct papers</td>
</tr>
<tr>
<td>Lead an activity</td>
<td>Take attendance/help with record keeping</td>
</tr>
<tr>
<td>Use computer</td>
<td></td>
</tr>
<tr>
<td>Pass out papers, treats, etc.</td>
<td></td>
</tr>
<tr>
<td>Take note to office</td>
<td></td>
</tr>
<tr>
<td>Feed class pets</td>
<td></td>
</tr>
<tr>
<td>Give practice spelling test</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Sit in teacher's chair</td>
<td>Take a note/materials to office</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Give spelling test</td>
<td>Pass out papers/supplies</td>
</tr>
<tr>
<td>Choose story for teacher to read</td>
<td>use computer</td>
</tr>
<tr>
<td>Read story to a younger child</td>
<td>Note or phone call to parents</td>
</tr>
<tr>
<td>Take attendance</td>
<td>Awards</td>
</tr>
<tr>
<td>Correct papers</td>
<td>Leader for the day</td>
</tr>
<tr>
<td>Citizenship award</td>
<td>Display good work</td>
</tr>
<tr>
<td>Game time with friends</td>
<td>Student of the day/week</td>
</tr>
<tr>
<td>Extra art/PE/recess time</td>
<td>Leave class 5 minutes early</td>
</tr>
<tr>
<td>Extra carton of milk</td>
<td>Leave school 5 minutes early</td>
</tr>
<tr>
<td>A cookie along with milk</td>
<td>Released time to go to the gym</td>
</tr>
<tr>
<td>Free time</td>
<td>Help put up bulletin board</td>
</tr>
<tr>
<td>Free time in the library</td>
<td>Extra time for doing homework in class</td>
</tr>
<tr>
<td>See a film strip</td>
<td>Free time student lounge</td>
</tr>
<tr>
<td>Bring something special to show class</td>
<td>Work independently on a special</td>
</tr>
<tr>
<td>Chocolate milk instead of white milk</td>
<td>Project for another class</td>
</tr>
<tr>
<td>Display good work</td>
<td>Work in office</td>
</tr>
<tr>
<td>Build with construction blocks</td>
<td>Work in guidance office</td>
</tr>
<tr>
<td>Rock in a rocking chair</td>
<td>Work in library</td>
</tr>
<tr>
<td>Sharpen pencils</td>
<td>Share hobbies, etc.</td>
</tr>
<tr>
<td>Clean erasers</td>
<td>Hold class outdoors</td>
</tr>
<tr>
<td>Turn lights off/on</td>
<td>Chew gum</td>
</tr>
<tr>
<td>Sweep room</td>
<td>Study subject of choice</td>
</tr>
<tr>
<td>Arrange shelves</td>
<td>Share snacks with class</td>
</tr>
<tr>
<td>Draw, paint, work with clay/play dough</td>
<td>Challenge teacher to game</td>
</tr>
<tr>
<td>Use electronic games</td>
<td>Make poster</td>
</tr>
<tr>
<td>Play hangman</td>
<td>Listen to reading with earphones</td>
</tr>
<tr>
<td>Make/do crossword puzzles</td>
<td>Choose placement of desk</td>
</tr>
<tr>
<td>Make poster</td>
<td>Read a book</td>
</tr>
<tr>
<td>Cutting/pasting</td>
<td></td>
</tr>
</tbody>
</table>
### TANGIBLE REINFORCERS

<table>
<thead>
<tr>
<th><strong>Elementary Students</strong></th>
<th><strong>Secondary Students</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Stars</td>
<td>Pens, pencils, magic markers</td>
</tr>
<tr>
<td>Rubber stamps</td>
<td>Magazines</td>
</tr>
<tr>
<td>Happy faces</td>
<td>Posters</td>
</tr>
<tr>
<td>Toys</td>
<td>Athletic passes</td>
</tr>
<tr>
<td>Stamps or stickers/Balloons</td>
<td>Beauty aides (combs, make-up, perfume)</td>
</tr>
<tr>
<td>Healthy snacks (raisins, popcorn, fruit, etc.)</td>
<td>Puzzles</td>
</tr>
<tr>
<td>Posters, comics</td>
<td>Comics</td>
</tr>
<tr>
<td>Pencils, pens, magic markers</td>
<td>Soda</td>
</tr>
<tr>
<td>Magazines</td>
<td>Healthy snacks</td>
</tr>
<tr>
<td>Fast-food coupons</td>
<td>Fast-food coupons</td>
</tr>
</tbody>
</table>
Management of Antecedents to Escalating Behaviors

Many inappropriate antecedent behaviors can be redirected in their beginning stages by naturally occurring social interactions between staff and students. The following techniques and strategies are suggested for use in redirecting the student to more appropriate behaviors. It is important to remember that all interventions must be tailored to the developmental level of the student. The following suggestions are not intended to be the only means of modifying inappropriate behaviors.

1. **Planned Ignoring:** This is more successful if planned prior to the behavior occurring. It is most effective when a student is trying to provoke staff, as long as other students are not involved. It is important to provide a positive reinforcement as soon as a correct behavior is exhibited. Caution: Be ready to reinforce the correct behavior the moment it appears. Do not use for severe behavior problems when the maladaptive behavior has begun.

2. **Signal Interference:** These signals are nonverbal cues to the student when behavior is beginning to be inappropriate; for example: furrowed eyebrows, hand held upright to show “stop”. This is most useful for behaviors which are mild in nature and which have just begun to escalate.

3. **Proximity Control:** When a student’s behavior indicates that he is drifting away from attending to the task or activity, some additional information related to the student’s interest or experiences is helpful to pique the student’s attention and interest in the activity. For example, when leading a discussion about music, the staff member might ask the student about his/her personal stereo equipment to boost the child’s interest in the discussion.

4. **Tension Reduction:** Through humor, frequently a problem or potential problem may be defused with a joke, a tease, or a lighthearted comment. Many times anxiety, fear, or a challenge will make the student feel obligated or forced to react negatively. Humor can act as a pressure-release valve to allow the student to laugh it off without a negative response. This works well when the student has responded instinctively in a negative fashion or appears to be wanting to retaliate but is indecisive on whether or how to do so. Caution: Satire and ridicule are not appropriate at anytime. The child must correctly read the affectionate aspect of the interaction. Beware of the unintentional reading of an attempted humor as “ridicule”, and plan your humor attempts accordingly.

5. **Hurdle Help:** The staff must provide immediate instruction at the very moment the student gets into trouble, to help him/her over the hurdle of dealing appropriately with others. Signaling interference or a verbal prompt at the onset of the problem helps the student to follow the correct course of action. For example, a student who has just bunched up a piece of paper and raised his arm to throw it is seen by the staff member, who reminds the student to walk to the trash can to throw it
away. Timing is essential to intervene before the misbehavior occurs.

6. **Regrouping:** When a student is having trouble within the group, it is often advantageous to move him to another group or space (classroom, living unit, or subgroup within the unit) to avoid continuing problems. This is not a punishing “kick out” but an attempt to offer the student an environment that will help him maintain control of his own behavior. “I think this new location will be better for you and allow you to be in control of yourself better. I can see you’re trying.”

7. **Limitation of Supplies and Tools:** When a student begins to misuse, abuse, or otherwise cause a problem with tools or supplies, it is advisable to limit access to the material. This requires a calm voice and a supportive stance if de-escalation is desire.

8. **Role Modeling:** The most significant management tool available to staff is conducting themselves in the manner in which the students are expected to behave. Staff who maintain self control, respect for others, good manners and courtesy, honesty, fairness, and good judgment, teach by example. Students look to adults for models and for guidance and they learn every day by watching and listening to every word. Clear, calm, words are often modeled by other students and immediately diffuse a tense situation, e.g., “Mrs. Walsh says it’s not my job to worry about Johnny. My job is __________________ right now.”

9. **Pacing Indicator:** Some students, especially severely handicapped students, lose ability to use language when protesting an activity choice. Shifting the student to “breaktime” and asking him to rejoin the instructional activity when ready can diffuse escalating behaviors. Giving the student an object that signifies breaktime to that individual and asking for the object (e.g., classroom pass, token, magazine) to be returned when the student is “ready” can be useful to de-escalate behavior and provide for choice-making.

10. **Relaxation Activity:** Sometimes severe behaviors can be avoided by training the individual to choose another behavior to accomplish the same purpose as the maladaptive behavior. At first the student may need modeling, prompting or guidance to select the alternate behavior. The student should return to the regular routine when he determines readiness.

**Examples:** Anger Control Techniques - Designated Area Tension Reduction Strategies.
Systematic, positive behavioral management strategies are always to be implemented before moving to a more restrictive method of intervention. The educational environment should consider the meaningfulness, appropriateness and accessibility of learning. It is important to remember that each student’s perception of what is restrictive is unique. What may be highly restrictive to one student may not be very restrictive to another. The goal should always be to use strategies which enhance the student’s life in the least intrusive and most natural way and to plan for the use of less restrictive procedures as soon as possible.

A restrictive procedure is different than a general classroom procedure which is used with all students in the class as part of the routine educational program. With a general classroom procedure no student is singled out and treated differently from his classmates.

Some students may require special programming because they exhibit maladaptive or severely aggressive behaviors. The programs designed to modify maladaptive behaviors must emphasize the development desirable and adaptive behaviors, rather than merely the elimination or suppression of undesirable behaviors. Goals relative to behavioral management, like other aspects of a pupil’s individualized educational program, must reflect evaluation and decision by the IEP team. Methods utilized in behavioral management must be designed so that the least restrictive means of managing are employed. Behavioral interventions respect the pupil’s human dignity and personal privacy. Such interventions shall assure the pupil’s physical freedom, social interaction and individual choice. Special attention must be directed to assuring protection of the rights of the students.

**Intervention**

**A. Behavior Change Strategies**
1. Determine meaning and purpose of a behavior
2. Teach a new behavior or class of behaviors
3. Replace the inappropriate behaviors with more appropriate behaviors
4. Enhance positive self-image/self-esteem

**B. General Considerations**
1. Intervention procedures should be implemented to:
   a) prevent reinforcement of inappropriate behaviors
   b) prevent antecedents to inappropriate behaviors (i.e., behavior chains)
   c) intervene at antecedent level in order to teach alternative response
   d) minimize or prevent incident of inappropriate behaviors
   e) allow for reinforcement of appropriate behaviors (particularly for high-rate inappropriate behaviors)
f) draw pupil's attention to the inappropriate behavior to show that the behavior is inappropriate, and it will not be reinforced (be careful not to reinforce by drawing attention to it)
g) teach natural consequences of taking responsibility by restitution
h) teaching methods or places for self-control of inappropriate behavior

2. All procedures should be done in a calm and consistent manner.

3. If minimal exclusion procedures are used, the pupil must be returned to the original activity immediately and reinforced as soon as possible for appropriate behavior.

4. The following should be considered when selecting a procedure to be used:
   d) Individual learning style
e) Age/developmental level
f) Effect on pupil within peer group
g) Effect on peers
h) Community Standards

C. Medical Considerations
Prior to the consideration or implementation of any restrictive procedure, medical problems must be reviewed as a possible cause of the behavior problem. Also, any possible harm from a procedure must be considered. The parent and/or doctor must be consulted regarding any of the following:

1. Medication
2. Recent physical examination
3. Allergies
4. Seizures
5. Shunts
6. Wetting, soiling, vomiting, spitting, biting
7. Control of communicable diseases (disinfecting, use of gloves, etc.)
SECTION FOUR: BEHAVIOR INTERVENTIONS

- Mild Interventions
- Moderate Interventions
- Prohibited Techniques
- Emergency Intervention Procedures
Mild Interventions

**Positive Reinforcement**
A stimulus or response is presented following a desired behavior to increase the likelihood of its frequency - may be tangible, intangible or social.

**Prompting**
An extra stimulus is presented to bring about a desired response, which is then positively reinforced.

**Fading**
This procedure gradually decreases the prompts or Reinforcers.

**Shaping**
This systematic technique is based on reinforcing successive approximations to the desired behavior.

**Primacy Principle**
A Behavior the pupil performs frequently is used to reinforce a behavior the pupil infrequently performs. (Grandma's rule: First you work, then you play.)

**Voice Control**
A loud, flat, firm command is used, i.e., a loud "stop". A verbal reprimand is not yelling or ridicule. The purpose is to interrupt the behavior with a verbal prompt.

**Differential Reinforcement of Other Behaviors - DRO**
Reinforcement is given on a regular schedule providing the undesired behavior has not occurred.

**Differential Reinforcement of Low Rate of Behavior - DRL**
Reinforcement is given on a regular schedule or when the undesired behavior occurs at or less than the target number.

**Differential Reinforcement of Alternative Responses - ALT-R**
Reinforcement is given for specific desired behaviors or specific behaviors incompatible with the undesired behavior (also referred to as DRI or DRA).

**Contingency Contracting**
A mutually agreeable arrangement is established between parties that is based on expectations ad outcome. If expectations are met the outcome is delivered.
- Desired behavior is in observable terms
- Frequency or duration of behavior provides baseline
- Contract is fair and clear to both parties
- contract has reasonable chance for success
Self Relaxation
A student is directed without physical prompts to an area where he is to be quiet and relax. The student is allowed to return when he feels ready to resume participation in activity.

Self Correction
The pupil cleans up “mess” after throwing or spilling items or after incidents of willfully wetting or soiling pants or vomiting. The pupil does this after being directed by staff. No more than intermittent partial manual physical prompting is to be used. The purpose is to teach that this is a natural consequence to clean up a ‘mess’ that has been made intentionally.

If wetting/soiling pants or vomiting is the targeted behavior, the pupil should wear gloves while cleaning and should wash hands afterwards.

Response Cost
The pupil is given an amount of tokens at the beginning of each day, the pupil pays a designated cost for specific inappropriate behaviors. One or more times a day, the pupil cashes in any remaining tokens for a predetermined set of reinforcers. The dual purposes are to provide a concrete, visual representation to the pupil that in appropriate behaviors limit reinforcement and to allow the pupil to self-monitor his/her behavior.

Extinction
The pupil is no longer reinforced for behavior which has been reinforced in the past. This procedure is often used to eliminate undesirable attention-getting behaviors. For example, extinction might be used with a pupil who constantly disrupts class activities with loud noises and grabbing at times. By ignoring this behavior, the desired reinforcement of attention is withheld. When paired with reinforcement of a positive alternative, the pupil’s undesirable actions can be eliminated. Extinction is not appropriate if the behaviors are potentially harmful because the danger of someone being hurt outweighs the usefulness of the procedure. Also, extinction can only be used when the adult has control over the stimulus that is reinforcing the undesirable behavior.

Time Out (T.O.) from Positive Reinforcement - non-isolated: (See T.O. Moderate and Severe)
- Same place (at or near table observing peers)
- Same area (further away from table observing peers)
- Same room (even further away, but in same room observing peers)
- Head down on table without prompt
- Student turned away from the activity
- Removed from the activity in the same room, i.e., chair facing corner of room.
Moderate Interventions

Loss/Removal of Privilege
Removal of privilege contingent upon a specific inappropriate behavior. The plan must include a method of the student to get his privilege back within a reasonable amount of time. Must not include loss of basic rights such as food, drink, personal possessions, and use of bathroom. School must pay for the privilege so that it is not the personal property of the student.

Change of Time of Lunch
A student's lunch can be given up to one hour earlier (an ecological change to prevent behavior programs at the regularly scheduled lunch) or up to one hour later than the regularly scheduled lunch time. If the lunch is delayed, the delay must be contingent upon a specific targeted inappropriate behavior which has occurred within a 15 minute period prior to lunch, or order to avoid reinforcing inappropriate behavior. The lunch can then be delayed up to an hour. The lunch must be served at the appropriate temperature and the student must be given a reasonable amount of time of eat. The parent is to be consulted prior to implementing this program.

Contingent Mini-Meal
A shaping procedure in which the individual’s meal is divided into smaller units which are presented following specific adaptive behaviors. By the end of the mini-meal session the individual will have obtained the entire meal and no denial of the meal shall have occurred. The parent is to be consulted prior to implementing this program.

Environmental Restrictions
Minor modifications of the environment to contain pupil who would otherwise be out of the chair. This also allows the pupil to participate in the activity (e.g. table as a barrier, sitting in a turned chair). This does not include restraints and should allow for the movement of all extremities.

Time Out From Positive Reinforcement
Contingent upon a specific inappropriate behavior, this procedure involves removing a pupil from the activity area and separating the pupil from activity. The pupil is not being positively reinforced during this time. The purpose is to remove the pupil from the reinforcing situation and from attention of staff and peers. The pupil must be continually monitored visually by staff, through open door, windows, or over/around barrier. The IEP team needs to determine whether this procedure is appropriate for a pupil who is self-abusive, engages in self-stimulator behaviors, or has health/medical or physical problems.
   a) Same place of activity with barrier
   b) Same area of activity with barrier
   c) In another connecting room with consistent staff sight of supervision
   d) Outside with consistent staff supervision
Behavior Emergency Intervention Procedures For Site Administrator

1. The Behavior Emergency Intervention Plan for each student will be given to the Principals.
2. If the Behavior Emergency Plan exceeds 30 minutes (unless agreed upon by parent/guardian, teacher, site administrator) the Principal (designee) will phone 911 and the parent/guardian.
3. A Behavior Emergency Report is filled out by the teacher with recommendations from the principal and sent within 24 hours to the Behavior Intervention specialist.

BEHAVIOR EMERGENCY INTERVENTIONS

Behavior emergency interventions shall not be used as a substitute for systematic behavioral intervention plans that are designed to change, replace, modify, or eliminate a targeted behavior.

1. Whenever a behavioral emergency occurs, only behavioral emergency interventions which have been approved the SELPA may be used.
2. Professional Assaultive Response Training and/or Management of Assaultive Behavior is approved by Elk Grove Unified School District SELPA.
3. Approved emergency interventions included in P.A.R.T. and/or Management of Assaultive Behavior Training can be utilized by trained staff when a behavior emergency arises. There must exist a clear and present danger of serious physical harm to the student or others or serious property destruction. The behavior cannot be prevented by a response measure less restrictive than the temporary application of a technique specifically designed to contain such behavior.
   Techniques include:
   a) Controlling self defense
   b) Escort
   c) Two member (basket) containment
   d) Two to five member team containment
4. No behavioral emergency intervention shall be employed for longer than is necessary to contain the behavior. Any situation which requires prolonged use of an emergency intervention shall require staff to seek assistance of the school site administrator or law enforcement agency, as applicable to the situation.
Prohibited Techniques

Behavior emergency interventions may not include the following:

1. Any intervention that is likely to cause physical pain (corporal punishment etc.).

2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances in proximity of the pupil's face.

3. Any intervention which is designed to subject, used to subject, or likely to subject the individual to verbal abuse, ridicule or humiliation, or which can be expected to cause excessive emotional trauma.

4. Physical intimidation or threats given verbally, physically, or through body language.

5. Restrictive interventions which employ a device or material or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that upright containment may be used by trained personnel as a limited emergency intervention (mechanical restraints, soft ties, etc.).

6. Locked seclusion: The isolation of an individual in a locked room as an emergency procedure. Egress is prevented and the intervention is not under observation as part of a systematic time-out program meeting all applicable criteria.

7. Locked time out: Involves requiring an individual to remain in a time out room from which he cannot exit until a specified behavioral criterion is met, but for a maximum number of minutes. The room must meet safety standards. Placement in an unlocked room in which the individual does not comprehend that he could or physically cannot egress in locked time out. Must meet all procedural safeguards. (Defined as equivalent to locked seclusion by the State Department).

8. Face-In-Lap: This procedure, or similar positions in which the neck is forced beyond its normal structural limitations, should never be used due to the high risk of neck and spinal injuries. This is especially critical in students with Down's Syndrome who may have a congenital abnormality in the neck which predisposes them to becoming more easily injured.

9. Any intervention that precludes adequate supervision of the individual.

10. Any intervention which deprives the individual of one or more of his senses (facial screening, blindfold, helmet not medically related, talk back or delayed auditory feedback devices, etc.).
APPENDICES

- Referral: Functional Analysis
- Functional Analysis Checklist
- Behavioral Intervention Plan
- Behavioral emergency Plan
- Behavioral Emergency Report
Request, Referral, Determination of Need for Functional Analysis

Student Name: ___________________________ B.D. ___________________________

School: ___________________________ SIS#: ___________________________

Referral Made By: ___________________________ Date: ___________________________

Rationale for Functional Behavioral Analysis

<table>
<thead>
<tr>
<th>Behavior is a serious behavior problem as defined in the education code and</th>
<th>Behavior is interfering with achievement of IEP goals</th>
</tr>
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<tbody>
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</table>

Yes meets the criteria above and functional analysis is needed.

Check which behavior occurred: _____ self-injurious, _____ serious assault, _____ serious property damage, _____ pervasive and maladaptive

Describe the behavior and its possible function (power/control, attention, escape/avoidance):

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

History of previous modifications/interventions attempted and results:

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

Please attach the following supporting information:

_____ Current IEP

_____ Current Data/Documentation

_____ Pertinent Medical Information

_____ Other ___________________________

If Behavioral Emergency Report has been completed, check here:

_____ I request a Functional Analysis

_____ I do not request a Functional Analysis at this time

Parent Signature: ___________________________ Date: ___________________________
ELK GROVE UNIFIED SCHOOL DISTRICT
Office of Pupil Personnel Services
9510 Elk Grove-Florin Road
Elk Grove, California 95624

FUNCTIONAL ANALYSIS CHECKLIST AND ASSESSMENT:

Student ____________________________
SS ____________________________
Birthdate ___________ Grade ____________
SIS# ____________________________
I.E.P. Review Date ________________

Behavior Case Manager ________________
Program Specialist __________________
Teacher __________________________
School/Program _____________________
Date ______________________________

SERIOUS BEHAVIOR

"Serious behavior problems" are self-injurious, assaultive, or cause property damage which could lead to suspension/expulsion...and others that are persuasive and maladaptive. (check appropriate box)

☐ self-injurious  ☐ assaultive  ☐ property damage  ☐ pervasive and maladaptive

DESCRIPTION OF THE BEHAVIOR (please type or print):
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

DESCRIPTION OF THE IMMEDIATE ANTECEDENT EVENTS OF THE TARGETED INAPPROPRIATE BEHAVIOR:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

CONSEQUENCES:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

FREQUENCY/DURATION: Number of incidents ____ daily ____ weekly ____ monthly ranging from ______ to ______ minutes/hours

INTENSITY:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

PREVIOUSLY USED BEHAVIOR INTERVENTIONS AND THEIR EFFECTIVENESS:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
INTERVIEWS WITH SIGNIFICANT OTHERS: (Teachers, Parents, Etc.)

REVIEW OF HEALTH AND MEDICAL FACTORS THAT MAY INFLUENCE BEHAVIOR:

HISTORY OF THE BEHAVIOR: (previous school, teacher information, home, community)

ECOLOGICAL ANALYSIS

PHYSICAL SETTING: Where, when, and with whom does the behavior occur? Does it happen more frequently at certain times of the day? During transitions? Is the child aware of the sequence of her/his day? (Consider the presence of environmental pollutants such as noise, crowding, etc., as these may increase the likelihood of problem behavior)

Most likely to occur
(high probability, high risk)

Least likely to occur
(low probability, low risk)

SOCIAL SETTING: Does behavior occur in isolation? On playground? During transition time? Are there any situations or behaviors of others that tend to occur prior to this student's problem behavior or positive behavior?

NATURE OF INSTRUCTION: Do instructional methods and technique match learner needs: Does student do better in one to one situations? Are specific positive behaviors being taught?

DEGREE OF CHOICE: How does exercising choice affect student behavior? How much opportunity for choice making is present in the student's environments: Is negotiation permissible?
SOCIAL INTERACTION: Are social skills being taught? Are there specific social situations that promote appropriate social behavior? Are there specific social situations that promote problem behavior? Examine interactions with adults, disabled and non-disabled peers.

amount and quality of social interaction:

quality of communication between the individual and staff and other students:

DEGREE OF INDEPENDENCE: Is independence encouraged and supported? Is there structured opportunity for successful independent activity? Are reinforcement intervals appropriate to maintain an independent level on-task performance?

DEGREE OF PARTICIPATION: When successful or unsuccessful participation takes place, what is the size and location of group? Are there options for self-removal? Is there adequate structure?

ACTIVITIES: Is the curriculum meaningful? Are success level activities present? Have previous activities resulted in success or failure? Are activities appropriate and accessible to the functional level and chronologically age appropriate? Has appropriate consideration been made to student's disability?

THE COMMUNICATIVE INTENT OF THE BEHAVIOR:

□ Power/Control □ Protection/Escape/Avoidance □ Attention □ Other (please describe)
The Behavior Intervention Plan will be reviewed on the following
date(s):
The Behavior Intervention Plan will be discontinued when the student demonstrates appropriate replacement behavior.

**Criteria for Discontinuance of Behavior Intervention Plan**

<table>
<thead>
<tr>
<th>DATE(S)</th>
<th>Targeted Maladaptive Behavior</th>
<th>Replacement Behavior</th>
<th>Positive Intervention Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

*Note:*

- **By Whom:**
- **Frequency/How Often:**
- **The Positive Reinforcer to be used:**
- **Positive Intervention Plan:**
  - Times per day/week
  - Will be taught at home/school/community
- **Replacement Behavior:**
  - Will decrease from occasions per
  - Targeted Behavior

---

**Special Education:**

**Behavior Intervention Plan**

Elk Grove Unified School District
Behavior Emergency Plan

Student ____________________________
S.S.# ________________________________ Teacher __________________________
Birthdate ____________________________ Program __________________________
Grade ________________________________ Age __________________________
Date ________________________________
Program ______________________________ Specialist __________________________
IEP Review Date __________________________

Emergency Interventions will only be used to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the individual or others or serious property damage and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

Describe the plan: __________________________

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

The parent (and residential care provider, if appropriate) shall be notified within one school day whenever an emergency intervention is used.

Signatures as appropriate:

Program Specialist __________________________
Resource Specialist __________________________
Special Class Teacher __________________________
Regular Teacher __________________________
Counselor __________________________
Administrator __________________________
Psychologist __________________________
Language Specialist __________________________

School Nurse __________________________
Adaptive P.E. Specialist __________________________
Vocational Specialist __________________________
Other __________________________
Other __________________________
Other __________________________
Other __________________________
Other __________________________

Parent/Guardian __________________________
Date __________________________
Behavioral Emergency Report

For additional comments use "Incident Description - Continuation Sheet"

Student involved:

Name ________________________________ Sex: M__ F__ Birthdate ____________

Address ________________________________________ Phone ________

School ___________________________ Teacher __________________________

Type of incident:
[ ] Assault [ ] Menace (threat) [ ] Self-injury [ ] Restraint [ ] Runaway [ ] Other ______________

Antecedent behavior: ______________________________________________

Statement of incident: (include who, where, what, why, how, duration of restraint/incident.)

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

Closure of incident: (settled down, contract, began doing work, etc.)

____________________________________________________________________

Known or possible injury: (include medical treatment) Accident Report completed: [ ] Y [ ] N

____________________________________________________________________

Name other person(s) involved: (identify if student, school personnel, other.)

____________________________________________________________________

____________________________________________________________________

Action taken: (consequence of behavior - loss of activities, suspension, etc.)

____________________________________________________________________

Witness to Incident ________________ Teacher's Signature ________________ Phone __________

Persons notified by teacher:

<table>
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<tr>
<th>Persons notified by teacher:</th>
<th>Name</th>
<th>Date/Time Phoned</th>
<th>T</th>
<th>I</th>
<th>D</th>
<th>Date Incident Report Mailed (if applicable)</th>
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</thead>
<tbody>
<tr>
<td>Principal</td>
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<td>Parent/Legal Guardian</td>
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<tr>
<td>Adult Protective Services</td>
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</table>
Appendix C

CSPDAC
A. DESIGN AND IMPLEMENTATION OF PERSONNEL DEVELOPMENT PROGRAM
The Student Services Leadership team, comprised of the Special Education Program Specialists, Lead Psychologist, Program Specialist, Director of Prevention and Intervention, Director of Special Education and the Assistant Superintendent, Student Services meet and provide input regarding staff training needs. The team develops a training timeline to coordinate programs with the school district master calendar and to meet the comprehensive interdisciplinary needs of the special education staff. The Chairperson of the Community Advisory Committee for Special Education with support from special education staff (Program Specialists, Director of Special Education and the Assistant Superintendent, Student Services) establishes a calendar of in-services available for parents.

B. NEEDS ASSESSMENT
All special education teachers and support staff provide input concurrently with general education staff in school site needs assessment. The Community Advisory Committee completes a yearly informal needs assessment. Based on a summary of needs assessment responses, the priorities for staff development are determined annually.

C. COORDINATION OF SELPA PERSONNEL DEVELOPMENT PROGRAM WITH DISTRICT STAFF DEVELOPMENT PROGRAMS
Staff development priority areas are coordinated with the district’s staff development program through participation with special education staff and district special education mentor and resource teachers on the district’s staff development committee.

District training is offered to special education teachers, classified staff, parents, support staff (psychologists, speech language therapists, adapted physical education teachers, nurses), general education teachers and administrators, as appropriate, in coordination with the district’s general staff development program.

Staff members are encouraged to attend in-services sponsored by the District, County, and professional organizations. Monthly staff meetings offer in-service training. Half or full-day in-services throughout the year, both within-District and out-of-District, are scheduled with recognized organizations. Some meetings are offered after the instructional day. Staff members will be expected to attend staff development training as it pertains to their roles and needs. When necessary, release time is provided. Staff members with teaching assignments, who attend staff development sessions during the
instructional day, are provided with substitutes for their classrooms. Information from the in-services is shared with other staff members.

D. **EVALUATION**
An evaluation of each training session will be conducted at the conclusion of each session. The system for evaluating the usefulness of the activities can include the completion of questionnaires by participants and follow-up discussions. Evaluations are reviewed by staff and adjustments made as appropriate.
[Reference: Education Code Sections 56240-56243]

E. **COLLABORATION WITH REGIONAL COORDINATING COUNCIL**
Results from completed needs assessment and resulting staff development programs will be coordinated by the program specialists, lead staff and district staff development staff. Personnel will be notified as to the available training activities through memos, master calendar and flyers distributed to school sites. All staff development activities are reviewed in relation to the regional coordinating council staff development activities. Representatives from the SELPA participate in the regional coordinating council planning efforts.
REGION 3 SPECIAL EDUCATION COORDINATING COUNCIL
OF
COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT
ADVISORY COMMITTEE

BYLAWS

1.0 PURPOSE

To improve the quality of educational services delivered to handicapped children through both the effective preparation and the ongoing professional development of educators and service providers. The statutory mandate of providing appropriate educational services for handicapped children can be achieved only if teachers, other professionals, and parents are well-trained and current in their effort of training and development becomes imperative. Training and development is a dynamic process that enables staff to expand and broaden their abilities to do their jobs more effectively. It is an ongoing process based on research and experience that promotes more effective teaching and learning.

To provide a forum for communication among local and regional constituencies, and to advise the Comprehensive System of Personnel Development Advisory Committee (CSPDAC) on personnel development needs, practices, policies, related to quality education.

Roles:

1. To serve as a link for identifying, coordinating and reviewing personnel development resources at the preservice and inservice levels.

2. To advise and support needs assessment processes which identify needs, trends, and issues.

3. To encourage and advocate for quality personnel development and resources for effective implementation.

4. To review input from various agencies/constituencies including evaluations of quality, effectiveness, and responsiveness of CSPDAC activities.
5. To react, give input, and advise the CSPDAC and local providers of personnel on development on:

- Priorities
- Objectives
- State Plan
- Activities

6. To support the dissemination of quality personnel development activities and processes.

7. To advise on organization, utilization, and implementation of resources to accomplish personnel development.

2.0 MEMBERSHIP

Membership will consist of:

1 Representative from each SELPA in Region 3
2 Representatives from IHE, 1 each from CSUS and UOP
2 Parents
1 Representative from regular education (staff development person)
1 Community agency representative

2.1 Each SELPA will select a representative to serve a two year term.

2.2 Members at large shall be chosen or appointed by the Region 3 Council to serve a two year term.

2.3 All members of the Council shall have voting privileges.

3.0 GOVERNANCE

3.1 Those present at a duly called regularly scheduled meeting shall constitute a quorum of all voting members.

3.2 Meetings shall be calendared on an annual basis. Additional meetings may be scheduled by the chair or by a majority vote of the members.
3.3 The Council shall elect a chair for a two year term. Election of a new chair shall be held at the June meeting of each odd numbered year. The chair shall act as an alternate for the representative to CSPDAC.

3.4 The Council shall elect a representative to CSPDAC for a two year term. This election shall be held at the June meeting of each odd numbered year. The representative to CSPDAC shall act as chair in the absence of the chair.

3.5 All voting matters shall be settled by a simple majority of those present. Changes in or amendments to the Bylaws shall require a majority vote of all members and a 30 day notice of the date the vote will be held.

3.6 Working ad hoc committees will be established as needed.

3.7 There will be a personnel development committee. Tasks will be determined annually.

3.7.1 The committee shall work within the context of the purpose approved by the Region 3.

3.7.2 Committee membership shall be determined annually with Region 3 assigning membership. The committee shall select its own chair.

3.7.3 The committee shall discuss annual objectives and work plans.

3.7.4 The committee shall report activities and make recommendations to the Region 3.

4.0 RESIGNATION

4.1 Members at large may resign at any time by giving written notice to the Committee. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice. Unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective.

4.2 Within two months of receipt of a resignation, the appointing body shall fill the vacancy.

5.0 VACANCY

In the event of a vacancy in the office of chair or CSPDAC representative, the Council shall elect a replacement to serve the remainder of the term.
Appendix D

SELPA Charter School Policy
PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS VOLUNTARILY ENROLLED IN CHARTER SCHOOLS

INTRODUCTION

Students enrolled in charter schools are entitled to special education services provided in a like manner to students enrolled in other public schools. Charter schools within the SELPA shall comply with applicable requirements of state and federal law regarding provision of special education services (Education Code section 56000 et seq., Individuals with Disabilities Education Act 20 U.S.C. Chapter 33). A charter school shall not discriminate against any pupil in its admission criteria on the basis of disability. Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school.

A child with disabilities who attends a charter school shall receive special education instruction or designated instruction and services, or both, in the same manner as a child with disabilities who attends another public school of the a Local Educational Entity (LEA). Charter schools shall be deemed a public school of the entity that granted the charter unless the charter school itself is deemed an LEA for the purposes of providing special education.

Charter schools should delineate in their petition or a memorandum of understanding (MOU) the entity responsible for providing special education instruction and services. This document should reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding.

SELPA INVOLVEMENT WITH APPROVAL AND RENEWAL OF CHARTERS

Prior to approval or renewal of a charter, the superintendent or designee of the chartering entity should consult with the SELPA Administrator regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition presented should include assurances that all eligible students enrolled in the LEA will receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the Local Plan.

The petition must provide that no student otherwise eligible to enroll in the charter school will be
denied enrollment due to a disability or to the charter school's inability to provide necessary services. In compliance with Education Code section 47605, each charter petition must contain a reasonably comprehensive description of the charter school's educational program. These descriptions should include descriptions of special education services, including the following:

- The procedures for ensuring that students are referred, assessed and served in a timely manner;
- Assurances that staff members providing special education services are appropriately credentialed;
- Assurances that the facility used by the LEA does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program;
- Disenrollment, suspension and expulsion policies and procedures must provide that the due process protections of federal and state law are afforded to special education and 504 eligible students; and
- Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.

CATEGORIES OF CHARTER SCHOOLS

For the purposes of provision of special education services, charter schools shall be deemed either a public school within the chartering district or an LEA that receives funds and provides services independent of the chartering entity. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed an LEA following this policy and the Local Plan for Special Education (Local Plan).

A. **Public School Within a School District or County Office**

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

The chartering entity will:

- Receive all applicable special education funds generated by combined district and charter school enrollment and special education pupil counts. Funds will be allocated in the manner specified by the SELPA allocation plan;

- Receive a per-pupil contribution from the Charter School equal to the charter school’s equitable share of special education encroachment. District-wide special education encroachment will be determined as follows;

- To the extent that district-wide (including charter school) special education and related services costs exceed district-wide (including charter school) special education funding, the excess cost shall be charged to the charter school on a prorated basis. The proration shall be based on the number of students enrolled in the charter school compared to district-wide enrollment.

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

- Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner, without regard for the location in which the student may reside; and

- Be responsible for procuring and funding appropriate special education services; and

The chartering entity and the charter school are encouraged to enter into business agreements or Memorandums of Understanding (MOU) related to the provision of a full continuum of special education services, transportation, services to students with low incidence disabilities, provision of related services, liability, indemnification, funding and fiscal responsibility. However, The chartering entity may not condition granting a charter on a provision that the charter school must become an LEA. Nor may the chartering entity refuse to grant a charter school petition or renewal solely because the charter might enroll pupils with disabilities who reside in another SELPA (EC 47647).

---

1 EC 47646 (c) requires that the chartering entity, if a district, charge the charter school its pro-rata share of district-wide encroachment. However, for consideration, the district may waive this charge. Specifics should be included in an MOU or business agreement.
B. **Charter School As An LEA Within The SELPA**

A charter school that includes in its petition for establishment or renewal, or that otherwise provides verifiable written assurances that the charter school will participate as an LEA for the purposes of providing special education, may apply to become a member of the SELPA.

Application must be made to the SELPA on or before January 1 of the school year preceding the school year in which the charter school anticipates operating as a member LEA within the SELPA. The SELPA administrator and/or staff will review the charter school’s application and develop a written recommendation within 30 days of receipt of application. Both the applicant and members of the Council of Superintendents will receive copies of the written recommendation at least 10 days prior to the item appearing on an agenda. The Council of Superintendents will take action to approve or disapprove the charter school as a member LEA within 60 days of application. If approved, the charter school LEA will become a member effective on July 1. Prior to final approval and full acceptance as a member LEA, the charter school will continue to be deemed a public school of the chartering district. If disapproved, the SELPA administrator will provide the applicant with a written finding that delineates the reason(s) for disapproval.

Once granted membership within the SELPA, the LEA charter school will participate on an equal basis with other members in the governance of the SELPA. A charter school LEA will have equal voting power with non-charter LEAs as described in Part I, section II of the Local Plan.

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

1. Provide assurances that all enrolled individuals with exceptional needs have access to a free appropriate public education in accordance with state and federal legal mandates and SELPA policies;

2. Provide assurances that the LEA can provide a full continuum of special education programs and related services;

3. Provide assurances that the LEA, through employment or contract, can provide the appropriately credentialed staff necessary to meet federal and state special education mandates and accept responsibility for:
   - Referral;
   - Assessment;
   - Special Education Instruction;
   - Compliance
• Due process;
  Discipline/manifestation determination.

• Provide assurances that the LEA will follow all applicable SELPA policies and procedures, including but not limited to:
  Identification, referral and placement (Part B, Section 1(A))
  Procedural safeguards (Part B, Section 1(B))
  Regionalized services, including excess costs (Part B, Section 1)
  Placement procedures and funding for students placed in Hospitals, Licensed Children’s Institutions, Juvenile Court/Community School programs (Part B, Section 1 (E)(F)(G))
  Costs of programs and services, including transportation (Part B, Section 1 (H))
  Provide assurances that the LEA will utilize SELPA approved forms in an appropriate manner;

4. Provide assurances that the LEA will attend SELPA sponsored in-service and trainings;

5. Provide assurances that the LEA will place special education students in inter/intra-SELPA programs only with the expressed consent of the receiving entity and under the condition that the placing entity will be responsible for any excess costs attributable to the placement.

6. Provide assurances that the LEA will accept inter/intra-SELPA placements only with agreement between the educational entities. Under such circumstances, the placing LEA will be responsible for any excess costs, including transportation, in accordance with the Local Plan;

7. Provide assurances that the LEA has completed a compliance audit of its special education program, with the audit being conducted by a mutually acceptable neutral party. The LEA is to be responsible for all costs of such an audit and any required corrective actions; and

8. Provide assurances that the LEA will indemnify and hold harmless the SELPA and each of the member entities.

Once deemed a member of the SELPA, the charter school, like other member LEAs shall:
1. Fully participate in governance of the SELPA in the manner outlined in the Local Plan;

2. Accept all responsibilities of an LEA in the implementation of the Local Plan;

3. Fully comply with policies and procedures outlined in the Local Plan;

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

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

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

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

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

9. Return any special education apportionment not used solely for the purpose of providing special education instruction and/or services to identified students with disabilities. With the exception that charter schools may retain an agreed upon percentage for the purpose of establishing a restricted reserve account to meet unanticipated special education costs.

If the approval of a charter school requires a change in the SELPA allocation plan or governance structure, such change shall be adopted pursuant to the policy making process outlined in the Local Plan. A request from a charter school to participate in the SELPA will be treated in the same manner as such a request from a school district.
56207.5 and 56203 (a), (b), (c) A request by a charter school to participate as a local education agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirements shall apply:

56207.5 (a) The special education local plan area shall comply with Section 56140.
56207.5 (b) The charter school shall participate in state the federal funding for special education and the allocation plan developed pursuant to subdivision (l) of Section 56195.7 or Section 56836.05 in the same manner as other local educational agencies of the special education local plan area.
5620 7.5(c) The charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area.

ELK GROVE UNIFIED SCHOOL DISTRICT SELPA
CHARTER SCHOOL POLICY

Introduction

This policy applies to all charter schools that are chartered by the Elk Grove Unified School District SELPA. This policy also applies to any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to the Elk Grove Unified School District SELPA (EC4605.5 (k)(1). This policy does not apply to a charter school that was chartered by, or assigned to, an entity that is not a member of the SELPA.

As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools, the charter schools will comply with all requirements of state and federal law regarding provision of special education services (EC 56000 et seq., Individuals with Disabilities Education Act (IDEA) [20 U.S.C. Chapter 33] Americans with Disabilities Act). This policy does
not apply to a charter school that was chartered by, or assigned to, an entity that is not a member of the SELPA.

As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools, charter schools within the SELPA shall not discriminate against any pupil in its admission criteria on the basis of disability.

Charter petitioners must delineate in their petition or in a Memorandum of Understanding (MOU) the entity responsible for providing special education instruction and services. This document must reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. This document must affirm, in writing, that the district where the students reside, if different from the chartering entity, is not responsible for providing special education services to students that are enrolled in the charter school. The written agreement must also state that prior to final approval of a request to be deemed and LEA, the charter school will be deemed a public school within the chartering entity.

Approval and Renewal of Charters

Role of the SELPA Director

Prior to approval of a new charter school, or renewal of an existing charter school, the SELPA Director shall consult with the Superintendent and Governing Board of the District, or designee, to ensure that the charter school responds to District and SELPA guidelines and timelines as they relate to special education. The SELPA Director shall review all proposed charter petitions, including petitions for renewal, and advise the Superintendent and Governing Board on whether the petition contains reasonable assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with state and federal law and the SELPA Local Plan for Special Education (Local Plan).
Required Contents of Charter Petitions

Petitions must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school’s inability to provide necessary services. Each charter petition must also contain a reasonably comprehensive description of the charter school’s educational program, as it relates to the provision of special education services, including the following:

1. The specialized instruction and services available at the charter school;
2. The procedure for ensuring that students are referred, assessed, and served in a timely manner;
3. Assurances that staff members providing special education services are appropriately credentialed;
4. Assurances that the facility used by the charter school does not present physical barriers that would limit an eligible student’s full participation in the educational and extracurricular programs and that the school will comply with Section 504 of the Rehabilitation Act of 1973 (34 CFR 104) (hereinafter “504”);
5. Assurances that disenrollment, suspension, and expulsion procedures comply with the protections of federal and state law afforded to special education and 504 eligible students; and
6. Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.
Categories Of Charter Schools

For the purpose of providing special education services, charter schools shall be deemed either a public school within the chartering district, or an LEA that receives funds and provides services independent of the chartering entity. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed an LEA and accepted into a SELPA.

Public School within the School District

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law. The chartering entity will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students enrolled in other schools or programs administered by the chartering entity.

The chartering entity will:

1. Receive all applicable special education funds as specified in the SELPA Assembly Bill 602 Funding Allocation Plan. The allocation per ADA in the charter school will be the same as that received by the chartering entity;
2. Represent the needs of the charter school in the SELPA governance structure;
3. Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner;
4. Be responsible for procuring and funding appropriate special education services, wherever the student may reside; and
5. Provide necessary special education services or contract for these services with public or non-public educational agencies.

When the chartering entity is the District, the charter school must be held fiscally responsible for a fair share of any encroachment on District general funds that is created by the provision of special education services throughout the District. The District and the charter school may enter into agreements whereby the charter school is billed for excess costs associated with providing special education services to identified students, including the administration of special education programs.

Charter Schools as Independent LEAs

If a charter school wishes to be an LEA, they must apply to a district in a multi-district SELPA for authorization of their charter. Should a charter school apply to be an LEA, the SELPA will treat applications by charter schools to be independent LEAs in the same manner that the SELPA treats applications by other districts and LEAs and may refer such applications to neighboring multi-district SELPAs.
Philosophy-Goals-Objectives and Comprehensive Plans

CHARTER SCHOOL BOARD POLICY

The Governing Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning and provide students with additional education options. These schools shall operate under the provisions of their charters, federal laws and general oversight of the Board, and shall comply with all requirements in California’s Charter Schools Act. This policy shall be included as part of all charters approved by the Board.

The Board will grant a charter petition as long as it is satisfied that granting the charter is consistent with sound educational practice, governance and fiscal accountability. The Elk Grove Unified School District Board (EGUSD) will carefully review all proposed charter schools and any supplemental information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall approve a charter school petition unless appropriate fiducial fundings are pursuant to Education Code 47605 which specifies the following reasons for denial:

1. The charter school presents an unsound educational program for the pupils enrolled in the charter school.

2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

3. The petition does not contain the number of signatures required by subdivision.

4. The petition does not contain an affirmation to each of the conditions described in subdivision.

5. The petition does not contain a reasonably comprehensive description of the 14 elements outlined in the law.

The Board shall ensure that any charter granted by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems as well as multiple measures for evaluating the educational program. To assist the Board in its general oversight responsibility, charters shall provide for regular reports to the Board related to the charter provisions.
CHARTER SCHOOL BOARD POLICY (Continued)

Legal Reference:

EDUCATION CODE
41365 Charter school revolving loan fund
44237 Criminal Record summary
44830.1 Certificated employees, conviction of violent or serious felony
45122.1 Classified employees, conviction of a violent or serious felony
47600-47616.5 Charter Schools Act of 1992
48000 Minimum age of admission (kindergarten)
48010 Minimum age of admission (first grade)
48011 Minimum age of admission from kindergarten or other school
51747.3 Apportionment’s for independent study
54032 Limited English or low-achieving pupils
56145-56146 Special education services in charter schools
60605 Academic content and performance standards, assessments
60640-60646 Standardized Testing and Reporting Program

GOVERNMENT CODE
54950-54962 The Ralph M. Brown Act

PENAL CODE
667.5 Definition of violent felony
1192.7 Definition of serious felony

CODE OF REGULATIONS, TITLE 5
11960 Regular average daily attendance for charter schools

COURT DECISIONS
Board and California School Employees Association and its Desert Sands Chapter
#106, No. BC126357, Superior Ct., County of Los Angeles

ATTORNEY GENERAL OPTIONS

Policy adopted: May 17, 1999

ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California
Appendix E

Interagency Agreement Elk Grove Unified SELPA & Alta Regional Center
Appendix F

Local Plan Development
CERTIFICATION OF PARTICIPATION, COMPATIBILITY, AND COMPLIANCE ASSURANCES

COMMUNITY ADVISORY COMMITTEE (CAC) CERTIFICATION

CAC signature and verification:

I certify:

1. that the Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the local plan pursuant to Education Code (E.C.) Section 56194;
   [x] YES [ ] NO

2. that to ensure adequate and effective participation and communication pursuant to E.C. 56195.9, parent members of the CAC, or parents selected by the CAC, participated in the development and update of the plan for special education;
   [x] YES [ ] NO

3. that the CAC has had 30 days to review the plan prior to submission to the Local Governing Boards and the California Department of Education for approval pursuant to E.C. 56200 (f);
   [x] YES [ ] NO

4. that the CAC has reviewed any revisions made to the local plan as a result of recommendations or requirements from the California Department of Education;
   [x] YES [ ] NO

CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE

<table>
<thead>
<tr>
<th>Signature of CAC Chairperson</th>
<th>Date</th>
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<tbody>
<tr>
<td>LaQuetta Copeland</td>
<td>4-10-03</td>
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</tbody>
</table>

Name of Chairperson: LaQuetta Copeland
Phone Number: 916-687-6999

If you checked [ ] NO for any of the above certifications, you must submit specific information, in writing, as to why you did not certify that the SELPA met the requirement. (Attach separate sheet, if necessary.) The Department will take this into consideration in its review of this local plan application.

Note: SELPAs are strongly advised to submit a draft of changes or amendments to the local plan to the California Department of Education prior to formal adoption by Local Governing Boards.
Elk Grove Unified School District
Local Plan Development
Participants

Linda Strom – Assistant Superintendent of Student Services
William Tollestrup – Director of Special Education/SELPA EGUSD
Cheryl Cartin – General Education
Karen Hayashi – General Education
Josie Onishi – Parent
Connie Ajay – Parent
Diana Barnes – Parent
Ruthanne Rankin – Parent/CAC Chair
LaQuetta Copeland – Program Specialist/CAC Vice Chair
Cyndi Starkey – Program Specialist, Early Intervention
Pat Spears Lee – Program Specialist, Behavior Intervention
Ann Taylor – Special Education
Kevin Schaefer – Special Education
Shareen Rendon – Transition Program Specialists
Kit D’Arezzo – Inclusive Education
Terry deBoer – Program Specialist/Special Education
Matt Collier – Director of Prevention and Intervention
Don Ross – Special Education
Appendix G

Community Advisory
Community Bylaws
ARTICLE I: NAME
The name of the organization shall be the Elk Grove Unified School District (EGUSD) Special Education Community Advisory Committee (CAC).

ARTICLE II: AUTHORITY
As mandated by the California Education Code Sections 56190-56194, the CAC shall serve in an advisory capacity to the EGUSD Board of Education and Administration regarding the development, amendment, and review of the Special Education Local Plan Area (SELPA) and make annual priority recommendations to be addressed by the plan.

ARTICLE III: PURPOSE
The purpose of the CAC shall be to bring together parents/guardians, professionals, and community members for development of strategies to promote effective special education programs and services within the EGUSD.

ARTICLE IV: DUTIES
The CAC shall have the following duties:

Section 1. Advise the EGUSD Board of Education and EGUSD Administration regarding the development, amendment, and review of the SELPA Local Plan and make annual priority recommendations to be addressed by the plan.

Section 2. Assist in parent education and in the recruiting parents and other volunteers who may contribute to the implementation of the plan.

Section 3. Communicate on a regular and continuing basis with the EGUSD Board of Education, SELPA Director, and District Personnel.

Section 4. Prepare reports that include recommendations, and statements regarding the activities of the CAC and the implementation of special education programs and services. All such expressions of the CAC shall be presented to the EGUSD Board of Education and EGUSD Administration.

Section 5. Prepare an annual status report, above and beyond the monthly minutes, to be submitted to the Board of Education at the end of the school year. Any member may attach a minority report to any such action by the CAC.

Section 6. Participate in ongoing trainings. The CAC may provide training for committee members, parents, district staff and the community.
Section 7. CAC members shall be included in the design of, and participate in, Staff Development Programs provided for the EGUSD.

Section 8. Assist EGUSD in the collection and dissemination of information to all parents of special education students served by the SELPA and related agency and community representatives.

Section 9. Appoint representatives from the CAC to meet with other organizations and agencies.

ARTICLE V: LOCATION
Section 1. The CAC service area shall be within the confines of the geographical boundaries of the Elk Grove Unified School District SELPA.

Section 2. The CAC shall meet at the Elk Grove Unified School District, Special Education Student Services, Robert Trigg Center, 9510 Elk Grove-Florin Road, Elk Grove, CA 95624

ARTICLE VI: FREQUENCY
Section 1. CAC business meetings shall be conducted on the second Tuesday of the month during the traditional school calendar year (September through June – excluding December).

Section 2. The first meeting of the traditional school calendar year shall be held in September and be deemed the organizational time at which the annual calendar is adopted.

ARTICLE VII: MEMBERSHIP
Section 1. The Community Advisory Committee (Members who have voting privileges) may be composed of the following:
   a. A majority of these voting members must be parents/guardians of children attending public and private school whose education is provided by the Elk Grove Unified School District. A majority of these are to be parents/guardians of individuals with exceptional needs.
   b. Disabled pupils and adults.
   c. Teachers and other EGUSD personnel.
   d. A staff liaison(s) appointed by the Director of Special Education.
   e. Representatives of other public and private agencies.
   f. Persons concerned with the needs of individuals with exceptional needs.

Section 2. The composition of the membership shall reflect the types of programs and disabilities of the pupils, as well as the ethnic, social-economic background and age groups of the pupils.

Section 3. The CAC shall have at least five (5) voting members.

Section 4. The CAC members shall vote all members into membership. They must attend two consecutive meetings prior to applying for membership.
THE ELK GROVE UNIFIED SCHOOL DISTRICT
COMMUNITY ADVISORY COMMITTEE FOR SPECIAL EDUCATION

BY-LAWS

Section 5. Any member who has two consecutive unexcused absences will be contacted by the CAC to determine the member’s intent regarding their continued membership.

Section 6. SELPA Director. The EGUSD SELPA Director shall be a continuing non-voting participant of the CAC and to provide a monthly Director’s Report.

Section 7. All voting CAC members will be encouraged to serve on at least one sub-committee.

Article VIII: OFFICERS

Section 1. The elected officers of the CAC shall be the Chair, Vice Chair, Secretary, and Treasurer. Those officers, the past Chair and the Chairs of the Standing Committees shall form the Executive Committee.

Section 2. The term of elected officers shall be two consecutive years. An officer may not serve more than two consecutive terms in the same office. If there is no nominee for a position, the current person in that position may be elected for an additional term.

Section 3. Election of Officers:

(a) Officer’s elections are held in May.

(b) Nominations for officers will be taken from the floor at the April meeting and those names will be posted on the CAC website in April prior to the May meeting. Nominations will also be taken from the floor prior to the election at the May meeting. A nominee must be a member of the CAC and must agree to have their name placed in nomination.

(c) Members of the CAC may make nominations for officers from the floor.

(d) Elections shall be by ballot unless only one nominee then election may be by voice vote.

(e) Vacancies in office shall be filled at the next regular meeting following the resignation of an officer.

(f) Officers elected at the May meeting will assume office as of July 1st.

(g) The June CAC meeting will be a transition and planning meeting to be attended by both the incoming and outgoing officers.
THE ELK GROVE UNIFIED SCHOOL DISTRICT
COMMUNITY ADVISORY COMMITTEE FOR SPECIAL EDUCATION

BY-LAWS

Section 4. The duties of the officers shall be as follows:

a. CHAIRPERSON
   • Preside at the monthly CAC General Meeting.
   • Preside at Executive Committee meetings.
   • Preside at any special meetings called by the Chairperson or by a majority of the CAC.
   • Ensures that all meetings are run according to Robert’s Rules of Order - Newly Revised, and all motions are properly made and passed.
   • Appoint chairpersons of all committees.
   • Shall vote on motions only to break ties.
   • Shall review/sign the annually reviewed By-laws.
   • Serve as committee spokesperson to the school district.
   • Appoint representatives from the CAC to meet with other organizations and agencies
   • Direct planning for parent education sessions.
   • Present annual report to school board/administrative entity (district SELPA or county office) (See Article IV, Section 4)

b. VICE CHAIR
   • Assist the Chairperson and in his/her absence serve as Chairperson.
   • Preside at alternate meetings, or in the Chair’s absence.
   • Assume the position of Chairperson in the event the Chairperson leaves the committee.
   • Responsible for management of the CAC website.
   • Oversee publicity, (i.e., CAC brochure, and other CAC publications.)

c. SECRETARY
   • Record minutes of all Executive Committee and General Meetings. (Duplication and distribution shall be provided by the Elk Grove Unified School District.)
   • Maintain a record of the attendance of members at monthly meetings, and keep track of membership as to committee membership and parent/professional status.
   • Responsible for maintaining and updating the CAC email and contact list and sending monthly email meeting invites.
   • Maintain a record of all minutes.
   • Obtain, maintain, and display collection of parent information materials at all CAC meetings.

d. TREASURER
   • Maintain copies of submitted reimbursement receipts.
   • Maintain record of budget of money spent.
   • Manage petty cash.
THE ELK GROVE UNIFIED SCHOOL DISTRICT  
COMMUNITY ADVISORY COMMITTEE FOR SPECIAL EDUCATION

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Article IX: SUB-COMMITTEES

Section 1. The CAC shall have three types of committees: Standing Committees, Ad Hoc Committees, and an Executive Committee.

Section 2. The CAC shall have the following Standing Committees:

1. Planning, Monitoring and Evaluation.
   • Annually review the Local Plan for Special Education.
   • Have an annual community meeting to discuss what is working, what could work better, and what the strategies are, and what groups can assist.
   • Produce an annual report to be presented to the Board of Education at the end of the school year.
   • Work with the EGUSD to ensure that there is an effective Alternative Dispute Resolution Program.
   • Advocate for information to be provided to families who are not fluent in English.

2. Training and Education.
   • Actively work to include families from diverse communities on the EGUSD committees that plan for and allocate resources for training and education.
   • Advocate for sufficient resources and support to ensure that staff have research-based and up-to-date knowledge of best practices, as well as ongoing training.
   • Advocate for ongoing support for general education teachers so they see the student as a whole child, not just as disabled.
   • Encourage the District to publicize trainings to families, so that parents/guardians and teachers have the same information about how to support their children’s success.
   • Develop and distribute materials that increase families’ knowledge of special education.

3. Leadership Development
   • Develop strategies that address the barriers to participation of families in their children’s education, and support active involvement of families in groups supporting public education.
   • Identify and publicize model special education programs so that best practices can be replicated.
   • Develop and implement the means to recognize the successes of students receiving special education services.
   • Recruit individuals from Elk Grove’s diverse communities to maximize their involvement in the CAC and leadership in the community.
   • Maintain ongoing working relationships with other community organizations that represent the range of families in the district.
   • Identify, publicize and collaborate with community resources that provide training that might benefit families.

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BY-LAWS

- Collect new additions to the mailing list from outreach efforts of all committees and transmit these additions to the Secretary on a regular basis.

4. Disability and Diversity Awareness
- On an ongoing basis search for opportunities to promote awareness of and sensitivity to all abilities, including cultural differences and invisible disabilities.
- Create educational materials, which focus on the positive aspects of why we have special education.

5. CAC Management – Executive Leadership Committee
- Oversee the annual election of officers to serve as the Executive Committee.
- Implement a committee structure to ensure that the mission of the CAC gets accomplished and that the workload is fairly and reasonable distributed.
- Survey members regularly regarding leadership and training needs. Provide regular orientation for new members and skills training for all members.
- Annually evaluate the CAC in terms of impact and how well the organization is effectively functioning.
- Oversee CAC resolutions in progress and ensure that resolutions are introduced in a standardized format.
- Create opportunities and recruit individuals from Elk Grove’s diverse communities to participate in CAC activities.
- Annual review the Strategic Plan and ensure that the objectives of the Strategic Plan are implemented.
- Create an annual calendar, including the programs for monthly meetings.
- Responsible to resolve conflict(s) of interest that occur when any member of the CAC could hinder the mission of the CAC. All persons interested in becoming a member of the CAC will complete the Application for Membership that includes a conflict of interest statement.

Section 3. Subcommittees shall be formed whenever a particular issue or need arises.

Section 4. The Executive Committee shall meet at a frequency determined by the Chairperson.

Section 5. The CAC may establish ad hoc committees to carry out its purpose.

Section 6. The Chairperson, in the absence of any objection of any CAC member, shall appoint the committee chairs and other members of the committees.

Section 7. Each committee shall appoint a member to keep a written record of its proceedings and report its actions to the next regular meeting of the CAC.

Section 8. Any CAC member or member of the public may participate on all committees, except that voting shall be reserved to members.
THE ELK GROVE UNIFIED SCHOOL DISTRICT
COMMUNITY ADVISORY COMMITTEE FOR SPECIAL EDUCATION

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Article X: MEETINGS
Section 1. The CAC shall meet at least once a month for nine (9) out of twelve (12) months a year. The CAC does not have a membership meeting in July or August. CAC meetings shall be conducted on the second Tuesday of the September thru June – excluding December. Notice of regular meetings is to be posted on the websites and on the CAC Brochure that is to be given to each parent at I.E.P meetings.

Section 2. All meetings shall be open to the public and held in facilities accessible to disabled persons.

Section 3. Special meetings may be called by the Chairperson or by a majority of the CAC. All members must be notified at least 48 hours prior to such meeting.

Section 4. Meeting notices shall include time, date, place and agenda.

Section 5. A quorum shall consist of a majority of CAC members.

Section 6. Every act or decision done or made by a majority of members present at a meeting duly held at which a quorum is present is an act of the CAC unless the Bylaws require a greater number.

Section 7. Any CAC member may introduce text of a proposed Resolution to the CAC membership for discussion and voting at the next regularly scheduled meeting.

a. Content of Resolutions:
   - Resolutions must contain statements of fact, supported by at least two pieces of current, valid documentation (such as journal articles, quantitative data from a reputable source, legal citations, letters or other official documents);
   - Actions called for in the Resolution must be in accordance with the By-Laws of the CAC;
   - Resolutions must contain a Background Summary of the facts supporting the Resolution and the actions called for in the Resolution so that the content of the resolution is easily understood by someone new to the issue;
   - Resolutions must contain a bibliography detailing all sources used in the creation of the Resolution;
   - Copies of all supporting documentation must be attached to any proposed Resolution.

b. In order to be adopted as a Resolution of the full CAC, proposed Resolutions must be passed by a majority of CAC members; Resolutions cannot be passed if a quorum is not present. In the event a quorum of members is not present, voting on any proposed Resolutions shall be postponed until the next regularly scheduled meeting.
c. Resolutions passed by the CAC shall become part of the public records of the CAC.

Section 8. The Chair may grant persons other than members the privilege of the floor.

Section 9. Any CAC member may add an agenda item for an upcoming meeting by submitting said item in writing to the Chair and Vice Chair. Only CAC members may submit agenda items ahead of regular meetings. Nonmembers may bring up non-agenda items during the public comment period of each regularly scheduled meeting.

Section 10. No letter or personally presented statement of charges against individuals will be heard by the CAC.

Section 11. The CAC Handbook shall be reviewed and revised as needed by the CAC Membership. Typing and distribution shall be provided by the Elk Grove Unified School District.

Article XI: PARLIAMENTARY AUTHORITY
On question or point of order not contained in these Bylaws, Robert’s Rules of Order-Newly Revised shall govern the CAC.

Article XII: AMENDMENTS - These Bylaws may be amended at any regular CAC meeting by a majority vote of the quorum. In the event a quorum of members is not present, voting shall be postponed until the next regularly scheduled meeting.

Article XIII: EFFECTIVE DATE OF BY-LAWS AND/OR AMENDMENTS

Adopted May 10, 2011

Section1. Procedures

These bylaws shall become effective immediately upon their adoption. Amendments to these bylaws shall become effective immediately upon adoption unless the Committee members specify otherwise.

Kate Chilcote
Kate Chilcote, CAC Chair 2010-2011

William Tollestrup, Director
Special Education
MEMORANDUM OF UNDERSTANDING
BETWEEN
ALTA CALIFORNIA REGIONAL CENTER
AND
ELK GROVE UNIFIED SCHOOL DISTRICT SELPA,
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT SELPA,
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT SELPA,
SACRAMENTO COUNTY SELPA,
SAN JUAN UNIFIED SCHOOL DISTRICT SELPA,
AND
WARMLINE FAMILY RESOURCE CENTER

1.0 PURPOSE

The purpose of this agreement is to define, describe, and clarify each agency’s policies and responsibilities including referral, evaluation and assessment, child find, fiscal responsibilities, service coordination, transition etc. as related to the implementation of the California Early Start Program in Sacramento County. The agencies involved in this Memorandum of Understanding are the Alta California Regional Center (hereon referred to as ACRC); the WarmLine Family Resource Center (hereon referred to as WarmLine) and the five Special Education Local Plan Areas (hereon referred to as SELPA) in Sacramento County including the Elk Grove Unified School District, Folsom Cordova Unified School District, Sacramento City Unified School District, Sacramento County and the San Juan Unified School District. Through agreement, the SELPA programs will be operated through the Sacramento County Office of Education’s Infant Program and the San Juan Unified School District’s Deaf or Hard of Hearing Class (see attached SELPA agreement, Appendix “A”). The Sacramento County Office of Education’s (SCOE) Infant Development Program (IDP) and the San Juan Unified School District’s Deaf or Hard of Hearing class will be referred to as the “LEA”.

2.0 TARGET POPULATION

This agreement applies to activities and services performed on behalf of infants and toddlers, birth through thirty-six months of age, and their families, who are eligible for the California Early Start Program, as defined in California statues, regulations and polices. The definition of the eligible population is found in Appendix “B”, which is attached to and made a part of this agreement.

3.0 PAYOR OF LAST RESORT

3.1 Financial Responsibility

ACRC and SELPA will operate within the provisions of the State Interagency Agreement executed between the Department of Developmental Services (DDS) and the California Department of Education (CDE) in October 2004. Due to the importance of the provision entitled “Payor of Last Resort,” those pertinent sections of the state interagency agreement are presented below.
3.11 "DEFINITION: In accordance with Title 17 CCR, Section 52000(b)(37), the ‘payor of last resort’ means the regional center or LEA that is required to pay for early intervention services listed on the IFSP when third party payers or other agencies do not have an obligation to pay as required by 34 CFR 303.527.”

3.12 "Regional Center- The regional center is the payor of last resort for eligible infants and toddlers in accordance with Title 17 CCR, Section 52109. The regional center is not payor of last resort for eligible infants and toddlers with solely low incidence.” (see Appendix B)

3.13 "Local Educational Agency – The LEA is the payor of last resort for eligible infants and toddlers with solely low incidence disabilities in accordance with Section 95008 of the California Early Intervention Services Act and Title 17 CCR, Section 52110(a)” (see Appendix B)

3.14 PROVIDER OF SERVICES: Upon the completion of an assessment and determination of eligibility, services are provided by the respective agencies as the Payor of Last Resort:

3.141 - All infants/toddlers assessed as “solely low incident” (visual, hearing or severe orthopedic impairment, or any combination thereof, and who are not eligible for regional center services), shall be served by the LEA.

3.142 - To be eligible for education services through the LEA, the child shall be identified as having an eligible handicapping condition, such as: hearing impairment; visual impairment; severe orthopedic impairment; autistic; deaf/blind; other health impaired, seriously emotionally disturbed, specific learning disability, significantly below average general intelligence; language and speech disorder in one or more of the following: voice, fluency, language and articulation; AND the condition(s) is causing: 33% delay in one area of development before 24 months of age, or, at 24 months or older, either a delay of 50 % in one developmental area or a 33% delay in two or more developmental areas, within the domains of gross or fine motor; expressive or receptive language; cognitive delay and visual development, OR have a disabling condition or congenital syndrome which the IFSP team determines has a high predictability of requiring special education and services.

3.143 - If no space is available in the LEA program for the infant/toddler identified in 3.142 above, as payor of last resort, ACRC shall provide appropriate services through the IFSP process.

3.144 - All infants/toddlers identified as being “at risk” for developmental delays shall be monitored in the ACRC Prevention Program. Services provided shall include intake, assessment, case management and referral to generic resources.
3.145 - All infant/toddlers, between the ages of birth to 36 months, receiving services through ACRC and subsequently determined by assessment to have a “solely low incident” impairment, shall be served by the LEA. The SELPA of residence will become the payor of last resort. The infant/toddler will discontinue its involvement with ACRC.

3.2 Maintenance of Effort

ACRC is the designated payor of last resort for children jointly served by ACRC and the LEA. The LEA shall provide services to 212 infants who meet eligibility criteria provided the LEA does not exceed its funding capacity as determined by the California Department of Education.

4.0 PROGRAM IMPLEMENTATION POLICIES

4.1 Community Collaboration

WarmLine acts as a neutral contact for families and professionals involved with infants and toddlers with special needs. The WarmLine maintains county specific data including information, resources and support options regarding families, Special Education Local Plan Areas, Infant Development Programs, public health, California Children Services, Women Infants and Children (WIC), alcohol and drug programs, county social service agencies, mental health programs, parent support groups etc. As this information changes, it is updated in the WarmLine databases, service files, and publications including the Local Directory, Family Notebook, NICU parent packets, etc.

4.2 Child Find

WarmLine assists in child find, public awareness and outreach by providing culturally sensitive/aware information on the early intervention service system to families, professionals and community members. Presentations regarding the WarmLine, family support and early intervention, are made to community groups, service providers, medical facility staff, local education staff, parent support groups, etc. WarmLine also participates in a variety of community events to disseminate information regarding the California Early Start program in Sacramento County. These community events may include health fairs, information and/or resource fairs, and disability awareness events. The WarmLine hosts a monthly parent education class.

ACRC coordinates with neonatal units at Mercy San Juan, Kaiser, University of Davis Medical Center, Kaiser and Sutter Memorial hospitals. Child find activities frequently occur in these settings.

ACRC, LEA and WarmLine also work closely with the public health nurses and other community organizations and agencies to coordinate child find and the delivery of early childhood services.
4.3 Referral Procedures

4.31 Initial Referral: The 45 day intake period begins on the day a written or verbal referral is received by ACRC or the LEA. Either agency may be called upon to assume the role of IFSP Service Coordinator. It is agreed that the agency that conducts the intake interview with the family assumes the role of Interim Service Coordinator until the IFSP Service Coordinator is identified at the IFSP meeting. The Service Coordinator is responsible for ensuring that the timelines for the initial IFSP are met.

For an infant or toddler who appears eligible for services from both agencies, the written referral will be developed by the agency receiving the notification. The referral will then be transmitted to the other responsible agency in a timely manner, not to exceed five calendar days. This five day period is included within the 45 calendar day timeline for development of the Individual Family Service Plan (IFSP). It is the intent of ACRC and the LEA to coordinate the evaluation and assessment phase with the family to establish a unified intake process.

If the LEA is at funded capacity, ACRC will conduct the evaluation, assessment and Individualized Family Service Plan (IFSP) without LEA assistance.

If the child is challenged with a solely low incidence disability (and not eligible for ACRC services) the LEA will conduct the evaluation, assessment and IFSP without ACRC assistance.

4.32 Transfers: When a family transfers into Sacramento County with a child already determined eligible for California Early Start Services the agency receiving the referral for services will notify the other responsible agency in a timely manner not to exceed five calendar days.

If the child has a current IFSP from an educational program under the auspices of the California Department of Education (CDE), the LEA will immediately enroll the child into the LEA sponsored education program. When necessary, funded capacity will be waived by the LEA to immediately enroll the child.

Children transferring into the county with an IFSP funded through the Department of Developmental Services (no previous LEA services) will be evaluated and assessed to determine LEA eligibility, if the LEA is under funded capacity. If the LEA determines the child to be eligible for services, the LEA will provide an educationally related program and services as determined through the IFSP process. If the child is not LEA eligible for services ACRC will provide services for the child/family if the child qualifies for early start services.

When the LEA is at funded capacity and the child transferring into the county has an IFSP funded through the Department of Developmental Services (no previous LEA services) ACRC will provide services for the child/family as delineated by the IFSP process.
4.4 Individualized Family Service Plans (IFSP)

ACRC and the LEA will participate in the multi-agency IFSP meetings for any child commonly served by both agencies. The initial IFSP determining eligibility and entering the child and family into the California Early Start Program will be held within 45 days of the receipt of the written referral. All IFSP meetings, for the child and family, will require an IFSP meeting notice exchanged between the agencies.

Based on family preference, a qualified staff member from ACRC or the LEA will act as the family’s service coordinator. The service coordinator is responsible for obtaining required consent from parents/legal guardians; assisting the family to obtain needed services; facilitating the evaluation and assessment of the child and family; is knowledgeable of parent’s rights, due process, confidentiality, required IFSP components, timelines, the transition process and the payment of services identified on the IFSP. The service coordinator is also responsible for arranging the IFSP meetings and ensures the IFSP notice is written in the family’s native language; provides interpreter and translator services as required.

Any changes made to the plan at or before the six-month review must be documented on the IFSP sheet and a copy must be sent to the other agency for their record.

In the development of the IFSP, pursuant to current law, a full range of services shall be made available to the child/family. It is understood that each agency can only commit to providing services funded by that agency; the agency representative attending the IFSP meetings will have the authority to sign the IFSP document for that agency.

The LEA is funded to provide services for a 200-day program year. Families seeking to obtain services for more than a 200-day program year will be supported in obtaining additional days, as needed, through the IFSP process. As payor of last resort, ACRC will fund services beyond the LEA’s 200-day capacity, as determined by the IFSP team.

ACRC and LEA generated reports on child/family progress; assessment and evaluations and other related information will be exchanged between agencies and the family during the IFSP meetings.

If English is not the primary language of the family, it is agreed that the designated Service Coordinator will make every attempt to purchase the services of an interpreter for multi-agency IFSP meeting if no staff or community resources are available to interpret.

4.5 Year Round Contact

ACRC, LEA and WarmLine agree to maintain year-round contact on two levels: families/agency and agency/agency. Staff will be available year round by phone, and home visit if needed, to respond to family inquiries and referrals for
evaluation. The ACRC, LEA and WarmLine will maintain ongoing, year-round communication through email, fax and telephone.

4.6 Transition Procedures

At a minimum, ACRC and the LEA will agree to abide by the following timetable of activities:

<table>
<thead>
<tr>
<th>TIMELINE:</th>
<th>ACTIVITY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 years 6 months</td>
<td>The service coordinator schedules a meeting with the family to develop a Transition Plan with the LEA and ACRC for those children who are eligible for services from both agencies. The family develops a Transition Plan with the LEA and/or ACRC when one agency is the sole provider of services. In either situation, after the service coordinator obtains parental consent, the school district of residence is notified. The service coordinator also completes a preschool referral form, attaches the current IFSP and assessment and mails child specific information to the district of residence’s designated representative.</td>
</tr>
<tr>
<td>2 years 9 months</td>
<td>The service coordinator convenes a meeting to review the Transition Plan with the family. Representatives from the district of residence; ACRC and/or LEA; Head Start if appropriate, will be contacted to attend the meeting. A plan for coordinating the child’s evaluation and assessment will be developed.</td>
</tr>
<tr>
<td>Prior to 36 months</td>
<td>An Individualized Education Program Plan and/or IPP and/or IFSP meeting will be held for children/family to complete the transition.</td>
</tr>
</tbody>
</table>

LEA and ACRC meet with the school district representatives to review transition procedures and make necessary changes to refine the process.

5.0 SURROGATE PARENTS

The SELPA will continue to implement the Surrogate Program in accordance with the Surrogate Policy. The SELPA agrees to share its listing of surrogate parents with ACRC. The SELPA may request a share of reimbursement from ACRC for training. ACRC service coordinators will utilize the Regional Center’s Surrogate Parent procedures when necessary.

6.0 PROCEDURAL SAFEGUARDS

ACRC and the LEA must abide by the Procedural Safeguards as outlined in the federal and state law and accompanying regulations. Parents will be informed of their rights to due process at the initial meeting with each agency and at each annual IFSP meeting. During the continuance of a dispute, a child may continue to receive the same level of early intervention services currently
being provided by either agency as identified and agreed upon in the IFSP. If the dispute involves initial early intervention services, the child may receive the early intervention services identified and agreed to in the IFSP.

ACRC and the LEA agree to comply with all privacy requirements associated with child/family confidentiality as regulated by the Family Educational Rights to Privacy Act (FERPA) and/or the Health Insurance Portability and Accountability Act (HIPAA).

The LEA agrees to ensure that all staff working directly with a child will be fingerprint checked and will have current Tuberculosis tests on file.

7.0 DISPUTE RESOLUTION

The following steps will be followed should a dispute arise from the issues identified above:

Step 1: Every attempt will be made to resolve the dispute at the lowest possible administrative level starting with the supervisory level up to the agency Director at ACRC and the SELPA Director.

Step 2: If resolution of the dispute is not achieved, the two parties may request technical assistance from the Department of Developmental Services (DDS) and the California Department of Education (CDE).

Step 3: If resolution cannot be reached within 60 calendar days, the issue will be referred to DDS and CDE for the state-level review and resolution.

Step 4: The state-level review will be conducted jointly by DDS and CDE and a decision rendered within 60 calendar days of receipt of the dispute.

8.0 ADDITIONAL COMPONENTS

ACRC and the LEA mutually acknowledge and agree to the need for ongoing professional development activities and joint training of staff regarding the implementation of the California Early Start Program, as defined in California statues, regulations and policies within Sacramento County. The training activities will include the staff of the ACRC vendor infant programs.

Copies of this agreement shall be made available to all staff of the parties of the agreement and appropriate training shall be provided through the respective agencies to ensure continuity of implementation of the Memorandum of Understanding.

9.0 MUTUAL INDEMNIFICATION

Each party shall defend, indemnify, and hold the other party, its officers, agents, and employees harmless from and against any and all third party demands, debts, liens, claims, losses, damages, liability, costs, expenses (including, but not limited to, attorneys fees and costs actually incurred, whether or not litigation has commenced), judgments or obligations, actions, or causes of action whatsoever, for or in connection with injury, damage, or loss (including, but not limited death), to any person or property resulting from the willful misconduct or negligent acts or omissions of
the indemnifying party or any of its agents, subcontractors, employees, suppliers, laborers, or any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Contract. The provisions of this clause shall not be limited to the availability or collectability of insurance coverage.

10.0 TERMS OF AGREEMENT AND REVIEW SCHEDULE

This agreement shall be in effect from the date of signature to December 31, 2012. If any changes are recommended, the contracting party will notify the other and a mutual date for a meeting will be determined. This agreement may only be amended by mutual consent of the parties. Parties may extend the agreement on an annual basis by all parties signing a notification of extension.

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<tr>
<th>Phil Bonnet, Executive Director</th>
<th>Bill Tollestrup, Director</th>
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<td>Alta California Regional Center</td>
<td>Elk Grove Unified SELPA</td>
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<th>Cher Koleszar, Director</th>
<th>Rebecca Bryant, Director</th>
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<td>Folsom Cordova Unified SELPA</td>
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<th>Judith Holsinger, Executive Director</th>
<th>Robin Pierson, Assistant Superintendent</th>
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<td>Sacramento County SELPA</td>
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<th>Carol Williams, Director</th>
<th>Kelly Young, Executive Director</th>
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<td>San Juan Unified SELPA</td>
<td>WarmLine Family Resource Center</td>
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Appendix A

MEMORANDUM OF UNDERSTANDING
BETWEEN
ELK GROVE UNIFIED SCHOOL DISTRICT,
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT,
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT,
SACRAMENTO COUNTY OFFICE OF EDUCATION,
AND SAN JUAN UNIFIED SCHOOL DISTRICT
2011

The purpose of this Memorandum of Understanding is to establish an agreement between the Sacramento County Office of Education (SCOE) Special Education Local Plan Area (SELPA) and SELPAs in Elk Grove Unified School District (EGUSD), Folsom Cordova Unified School District (FCUSD), Sacramento City Unified School District (SCUSD), and San Juan Unified School District (SJUSD), describing the implementation of the Part C requirements for the California Early Start Program in Sacramento County.

The SCOE Infant Program will:

- Provide services to 212 infants who meet eligibility criteria provided the LEA does not exceed its funding capacity as determined by the California Department of Education.

- Serve all children, in cooperation with the SJUSD HOH Program, identified as having a solely low incidence disability as defined in Title 17 California Code of Regulations, Section 52000(a) (47).

- Provide all early intervention services including:
  - Occupational Therapy (direct service or consultation)
  - Physical Therapy (direct service or consultation)
  - Nutrition Services
  - Respite Care
  - Transportation of families to early intervention services

- Comply to procedures and timelines for all infants served including:
  - 45 calendar day timeline for initial referral to Individualized Family Service Plan
  - Provide service availability for a 200-day school year
  - Service coordination responsibilities
  - Data collection responsibilities

- Provide specialized services and equipment

- Assume administrative and regionalized service responsibilities

SJUSD HOH Infant Program will:

- Serve up to 16 children, with a hearing impairment as the primary disability, in the California Early Start Program

4/12/11
will provide all early intervention services (see SCOE section) for up to 16 children

- Comply to procedures and timelines for children served (see SCOE section)
- Provide specialized equipment and services
- Assume administrative and regionalized services for children enrolled in HOH Program

**EGUSD, FCUSD, SCUSD, SJUSD will:**

- Refer all families with children, birth to three years of age, requesting special education services to the SCOE Infant Program. (SJUSD will respond to referrals for students with hearing disabilities within the SJUSD)

- Transfer all fiscal allocations for participation in the California Early Start Program to the SCOE Infant Program. (SJUSD will maintain partial funding for serving up to 16 children in the HOH Infant Program)

- Forward all CDE requests for data to SCOE Infant Program for response (exception: SJUSD HOH program)

---

Elk Grove Unified School District  

Date

Folsom Cordova Unified School District  

Date

San Juan Unified School District  

Date

Sacramento City Unified School District  

Date

Sacramento County SELPA  

Date

Special Education Department  

Date

Sacramento County Office of Education  

Date

4/12/11
Appendix B

PAYOR OF LAST RESORT
RESPONSIBLE TO ENSURE PROVISION OF APPROPRIATE
EARLY INTERVENTION SERVICES
2011

ELIGIBILITY

CATEGORY 1 - Developmental Delay
Title 17 CCR Section 52022(a)

CATEGORY 2 - Established Risk
Title 17 CCR Section 52022(b)

(1) Condition of known etiology which has a high probability of resulting in developmental delay

(2) Infant or toddler with solely low incidence

CATEGORY 3 - High Risk for Developmental Disability
Title 17 CCR Section 52022(c)

PAYOR OF LAST RESORT

DDS- Regional Center

DDS- Regional Center

CDE-LEAs

DDS- Regional Center's Prevention Program
Appendix H

Parent Handbook
Appendix I

Assurance Procedures
FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

20 USC Section 1412, CFR 300.24, 300.300(a) (3), 300.340-300.351 of Part B Regulations

56205(a), 5 CCR Chapter 3, Article 1, Section 3001(b)

PROCEDURES:

In order to ensure that a free, appropriate public education is available to all children with disabilities in the SELPA, the Elk Grove Unified School District shall provide that combination of educational and related services determined through each child's Individualized Education Program (IEP) development and review, that meets the unique needs of the individual in such a way as to benefit from access to educational opportunities and to prepare them for employment and independent living.

FAPE is defined as special education and related services provided at public expense, under public supervision and direction; that meet the standards of the State of California and of federal law. This includes preschool, elementary school, and secondary school education; and is provided in conformity with the IEP.

FAPE shall be reasonably calculated to confer educational benefit to the student. It shall be the responsibility of the District to monitor such benefit for each child with a disability, through both individual review and agency-wide process reviews. Evidence may include passing grades, advancement from grade to grade/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 meaningful benefit, the District 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 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?

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 regulations. The SELPA shall support all district sites in their implementation through professional development opportunities, technical assistance, support and monitoring.
FULL EDUCATIONAL OPPORTUNITY

PROcedures:

FULL EDUCATIONAL OPPORTUNITY

A full range of program options is provided by the District. The appropriate placement for a student is determined by the IEP team based on the student’s instructional needs and not on the student’s disability category. Options include:

- **General Education Classroom**: Students are educated in age appropriate general education classrooms at their neighborhood schools with the necessary accommodations, supports and services to ensure success and progress toward IEP goals and objectives.

- **Related Services** are available to students if a supportive service is required for the student to benefit from special education. Certificated specialists provide these services and may work with students individually or in small groups either in the general education classroom or other appropriate setting. In some instances these services are provided by certified non-public agencies/providers. The following Related Services are provided:
  - Language/speech development and remediation
  - Audiological services
  - Orientation and mobility instruction
  - Instruction in home or hospital
  - Adapted physical education
  - Physical and occupational therapy
  - Vision services
  - Specialized driver training instruction
  - Counseling and guidance
  - Psychological services other than assessment and development of the individualized education program
  - Parent counseling and training
  - Health and nursing services
  - Social work services
  - Specially designed vocational education and career development
  - Recreation services
  - Specialized Services for low incidence disabilities, such as readers, transcribers, and vision and hearing services
  - Other specialized services as required
- **Resource Specialist Programs (RSP) Resource Rooms/Learning Centers** are available at every school site for grades K-12. This program is designed to supplement the general education program to meet the needs of students who require specialized instruction in specific areas. Services will occur in either individual or small group settings as well as collaborative services within the general education settings. Students assigned to this program will be in the general education classroom for at least 50% of the instructional day.

- **Integrated School Based Services** are available at some school sites. This program integrates support services from other programs, such as Title 1 or SIP, to provide specialized instruction for students with disabilities in collaboration with other general education intervention options.

- **Special Day Class (SDC)** programs are designed to provide intensive services for students who require more than 50% of their instruction in a heterogeneous special education program or modified curriculum. This placement occurs only after the IEP team determines that the nature and severity of the student’s needs are such that education in general education classes with the use of supplementary aids and services or placement in the Resource Specialist Program or Integrated School Based Services cannot be achieved satisfactorily. SDC classes are available at various sites within the SELPA and are integrated on regular school campuses. Students are placed in programs as close to their home school as possible.
  - **Special Day Class/Non-severely Disabled (SDC/NSD)** is a program which is academically based. Mainstreaming in non-academic areas and into more academic areas is the long-term goal for students in this program. This placement is designed for students with severe delays in language development, students with a learning disability, or students with educational delays or other disabilities that significantly impede the learning process.
  - **Special Day Class/Severely Disabled (SDC/SD)** is a program which focuses on student needs in six major domains: Functional Academics, Daily Living, Vocational, Community, Domestic and Recreation/Leisure. Mainstreaming and inclusion opportunities are individualized in each student’s IEP. The overall goal is to increase the student’s independence. This placement is designed for students with severe delays in language development, students with a severe learning disability, or students with educational delays or other disabilities that significantly impede the learning process.
  - **Special Day Class/Critical Skills/Transition Program** is offered from age 18 through age 22 to students who earn a Certificate of Completion rather than a high school diploma. Community based instruction is maximized as well as linking the student and family with necessary support agencies required when the student exits the program.
  - **Special Day Class/Emotionally Disturbed** programs are available for students whose emotional disabilities significantly interfere with educational progress. Intensive positive behavior interventions are
utilized in a supportive environment to assist students in developing more appropriate behaviors to transition to a less restrictive setting.

- **Specialized Services** are provided for students with low incidence disabilities, including Deaf/Hard of Hearing, Visual Impairment, and Orthopedic Impairment. Services may be provided on an itinerant basis or in a special day class setting.

- **Nonpublic, Nonsectarian School Services**: A few students may require nonpublic school services due to other unique needs that cannot be met in the public school setting. Nonpublic school placements are considered after all programs within the district have been considered and exhausted. Every effort will be made to ensure that nonpublic school students are educated in the least restrictive environment and that return to the public school setting is a focused goal.

- **State Special Schools** such as the California School for the Deaf and Blind are available to students when local programs that meet the unique needs of students are not available and are recommended by the student’s IEP team.

- **Extended School Year** services are added to the IEP when the IEP team determines that the student’s unique needs require special education and related services in excess of the regular academic year. Such individuals have disabilities which are likely to continue indefinitely or for a prolonged period. The interruption of the student’s educational programming may cause significant regression when, coupled with limited recoupment capacity, renders it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disability.

- **Instruction in settings other than classrooms** where specifically designed instruction may occur such as day treatment or residential settings.

- **Instruction in home, in hospitals and in other institutions** to the extent required by federal law or regulation.

- **Services provided through an arrangement with another SELPA**. An Inter-SELPA Transfer defines the financing process for excess costs associated with special education and related services for students when the IEP team has determined that the student requires educational services outside of the Elk Grove Unified School District SELPA. The Inter-SELPA Transfer process is outlined in a Memorandum of Understanding.

**INTERAGENCY AGREEMENTS**

Other public agencies are also responsible for the provision of services to some students with disabilities and their families. The Elk Grove Unified School District SELPA participates with the other Special Education Local Plan Areas (SELPAs) in Sacramento
County and the Sacramento County Office of Education to ensure that eligible special education students receive appropriate related services from designated agencies as outlined in their Individualized Education Programs. Interagency Agreements outline how students access services, define service delivery, case management and fiscal responsibility. Interagency agreements are developed and maintained with the Health and Human Services Agency of Sacramento County for mental health services, Alta California Regional Center for developmental and behavioral services and California Children’s Services for medically necessary occupational and physical therapy. All Interagency Agreements are signed and monitored by the SELPA Director and the LEA Superintendent/designee. The LEA Superintendent/designee shall monitor the statutory timelines to ensure that services are provided without delays and the services are delivered consistent with the Interagency Agreements. When another agency fails to provide the service in accordance with the IEP, the Superintendent/designee shall ensure that the district provides the service.

EXPELLED SPECIAL EDUCATION STUDENTS

Appropriate special education services shall be provided to students with disabilities during periods of time when they are suspended more than 10 days or expelled. The LEA provides services beginning on the eleventh cumulative day in a school year that a student with a disability is suspended or expelled as a result of a disciplinary action. Through consultation with school personnel and the student’s special education teacher, services that are determined to be necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the goals set out in the IEP are provided. In instances where the IEP team determines that a special education student’s behavior was not a manifestation of the disability, the disciplinary procedures outlined for all students in the LEA apply; however, federal law requires the district to continue to provide special education and related services during the expulsion period.

In instances where students are expelled from the district, the special education and related services will continue to be provided as outlined by the IEP team. Those educational services designated by the IEP team can be delivered through a range of options such as independent study, or designated instruction on an itinerant basis. Students who have been expelled and are also under the jurisdiction of the courts will be provided education through the Juvenile Court and Community Schools.

PROCEDURES FOR MONITORING THE PROVISION OF SERVICES

Every student with a disability is assigned a case manager through the IEP process. In most instances, the special education teacher at the school site is assigned as the case manager. When students are assigned to programs outside the LEA, a case manager is assigned through the special education office. That case manager will oversee the IEP in the alternative setting and ensure that services are provided consistent with the IEP. The case manager will also work closely with the home school site to transition the student back into the public school setting successfully.
PROCEDURES

The SELPA actively seeks out children, ages 0 through 21 years, who may be in need of special education services. Announcement of special education opportunities, such as special flyers, bulletins and newsletters, are sent home to parents of enrolled students and community service providers. Public notices are provided in English and Spanish and other primary languages of families in the community as appropriate. Parents and service providers are also encouraged to inform their friends and neighbors of the availability of evaluations and special education services.

In addition to the public notice in local newspapers, a notice regarding the process for referring children with suspected disabilities for evaluation is sent to each private school annually. The private schools are encouraged to send this notice to parents of children enrolled in their schools. Parents and/or private school representatives refer children for special education evaluation through their local schools as appropriate.

In Sacramento County, special education programs for infants have been in operation since 1975. As a result, infant education services are well known in the community and Child Find procedures have been developed through active networking with agencies representing education, health (hospitals, public health services, physicians), developmental services, social services, and parent groups. The SCOE Infant Program, operated by the Sacramento County Office of Education and ALTA California Regional Center for Developmental Disabilities, provides early intervention services in the SELPA for the 0-3 population. SCOE staff members participate in a variety of interagency activities that are conducted to increase public awareness of programs and services for children with special needs and their families.

The SCOE Program participated with the SELPAs within the county in placing an annual notice of services in the newspaper in English and Spanish. In addition, the SCOE staff makes presentations to hospitals, doctors, discharge planning nurses, coordinators, as well as to other agencies as a part of the outreach efforts to locate unserved infants and toddlers. SCOE activities for Child Find include presentations to appropriate parent groups and professional organizations and serving on a number of advisory committees in the community.

School-age students are screened upon request from parents, staff or district personnel through the Student Study Team (SST) process. Vision and hearing screening activities are completed on all students within the district in accordance with state guidelines.
District and statewide testing programs may provide information to assist with the school Child Find process. Intervention procedures are also implemented for students not enrolled in public school programs residing within the district, including infants, preschoolers, and private school attendees. This process assures that students who may be in need of special education have been located and identified.

Administrators at the district office and school sites are knowledgeable about services available in the public school system. Site administrators are regularly informed of changes in procedures related to special education. The services brochure of the Community Advisory Committee is distributed in the community.

IDENTIFICATION AND REFERRAL PROCEDURES

Referral for evaluations may be initiated by a parent/guardian, teacher, administrator, support personnel, outside agency, or individual who has knowledge that a student may need special education services. Referrals will be processed in a systematic manner, held in strict confidence, and include the written Notice of Procedural Safeguards for parents. If parents believe their child has a disability which requires special education services, they may submit a written request for evaluation. When a verbal referral is made, staff of the school, district/SELPA, or county office shall offer assistance to the individual in making a request in writing, and provide assistance if requested. Interpreters are provided to assist parents in the Student Study Team (SST) process to discuss their concerns, possible interventions, and areas of suspected disability to be considered in developing an evaluation plan.

Families of children under age three with identified or suspected disabilities are referred to the two primary California Early Start agencies, the SCOE Infant Family Support Program and the ALTA California Regional Center for Developmental Disabilities.

Initial referrals for preschool children are similar to the SST process. Staff obtain information from the child’s parent/guardian and, when appropriate, preschool staff. The team meeting provides the opportunity to discuss the child’s growth and development relative to expectations. Intervention strategies, and the child’s potential need for evaluations to determine eligibility for special education.

The process for referring school age students (ages 5-18 years old) for special education services begins at the neighborhood school and/or district. An individual with a concern about a student’s progress may request consultation with the Student Study Team (SST). Forms to request SST Consultation are available from site staff. The Student Study Team is a regular education function and may be composed of the principal or designee, general education staff member, the student’s teacher and other categorical staff. The team may also include such special education staff such as the language, speech and hearing specialist, resource specialist, and/or psychologist. The SST Chair sends notification of SST meetings to the appropriate participants, including parents, and facilitates the meeting. If the SST finds that the student’s needs cannot be appropriately met with modification of the general program, a referral for special education evaluations is
considered. At the time of referral, parents are given a copy of the Notice of Procedural Safeguards.

Referral procedures are coordinated with other school site programs to ensure that students in all regular and supplemental programs have access to needed special education services. Referrals from private schools, private preschools, and other agencies are processed in the same manner as referrals from the public schools. School personnel assist in the preparation of referral forms and provide orientation to persons making referrals. Private schools must show that modifications of their programs have been attempted and the results of those modifications, per EC Section 56303. The modifications attempted may be verified by evaluation team members through personal interviews with private school teachers and parents.

A completed referral form includes information regarding the reasons for the referral, the results of modifications of the student’s general school program, estimates of academic performance, indication of health status and a checklist of student behaviors, which provide the basis for the referral. The data reported at the time of referral by the person(s) making the referral, indicate the suspected areas of disability to be considered by the assessment team and is considered in developing the evaluation plan. Referrals are processed for all potential special education students in accordance with state-mandated procedures and timelines.

PROCEDURES FOR UTILIZATION OF GENERAL EDUCATION

The SST process is a function of general education, which facilitates implementation of modifications of the general education program before referring students for a special education evaluation. The SST may recommend additional teaching and/or behavioral intervention strategies, utilize other categorical programs on site, provide services as described in the School Based Coordinated Plan, follow district procedures for Section 504 of the Rehabilitation Act of 1973 and/or make other recommendations. The SST must consider if the student’s needs can be met with modification(s) to the general education instructional program. A student may be referred for special education instruction and services only after the resources of the general education program have been considered and utilized as appropriate.

Parents are informed that their child has been referred for a special education evaluation. Following referral, a proposed evaluation plan is shared with parents and evaluations are conducted only after the parent has signed the consent for evaluation form.

Students in need of accommodations in the general education classroom under Section 504 of the Rehabilitation Act of 1973 may be considered initially by the school district’s Student Study Team and followed by the district’s Section 504 coordinator or designee. Students needing additional evaluation may be referred for an appropriate multi-disciplinary assessment.
INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

20 USC Section 1412 (a) (4), 1414(d), CFR 300.344 (c)(1)(ii), 300.345(a)

56205(a), 56195.7(a), 56195.8(a)(3)

PROCEDURES

The District will initiate and conduct meetings for the purpose of developing, reviewing, and/or revising the Individualized Education Program (IEP) of each student with a disability. The description of IEP development included in EC Sections 56340-7 and 34 CFR 300.340-350, are hereby included.

IEP TIMELINES

An IEP will be developed (a) within 30 days of an interim placement from outside the Elk Grove Unified School District SELPA, (b) within 60 days (not including days between sessions or terms, or vacation of more than five days in length) of the parent’s/guardian’s consent to the Assessment Plan, and (c) at least annually. Time lines for development of an IEP are as follows:

a. An IEP required as a result of initial assessment shall be developed within 60 calendar days of receipt of the parent’s signed consent for assessment (not counting days between school sessions or terms, or vacation days in excess of five consecutive days). An IEP shall be developed within 30 days of the beginning of the subsequent school year for each student for whom a referral was made within 20 days of the end of the school year. An extension of the time limits may be agreed to, in writing, by the parent;

b. A meeting of the IEP team shall be held within 30 days of a parent’s written request, not counting days between school sessions or terms, or vacation days in excess of five consecutive days;

c. Parents are notified in advance of a need for an IEP team meeting. Every attempt is made to schedule a student’s IEP team meeting at a time that is mutually convenient for the parent/guardian and school staff. Staff will utilize a variety of communication modes, offer alternative meeting dates and locations, facilitate transportation, and/or suggest that the parent send a representative if he/she is unable to attend. Notification forms include the purpose, time and location of the meeting and the staff who will attend. Meetings are held within 60 days not including days between sessions or terms, or vacations of more than five days in length, of receipt of written parent consent for assessment (not counting days between school terms or vacation days in excess of five days).
The IEP meeting will always include a parent (or surrogate parent) unless the parent in unwilling/unable to attend and the district has maintained a record of attempts to include the parent at a mutually agreeable time and location.

The district encourages meaningful participation of parents at IEP meetings by scheduling meetings at times convenient for parents, providing interpreters for non-English speaking or deaf parents, encouraging parents to send a representative in their absence, conducting teleconferences when appropriate, etc.

The IEP team includes at least the following members:
A. The parent(s) of the child
B. At least one regular education teacher or general education representative of the child (if the child is, or may be, participating in the regular education environment)
C. At least one special education teacher of the child, or if appropriate, at least one special education service provider of the child
D. A representative of the public agency who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities and who is knowledgeable about the availability of resources in the public agency
E. An individual who can interpret the instructional implications of assessment results, who may be a member of the team described in A-D above
F. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate
G. The child, if appropriate

IDEA '04 allows for the amendments to the IEP, which may be made with a District Administrative representative and the parent, so long as all members of the IEP team are notified of any change(s).

As appropriate, representatives of other agencies are invited to participate in IEP meetings that are held to discuss transition services. In addition to written invitations and telephone calls, other efforts are made to encourage their participation. If an agency representative does not attend the IEP meeting where transition services are discussed, a district designee will contact the agency representative if appropriate to coordinate transition services.

The IEP team meets when:
A. The student has received an assessment for special education
B. The student’s special education placement is to be initiated, changed or terminated
C. The student’s progress is less than anticipated
D. A parent or teacher requests a meeting to develop, review or revise the IEP
E. It has been one year since the previous IEP was developed. The purpose of the annual meeting is to review the student’s progress, the appropriateness of the placement, and make any needed changes in the IEP.
To facilitate the meeting, districts may arrange for interpreters for parents who are hearing impaired or whose primary language is not English. The IEP form serves as a record of the persons attending, and the deliberation, planning, and decisions of the IEP team regarding the special education programs and services for each student. Prior IEP goals and objectives are reviewed to determine to what degree they were met. The discussion of present levels of performance includes not only results of standardized achievement test scores, but also classroom performance, observations, and parent and teacher reports. The IEP process enables the team to develop a completed IEP which shows a direct relationship among the levels of performance, the goals and objectives, and to identify the specific services required to enable the child to advance appropriately toward attaining the annual goals, be involved and progress in the general curriculum, to participate in extracurricular or other nonacademic activities, and to be educated and participate with children with disabilities and non disabled children in these activities as appropriate.

The IEP team refers to established eligibility standards as set forth in Title 5 CCR 3030(a-j) as appropriate. Eligibility for special education is written on each IEP developed by the team.
A. The concerns of the parent relevant to the child’s educational progress
B. The strengths, interests, and learning preferences of the student
C. The child’s present levels of educational and social functioning, including the results of the initial or most recent assessment of the child and/or the results of the child’s performance on any general State or district-wide assessment programs as appropriate
D. Annual goals (and short-term objectives or benchmarks, when needed) related to meeting the child’s needs that result from the disability to enable the child to be involved in and progress in the general curriculum (or appropriate activities for preschool children) or to meet each of the child’s other educational needs that result from the disability.
E. A description of how the child’s disability affects involvement and progress in the general curriculum, or for preschoolers, participation in appropriate activities
F. An explanation to the extent, if any, to which the child will not participate with general education peers in the regular class and extracurricular activities
G. A statement of the supplemental aids and services to be provided to or on behalf of the student
H. A statement of program modifications or supports for school personnel that are required for the child to advance appropriately toward attaining the annual goals specified in the IEP
I. A determination of the student’s need for assistive technology devices and services or low incidence services, equipment, and materials to meet the educational goals and objectives
J. A statement of how the child’s progress toward the annual goals will be measured and how the parents will be informed of their child’s progress
K. If the child is an English Language Learner, a description of how his or her level of English proficiency, related to the IEP, will be addressed
L. If the child is Deaf or Hard of Hearing, a description of specialized communication strategies, if needed, and opportunities for direct instruction and communication with peers and adults in the student’s language and mode of communication
M. If the child's behavior impedes learning, a description of positive behavior interventions, strategies, and supports to address the behavior, including a Behavior Intervention Plan or Behavior Support Plan if required.
N. By the time a student reaches the age of 16, a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or needed linkages.
O. For students age 17 or older, verification that the student has been apprised of his or her rights at the age of majority.
P. A statement of the special education and related services to be provided to the child, including the projected date for beginning the services and modifications, anticipated frequency, location and duration of those services and modifications.
Q. Individual modifications in the administration of State or district-wide assessments of pupil achievement, or a statement of why that assessment is not appropriate for the child, designating the California Alternate Performance Assessment as the means to measure the student's progress.
R. The determination of the need for Extended School Year, participation in WorkAbility, and specialized transportation services.
S. A review of the Notification or Procedural Safeguards.
T. Parental consent to all or part of the IEP.

A copy of the completed IEP is provided to the parent(s). Upon request, the IEP will be translated into the primary language of the parent. All staff who are responsible for portions of the student's education are informed of the content of the IEP. Service providers from other agencies who provide instruction or a related service will be provided a copy of the IEP. IEPs are maintained in accordance with state and federal pupil record confidentiality laws.
LEAST RESTRICTIVE ENVIRONMENT (LRE)

20 USC 1412(a)(5)(A)

56205(a), 56031, 56201, 56206, 56303, State Board Policy (10/10/1986)

PROCEDURES

HOUSING, DISPERSEMENT AND ASSIGNMENT OF SPECIAL EDUCATION PROGRAMS

Special education programs, appropriate to students needs, are housed on regular school campuses and dispersed throughout the SELPA, to ensure to the maximum extent possible that individuals with disabilities are served in their neighborhood schools, or in schools as close to their homes as possible. Students with special needs receive services in their neighborhood schools unless their IEPs document reasons that placement in alternative settings is appropriate. Inherent in any decision to relocate programs is sensitivity to the need to minimize frequent and disruptive moves.

The Elk Grove Unified School District shall ensure that special education programs are located on regular education campuses and that students, to the maximum extent possible, are placed at their neighborhood schools or in schools that are as close to their homes as possible. The Director of SELPA and Student Services considers and recommends program locations in the context of complementary pairings of special and regular education programs for the purpose of maximizing opportunities for appropriate interaction among students and access to age-appropriate activities for students with disabilities. The SELPA Student Services staff engage in ongoing deliberate planning that guides program location on a SELPA-wide basis in a manner that facilitates maximum integration for students.

PHYSICAL LOCATION OF PROGRAMS

The Elk Grove Unified School District shall ensure that the physical location of the special education programs is selected to facilitate continuing social interaction with non-disabled students. Program location decisions within the district and on a SELPA-wide basis are driven by a commitment to produce continuing social interaction among regular and special education students.

The promotion of positive social interaction between students with disabilities and non-disabled students will guide District/SELPA-wide decisions and actions in regard to the physical location of special education programs. To maximize social interaction with non-disabled peers, students with disabilities will be placed in facilities that provide
access to all school extracurricular activities unless their IEPs document reasons that placements in alternative settings is appropriate.

EQUAL ACCESS TO GENERAL EDUCATION ACTIVITIES

The Elk Grove Unified School District shall ensure that individuals with disabilities shall have equal access to regular education activities, programs and facilities on the regular school site and participate in those activities as appropriate to their needs.

District IEP teams consider the regular class in the school that a student would attend if not disabled as the first placement option for the student. Further, IEP teams consider the unique educational needs of each disabled student in determining the possible range of aids and supports that are needed to facilitate the student's placement in the general education environment. If a more restrictive placement in the continuum of placement options available to student is recommended for a student, IEP teams make the recommendation with the understanding that the placement must be one that maximizes opportunities for the student to interact with non-disabled peers to the extent appropriate to the needs of the students.

IEP STATEMENT OF SUPPLEMENTARY AIDS AND SERVICES

The Elk Grove Unified School District SELPA IEP form contains a statement verifying that children with disabilities are removed from the regular education environment only when the nature of or severity of the disability is such that education in the general education environment, with the use of supplementary aids or services cannot be achieved satisfactorily.

COOPERATION OF ALL SCHOOL PERSONNEL

The Elk Grove Unified School District shall encourage the close cooperation of all school personnel to facilitate opportunities for social as well as academic interaction among individuals with disabilities and non-disabled individuals.

Elk Grove Unified School District SELPA administrative policies embody the provisions of IDEA that promote the close cooperation of all school personnel to facilitate opportunities for social as well as academic interaction between individuals with disabilities and non-disabled individuals. The policies express a compelling preference for serving students with disabilities in regular classes with appropriate aids and supports as a first preference. Dialogue concerning the implementation of these policies takes place in prescribed and informal forums within the SELPA. Dialogue takes place among all individuals who provide educational services to students.

MAXIMUM ACCESS TO GENERAL EDUCATION PROGRAMS

The Elk Grove Unified School District shall ensure that all students with disabilities are educated and participate with non-disabled in academic, nonacademic and extracurricular
activities and that removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with use of supplementary aids and services cannot be achieved satisfactorily. The IEP shall include an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in extracurricular and other nonacademic activities.

SUPPORT OF SCHOOL PERSONNEL

The Elk Grove Unified School District shall provide school personnel the necessary support to ensure student success. Based on, but not limited to a survey of District needs, on evidence-based practices, on changes in educational laws and regulations, and on case law, in-service training will be provided to staff to assist them in meeting the social and educational needs of students through exchanges of information on students during IEP meeting, during case reviews on students, during discussions with students’ previous service providers and during discussions and conferences with parents.

UTILIZATION OF GENERAL EDUCATION RESOURCES

The Elk Grove Unified School District has embarked on a concerted effort to implement first best teaching for all in a “Response to Instruction and Intervention” (RTI2) system. The Elk Grove Unified School District shall ensure that a pupil will be referred for special educational instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized. Such resources may include, but not be limited to, Student Study Teams, early literacy programs and accommodations and modifications to the base program.

DISTRIBUTION OF SPECIALIZED EQUIPMENT AND SERVICES

When a student’s IEP team determines that the student requires specialized equipment and/or service, the equipment and/or service shall be provided to the student at his or her classroom site unless the IEP provides documentation that the equipment and/or service is to be provided by an alternative means, as determined by the student’s unique needs. (See the SELPA’s Low Incidence Policy and Procedures)
PROCEDURAL SAFEGUARDS

20 USC 1412(a)(6) 20 USC 1415
56205(a), 59195.7(a), 56195.8(a)(3)

PROCEDURES

PROCEDURES FOR NOTIFICATION OF PROCEDURAL SAFEGUARDS

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

If the native language or other mode of communication of the parent/guardian is other than English, either the notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication, to ensure the parent/guardian understands the contents of the notice.

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with a disability annually and upon: (20 USC 1415(d))
1. Initial referral for evaluation
2. Each notification of an IEP meeting
3. Reevaluation of the student
4. Registration of a complaint

This notice shall include information on the procedures for requesting an informal meeting, a resolution session, a pre-hearing mediation conference, a mediation conference, or a due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341. A copy of this notice shall be attached to the student’s assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

In addition, this notice shall include the procedural safeguards in relation to: independent educational evaluation; prior written notice; parental consent or right to withdraw; access to educational records; opportunity to present complaints; the student’s placement while due process proceedings are pending; procedures for students who are subject to
placement in an interim alternative educational setting; requirements for unilateral placement by parent/guardians of students in private schools at public expense; mediation; due process hearings; state-level appeals; civil action; and attorney's fees. (20 USC 1415(d); 34 CFR 300.504)
(See Special Education Rights of Parents and Children-October 2000) CDE Publication
PROCEDURES

ANNUAL ASSESSMENTS

The Elk Grove Unified School District SELPA procedures for IEP Parent Notification and Participation ensure that the SELPA completes annual assessments within required timelines.

The student’s IEP is scheduled for review by the IEP team at least once a year. Assessments and IEP meetings will take place within 60 calendar days of receipt of the signed assessment plan. In addition, a special review of the placement may be requested at any time by:

- Any staff member who provides services to, or who knows, the student and has a specific concern
- The student’s parent/guardian
- A student whose due process rights were transferred at the age of 18

Upon receipt of a written request, the IEP team administrative designee shall schedule a review meeting within 30 calendar days.

Parents and members of the IEP team must be notified by established notification procedures. The IEP team may:

- Review student progress on goals and objectives
- Modify the IEP by referring the student to a more intensive or less intensive program
- Recommend the continuation of the current program

TRIENNIAL ASSESSMENTS

All reevaluations are conducted within three calendar years of the last assessment or more frequently if requested by the student’s parent or teacher. The reevaluation determines if the student continues to have a disability and if he/she continues to require special education services. It also determines how he/she is involved in and progressing in the general education curriculum. Assessment and IEP meetings shall be completed within 60 calendar days upon receipt of the signed assessment plan.
The SELPA utilizes a Management Information System which tracks student IEP and three year reevaluation due dates. An electronic system for monitoring IEP due dates is in place, so that the school psychologist, the classroom teacher, and other special education staff will monitor and follow-up to ensure compliance. A completed three-year reevaluation is recorded in the student MIS file to assure continued monitoring.

The term "evaluation" is used synonymously with "assessment" to designate the process for identifying children with disabilities and conducting the triennial evaluations.

**ASSESSMENT PLAN**

For all individuals, birth to 22 years of age, referred for special education services, an initial Assessment Plan is developed within 15 days of referral (not counting days between the student's regular school sessions or terms or day of school vacation in excess of five school days from the date of receipt of referral), based on intake interview information, Student Study Teams findings and recommendations, or parent request for evaluation. The Notice of Procedural Safeguards is included. An Assessment Plan is developed for all initial and triennial evaluations or any time an individual (e.g., psychoeducational) assessment is conducted. The Assessment Plan contains the following:

a. Reason for the proposed assessment, other options considered, interventions and modifications attempted, and description of evaluation procedures relevant to the proposed action

b. Description of the type of evaluation, materials, and procedures
c. Assessment personnel identified by title and evaluation area
d. The student's primary language and English language proficiency status
e. A statement that tests and other evaluation materials will be provided and administered in the student's primary language or other mode of communication, and if not, the reasons why it is clearly not feasible, including any available independent evaluations

f. Results of recent evaluations, including any available independent evaluations
g. Information the parent requests to be considered
h. The necessity for alternative modes of assessment, if appropriate
i. Parent consent and date

The proposed Assessment Plan is provided in the primary language of the parent/guardian, unless to do so is clearly not feasible, and written in language easily understood by the general population. The parents have at least 15 days from receipt of the proposed Assessment Plan to arrive at a decision. Written consent of the parent or guardian is obtained prior to conducting the assessment.

The assessment will be completed within 60 days of receipt of the parent’s/guardian’s written consent (not counting days between the student’s regular school sessions or terms or days of school vacation in excess of five school days from the date of receipt of referral). If the assessment personnel have legitimate reasons, they may request an
extension of the timeline. Such an extension requires written approval from the parent, guardian or surrogate.

A copy of the Notice of Procedural Safeguards is printed on the reverse side of the Assessment Plan.

ASSESSMENT PROCESS

Evaluations are conducted by competent multi-disciplinary team members, including at least one teacher or specialist knowledgeable in the area of the suspected disability. Attention is given to the student’s need for specialized services, materials, and equipment when the low incidence disabilities of visual, hearing, and severe orthopedic impairment are suspected. Students assessed for initial and three-year evaluations have a vision and hearing screening unless parental permission is denied. Assessment personnel are competent and appropriately trained to administer and interpret test results and, when necessary, are knowledgeable and understanding of cultural and ethnic backgrounds and competent in both the oral and written skills of English Language Learners. When appropriate, an interpreter is used and the evaluation report must document this.

Individuals are assessed in their primary language or other mode of communication unless it is clearly not feasible to do so. All areas of suspected disability are evaluated. Tests and materials used for evaluation are selected and administered so as not to be racially, culturally, or sexually discriminatory and to reflect the individual’s skills and aptitude levels. IQ scores are not contained in files of African-American students. The evaluation process ensures that no single procedure or evaluation is the sole criterion for determining placement. Staff work collaboratively to ensure that a student with a suspected low-incidence disability is assessed by qualified and trained personnel, in all areas related to the suspected disability, consistent with state guidelines.

ASSESSMENT REPORT

Assessment personnel prepare (a) written report(s) of the results of each evaluation. Each contains the following required components:

a) Results of test(s) administered in the primary language of the student by qualified personnel
b) A statement regarding the validity of the evaluation
c) A statement regarding whether the tests are valid for the purpose for which they are used
d) Whether the student’s needs can be met in the regular classroom
e) If the student may need special education and related services
f) Relevant behavior noted during the observation of the student in an appropriate setting
g) The educationally relevant health, developmental, and medical findings, if any
h) A determination of the effects of environmental, cultural, or economic disadvantage
i) The need for specialized services, materials, and equipment for students with low-incidence disabilities
j) Consideration of independent assessments
k) The basis for making the determination of eligibility

For a student with a suspected learning disability, the members of the IEP team shall document the determination of eligibility including:

a) The student has a specific learning disability
b) The basis for making the determination
c) The relevant behavior noted during the observation of the student
d) The relationship of that behavior to the student's academic functioning
e) The educationally relevant medical findings, if any
f) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services (until California regulations may change this or any other criteria)
g) The determination of the IEP team concerning the effects of environmental, cultural, or economic disadvantage

INDEPENDENT EDUCATIONAL EVALUATIONS

If a parent disagrees with an evaluation conducted by the District, the parent must inform the district in writing of the disagreement and request an independent educational evaluation (IEE). Upon receipt of a parent request for an IEE, the district may initiate a due process hearing to show that its evaluation is appropriate, or provide the parents with information about how an IEE may be obtained at public expense and the applicable criteria for the evaluation. An evaluator must not be a regular employee of the district responsible for the education of the child, must conduct evaluations in accordance with all requirements of federal and state law, and be appropriately credentialed and/or licensed to conduct the evaluation. If the parent declines the independent evaluators contracted by the district the parent may retain another individual to conduct the evaluation at private expense and have the results of the evaluation considered by the District if it meets the agency criteria. If the decision by the district special education administrator or hearing officer is that the district’s evaluation was not appropriate, the parent may request reimbursement for the private evaluation.
## CONFIDENTIALITY

| 20 USC 1412(a)(8), 1417 |
| 56205(a) |

## PROCEDURES

California’s Education Code conforms to the provisions of Public Law 93-380, the Family Education Rights and Privacy Act (FERPA) regarding parental access to, and the confidentiality of a child’s records. California regulations define three categories of pupil’s records:
- Mandatory permanent records kept in perpetuity (name, phone, grades, attendance and transcripts)
- Mandatory interim records kept five years after leaving school that include special education and placement records
- Permitted records may be disposed of after six months (disciplinary)

When personally identifiable pupil data is no longer needed, the District notifies the parents and, if the parents so request, the data will be destroyed in a way that precludes access. Parents are notified in writing, in so far as is practical in the home language, of their rights under federal and state laws and regulations. Parents are notified annually thereafter of these rights; which include:
- The types of records maintained
- The officials responsible for maintaining the records
- The location of the log of persons requesting information
- Who has a legitimate interest in these records
- Policies for expunging records
- Parent’s rights to access records
- Procedures for challenging the content of a record
- Any fees for the reproduction of records
- What information may be released without parental permission
- The right to file a complaint related to confidentiality
**PART C, TRANSITION TO PRESCHOOL**

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**PROCEDURES**

Under authority of the California Government Code, Title 17, California Code of Regulations, Public Health, requires transition planning for toddlers served under the Early Intervention Services Act (Part C) who may be eligible for preschool programs under Part B. The District is required to participate in a meeting before the toddler is two years nine months to assure and IFSP is developed containing the required transition elements and interagency coordination. When eligible under Part B, an IEP shall be written and implemented by the toddler’s third birthday.
PRIVATE SCHOOLS

20 USC 1412(a)(10)(A-C), CFR 300.454

56205(a)

POLICY

It shall be the policy of the Elk Grove Unified School District SELPA to assure that children with disabilities voluntarily enrolled by their parents in private school shall receive special education and related services in accordance with local procedures. The required proportion of federal funds received will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.
COMPLIANCE ASSURANCES

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POLICY

It shall be the policy of the Elk Grove Unified School District SELPA that the local plan shall be adopted by the local Governing Board of Education and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Improvement Act (IDEA '04), Section 504 of Public Law and the provisions of the California Education Code, Part 30.
COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

20 USC 1412(a)(14-15), 1413(a)(3)

56205(a), State Board Policy 06/11/98

PROCEDURES

Implementation for the Elk Grove Unified School District Local Plan requires ongoing personnel development to provide appropriate learning experiences which promote understanding, increase skills and expertise, and ensure that federal and state law will be followed. Regionalized personnel development opportunities will:

1. Provide participants with the necessary information, training and resources to ensure compliance with special education as required by federal and state law.
2. Provide the participants with opportunities to engage in activities that enhance personal and professional growth.
3. Meet the needs of personnel, school programs, parents, and students as they relate to the development and implementation of Individualized Education Programs for students with disabilities.

The Elk Grove Unified School District SELPA will provide regionalized personnel development opportunities to members of the SELPA and others. The Elk Grove Unified School District SELPA personnel development offerings will adhere to the following policy requirements:

1. Will be available to representatives from general education, special education, administrators, support staff, paraprofessionals, parents, NPA/NPS staff, agencies and private schools.
2. Will ensure working collaboration with the Sacramento County Office of Education and Juvenile Court Schools, Special Education Community Advisory Committee, Region 3 of the Comprehensive System of Personnel Development Advisory Committee (CSPDAC), Head Start, Children’s System of Care (Mental Health, Social Services, Probation, Drug & Alcohol, Community Health), California Children’s Services, Alta California Regional Center, the Department of Rehabilitation, the Los Rios Community College District and Sacramento State University.
3. Elk Grove Unified School District and educational representatives will ensure notification of personnel development opportunities and encourage and support attendance.
4. Will include training for new staff as well as provide continuing education opportunities based on the needs assessments.
Regionalized Elk Grove Unified School District SELPA staff development offerings will adhere to the following guidelines:

1. The Elk Grove Unified School District is responsible for overall coordination of personnel development in accordance with policy approved by the Board of Education.

2. The Elk Grove Unified School District will ensure that appropriate participants are notified and will support the staff’s attendance, as appropriate. It is the responsibility of the SELPA Administrator and/or the supervisor to determine which district personnel will participate in specific staff development activities and to make the necessary arrangements within the district for their participation, including release time.

3. The SELPA/District Program Specialists will gather information, identify needs and share findings and recommendations with the Student Services Department staff for discussion and planning. The SELPA will:
   - Arrange presenters
   - Arrange locations
   - Publish and distribute staff development calendar to all identified participants
   - Inform District staff of on-going and staff development offerings
   - Ensure that state and/or federal requirements for staff development are offered
   - Participate in Region 3 of CSPDAC to coordinate staff development offerings with other SELPAs

4. The SELPA staff will be responsible to District special education staff for personnel development needs that may arise; and, as possible, will provide assistance and resources.

5. Personnel Development offerings will be evaluated by workshop attendees and the Student Services Staff Development Committee, to assess effectiveness and to determine future offerings.

The SELPA will ensure that CAC representatives and parents have opportunities for input and will be informed of District and regional training opportunities.
The Elk Grove Unified School District SELPA believes that all students need to meet high standards of academic knowledge and skills. In addition, they must have the ability to apply their skills to the workplace, where they will be required to adapt to emerging technologies and changing societal needs. The SELPA recognizes that content and performance standards are necessary to clarify for students, parents/guardians and staff what students are expected to know and be able to do at each grade level and in each area of study. Student goals and objectives on their individual IEPs shall be based on the state content standards whenever appropriate.
PERSONNEL STANDARDS

20 USC 1412(a)(14-15), 1413(a)(3)

56205(a), State Board Policy 6/11/98

PROCEDURES

For many years prior to the 1970’s, special education credentials varied, as each specialty became a state supported program. The law then established four major credentials, the Learning, Severely, Communicatively and Physically Handicapped credentials, and later added other specialties. Special education was an additional preparation beyond the required basic California teaching credential. With the serious shortage of teachers and specialists, the Commission on Teacher Credentialing (CTC) after two years of in-depth studies and public input, adopted a new credentialing structure for special education credentials in California which is now being implemented. All prior issued credentials continue in force, but new candidates are now required to obtain one or more of the following credentials:

- Mild/Moderate Disabilities, K-12
- Moderate/Severe Disabilities, K-12
- Deaf and Hard of Hearing, birth-age 22
- Physical and Health Impairments, birth-age 22
- Visual Impairments, birth-age 22
- Early Childhood Special Education, birth-preK
- Clinical Rehabilitative Services in Audiology, Orientation and Mobility, or Language, Speech and Hearing (and Special Class Authorization)

The result is the basic elementary or secondary teaching credential is no longer required, however general education knowledge, skill and field experience are embedded in the special education standards. Many credential-granting institutions have established a blended or joint general education/special education credential program. Several new programs have been developed to support teacher candidates in beginning their careers through internships and mentoring programs. In 2009 the commission on teacher credentialing approved six new possible authorizations: Autism Spectrum Disorder, Deaf-Blind, Emotional Disturbance, Other Health Impaired, Physically Impaired and Traumatic Brain Injury. Teachers in nonpublic schools must meet the same credentialing standards.

ASSURANCE OF QUALIFIED PERSONNEL

The SELPA shall take steps to ensure that there is an adequate supply of qualified and adequately prepared special education, general education and related services personnel.
Such steps shall include, but not be limited to, the following:

1. Widespread recruitment of teachers and support personnel
2. Collaboration with surrounding colleges, in their teacher education programs, design and supervision of student teachers/interns
3. Ongoing staff development activities for special education administrators, teachers and support staff
4. Ongoing staff development activities for general education administrators, teachers and support staff

A major program designed to assure success of new teachers is the Beginning Teacher Support and Assessment program (BTSA). BRSA, PAR and other mentoring programs are funded by the state for new teachers including new special education teachers. The early results show promise of keeping more new teachers in the profession. To support these programs and provide information on staffing needs, the Department annually collects data on the number and type of personnel employed in the provision of special education, including those employed with provisional or temporary certification. The data also show the anticipated needs for personnel in the next five years for anticipated enrollments, retirement and other changes in personnel.
PARTICIPATION IN ASSESSMENTS

20 USC 1412(a)(17)

56205(a)

PROCEDURES

Students with disabilities are included in general state and district-wide assessment programs, with appropriate accommodations or modifications, where necessary. Each student’s IEP team shall determine, at least on an annual basis, the individual accommodations or modifications in the administration of state or district-wide assessments necessary to minimize the impact of the student’s disability on test performance. If the IEP team determines that the child will not participate in a particular state or district-wide assessment of student achievement, or part of an assessment, the IEP shall include a statement of why that assessment is not appropriate for the child and how the child will be assessed.

Students with significant cognitive disabilities should participate in the state alternate assessment system, in accordance with state guidelines for determination of appropriated assessment participation.
SUPPLEMENTATION OF STATE/FEDERAL FUNDS

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PROCEDURES

Annually, in the report due to the California Department of Education on the District’s requires report forms to CDE, this information will be included.
MAINTENANCE OF EFFORT

20 USC 1412(a)(19), CFR 30.231-2

56205(a)(19)

ASSURANCE STATEMENT/POLICY

It shall be the policy of the SELPA to include this information in the Annual Budget Plan submitted annually to the State.
PUBLIC PARTICIPATION

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PROCEDURES

Members of the public, including parents or guardians of students with disabilities and students with disabilities having reached the age of majority, may address questions or concerns to the governing board of the District at any posted meeting, the Superintendent or the Associate Superintendent of Student Services.
SUSPENSION/EXPULSION

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PROCEDURES

In accordance with federal requirements: 20 USC 1412(a)(22), shall be the policy of the SELPA that the state prescribed data rates on suspension and expulsion will be collected on the District's CASEMIS system.

The data will be reported to the State Department of Education as directed by state guidelines.
PART C

20 USC 1431-35

EC 56205 (B)(3), EC 56429, 14 GO 95000

(See Part C of Interagency Agreement)
Appendix J

Other MOUs
Memorandum of Agreement

Continuation of the Sacramento County Office of Education
Maintaining and Operating Classes for Severely Handicapped
and Seriously Emotionally Disturbed Students of the Participating Districts

2011-2012

I. Parties to Agreement

This Agreement is by and between the Sacramento County Office of Education
(hereinafter called “County Office”) and Elk Grove Unified School District,
(hereinafter called “District”).

II. Services to be Provided

The County Office and the District agree that the County Office shall continue to
operate the Severely Handicapped and Seriously Emotionally Disturbed classes
for the Districts for the term of this agreement.

III. Term of Agreement

The term of this agreement is for one (1) year commencing July 1, 2011, and
ending June 30, 2012. Any further extension shall be as mutually agreed upon
between the parties.

IV. Conditions of Agreement

1. Excess Costs

The District agrees to pay to the County Office the amount of Seven
Thousand dollars ($7,000) per student served for the 2011-2012 school
year. For purposes of determining the amount to be billed, the District’s
actual student count on December 1st of that year shall be used.

2. Prior Unit Transfer Revenue

As in the previous agreement and hereby continuing in concept, it is
agreed by the parties that the additional district base revenue generated as
a result of prior funding maximization and/or unit transfer methods, with a
COLA adjustment starting in 2006/07, shall be provided to the County
Office as these funds have been provided in the past.

It is the intent of this section that neither the County Office nor the district
be financially penalized as a result of changes to the State funding model
that occurred as a result of Chapter 854, Statutes of 1997 (AB602).
3. **Additional Aide Time**

If, after a review by the parties, it is determined that additional Instructional Aide time is required to be provided in accordance with any pupil’s Individualized Education Program “IEP,” the cost of providing such additional aide time shall be the exclusive responsibility of the pupil’s individual district of residence.

4. **Review of Facility Requirements**

It is hereby agreed that a committee composed of representatives of the County Office and the District shall be established to review the existing facility needs of the SH/SED programs. The committee will address issues including, but not limited to, maintenance, rent amounts, space allocations, etc.

V. **Amendments**

This agreement may be amended by mutual written consent of the parties. The terms and conditions of the agreement will be renegotiated if either of the following two events occur:

1. The County Office or the District suffer a significant fiscal shortfall as a result of extraordinary and/or unanticipated cost increases or funding reductions.

2. The basic funding model for Special Education change during the term of this Agreement.

It is the intent of the parties to negotiate any amendments to this agreement to protect both the County Office and the District from significant funding and/or expenditure changes caused by circumstances not under their respective controls.

VI. **Mutual Indemnification**

Each party shall defend, indemnify, and hold the other parties, their officers, agents, and employees harmless from and against any and all third party demands, debts, liens, claims, losses, damages, liability, costs, expenses (including, but not limited to, attorneys fees and costs actually incurred, whether or not litigation has commenced), judgments or obligations, actions, or causes of action whatsoever, for or in connection with injury, damage, or loss (including, but not limited to death) to any person or property resulting from the willful misconduct or negligent acts or omissions of the indemnifying party or any of its agents, subcontractors, employees, suppliers, laborers, or any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this
TO: Nancy Lucia
FROM: Bill Tollestrup
DATE: April 22, 2010
SUBJECT: Memorandum of Agreement with Sacramento County Office of Education

Attached for your review and approval to submit to the Superintendent Office for signature, please find the Memorandum of Agreement for Continuation of the Sacramento County Office of Education (SCOE) Maintaining and Operating Classes for Severely Handicapped and Seriously Emotionally Disturbed Students of the Elk Grove Unified School District (EGUSD) for the 2010-2011 school year. This is a yearly agreement between EGUSD and SCOE. There will also be no cost increase for the 2010-2011 school year.

The requested due back date is May 3, 2010. Upon approval, please contact Laurie Gardner at extension 7410 for pick-up.

Reviewed and Approved for Superintendent's Signature

__/\ Nancy Lucia

Superintendent's Office Use Only

Document has been reviewed/approved by:

Fiscal Director:

Superintendent:

Elk Grove Unified School District – Excellence by Design
Memorandum of Agreement

Continuation of the Sacramento County Office of Education
Maintaining and Operating Classes for Severely Handicapped
and Seriously Emotionally Disturbed Students of the Participating Districts

2010-2011

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for the Districts for the term of this agreement.

III. Term of Agreement

The term of this agreement is for one (1) year commencing July 1, 2010, and
ending June 30, 2011. Any further extension shall be as mutually agreed upon
between the parties.

IV. Conditions of Agreement

1. Excess Costs

The District agrees to pay to the County Office the amount of Seven
Thousand dollars ($7,000) per student served for the 2010-2011 school
year. For purposes of determining the amount to be billed, the District's
actual student count on December 1st of that year shall be used.

2. Prior Unit Transfer Revenue

As in the previous agreement and hereby continuing in concept, it is
agreed by the parties that the additional district base revenue generated as
a result of prior funding maximization and/or unit transfer methods, with a
COLA adjustment starting in 2006/07, shall be provided to the County
Office as these funds have been provided in the past.

It is the intent of this section that neither the County Office nor the district
be financially penalized as a result of changes to the State funding model
that occurred as a result of Chapter 854, Statutes of 1997 (AB602).
3. **Additional Aide Time**

If, after a review by the parties, it is determined that additional Instructional Aide time is required to be provided in accordance with any pupil’s Individualized Education Program “IEP,” the cost of providing such additional aide time shall be the exclusive responsibility of the pupil’s individual district of residence.

4. **Review of Facility Requirements**

It is hereby agreed that a committee composed of representatives of the County Office and the District shall be established to review the existing facility needs of the SH/SED programs. The committee will address issues including, but not limited to, maintenance, rent amounts, space allocations, etc.

V. **Amendments**

This agreement may be amended by mutual written consent of the parties. The terms and conditions of the agreement will be renegotiated if either of the following two events occur:

1. The County Office or the District suffer a significant fiscal shortfall as a result of extraordinary and/or unanticipated cost increases or funding reductions.

2. The basic funding model for Special Education change during the term of this Agreement.

It is the intent of the parties to negotiate any amendments to this agreement to protect both the County Office and the District from significant funding and/or expenditure changes caused by circumstances not under their respective controls.

VI. **Mutual Indemnification**

Each party shall defend, indemnify, and hold the other parties, their officers, agents, and employees harmless from and against any and all third party demands, debts, liens, claims, losses, damages, liability, costs, expenses (including, but not limited to, attorneys fees and costs actually incurred, whether or not litigation has commenced), judgments or obligations, actions, or causes of action whatsoever, for or in connection with injury, damage, or loss (including, but not limited to death) to any person or property resulting from the willful misconduct or negligent acts or omissions of the indemnifying party or any of its agents, subcontractors, employees, suppliers, laborers, or any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this
Contract. The provisions of this clause shall not be limited to the availability or collectability of insurance coverage.

The defense of Due Process Complaints and the services, if any, agreed to or awarded as a result of the Due Process Complaint shall be the sole responsibility of the district of residence of the pupil on whose behalf the Due Process complaint was brought.

This Agreement is entered into on the dates indicated below. This Agreement may be executed in counterparts.

David W. Gordon, Superintendent
Sacramento County Office of Education

Dr. Steven M. Ladd, Superintendent
Elk Grove Unified School District

Date
5/3/2010
Date
Interagency Agreement
between
Sacramento Employment and Training Agency
Head Start

and

Sacramento County Special Education
Local Plan Areas

Elk Grove Unified School District
Folsom Cordova Unified School District
Sacramento City Unified School District
Sacramento County Office of Education
San Juan Unified School District
INTERAGENCY AGREEMENT BETWEEN
SACRAMENTO EMPLOYMENT AND TRAINING AGENCY, HEAD START
AND
THE FIVE SACRAMENTO COUNTY SPECIAL EDUCATION LOCAL PLAN AREAS

PURPOSE OF INTERAGENCY AGREEMENT

The purpose of this interagency agreement is to establish a set of working guidelines and procedures for interagency collaboration between the five Sacramento County Special Education Local Plan Areas (SELPAs) - Elk Grove Unified School District, Folsom Cordova Unified School District, Sacramento City Unified School District, Sacramento County Office of Education, San Juan Unified School District and the school districts within the aforementioned SELPA's and the local Head Start grantee, the Sacramento Employment and Training Agency – Head Start (SETA Head Start) to provide services to children with disabilities in compliance with Federal and State laws governing each agency.

It is the intent of this agreement to:

1. Define services which will be provided by each agency.

2. Establish a communication system to ensure that available resources are utilized in the most effective manner.

3. Maintain coordination and cooperation in the delivery of services to ensure that those children needing special education and/or services receive them in the least restrictive environment.

4. Establish a system to ensure a smooth transition of children with disabilities between Head Start preschool, infant programs and public/private school programs.

5. Promote a Collaborative Services Delivery Model (CSDM) among local SELPAs and SETA Head Start with the purpose of encouraging a cooperative approach to problem solving.

DEFINITIONS

<table>
<thead>
<tr>
<th>EDUCATION</th>
<th>HEAD START</th>
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<tr>
<td>1. <strong>Special Education</strong> - Specially designed instruction to meet the unique needs of each child with disabilities, whose educational needs cannot be met with modification of the regular classroom instruction and program. Special education includes related services which are needed for the individual to benefit from specially designed instruction.</td>
<td>1. <strong>Special Education</strong> services include referral, assessment, IEP development and implementation, and transition to public school; specific services provided to children include program adaptations, speech and language screening, mental health services. Special education is available to children enrolled in Head Start and who meet Head Start eligibility (diagnostic) criteria. Head Start works closely with local education agencies in order to ensure the full range of services are available to meet the unique needs of children.</td>
</tr>
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</table>

*Education Code 56031*

*45 CFR 1308*
2. Individualized Education Program (IEP) – An IEP is a written plan developed by an IEP team to address the special education needs of each child with disabilities. The IEP must include present levels of the child’s educational performance based on assessment, determination of eligibility for special education, annual goals and objectives, and a statement of the specific special education instruction and related services required by the student.

*Education Code section 56032*

3. Assessment – An individual assessment of a child’s educational needs is conducted by a qualified professional, properly licensed and/or credentialed, utilizing methods, procedures, materials and tests appropriate to the child’s age, disability, language and culture.

*Education Code sections 56320-56321(f)*

4. Local Education Agency (LEA) – The local school district or County Office of Education which has the responsibility to provide special education to eligible students/children.

*Education Code 56440(d)*

5. Student Study Team (SST) – A general education process with emphasis on supporting the implementation of interventions and solving problems at the classroom level with aid and support to the teacher. The SST makes referrals for Special Education assessment after appropriate accommodations, modifications and interventions have been attempted.

6. Special Education Local Plan Area (SELP A) – Individual district or group of districts responsible to ensure coordination of services so that a full continuum of special education services is available to all students within its boundaries.
I. COLLABORATION: Collaborative Service Delivery Model (CSDM) will institute and support a collaborative standard of practice as it relates to supporting a pre-referral process that determines if a student responds to intervention.

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<tr>
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<tr>
<td>1. The Local Education Agency and SETA Head Start shall collaborate on developing and implementing a pre-referral process to address student learning difficulties.</td>
<td>2. SETA Head Start shall consult with the Local Education Agency to coordinate pre-referral interventions.</td>
</tr>
<tr>
<td>2. The Local Education Agency shall designate appropriate personnel to plan for the implementation of evidence-based interventions.</td>
<td>3. The SETA Head Start Teacher and SELPA special education representative shall share information from routine classroom instruction to implement pre-referral interventions.</td>
</tr>
<tr>
<td>3. The SETA Head Start Teacher and SELPA special education representative shall share information from routine classroom instruction to implement pre-referral interventions.</td>
<td>4. SETA Head Start shall participate with the Local Education Agency to support data based decision-making.</td>
</tr>
<tr>
<td>4. The Local Education Agency shall review student data with SETA Head Start regarding outcomes of interventions.</td>
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II. CHILD FIND/SCREENING: All children with disabilities in need of special education must be identified, located and evaluated.

*Education Code sections 56300-56302; IDEA Part B Regulations 34 CFR section 300.220; 45 CFR 1304.20(b), 1308.4, 1308.8(b), (c) and (e)*

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<tr>
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<tr>
<td>1. Local Education Agency shall include SETA Head Start in the child find system.</td>
<td>1. SETA Head Start shall participate in the LEA child find system.</td>
</tr>
<tr>
<td>2. Local Education Agency shall inform SETA Head Start of the appropriate local referral procedures and referral information to be provided (i.e. classroom modifications, screening results).</td>
<td>2. SETA Head Start shall perform or obtain linguistically and age appropriate developmental, sensory and behavioral screenings of motor, language, social, cognitive, perceptual and emotional skills.</td>
</tr>
<tr>
<td>3. Local Education Agency shall receive calls and with parental consent consult with SETA Head Start regarding potential referrals.</td>
<td>3. SETA Head Start shall call and consult with the Local Education Agency representing the child regarding potential referrals.</td>
</tr>
<tr>
<td>4. Local Education Agency shall designate appropriate personnel to attend Head Start CST as necessary for special concerns.</td>
<td>4. SETA Head Start CST will expand to include Local Education Agency representation.</td>
</tr>
<tr>
<td>5. Local Education Agency, when appropriate, shall refer eligible children to Head Start programs.</td>
<td>5. After obtaining parental consent, SETA Head Start shall refer enrolled children suspected to be in need of special education to the Local Education Agency after finding that intervention strategies established during CST were not successful and a referral is necessary.</td>
</tr>
</tbody>
</table>
### III. REFERRAL/ASSESSMENT:
Each individual child who is referred for assessment for special education and related services shall be assessed in all areas related to the suspected disability by a team of qualified persons. No single procedure shall be used. Each referral for special education and related services shall be made in writing and include a brief reason for referral; documentation of the resources of the regular education program that have been considered or modified, and when appropriate, the results of intervention.

*Education Code 56320-56331; IDEA PART B Regulations 34 CFR section 300.220; 45 CFR 1308.4 and 1308.6*

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<tr>
<td>1. Local Education Agency shall consult with SETA Head Start regarding potential referrals concerning children represented by that Local Education Agency.</td>
<td>1. SETA Head Start shall call and consult with the Local Education Agency representing the child regarding potential referrals.</td>
</tr>
<tr>
<td>2. Local Education Agency shall develop an assessment plan with SETA Head Start assistance, as appropriate.</td>
<td>2. SETA Head Start shall participate, as appropriate, in the development of an assessment plan.</td>
</tr>
<tr>
<td>3. Local Education Agency shall obtain written parental consent for assessment with SETA Head Start involvement, as appropriate.</td>
<td>3. SETA Head Start shall work with Local Education Agency to develop joint release of information forms and procedures.</td>
</tr>
<tr>
<td>4. Local Education Agency shall conduct an educationally appropriate assessment with SETA Head Start involvement, as appropriate.</td>
<td>4. SETA Head Start shall provide written information to the Local Education Agency on any classroom and curriculum modifications attempted prior to referral for children referred for assessment.</td>
</tr>
<tr>
<td>5. Local Education Agency shall ensure parents are provided information about assessment and due process procedures.</td>
<td>5. SETA Head Start shall coordinate with Local Education Agency to ensure that parents are provided information about assessment and due process procedures.</td>
</tr>
<tr>
<td>6. Local Education Agency shall inform parents of the assessment results through the IEP process.</td>
<td>6. SETA Head Start shall inform parents of the types and purpose of the screenings, well in advance of the screening, the results of these screenings and the purposes and results of any subsequent evaluations.</td>
</tr>
<tr>
<td>7. Local Education Agency shall coordinate the scheduling of the IEP meeting.</td>
<td>7. SETA Head Start shall be invited to and participate in IEP meetings and share Head Start data.</td>
</tr>
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</table>
    - Responsible for health screening (medical, dental, nutritional, developmental) unless available from Local Education Agency.
    - Assist the IEP team in determining that the child's difficulties are not due to environmental, cultural, maturational or economic factors.
8. Local Education Agency shall assess each ACCESS eligible child (as determined by the IEP team) within 60 days of SETA Head Start enrollment using the Desired Results Developmental Profile ACCESS. Data collected shall be used to plan and conduct age and developmentally appropriate activities and monitor children's progress.

8. Other than ACCESS eligible children being assessed by the Local Education Agency, SETA Head Start shall assess all enrolled within 60 days of enrollment using the Desired Results Developmental Profile (DRDP-P). Data collected shall be used to plan and conduct age and developmentally appropriate activities and monitor children's progress.

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### IV. INDIVIDUALIZED EDUCATION PROGRAM (IEP): The individual child with disabilities shall have a right to an appropriate education and related services in accordance with the IEP, including full education opportunity in the least restrictive environment.

*Education Code 56340-56347; IDEA PART B section 300.550-300.554; 45 CFR 1304.20(f)(2)(iv), 1308.4 and 1308.19*

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<th><strong>EDUCATION</strong></th>
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| **1.** Local Education Agency shall develop IEPs for each eligible child between three and five years inclusive, for whom special education and related services will be provided, and shall include Head Start when the child is or may be considered for enrollment in Head Start. | **1.** SETA Head Start shall attend IEP meetings and participate in the development of the IEP for each child with disabilities who is or may be considered for enrollment in Head Start.  
- *SETA Head Start shall explain all IEP information to receiving Head Start teacher.* |
| **2.** Local Education Agency shall conduct annual IEP meetings for eligible children and include SETA Head Start personnel. | **2.** SETA Head Start shall participate in IEP meetings. |
| **3.** The IEP team will specify services to be provided. | **3.** SETA Head Start shall provide comprehensive child development services to all children enrolled in Head Start. |
| **4.** Local Education Agency shall ensure the provision of special education and related services as specified in the IEP for children the Local Education Agency is mandated to serve. | **4.** SETA Head Start shall be responsible for implementing portions of the IEP agreed to for those children enrolled in Head Start. |
| **5.** Local Education Agency shall monitor implementation of all IEP's written by a local school district. | **5.** SETA Head Start shall monitor child's progress for portions of the IEP implemented by Head Start. |
| **6.** Local Education Agency shall provide or ensure that services are provided in the child's primary language unless it is clearly not feasible to do so. | **6.** SETA Head Start staff and program consultants must be able to serve and effectively communicate, to the extent feasible, with children and families with no or limited English proficiency. |
V. TRANSITION: Young children with disabilities and their families shall be assessed and receive support in planning transitions between special education, Head Start and Kindergarten/elementary programs.

*Education Code 56445 (a-d), 45 CFR 1308.21, 1308.4(g)*

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<td>1. The Sacramento County SELPA's; Elk Grove Unified School District, Folsom Cordova Unified School District, Sacramento City Unified School District, Sacramento County Office of Education, San Juan Unified School District shall establish a collaborative system to ensure a smooth transition for children with disabilities from/to Head Start programs to the public private school or infant/preschool.</td>
<td>2. SETA Head Start will be a part of and participate in the transition IEP process and will forward with parent consent child's health record, anecdotal records, DROD-r/assessment data, and IEP as appropriate.</td>
</tr>
<tr>
<td>2. Local Education Agency special education staff will be part of and participate in the transition IEP process.</td>
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VI. PROCEDURAL SAFEGUARDS: Each individual child with disabilities shall be afforded procedural safeguards and confidentiality of records.

*Education Code Sections 56500.1-56507; IDEA PART B Regulations sections 300.50-300.515; 45 CFR 1308.6 (a)(3)(4) and 1308.21(a)(6)*

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<tr>
<td>1. Local Education Agency shall implement all procedural safeguards, including confidentiality of records, prior notice to parents of meetings, and placement in the least restrictive environment for all children with disabilities.</td>
<td>1. SETA Head Start shall ensure all rights and protections of IDEA, including confidentiality of records, prior notice to parents of meetings and placement in the least restrictive environment, are provided for all children with disabilities and their parents, according to appropriate state and federal laws and regulations.</td>
</tr>
<tr>
<td>2. Assist SETA Head Start in informing parents of parental rights and due process hearing procedures</td>
<td>2. Assist schools in informing parents of parental rights and due process hearing procedures, and shall participate in hearings when requested.</td>
</tr>
<tr>
<td>3. Local Education Agency shall assist SETA Head Start with procedural safeguards.</td>
<td>3. SETA Head Start shall assist local school district with procedural safeguards.</td>
</tr>
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VII. TRAINING AND TECHNICAL ASSISTANCE: Training and technical assistance shall be provided for the implementation for early education programs for preschool children with disabilities.

*Education Code Sections 56441.13; IDEA PART B Regulations section 300.382; 45 CFR 1306.23 and 1308.4(o)(7)*

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<tr>
<td>1. Local Education Agency shall offer training to Head Start personnel and parents, as appropriate.</td>
<td>1. SETA Head Start shall offer training to school district personnel and parents, as appropriate.</td>
</tr>
</tbody>
</table>
2. Local Education Agency shall designate one person responsible for coordination of training opportunities with SETA Head Start.

3. Local Education Agency shall participate in Head Start staff development opportunities, as appropriate.

2. SETA Head Start shall identify a staff person to coordinate training opportunities with Local Education Agency in the community.

3. SETA Head Start shall participate in SELPA sponsored training opportunities, as appropriate.

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**VIII. FUNDING:** Funding shall be provided to local education agencies for services to preschool age children with disabilities and their families in Head Start.

_Education Code Sections 56443(a)(b); 45 CFR 1308.4(m)(n)(o)_

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<tr>
<td>1. Local Education Agency and SETA Head Start shall explore innovative methods of financing the costs of special education and related services, including dual enrollment, itinerant teacher arrangements, and other cost effective coordinated service delivery to facilitate the provision of special education and related services to children with disabilities and their families enrolled in Head Start.</td>
<td>2. SETA Head Start shall provide a free comprehensive child development program for all Head Start enrollees and shall provide for special education services that are specified and agreed upon by the authorized Head Start representative at the child's IEP meeting.</td>
</tr>
<tr>
<td>2. Local Education Agency shall deliver the special education and related services for children with disabilities as specified in the IEP.</td>
<td>3. Fiscal responsibility for services is defined in the IEP by determining which agency provides the services.</td>
</tr>
<tr>
<td>3. By mutual agreement between Local Education Agency and SETA Head Start, combine fiscal and services resources to enhance services to children with disabilities, and use funds in accordance with state and federal laws, regulations and restrictions.</td>
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**IX. MONITORING:** Special education and Head Start staff shall monitor programs to assure that services to children with disabilities and their families are provided according to state and federal laws and regulations.

_Education Code Sections 56380; IDEA PART B Regulations 300.146; 45 CFR 1304.1-5, 1304.51(l)(1)(2)_

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<tr>
<td>1. Local Education Agency shall monitor implementation of all IEPs developed by LEA. IEPs will be reviewed at least annually.</td>
<td>1. SETA Head Start shall establish a system of ongoing monitoring of pre-referral interventions, referrals, assessments, IEPs, due process, and transition procedures during the annual self assessment process.</td>
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| |
X. **ADMINISTRATION:** The SELPA and SETA Head Start shall each designate a person to work with the other agency on problems regarding interpretation of, and/or compliance with this agreement.

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<tr>
<td>1. Local Education Agency shall annually count and report the number of children with disabilities enrolled in Head Start for whom the LEA provided the Special Education and related services, in accordance with the Department of Education pupil count procedures.</td>
<td>1. SETA Head Start shall annually count and report to the Administration for Children and Families (ACF) the unduplicated number of children with disabilities who are enrolled in Head Start facilities in accordance with Department of Education child count procedures and will also report to ACF the unduplicated number of children served by Head Start who are not served by LEA.</td>
</tr>
<tr>
<td>2. Local Education Agency shall receive calls and consult with SETA Head Start regarding interpretation of and/or compliance with this agreement.</td>
<td>2. SETA Head Start shall call and consult with the Local Education Agency representing the child regarding interpretation of and/or compliance with this agreement.</td>
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XI. **CONFLICT RESOLUTION:** The agencies shall establish a means of solving conflicts concerning issues involving implementation of this agreement.

*Education Code 34CFR 76.780-783*

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<tr>
<td>In the event that misunderstandings or differences of opinion occur between agencies with regard to policies and procedures necessary to accomplish the objectives of this agreement, the staff of the LEA and Head Start will meet to develop a mutually agreeable solution.</td>
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</table>
SACRAMENTO EMPLOYMENT AND TRAINING AGENCY – HEAD START

AND

The Sacramento County SELPA's

This agreement is entered into this first day of August 2008 by and between the undersigned agencies and will remain in effect through July 31, 2011, and reviewed annually by all parties.

William Tollestrup
Elk Grove Unified School District

Maureen O'Leary Burness
Folsom Cordova Unified School District

Shelton Yip
Sacramento City Unified School District

Judy Holsinger
Sacramento County Office of Education

John Sayler
San Juan Unified School District

Kathy Kossick
Sacramento Employment and Training Agency
INTERAGENCY AGREEMENT
BETWEEN
SACRAMENTO COUNTY DIVISION OF MENTAL HEALTH
AND
SACRAMENTO COUNTY SPECIAL EDUCATION LOCAL PLAN AREAS

THIS INTERAGENCY AGREEMENT entered into this ____ day of ____ 2008 is by and
between the SACRAMENTO COUNTY DIVISION OF MENTAL HEALTH (COUNTY) and
the following SACRAMENTO COUNTY SPECIAL EDUCATION LOCAL PLAN AREAS
(SELPAs): Sacramento County Office of Education (SCOE), Sacramento City Unified School
District (SCUSD), San Juan Unified School District (SJUSD) and Elk Grove Unified School
District (EGUSD).

WHEREAS, Government Code Sections 7570, et seq. (Chapter 1747, Statutes of 1984)
(Assembly Bill 3632) require COUNTY to provide mental health services which are identified
within the Individualized Education Plan (IEP) pursuant to Government Code Section 7572 et
seq.; and,

WHEREAS, since 1984 COUNTY has provided mental health services pursuant to AB 3632;
and,

WHEREAS, COUNTY and Special Education Local Plan Areas (SELPAs) enter into an
Interagency Agreement(s) for services pursuant to Government Code Section 7586.6 (b) et seq.
which are at least every three years; and,

WHEREAS, AB 1765 (Chapter 157, Statutes of 2003) provides Federal IDEA funds for mental
health services pursuant to Government Code Sections 7570 et seq. through county offices of
education, which in Sacramento County is SCOE; and,

WHEREAS, AB 1765 requires SCOE to contract with COUNTY for the purpose of transferring
these funds in their entirety to COUNTY to provide specified mental health services to eligible
students; and,

WHEREAS, these funds are required to be used exclusively for purposes of funding mental
health services, which are related to an IEP.

NOW, THEREFORE, the procedures below are mutually agreed to as follows:

I. Points of Contact
COUNTY and each SELPA shall designate a point of contact whose responsibilities
include, but are not limited to, procedures specified in this agreement. The Points of
Contact shall be responsible for communication between the agencies regarding Chapter
26.5 policies and procedures. (Cal. Code Regs, tit. 2, §60030 subd (c).)

II. Referrals
A. The SELPA Point of Contact is responsible for facilitating the process of referral for mental health assessment of students who may need mental health services in order to benefit from their special education program. Parental/legal guardian consent must be obtained by the SELPA Point of Contact prior to making the referral to COUNTY. The parent/legal guardian consent form includes permission to exchange pertinent information and to observe the student in the classroom. (Cal. Code Regs, tit. 2, §60040 subd. (a).)

B. The completed Mental Health Referral Packet (Appendix A), including all required documentation (Appendix C) will be sent to COUNTY within five (5) working days after the SELPA Point of Contact has obtained parent/legal guardian consent for referral to COUNTY (see Appendix B). (Cal. Code Regs, tit. 2, §60040 subd. (a) (b).)

C. Based on preliminary results of assessments, SELPA may refer a student who has been determined to be or is suspected of being an individual with exceptional needs, and is suspected of needing mental health services, for mental health assessment concurrent with the school district's assessment for eligibility when the likelihood of special education eligibility is high and the need for mental health services is documented. (Cal. Code Regs, tit. 2, §60040 subd. (c).)

III. Assessment

A. Within five (5) days of receipt of a referral, COUNTY shall review the recommendation for a mental health assessment and determine if such an assessment is necessary. (Cal. Code Regs, tit. 2, §60045 subd. (a).)

1. If no mental health assessment is determined to be necessary, or the referral is inappropriate, the reasons shall be documented by COUNTY and COUNTY shall notify the parent/legal guardian and the SELPA within one (1) working day. (Cal. Code Regs, tit. 2, §60045 subd. (a) (1).)

2. If the referral is determined to be incomplete, the reasons shall be documented by COUNTY. COUNTY shall notify the SELPA within one (1) working day and return the referral. (Cal. Code Regs, tit. 2, §60045 subd. (a) (2).)

B. If a mental health assessment is determined to be necessary, COUNTY shall notify the SELPA, develop a mental health assessment plan and provide the plan and consent form to the parent/legal guardian, within fifteen (15) days of receiving the referral from the SELPA. The plan shall include, but is not limited to, the review of the pupil's school records and assessment reports, observation of the pupil in the education setting, when appropriate, interview with the parent/legal guardians and the student, and contact with other involved agencies. (Appendix D). (Cal. Code Regs, tit. 2, §60045 subd. (b).) No further mental health evaluations shall be conducted unless the written consent of the parent/legal guardian is obtained. The parent/legal guardian shall have at least fifteen (15) days from the receipt of the proposed mental health assessment plan to arrive at a decision. Further mental health evaluations may begin immediately upon date of receipt of such consent.
C. COUNTY shall report back to the referring SELPA within thirty (30) days from date of the receipt of the referral by COUNTY if no parent/legal guardian consent for mental health assessment has been obtained. (Cal. Code Regs, tit. 2, §60045 subd. (c).)

D. Upon receipt of the parent/legal guardian’s written consent for mental health assessment, COUNTY shall contact the SELPA within one (1) working day to establish the date of the IEP meeting. The SELPA shall schedule the IEP meeting to be held within fifty (50) days from the receipt of the parent/legal guardian’s written consent. (Cal. Code Regs, tit. 2, §60045 subd. (d).)

E. The mental health assessment shall be completed in sufficient time to ensure that an IEP meeting is held within fifty (50) days from the receipt of the written parent/legal guardian consent for the assessment. This timeline may only be extended upon the written request of the parent/legal guardian. (Cal. Code Regs, tit. 2, §60045 subd. (e).) Upon parent/legal guardian consent of an extension, the assessor will complete the assessment and coordinate with SELPA to reschedule IEP within 15 days or as soon as reasonably possible.

F. The mental health assessor will review and discuss the mental health service recommendations with the parent/legal guardian and appropriate members of the IEP team. The assessor will also make a copy of the mental health service assessment report available to the parent/legal guardian at least two days prior to the IEP team meeting. (Cal. Code Regs, tit. 2, §60045 (f).)

1. If the parent/legal guardian disagrees with the assessor’s mental health service recommendation, COUNTY shall provide the parent/legal guardian with written notification that they may require the assessor to attend the IEP team meeting to discuss the recommendation. The assessor shall attend the meeting if requested to do so by the parent/legal guardian. (Cal. Code Regs, tit. 2, §60045 (f) (1).) Although regulations only require the County to be present at the initial IEP, it is the general practice of COUNTY to attend all IEP team meetings when COUNTY recommendations are presented, reviewed or amended.

2. Following the discussion and review of the COUNTY assessor’s recommendations, it shall be the recommendation, as written in the Mental Health Addendum (MH-II, Appendix F), of the expanded IEP team members attending on behalf of the SELPA. (Cal. Code Regs, tit. 2, §60045 (f) (2).)

G. A written report (Appendix E) will be prepared with recommendations for review at the IEP meeting in accordance with Ed. Code §56327. (Cal. Code Regs, tit. 2, §60045 (g).) The mental health report shall contain, but not be limited to, all of the following information:

1. Whether the pupil may need special education and related services.
2. Whether the student qualifies for Chapter 26.5 services.
3. The basis for making the determination.
4. The relevant behavior noted during the observation of the pupil in an appropriate setting and through the interview process.

5. The relationship of that behavior to the pupil's academic and social functioning.

6. The educationally relevant health and development, and medical findings, if any.

7. For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.

8. A determination concerning the effects of environmental, cultural or economic disadvantage, where appropriate.

9. The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to Ed. Code §56136.

H. For pupils with disabilities receiving services under this Chapter, the community mental health service of the County of Origin shall be responsible for preparing statutorily required IEP reassessments in compliance with the requirements of §60045 of Cal. Code Regs, tit. 2.

"County of origin" for mental health services is the county in which the parent of a pupil with a disability resides. If the pupil is a ward or dependent of the court, an adoptee receiving adoption assistance, or a conservatee, the county of origin is the county where this status currently exists. For the purposes of this program the county of origin shall not change for pupils who are between the ages of 18 and 22. (§60020(b) of Cal. Code of Regs, title 2.)

1. Voluntary Status

The County of Origin is the county in which the parent of a pupil with a disability resides when the pupil is not a ward or dependent of the court, an adoptee receiving adoption assistance, or a conservatee.

2. Non-Voluntary Status

When the pupil does not reside with the parent/legal guardian and is a ward or dependent of the court, an adoptee receiving adoption assistance, or a conservatee, the County or Origin is the county in which the wardship, dependency, adoption, or conservatorship was initiated.

I. The parent/legal guardian must make the child available locally (Sacramento County) for interview during the assessment process.¹

IV. IEP Team Meetings

¹ "The local educational agency has obtained written parental consent for the referral of the pupil to the community mental health service, for the release and exchange of all relevant information between the local educational agency and the community mental health service, and for the observation of the pupil by mental health professionals in an educational setting." (§7576 (b) (2) of the Government Code)
A. The SELPA will be responsible for coordination of the IEP team meeting which will be expanded to include the COUNTY representative who conducted the MH assessment.

B. COUNTY representative will be given a minimum of 10 working days notice prior to an IEP meeting of date and time of any initial, review or annual IEP meetings and any other IEP meetings scheduled for students receiving mental health services. (Cal. Code Regs. tit 2, §60030(c) (7).) Although not required by regulation, (Cal. Code Regs. tit. 2, §60045 (f) (1).) COUNTY will attempt to attend all IEP meetings in which services are reviewed and/or reauthorized. If COUNTY cannot attend due to late notification or unavailability, SELPA shall forward a copy of the IEP to COUNTY, who will review the IEP findings and/or recommendations and submit a signed MH-II to SELPA within ten (10) business days. SELPA shall incorporate the Mental Health recommendations into the IEP.

C. COUNTY staff will be present at the IEP meeting following the mental health assessment. A written addendum will be presented and shall indicate:

1. An eligibility recommendation. If mental health services are determined to not to be necessary for the pupil to benefit from his/her special education program, COUNTY report will include recommendation to the IEP team.

2. A service recommendation. If mental health services are recommended, COUNTY report (Appendix F) will include the following information for the IEP Team:
   a. The evaluation data including a description of the present levels of social and emotional performance.
   b. A description of the type of recommended mental health services (treatment modalities) and why these are necessary for the student to benefit from his/her special education program.
   c. Recommendations for goals, objectives, with objective criteria, and evaluation procedures to determine whether they are being achieved.
   d. The initiation date, location, frequency and duration of the mental health services will be included on the addendum.
   e. Parent/legal guardian approval for the provision of mental health services will be obtained.

D. A written mental health addendum (Appendix F) will be presented to the IEP team and the parent/legal guardian. In addition, an agency or contracted staff member providing direct services to the child or youth may be in attendance to review goals and recommendations, if invited by parent/legal guardian.
E. When changes in mental health services are being considered by COUNTY or contracted agency, collaboration with the parent/legal guardian and SELPA Point of Contact will occur prior to the IEP meeting. (Cal. Code Regs, tit. 2, §60050 (b).)

F. Unless otherwise agreed, there will be twelve (12) month IEP reviews for all students receiving mental health services as part of their IEP and six (6) month IEP reviews for all students receiving residential placement and mental health services as part of their IEP. (Cal. Code Regs, tit. 2, §60110, subd. (c) (10).)

G. When completion or termination of IEP specified health services is mutually agreed upon by the parent/legal guardian and COUNTY, or when the pupil is no longer participating in treatment, COUNTY shall notify the parent/legal guardian and SELPA, which shall schedule an IEP team meeting to discuss and document this proposed change if it is acceptable to the IEP team. (Cal. Code Regs, tit 2, §60050, subd. (b).) Discharge or termination of services may happen for the following reasons:

1. The student no longer requires mental health services as mutually agreed upon by the parent/legal guardian and COUNTY. For example, this would include completion of treatment goals and objectives;

2. The student is no longer participating in treatment;

3. The student no longer qualifies for Chapter 26.5 services; or

4. The student’s parent/legal guardian requests termination of services.

H. SELPA and COUNTY will exchange data as required for the purposes of linking services as provided and authorized in the IEP.

V. Transfers and Interim Placements

A. Whenever a student moves from one school district to another within California, and his/her IEP specifies that mental health under Chapter 26.5 is a related service, the SELPA Point of Contact will notify COUNTY Point of Contact immediately and forward minimum documentation as it becomes available. Minimum documentation shall consist of:

1. The current IEP containing mental health eligibility,

2. Description of current services being provided, and

3. A release of information between the SELPA and COUNTY.

B. Upon receipt of minimum documentation from the SELPA, COUNTY will develop a mental health assessment plan and provide the plan and consent form to the parent/legal guardian.

C. COUNTY shall ensure that the pupil is provided interim mental health services, as specified in the existing IEP for a period not to exceed thirty (30) days, unless the parent/legal guardian agrees otherwise. (Cal. Code Regs, tit. 2, §60055 (b); Ed Code §56325.)
D. An IEP team, which shall include an authorized representative of COUNTY, shall be convened by SELPA to review the interim services and make a determination of services within thirty (30) days of the pupil’s transfer. (Cal. Code Regs, tit 2 §60055, subd (c).)

VI. Collaboration and Coordination

A. Every effort will be made to work in a collaborative model in the delivery of mental health services. The SELPA Points of Contact, Mental Health Point of Contact and other representatives from education and mental health will meet regularly for the purpose of ongoing monitoring, collaborative planning and problem solving.

B. Mutual staff development shall be provided for education and mental health staff pursuant to Section 7586.6(a) of the Government Code.

C. The provision of space, support staff and services at the school site, shall be made, as appropriate, for the delivery of mental health services. (Cal. Code Regs, tit. 2, §60030, subd (12).)

D. No material generated by any source other than COUNTY will be released even if it is a part of the client’s record.

E. When required by the IEP, the SELPA and COUNTY will arrange for continuation of MH services for the extended school year. (Cal. Code Regs, §3043.)

F. The SELPA and COUNTY will jointly identify state-certified non-public schools and residential placements which may be considered by the expanded IEP team when no appropriate public school program exists.

G. When a student is placed unilaterally in a private school funded by his/her parent/legal guardian the provision of SELPA / COUNTY services will be made in accordance with regulations governing the provision of services to parentally placed private school students.

VII. Residential Placements

A. If residential placement is being recommended for a 26.5 eligible student who is also eligible for special education as Emotionally Disturbed, the IEP Team must be expanded to ensure inclusion of a representative from COUNTY. If the COUNTY representative is not present, the IEP team meeting shall be adjourned and reconvened within fifteen (15) calendar days as an expanded IEP team. (Cal. Code Regs, tit 2, §60100 subd. (b) (1) (2).)

B. At the IEP Team meeting, COUNTY can, when appropriate, make a recommendation for residential placement for a pupil assessed and deemed eligible for Chapter 26.5 services. The IEP team then makes a recommendation for the appropriate educational placement once a need for residential placement has been defined and agreed to by the expanded IEP team.

C. When residential placement is recommended by COUNTY, the Expanded IEP team shall:
1. Develop a written statement documenting the pupil's educational and mental health treatment needs that support the recommendation for the placement.

2. Identify one or more appropriate, least restrictive and least costly residential placement alternative. The facility must have a rate set in accordance with the State Department of Social Services when located in the State of California
   a. Be located within or adjacent to the county of residence of the pupil's parent/legal guardian, except when documentation is provided that no nearby placement alternative is able to implement the IEP. COUNTY shall seek an appropriate placement which is as close to the parent/legal guardian's home as possible.
   b. Have an appropriate Educational facility available to the pupil in an off-grounds public school program, an on-grounds public school program, or a nonpublic, nonsectarian school program certified by the State Department of Education.

D. When a student found eligible for special education as seriously emotionally disturbed is placed out of home under Chapter 26.5, the student's district of residence in which the IEP was developed will be responsible for the implementation of the education portion of the IEP. COUNTY will be responsible for assessment and provision of mental health services as delineated in the IEP. COUNTY will also be responsible for case management of any student placed in a residential facility pursuant to Chapter 26.5.

School district of residence is the school district in which the parent of a pupil with a disability resides when the pupil is not a ward or dependent of the court. When the pupil is a ward or dependent of the court, the school district of residence is determined by the location of the residential placement where the student is placed.

E. Residential placements for a pupil with a disability who is seriously emotionally disturbed may be made out of California only when no in-state facility can meet the pupil's needs. Out-of-state placements shall be made only in residential programs that meet the requirements of Welfare and Institutions Code Sections 11460 (c) (2) through (c) (3). For educational purposes, the pupil shall receive services from a privately operated non-medical, non-detention school certified by the California Department of Education.

F. The Expanded IEP Team will meet every six months to monitor the level of care, supervision and the implementation of the treatment services and the IEP.

G. Wardship/Dependency

If the pupil is a dependent or ward of the court, the agency vested with the care, custody and control of the pupil shall be notified of the Individualized Program
Team meeting and shall function as the pupil's legally responsible agent for purpose of participating in the IEP Team process.

When a 26.5 student is placed out of home through Child Protective Services (CPS) or Juvenile Probation, the school district of residence is determined by the location of the residential placement where the student is placed. CPS or Juvenile Probation will be responsible for case management.

VIII. Transportation
A. Outpatient Services

The district will provide transportation during school hours to a treatment site off-campus when necessary. The decision regarding implementation of the mental health service plan will be delineated in the IEP.

B. Residential Services

In order to facilitate the provisions of services for travel for family members or caregivers and as determined necessary by the IEP team, one (1) parent/legal guardian/adult family member may be authorized to travel when a child is admitted or discharged from a residential treatment facility. This provision is defined specifically for students placed by COUNTY and SELPA in accordance with 26.5 statutes and the IEP process governing these placements. As determined necessary by the IEP, travel, lodging and meal expenses will be covered for one (1) parent/legal guardian/family member and the child who is being placed in a residential program. The travel parameters and reimbursement provisions are as follows:

1. Student Transportation. When a student is placed by the expanded IEP team in a residential placement, SELPA shall provide transportation to the residential placement at admission and from the residential placement at discharge as specified on the student’s IEP and in accordance with subsection (a) of Section 300.13 of Title 34 of the Code of Federal Regulations. (Cal. Code Regs, tit 2, §60200, subd (d) (2).) The appropriate mode of transportation will depend on the student’s unique needs, as determined by the expanded IEP team. SELPA shall be responsible for coordinating the student’s transportation in the most economical and cost effective manner.

2. Parent/legal guardian/family member Transportation. In the event the student’s expanded IEP team determines it is necessary for an adult to accompany the student when traveling to the residential placement at admission and from the residential placement at discharge, or the student’s expanded IEP team determines the transportation of the student’s parent/legal guardian/family member is otherwise necessary for the student to benefit educationally from his or her instructional program, SELPA shall approve any and all travel arrangements prior to the date of travel. Any transportation or related costs incurred that were not necessary for the student to benefit educationally from his or her
instructional program or previously approved by SELPA may not be recoverable by the parent/legal guardian from SELPA.

3. Reimbursable expenses. Reimbursement for travel, lodging and meals will be reimbursed based on the current travel reimbursement rates used by COUNTY. COUNTY will notify SELPA of any changes in reimbursement rates. To be reimbursed for the cost of travel, lodging and/or meals, travelers must complete a claim form and submit itemized receipts showing a zero balance within five (5) working days of the return date. Reimbursement will only be for those amounts that were incurred during travel and for which a receipt is submitted. Travel advances are not considered cost of a trip and should not be recorded as an expense. Payment will be mailed to the home address of the traveler.

a. Ground Transportation. All costs for ground transportation will be reimbursed at the economy rate.

b. Lodging. Actual cost of lodging, excluding tax, up to the maximum COUNTY rate per day is allowed. Neither COUNTY nor SELPA is responsible for reimbursement for luxury upgrades. Hotel cancellations are the responsibility of the traveler. Any cancellation charges will be billed to the traveler unless justified.

c. Meals. Actual cost of meals, up to the maximum COUNTY meal rate, that were incurred during travel and for which a receipt is submitted will be reimbursed. Meals that are included with hotel rates or airfare will not be reimbursed. Alcoholic drinks will be excluded from costs of the meal and are not reimbursable.

IX. Interagency Dispute Resolution

A. A dispute over the provision of services means a dispute over which agency is to actually deliver the service, or to pay for the services, when the service is contained in the pupil’s IEP Plan.

B. The following procedures apply when there is a dispute between or among the State Department of Education and/or the agencies participating in this agreement over the provision of a related service of designated instruction and service, when such services are contained in a pupil’s IEP Plan

1. The dispute procedures shall not interfere with the pupil’s right to receive a free, appropriate public education. During the dispute resolution:

a. If one of the agencies has been providing the service prior to notification of the failure to provide a related service or designated instruction and service, that agency shall continue to provide the service.

b. If no agency specified in this section has provided the service prior to the notification, the SELPA shall ensure that the service is provided in accordance with the IEP Plan.
c. Arrangements other than those described in the above sections “a” and “b” may be made by written agreement between the involved public agencies, provided the pupil’s IEP Plan is not altered, except as to which agency delivers or pays for the service if such specification is included in the IEP.

2. The parent/legal guardian or any agency shall submit a written notification of the failure to provide the service to the State Superintendent of Public Instruction or the State Secretary of Health and Social Services. When either the Superintendent or the Secretary receives a written notification, a copy shall immediately be transmitted to the other party. The Superintendent and the Secretary or their designees shall meet to resolve the issue within 15 calendar days of the receipt of notification.

3. If the issue cannot be resolved within 15 days to the satisfaction of the Superintendent and Secretary, they shall be binding on the departments and their designated agencies who are parties to the dispute.

4. Once the dispute resolution procedures have been completed, the agency determined responsible for the service shall pay for, or provide, the services and shall reimburse the other agency which provided the service during the dispute procedure.

5. A written copy of the resolution shall be mailed to affected parties within 10 days of the decision.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be duly executed as of the day and year first written above.

Elk Grove Unified School District
SELPA Director

San Juan Unified School District
SELPA Director

Sacramento City Unified School District
SELPA Director

Sacramento County Office of Education
SELPA Director
Sacramento County
Director of Mental Health
Contract. The provisions of this clause shall not be limited to the availability or collectability of insurance coverage.

The defense of Due Process Complaints and the services, if any, agreed to or awarded as a result of the Due Process Complaint shall be the sole responsibility of the district of residence of the pupil on whose behalf the Due Process complaint was brought.

This Agreement is entered into on the dates indicated below. This Agreement may be executed in counterparts.

David W. Gordon, Superintendent
Sacramento County Office of Education

Date

Dr. Steven M. Ladd, Superintendent
Elk Grove Unified School District

Date

4/4/2011
INTRODUCTION

This handbook has been prepared for the parents of children with disabilities. We hope this handbook will help you understand more about the process of obtaining appropriate educational services for your child. Parents and educators are partners in planning for the special needs of each child. As a parent, it is important to:

1. Be active in the entire planning process.
2. Know your rights and those of your child.
3. Ask and answer questions and provide any relevant information/reports to the team working with your child.
4. Read and learn about your child’s special needs.
5. Ask for help if you need it.
6. Be active in your child’s educational program.
7. Be a confident advocate for your child.

The questions answered in this booklet are the questions parents ask most often. In some cases, we have also provided a brief summary of the law. If you have questions which are not answered here or if you need clarification of a particular issue or question you might have, feel free to call or visit the Elk Grove Unified School District’s Student Services Office. We are located in the Robert L. Trigg Education Center, 9510 Elk Grove-Florin Rd, Elk Grove, CA 95624. The telephone number for our office is (916) 686-7780.

This handbook is truly the product of a team effort -- the same kind of teamwork we want to practice every day as parents and school personnel, who work together to assure quality education for our children with special needs.

We hope you use this booklet as a handy source of information and find it helpful.
SPECIAL EDUCATION ELIGIBILITY - GENERALLY

Special education is defined by Federal and State law as specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including (i) instruction in the classroom, in the home, in hospitals, and institutions and in other settings; and (ii) instruction on physical education. (34 C.F.R. § 300.39.)

Who May Receive Special Education Services?

Everyone has relative learning strengths and weaknesses. However, in order to be eligible for special education, a child with a disability must have been determined (through appropriate assessment), to have one or more of the following disabling conditions, and who, by reason thereof, needs special education and related services: (34 C.F.R. § 300.8(a))

- Mental Retardation
- A Hearing Impairment (including Deafness)
- A Speech and/or Language Impairment
- A Visual Impairment (including Blindness)
- A Serious Emotional Disturbance (also referred to as Emotional Disturbance)
- An Orthopedic Impairment
- Autism
- Traumatic Brain Injury
- Another Health Impairment
- A Specific Learning Disability
- Deaf-Blindness
- Multiple Disabilities

What Are Other General Terms Which May Refer To Children With These Disabling Conditions?

Students with one or more of these disabling conditions may also be referred to by using terms such as:

- individual(s) With Exceptional Needs (IWEN)
- Exceptional Children
- Children with Disabilities
- Handicapped Children
- Children with Special Needs

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1 See also the Glossary at the end of this document for additional information.
Do Different Agencies Use Different Terms and Guidelines?

Yes. Since various State and Federal agencies operate under different laws and guidelines, the eligibility criteria may differ significantly. The same term may also be used by various agencies with different meanings. This can be frustrating and confusing to parents seeking assistance for their child. Therefore, we recommend that you ask for clarification of terms from any agency providing services to your child.

Do All Students With An Identified Disability Require Special Education?

No. Special education is not required for all disabled children. Many students with disabilities are able to and should attend regular education classrooms without any change in their classroom programs.

Special education is only appropriate when modifications in the regular classroom are not sufficient to meet your child’s educational needs. If, through assessment, a special education program is determined to be necessary for your child, an Individualized Education Program (IEP) will be developed to specify your child’s present levels of performance, goals and objectives, and services/placement.

What Is An IEP?

An IEP (Individualized Education Program) is a written statement (an educational planning document) developed, reviewed, and revised during an IEP Team Meeting for a child with a disability (as this term is defined on page 2). The IEP process, including the development of an IEP document is discussed more in depth in this Handbook, beginning at page 11.

Who Are The Members Of The IEP Team?

- You.
- Not less than one special education teacher or special education service provider of your child.
- Not less than one regular education teacher if your child is, or may be, participating in the regular education environment.
- A school representative who is knowledgeable about availability of resources, general education and qualified to supervise the provision of services. (This is usually an administrator.)
- A person who can interpret instructional implications of evaluation/results. (This may be one of the above mentioned team members.)
- Whenever appropriate, your child.

(34 C.F.R. § 300.321.)
Other participants who have knowledge or special expertise regarding your child may also be invited either by you or by school staff.

Members of the IEP team are required to attend the IEP meeting unless you and the District agree in writing that their attendance is not necessary.

*When And How Is The IEP Implemented?*

You must first give your written permission for assessment and then again for the initial IEP before any services can be implemented. As soon as possible thereafter, the program as developed in the IEP will be provided. Generally, you will be asked to sign permission at the end of the IEP meeting. You may take a copy home for review prior to signing if you desire. No services will begin, however, until your written permission is provided to the District.
CHILD FIND AND REFERRAL

School personnel and other concerned parties are typically responsible for identifying children who are having difficulty in school and may need special education services. Teachers usually contact a parent and talk over these concerns. Others who are in contact with children including parents, doctors, child care workers, etc., may also recognize that a child is having difficulties with some aspect of development.

How Do I Know If My Infant Or Preschooler Might Need A Special Education Program?

If you suspect your child is having difficulty learning and is an infant, ages birth through two years eleven months, or preschool age, 3 years through 4 years 9 months, contact the Office of Special Education at (916) 686-7780 and ask for the Program Specialist for Early Intervention.

How Do I Know If My School-Age Child Might Need A Special Education Program?

If your child has a demonstrated problem which prevents functioning effectively in a regular school program without special assistance, then your child may need a special program. Special education is one kind of special program. Public schools also have other programs available to assist students who need help, such as programs for students with limited English ability and School Improvement Programs (SIP).

Who Do I Contact If I Have A Concern?

First, contact your child’s teacher. He/she may be able to suggest other school programs or Accommodations/modifications to help your child. If you are not able to resolve the problem with your teacher, please contact the Office of Special Education (916) 686-7780.

What Happens Before A Referral To Special Education?

Typically, before the school refers a student for a special education assessment, certain modifications of the student’s current program must have been considered and, where appropriate, utilized. The first step is usually the referral to the Student Study Team (SST).

The SST is made up of teachers, school administrators, and other specialists such as language/speech/hearing (LSH) specialists, counselors, or a reading specialist. The SST reviews what has been done in the regular education classroom to address the difficulties that have been identified. The SST determines which modifications may need to be tried before a referral should be made for a special education assessment.

What Are Some Of The Program Accommodations/Modifications The School Might Consider And Utilize Prior to Referral?
The SST may consider many options to assist your child. These options include but are not limited to:

- Classroom accommodations/modifications;
- Other regular education programs such as Migrant Education; Alternative Programs, and/or programs for basic skills remediation, (Chapter 1, Remedial Reading Specialist, Learning Assistance Specialist, etc.);
- Using special materials;
- Behavior contracts;
- Counseling;
- Schedule changes;
- Modified school days;
- Independent Study;
- Retention;
- Suggestions for parents to implement at home;
- Referral to other agencies or medical professionals.

Why Is The Student Study Team Process Necessary?

The use of the SST assists regular education teachers in modifying instruction for students having difficulty in their classrooms. It also helps prevent identifying students as disabled when all they really need is a little extra attention.

The SST also assists in documenting that accommodations/modifications in the regular education classroom have been implemented and whether these modifications meet the student's educational needs. Documentation that the classroom accommodations/modifications cannot meet your child's needs is a necessary part in determining that your child may require special education programs and services. When the majority of the members of the SST believe that all reasonable alternatives have been tried and are not sufficient, a referral should be initiated for a special education assessment.

Does Someone Contact Me If Special Education Services Are Being Considered?

Parents are usually part of the SST process and will know of the referral for assessment by participating at the SST meeting. If you are not in attendance when the referral is made by the SST, you will receive a "Notice of Special Education Referral" in the mail prior to the receipt of an assessment plan. Usually parents are contacted by phone to discuss the referral. You should discuss the assessment plan with your student's teacher, psychologist, or other specialist who is conducting the assessment to be sure you understand the process.

What Is A Referral For Special Education Assessment?

A formal referral for special education assessment is a written request to conduct an evaluation to determine whether your child requires special education services. Within 15
days of receipt of the referral, an assessment plan will be submitted to you for your written permission to begin the evaluation. No assessment may begin without your written permission.

Who Can Make A Referral?

In addition to the SST, a formal written referral for assessment can be made directly to the school site or District administrator by:

- parent or guardian
- school personnel
- foster parent (consistent with certain limitations contained in federal law)
- public or private agency
- student
- other interested persons

(Education Code § 56029).

However, the District may encourage the referring party to utilize the SST process since a direct referral does not eliminate the need for documentation of regular education accommodations/modifications.
## THE ASSESSMENT PROCESS

**Prior to Referral for Assessment:** Consultation and General Education Interventions are typically addressed through the Student Study Team process prior to the referral by District staff for assessment. If interventions are not enough to meet your child's needs in general education, a special education assessment plan will be developed.

### What Happens When I Sign The Assessment Plan Form?

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.</td>
<td>Parent signs an assessment plan (date)</td>
</tr>
<tr>
<td>02.</td>
<td>Student is assessed by the school psychologist, special education teacher and others as needed (i.e. speech therapist, adaptive special education Specialist)</td>
</tr>
<tr>
<td>03.</td>
<td>A meeting is held with the student's parent(s) to go over assessment results on or before: (date)</td>
</tr>
<tr>
<td>04.</td>
<td>If assessments show a student needs special help, the student's parent(s) will be asked to help develop the IEP. This meeting will be held on or before: (date)</td>
</tr>
<tr>
<td>05.</td>
<td>Student receives special education services.</td>
</tr>
<tr>
<td>06.</td>
<td>A review meeting with parents is typically held at the student's school</td>
</tr>
</tbody>
</table>

- Your child cannot be assessed without your permission. As a general rule, all assessments must be completed and an Individualized Education Program (IEP) developed within 60 days of the date the signed assessment form is received by the District, not counting days of major school holidays and breaks between school sessions or terms.

- The assessment normally takes 3-4 weeks. You may be contacted regarding your child's health & developmental history, your concerns, and other issues.

- You will be asked to come to school for a meeting. You will find out about the assessment results at this meeting. A list of your child's needs should be developed at this meeting.

- If your child requires special help, an IEP will be developed at this meeting or at a later meeting. Your child cannot be placed in a special education program without your permission.

- Your child may receive help from special education teachers and/or other specialists as needed, within a reasonable time after you consent to the IEP.

- After your child has been in a special education program for one year, or sometimes sooner, you will be asked to come to a meeting to review your child's progress.
ASSESSMENT

An assessment is a comprehensive evaluation by a team of specialists that evaluates how a child is functioning in all areas of his/her suspected disability.

Evaluation may include intellectual, academic, physical, motor, health, speech/language, and social-emotional development. The assessment team may include the school psychologist, language, speech and hearing specialist, resource specialist, remedial reading teacher, school nurse, regular education teacher, and/or others, depending on your child's individual needs. The specific areas to be evaluated will be specified on your child's assessment plan.

The assessment process has two major purposes:

- To determine if your child is eligible for special education services, and
- To assess the needs and gather all of the relevant information about your child in order to determine the appropriate special education and related services in the educational environment.

Who Shall I Contact If I Have Questions About The Assessment Plan?

Typically, the name and telephone number of a contact person will be listed on the assessment plan. If for some reason this information is not included, please contact your child's school principal or the Office of Student Services at (916) 686-7780.

How Will The Assessment Be Conducted?

Assessment information may be gathered in different ways: Tests, observations, discussions with classroom teachers and parents, review of student work, review of previous records and educational or medical records from other agencies (with parent permission). A child must be assessed in all areas of the suspected disability and no single test score may be used to determine eligibility for special education.

Where And When Will The Assessment Take Place?

The assessment will be conducted during the school day. A student will typically be observed in class, on the playground, and may be taken to a quiet room for part of the assessment. Infants and preschooolers may be assessed in the home or at school.
How Long Does The District Have to Complete the Assessment?

Assessments are typically completed within sixty (60) days after written parental consent to the assessment plan is received by the District. When the assessment is completed, a written report will be developed and explained to you at an IEP meeting. Not all children who are referred and assessed are found eligible for special education.

The determination of whether or not your child is eligible for special education and appropriate services is made by the IEP Team.

What Will The Report(s) Include?

Although the particular components may vary, generally the assessment report(s) will include:

- Background information, including developmental, health, and school history information;
- A summary of actual tests results including an interpretation of what those results mean;
- Recommendations for educational needs;
- A description of relevant behavior and the relationship of observed behavior to your child’s academic and social functioning;
- For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that cannot be corrected without special education and related services;
- A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate;
- A description of whether the assessor recommends specialized services, materials, and equipment for pupils with low incidence disabilities.

Are There Additional Components That May Be Included In The Report Depending On the Suspected Areas of Disability?

Yes. For example, additional components might include a vision report for blind or visually impaired students, a current audiogram for students who are hard of hearing or deaf, and medical reports for students who have orthopedic impairments or traumatic brain injury.

How Often Will These Assessments Be Conducted?

An evaluation must be completed prior to the student's initial enrollment in special education.

A re-evaluation may occur every three (3) years or more often if conditions warrant to determine continued eligibility for special education or to gather more information for the IEP team.
INDIVIDUALIZED EDUCATION PROGRAM MEETING
(IEP MEETING)

The IEP Team Meeting is designed to give parents, teachers, specialists, and school administrators the opportunity to come together and review the present levels of functioning of your child, and then to plan an appropriate educational program. The assessments which were administered to your child will be reviewed and interpreted.

*What Happens After The Assessment(s) Is/Are Completed?*

An IEP Team meeting will be held. You are an equal member of this team and will be invited, in writing, to attend the meeting. Attempts will be made to schedule the meeting on a date and time convenient to both you and the school personnel.

The meeting notice must reach you within a reasonable amount of time so that you can arrange to attend. It will tell you the purpose of the meeting, date, time, place, and who has been invited to attend. If you cannot meet at the time scheduled, contact the person listed on the meeting notice as soon as possible to reschedule.

*What Is The Purpose Of This Meeting?*

The purpose of this meeting is to review the assessment findings, to determine if your child is eligible for special education, and, if eligible and in need of special education services, to develop the Individualized Education Program (IEP). This where the IEP team will make a recommendation for services for your child.

*Who Will Be At The Meeting?*

The administrator/designee who is knowledgeable about resources and curriculum, a special education teacher or service provider, a regular education teacher when appropriate, someone who can interpret evaluation results, you, your child (if appropriate), and others who have information about your child (see page 3 for a more in-depth description of the IEP Team members).

*May I Bring Someone With Me To The Meeting?*

Yes. You may bring anyone you believe has knowledge about your child, or who has an interest in your child’s education. Individuals you may wish to consider bringing may be your child’s regional center worker or social services worker. Be sure to notify him/her of the date, time and location of the meeting. If you cannot attend the meeting, you may have someone attend in your place and speak for you. However, you must ultimately give your written permission for your child’s placement in special education.
You should notify your child's school or the identified contact person listed on the IEP meeting notice as to whether you will attend or if someone will be attending the meeting in your place. You are encouraged to bring your child to the meeting if you feel he/she will benefit from the discussion.

**How Do I Prepare?**

You may want to review your child's past records for information which may assist the IEP Team. Be sure to request records in advance of the time you want to see them. If you wish to obtain copies of any particular student records in advance of the meeting, a written request for records must be received at least five (5) days in advance of the meeting to ensure you will have them in time for the meeting.

You may provide any information you want to be considered by the team at the IEP meeting.

**As The Assessment Results Are Shared, What Is My Role As Parent?**

You will be given a full explanation of the assessment findings. During this process you may present any additional information you have about your child, ask any questions you may have about the assessment or findings and/or request the school to provide additional assessment if necessary. A copy of the written assessment report will be given to you.

**If I Need Time To Think About What Is Presented, May I Request a Second Meeting At A Later Time?**

Yes. The IEP meeting may be tabled and/or continued so you may consider the results and recommendations.

**What Do I Do If I Want An Independent Assessment?**

You may privately obtain an independent assessment of your child at any time. Independent assessments obtained privately by parents must be considered in the decision-making processes along with school assessments so long as the independent assessment(s) meet the proper agency criteria including the location of the evaluation and the qualifications of the examiner. Independent assessments obtained privately to augment the school assessment are at parents' or other agency expense, and are not provided at public school expense. Independent assessments at public expense are discussed below.

**What Do I Do If I Do Not Agree With The School's Assessment Findings?**

If you disagree with an assessment obtained by the District, you should notify the District of your disagreement. You may be entitled to an independent assessment (also known as an independent educational evaluation or "IEE" at public (District) expense. If so, the District will provide you with information regarding where the IEE may be obtained along with the applicable agency criteria.
However, the public education agency may instead, initiate a due process hearing (see Appendix) to demonstrate that its assessment is appropriate. If the District’s assessment is found to be appropriate, the District will not be required to fund an IEE, or pay for an independent assessment that you obtain. As a parent, you are entitled to only one independent educational assessment (IEE) at public expense each time the District conducts an assessment with which you disagree.

**What Do I Do If The IEP Team Finds That My Child Is Not Eligible For Special Education?**

If you, as part of the IEP team, agree with the team’s decision:

Sign the form indicating you agree. Discuss with the school staff any other plans or classroom modifications for your child’s education program.

If you, as part of the team, do not agree with the team’s decision:

You may request:

- Additional assessment followed by a continuation of the IEP meeting
- An administrative review with the District office special education staff
- A state level hearing which may include mediation

**What Happens If The IEP Team Finds My Child Eligible For Special Education?**

You and the team will develop an Individualized Education Program (IEP) specifically tailored to meet your child’s educational needs. The team may bring a draft of some of the goals and objectives being considered for your child to the meeting. Remember, these are drafts and can be changed. The drafts can be helpful in giving everyone something to look at and discuss. Parents are also encouraged to offer proposed goals and objectives.

**What Is An IEP?**

The IEP is a written statement designed for your child which includes:

- Present levels of academic achievement and functional performance;
- Measurable academic and functional goals and objectives in your child’s area(s) of need
- A description of the manner in which your child’s progress will be measured;
- Specific special education instruction and/or related services to be provided including supplementary aid(s), where necessary;
- An explanation of the extent your child will not be able to participate in the regular education program;
• A projected date for initiation and the anticipated frequency, duration and location of services and program modifications;

• Participation in state and District-wide tests and any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of your child on identified tests;

• In the first IEP to be in effect when your child is 16, appropriate measurable post-secondary goals and transition services to assist in the child reaching those goals; (Education Code §§ 56043(h) and 56345.1 and § 1414(d)(1)(A)(ii)(VIII) of Title 20 of the United States Code)

• Age of majority – at age 18, a student gains full adult status for decision making; (Education Code §§ 56041.5(g); 56043(g)(3); 34 C.F.R. §§ 300.320(c); 300.520.)

• How progress toward meeting the annual goals will be measured and how and when you will be informed of your child’s progress.

(Education Code § 56345; 34 C.F.R. § 300.320.)

When appropriate, the IEP should also include:

1. For pupils in grades 7 through 12, inclusive, any alternative means and modes necessary for the pupil to complete the prescribed course of study of the District and to meet or exceed proficiency standards for graduation;

2. Linguistically appropriate goals for students whose primary language is other than English;

3. Extended school year services;

4. Provisions for transition into the regular class program if the pupil is to be transferred from a special class or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day;

5. Specialized equipment, materials, and services for deaf, blind, and severely orthopedically impaired pupils;

6. Pre-vocational or vocational education;

7. Special transportation.

(Education Code § 56345; 34 C.F.R. § 300.320.)

What Do I Do If I Agree With Some Parts Of The IEP But Not All Of It?

If you agree that services should be provided, sign the parts of the IEP to which you agree and not those parts to which you do not agree. This way, your child can receive services while you and the District members take time to work out the areas of non-agreement.
How Often Must The School Review My Child's Special Education Placement And IEP?

Every special education student must have his or her progress and Individualized Education Program reviewed at least once each year. Teachers, however, will be monitoring each student's progress regularly throughout the school year. Progress toward annual goals will be reported to you at least as often as student progress is reported in regular education. You may request an IEP review at any time.

Can the IEP Be Changed During the School Year After It Has Been Implemented?

Yes. So long as you and the District agree to the changes. Generally an IEP meeting will be convened to determine what changes may need to be made. However, you and the District may agree not to hold an IEP meeting, and a written document amending or modifying then IEP may be developed instead.

Can The IEP Be Transferred To Another School District?

If you move to another school district, take a copy of your child's annual IEP and most recent assessment to your new school district. Within California, the new district should implement your child's IEP in a comparable program as much as possible for 30 days as an administrative placement. Prior to the end of the 30-day interim administrative placement, an IEP meeting will be convened to review your child's IEP, revise it if necessary, and specify the provision of services in your new district. Similar provisions exist in other states.

What If I No Longer Want My Child To Receive Special Education Services?

You may revoke your consent, in writing, for your child's receipt of special education services after your child is initially provided special education and related services. If you revoke your consent, the District may not continue to provide special education and related services to your child, but will provide prior written notice to you before ceasing the provision of special education and related services. Furthermore, the District will not seek due process procedures in order to obtain agreement or a ruling that the services be provided to your child. The District will not be considered to be in violation of the requirement to make FAPE available to your child because of the failure to provide your child with further special education and related services. Furthermore, the District is not required to convene an IEP Team meeting or develop an IEP for your child for further provision of special education and related services.

(34 C.F.R. § 300.9.)

If I Revoke My Consent, Will My Child's Records Be Amended?

If you revoke your consent for your child's receipt of special education services, the District is not required to amend your child's education records to remove any references to the receipt of special education and related services because of the revocation of consent.

(34 C.F.R. § 300.9.)
PROGRAM OPTIONS

Special Education is provided in the least restrictive environment (LRE) through a continuum of services and placement. Most students are better served in a less restrictive environment, but some children require an educational environment that is more restrictive. Your child’s placement on the continuum may also change as his/her needs change.

What Is The Least Restrictive Environment (LRE)?

The least restrictive environment for a student is the placement that realizes a match between the learning needs of the student and the conditions of the educational environment, while providing the student with the maximum integration with non-disabled students possible.

The Code of Federal Regulations, Title 34, § 300.114 states:

“Each public agency must ensure 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 non disabled, and [that] special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

What Is The Continuum Of Services and Placements?

1. General Education
2. Designated Instruction and Services (DIS) only
3. Resource Specialist Program (RSP)
4. Self-Contained Classroom on a regular District campus
5. Special Center
6. Site Based Learning Centers
7. Non-Public School (NPS)/Non-Public Agencies (NPA)
8. Residential Programs

What Are Designated Instruction and Services (DIS)?

DIS services include speech and language therapy, adapted physical education, itinerant services for the hard of hearing or visually impaired, counseling and other specific types of instruction that is/are required for a student to benefit educationally from his or her instructional program. Students generally receive DIS services at school during the regular school day for a number of sessions during the term of the IEP.
What Is The Resource Specialist Program (RSP)/Learning Center?

Students in the Resource Specialist Program are assigned to their regular education and/or classrooms for the majority of the school day, but receive special education instruction and/or consultation services from a Resource Specialist. Services may also be provided directly to a student in the general education classroom and/or in the resource room or in the learning center. Services may also be provided through consultation to the regular education teachers.

What is a Self Contained Classroom (SCC)?

Self contained classroom (SCC) placements are made for those students who need individualized and small group instruction for a significant portion of their school day. Self contained classrooms are located at various schools throughout the region, so a child who is determined to be eligible for a self contained classroom may attend a school other than his or her home school.

What Is A Special Center?

A Special Center is a cluster of classes in a facility designed to accommodate the unique needs of more severely disabled students.

What Is A Non-Public School?

If the IEP team determines that no public school program in the student's district of residence or neighboring districts can meet the student's educational needs, a private program certified by the state may be recommended by the IEP team.

When Is A Residential Program Required To Meet The Students Special Education Needs?

A very small minority of children with disabilities have educational needs so extensive that they require out-of-home programs to meet their educational needs. These students generally require a very highly structured, 24-hour program, which cannot be provided by school staff and parents. Usually, residential program placements for disabled students are made in conjunction with other state agencies, such as a Mental Health or Regional Center facility.
RIGHTS AND RESPONSIBILITIES

The provision of special education services is governed by State and Federal laws. It is also required that local districts establish their own procedures to implement these laws. Students with identified disabilities have the right to a free appropriate education in the least restrictive environment (LRE). Parents/adult students and the local school district have responsibilities, as well as rights, to ensure identification, placement and services for individuals with exceptional needs. These laws protect the rights of parents/adult students to be fully informed and to participate in all planning and decision-making about their child’s or their own education.

For specific special education legal provisions, you can review the California Department of Education’s special education resource link at: www.cde.ca.gov/sp/se/sr/selinks.asp.

How Are These Rights Protected?

All schools in the Elk Grove Unified School District SELPA want to provide the appropriate educational services for all students. In doing this, certain procedures are followed. The law requires that school districts shall establish guidelines and procedures to protect the rights of special education students and their parents or guardians. These practices are called Procedural Safeguards and are described throughout this booklet as they pertain to the different topics discussed. A brief summary follows (parent also means adult student, if appropriate):

- The right of parents to request an assessment and, under certain conditions, an independent evaluation of the student at public expense.

- Written permission from the student’s parents or guardians is required to begin an assessment, or to change an educational placement of a student with exceptional needs.

- The right to participate in the IEP process and be informed of student assessment results in their primary language and to give or withhold consent for placement.

- The right to request a meeting to review the IEP.

- The right to examine all reports and educational records of the student.

- The right of privacy and confidentiality of student records.

- The right to an impartial due process hearing regarding the identification, evaluation, placement, and provision of a free appropriate public education for the special education student.
Parents receive an expanded, in-depth, version of the Parents/Adult Students Rights prior to initial assessment and prior to each IEP annual review meeting.

**What Are Some Of My Responsibilities As The Parent?**

You, as your child’s parent, have the primary responsibility for your child. You, as well as the school, must seek the appropriate educational program for your child. This responsibility includes communicating your concerns with the appropriate staff, requesting assistance, and initiating a written referral for assessment if needed. You should assist the school by providing relevant information and past records including medical history when they may impact the child’s school progress. Your child should come to school well rested, nourished and prepared to learn. Your child needs to attend school every day, unless physically unable, to ensure that he/she has a continuous opportunity to succeed.

**Do My Rights and Responsibilities Ever Transfer to My Child?**

Yes. Beginning not later than one year before your child reaches the age of 18 years, your child’s IEP will include a statement that he/she has been informed of what rights under the law will transfer to him/her upon reaching the age of 18 years. (Education Code §§ 56041.5(g); 56043(g)(3); 34 C.F.R. §§ 300.320(c); 300.520.)

When a child with a disability (as defined in this Handbook on page 2) reaches the age of 18, (with the exception of an individual who has been determined to be incompetent under state law), we will provide any notice of procedural safeguards required by law to both the parents and the child. Otherwise, all other rights described above (See “How Are These Rights Protected?”) which accorded to a parent under the law shall transfer to the child with a disability. (Education Code § 56041.5.)

**What Are The School District’s Rights And Responsibilities?**

Your school is concerned with providing an appropriate education for all its students. Generally, this includes the modification of regular education programs prior to consideration for special education services.

- The District has the responsibility to identify, refer, and assess students in all areas of suspected disability.
- The District may exchange information and records with other school districts where your child has attended or received services.
- Districts must adhere to procedural safeguards.
- The District has the right to request a due process hearing.

**Who May Have Access To My Child’s Records?**
Parents, appropriate school personnel and service providers from other agencies who provide instruction or a related service to the student may have access to the student’s records. All individualized education programs shall be maintained in accordance with State and Federal pupil confidentiality laws. You may contact the District’s Special Education Office for more detailed information.

**Are There Safeguards To Protect My Rights?**

Parents or students have the right to file a complaint with the District superintendent or the State Superintendent of Public Instruction, or request a due process hearing with the State Superintendent of Public Instruction.

**What Is A Complaint?**

A complaint is an allegation that the District has violated Federal or State laws or regulations regarding education. The remedy, if the District has been found out of compliance, is to develop a process that ensures the violation will not continue to occur.

**What Is Due Process?**

Due process is a legal process that ensures that each child is treated in a manner that guarantees no child eligible for special education services is denied the right to a free and appropriate public education.

**When Is Due Process Appropriate?**

A due process hearing is appropriate whenever there is a:

- Disagreement over a proposal to initiate or change the identification, assessment or educational placement of a special education student or the provision of a free appropriate public education.

- A refusal to initiate or change the identification, assessment or educational placement or the provision of a free appropriate public education to a special education student.

- Refusal by a parent to consent to an assessment.

**How Do I Make A Complaint Or Request Due Process?**

Any complaint that you may have should first be shared with the individual with whom you disagree and/or with the school site administrator. If your concerns are not resolved in a timely manner, you may contact your regional program specialist or the special education director at (916) 686-7780. Should you be unable to resolve the issue at that level, you may file a formal complaint or a request for a due process hearing with the Office of Administrative Hearings.
The District has the responsibility to provide you with specific information on filing and to assist you if you request their help. (See Flowchart on the following page.)
Complaint and/or Concern Flowchart

Concern about Provisions of Special Education Services

Contact your School Site Special Education Case Manager and/or the School Site Administrator

(If concerns continue)

Contact your Regional Program Specialist
Office of Student Services (916) 686-7780

(If concerns continue)

Contact the Director of Special Education
Office of Student Services (916) 686-7780

(If concerns continue and you feel you have exhausted all venues)

Contact the Associate Superintendent of Education Services
(916) 686-7784
TRANSITION

What Is A Transition Plan?

Some children need to have a plan to move from one program to another. This may occur when the child is going from the infant program to the preschool program and from preschool to kindergarten. It is also important at the high school level when the student is preparing to enter the world of work or when the student is exiting special education. Transition plans are developed with the parent through the IEP process, and involve other agencies as appropriate (for example, Regional Enter, Department of Rehabilitation, etc.).

Your child’s IEP will also include provision for the transition into the regular class program if your child is to be transferred from a special class or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day. This can include a description of activities provided to integrate your child into the regular education program. The description will indicate the nature of each activity, and the time spent on the activity each day or week. It may also include a description of the activities provided to support the transition of pupils from the special education program into the regular education program. For pupils with low-incidence disabilities, specialized services, materials, and equipment, consistent with guidelines established pursuant to Section 56136.

(Education Code § 56345(b)(4).)

We will also develop a specific transition plan beginning not later than the first IEP to be in effect when you child turns 16, or younger if determined appropriate by the IEP Team. This plan, which will be updated annually thereafter, will include appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent livings skills, and the transition services (including courses of study) needed to assist your child in reaching those goals.

(Education Code §§ 56043(g)(3) and 56345.1; 34 C.F.R. § 300.320(b).)

What Happens When My Child Leaves Special Education?

Students are exited from special education when they no longer meet the eligibility criteria and/or when the IEP Team recommends exit from service and parent agrees. The student is returned to full participation in the regular education school program. There is usually a period of transition from special education to full regular education participation. Most often, this process includes phasing out direct services to consultation between the specialist and the regular education program teacher. Parents are participants in this process as it is carried out through the IEP.
Some students may need to remain in special education until they graduate from high school or reach the age of 22.
PARENT INVOLVEMENT

One of the most critical aspects of your student’s education is your involvement in the IEP process and regular communication with your child’s classroom teacher.

How Can I Help My Child Succeed At School?

Listed below are some of the ways that you can be involved in your child’s education while being sensitive to the teacher’s work hours and work day:

- Communicating by telephone with your child’s teacher, after or before instructional time
- Sending and receiving notes from your child’s teacher
- Talking briefly with the teacher while dropping off or picking up your child
- Receiving progress reports from the teacher
- Attending IEP meetings and teacher conferences
- Making materials for your child’s classroom
- Sending a small notebook back and forth to school for communication with the teacher
- Observing your child in his/her classroom
- Volunteering to work in the classroom on a regular basis
- Responding positively to staff suggestions for home visits
- Serving on District or community advisory committees
- Participating in parent support groups
- Supplying your child with organizational materials (notebook, backpack, pencil)

Are There Parent Organizations In Which I Can Participate?

Some school districts have active local advisory councils which serve as both support groups for parents and in an advisory capacity to the District.

All parents may be involved with Elk Grove Unified School District’s Special Education Local Plan Area’s (SELP) Community Advisory Committee (CAC) which is concerned with the development and review of our special education programs. By law, the committee is composed of a majority of parents of special education students. Others on the committee may include parents of regular education students, special education teachers, administrative personnel, representatives of other public agencies and students with disabilities.

Some other organizations available to parents are listed in Appendix E.
What Is The Purpose Of The Community Advisory Committee (CAC)?

The primary purpose of the CAC is to provide input into the Elk Grove Unified School District and SELPA's "Local Plan" (the document that describes how services to students with exceptional needs are to be provided in our District). However, at meetings the CAC members may see demonstrations and share information about special programs. When you come to a CAC meeting, you can ask questions, get information, express your opinions and get to know the people who make decisions in the Special Education Department.

Where Do They Take Place And How Do I Find Out About Meetings?

The Elk Grove Unified School District's CAC meetings are held the second Tuesday of each month, with the exception of December, July and August. The meetings are held from 7:00 pm until 8:30 pm at the Robert Trigg Education Center, 9510 Elk Grove-Florin Road, Elk Grove, CA. For more information regarding the CAC, contact the Office of Student Services at (916) 686-7780.
## APPENDIX A

**An Introduction To The Language Of Special Education**

The following phrases are often used by special education professionals. Frequently, the letters to the left are used instead of the entire phrase. This list is intended to help you better understand what can otherwise seem like "Alphabet Soup."

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AB</td>
<td>Assembly Bill</td>
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<tr>
<td>ADD</td>
<td>Attention Deficit Disorder</td>
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<tr>
<td>ADHD</td>
<td>Attention Deficit Hyperactive Disorder</td>
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<tr>
<td>APE</td>
<td>Adapted Physical Education</td>
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<tr>
<td>BD</td>
<td>Behavior Disorders</td>
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<tr>
<td>CAC</td>
<td>Community Advisory Committee</td>
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<td>CCS</td>
<td>California Children's Services</td>
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<td>CH</td>
<td>Communicatively Handicapped</td>
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<tr>
<td>DIS</td>
<td>Designated Instructional Services</td>
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<tr>
<td>ED</td>
<td>Emotional Disturbance or Emotional Disorders</td>
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<tr>
<td>ESL</td>
<td>English as a Second Language</td>
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<tr>
<td>FAPE</td>
<td>Free Appropriate Public Education</td>
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<td>FEP</td>
<td>Fluent English Proficient</td>
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<td>HH</td>
<td>Hard of Hearing</td>
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<tr>
<td>IDEA</td>
<td>Individuals with Disabilities Education Act (Name of PL 94-142, 1975)</td>
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<tr>
<td>IDEA 97</td>
<td>IDEA Amendments of 1997 (PL 105-17)</td>
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<td>IDEA 04</td>
<td>IDEA Amendments of 2004</td>
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<tr>
<td>IEP</td>
<td>Individualized Education Program</td>
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<tr>
<td>IFSP</td>
<td>Individual Family Service Plan</td>
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<td>ISP</td>
<td>Individual Service Plan</td>
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<tr>
<td>IPP</td>
<td>Individual Program Plan</td>
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<tr>
<td>IWEN</td>
<td>Individual with Exceptional Needs</td>
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<tr>
<td>LD</td>
<td>Learning Disabled</td>
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<tr>
<td>LEP/NEP</td>
<td>Limited English Proficiency/Non-English Proficiency</td>
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<tr>
<td>LH</td>
<td>Learning Handicapped (Teaching Credential)</td>
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<td>LRE</td>
<td>Least Restrictive Environment</td>
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<td>LSH</td>
<td>Language, Speech and Hearing</td>
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<td>MH</td>
<td>Multihandicapped</td>
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<td>MR</td>
<td>Mentally Retarded</td>
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<tr>
<td>Non-RIS</td>
<td>Not Requiring Intensive Social Education Services</td>
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<tr>
<td>NPS</td>
<td>Nonpublic School</td>
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<tr>
<td>Abbreviation</td>
<td>Description</td>
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<td>OT</td>
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APPENDIX B
Glossary of Terms

Age Equivalent Score (A.E.): A way of reporting test scores in which the score is equal to that of an average child of that age (for example, an age equivalent score of 3.7 means that the child did as well as an average child who is 3 years and 7 months old).

Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder (ADD/ADHD): Significant inability to maintain prolonged attention to a task, which includes a hyperactivity component for those students with ADHD.

Autism: A severe behavioral disorder affecting the way sensory input is processed, causing problems in learning, communication, and relationships with others. [More information about autism may be found on the website of the Autism Society of America at: http://www.autism-society.org/]

Basal Reader: Any of a series of books designed to teach reading.

Behavior Modification: A technique of changing or controlling the way a person behaves by controlling the events that come after the behavior.

California Children Services (CCS): The state agency which provides occupational and physical therapy to eligible physically disabled students.

Communicatively Handicapped (CH): A type of special education program/teacher certification serving students with language and/or hearing impairments.

Community Advisory Committee (CAC): A group of members appointed by local school districts which function in an advisory capacity to the governing board of the Local Planning Area. It is composed of parents of individuals with exceptional needs, parents of other pupils enrolled in school; pupils or adults who are disabled, regular and special education teachers, other school personnel, and representatives of public or private agencies. All meetings are open to the public.

Compliance: The requirement to follow all state/Federal laws. An allegation of "noncompliance" will generally result in an investigation.

County Mental Health (CMH): The state agency which provides counseling or other mental health services to students whose emotional needs extend beyond school counseling options.

Designated Instruction and Services (DIS): Related services required for a disabled child to benefit educationally from his/her instructional program (e.g., speech therapy, adaptive physical education, counseling, etc.).
**Directionality:** Awareness of the two sides of the body and the ability to identify them as left and right, and to project this correctly into the outside world, as in knowing which is the right hand of a person facing you.

**Disabled Children (Handicapped) (more properly stated: Children with Disabilities):** Those children identified through the IEP process as being mentally retarded, hard of hearing, deaf, speech impaired, visually disabled, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, learning disabled, autistic, or having suffered a Traumatic Brain Injury or multidisabled. These children are referred to as Individuals With Exceptional Needs (IWENS) under California law.

**Due Process:** The set of legal requirements that guarantees that the rights of the disabled child, the child's parents, and the school are protected.

**Due Process Hearing:** That part of due process in which disagreements between a parent and a school district regarding identification, services, etc., for a student can be resolved. Both the school and the parent(s) can present their evidence to an impartial hearing officer who decides which is the appropriate plan of action for the child.

**Dyslexia:** A disorder that results in difficulty in learning the written or symbol language skills of reading, writing, and spelling through conventional instruction.

**Emotionally Disturbed (ED):** A condition evidenced by an inability to learn which cannot be explained by intellectual, sensory, or health factors, which is evidenced by inability to build or maintain satisfactory relationships with peers and adults, inappropriate behavior or feelings under normal circumstances, a general pervasive mood of anxiety, unhappiness, or depression, or a tendency to develop physical symptoms or fears associated with personal or school problems.

**Expressive Language Skills:** Skills required to produce language for communicating with other people. Speaking, writing and signing are expressive language skills.

**Figure-Ground Perception:** The ability to pay attention to one part of what you are looking at (for example, the ink) in relation to the rest of the "field" (for example, this paper).

**Fine Motor Coordination:** Development and control of small muscles such as those used to cut, hold a pencil, etc.

**Goal (instructional goal, annual goal):** A general statement of what is expected of an individual.

**Grade Equivalent Score (G.E.):** A way of reporting test scores in which the score is equal to that of an average child of that grade level (for example, a grade equivalent score of 3.7 means that the child did as well as an average child who is in the seventh month of third grade).
Gross Motor Coordination: The development of awareness of large muscle activity. Coordination of large muscles in a purposeful manner such as walking and jumping.
- Bilateral - Ability to move both sides of the body at the same time (jumping).
- Unilateral - Ability to move one side of the body without moving the other (hopping).
- Cross Lateral (Cross-Pattern) - Ability to move different parts of the opposite sides of the body together or in different sequences (e.g., skipping, which is a highly integrated movement).

Guardian: A person who is permanently or temporarily appointed by a court to act in place of a parent.

Hyperactivity: A description of a physical or mental condition causing constant excessive movement.

Impulsivity: Acting impulsively, without considering the outcome(s) of the action.

Independent Evaluation: An evaluation of the child’s abilities by people not connected in any way with your public school.

Individualized Education Program (IEP): An educational plan written for each disabled child.

I.Q. (Intelligence Quotient): A measure of cognitive (mental) ability. It suggests a child’s potential for academic success.

Laterality: Refers to the two sides of the body, and the ability to identify them as left or right correctly.

Learning Disabled (Specific Learning Disabled - SLD): Children who have difficulty with understanding or using language which may affect their ability to listen, think, speak, read, write, spell or do arithmetic due to a processing deficit. These problems cannot be a result of visual, hearing or physical disabilities or mental retardation, emotional disturbance, or environmental disadvantage and must adversely impact the child’s educational progress to a statistically significant degree.

Learning Handicapped (LH): A type of special education program/teacher certification serving nonseverely disabled students, such as those with learning disabilities, mild retardation, etc.

Least Restrictive Environment (LRE): The program placement which i incorporates the most regular education instruction and setting that a particular child can work in and benefit from.

Local Education Agency (LEA): The local school district.
Mainstreaming: Placing disabled individuals with non-disabled peers.

Mediation: An optional step in the Due Process procedure in which a state appointed facilitator works with both parties to develop a mutually acceptable compromise.


Mild-Moderate: [ADD]

Multiply Disabled (Multi Handicapped - MH): Children who have two or more disabling conditions.

Multidisciplinary: The use of a combination of several disciplines (health education, social services) to determine the needs of a child.

Objective (Short Term Objective, Instructional Objective, Behavioral Objective): A clear statement of what is expected of an individual. It should include the conditions under which the behavior is to occur, a description of the behavior, and how the behavior is to be measured.

Perceptual-Motor: Coordination of body movements with the senses of sight, hearing and touch.

Perseveration: Continuing or repeating an activity (such as finger patting) to excess.

Placement (program placement): The type of program and/or setting in which a child will be educated.

Psychomotor: Refers to muscle responses including development of fine motor, small muscles (cutting, etc.) and large muscles (walking, jumping, etc.).

Reading Comprehension: The ability to understand what one has read.

Receptive Language: Receiving and understanding spoken or written communication. The receptive language skills are listening and reading.

Regional Center (Alta Regional Center – ARC): The state agency which provides supportive services to developmentally disabled children, adults and their families.

Regular Class Placement: The type of program placement in which nondisabled children are educated.

Residential School: A placement option in which children, usually with severe disabling conditions, receive their education away from their home environment in an educational facility
which has dormitory or cottage living facilities. Some placements provide for returning home on holidays and weekends, while other placements may be on a more permanent basis.

**Resource Specialist Program (RSP):** A type of instructional setting in which a child receives services from a Resource Specialist (for example: math, spelling, language or reading) for a part of the school day. It may be implemented on a pull out, in classroom, and/or consultative mode. Students who typically receive these services are those with mild to moderate disabilities.

**Seriously Emotionally Disturbed (SED):** Another term for those students who have been identified as Emotionally Disturbed (ED)

**Severely Disabled (Designated as SH - Severely Handicapped):** A type of special education program/teacher certification serving students with severe disabilities, such as emotionally disturbed, moderately-severely retarded, physically disabled, multidisabled, etc.

**Self Contained Classroom (SCC):** A type of special education placement in which a child receives most (or all) of his/her instruction in a class made up of children with similar disabilities. A self-contained class usually is in a regular school building.

**Special Education:** Specially designed instruction to meet the needs of a disabled child in accordance with his/her IEP.

**Speech Impaired (SI):** Children who have difficulty in expressing their thoughts due to difficulty with articulation, voice, fluency, and/or language.

**Student Study Team (SST):** A process for implementing modifications in the regular education setting to address a student's needs. It is generally implemented prior to a referral for special education services.

**Surrogate Parent:** A person who "stands-in" for a child's real parent.

**Tactile:** Sense of touch.

**Task Analysis:** breaking down a complex task (such as an instructional objective) into simpler, smaller parts.

**Visual Perception:** processing information which encompasses the ability to interpret or organize information coming in through the eye, such as:

- Visual Distractibility - Easily distracted by visual stimuli, may also include figure-ground perception.
- Visual Discrimination - Using the eyes to discriminate letters and words.
• Visual Memory - The ability to remember visually presented information; may also include recalling sequence.
APPENDIX C
PARENTS RIGHTS AND APPEAL PROCEDURES

General Rights

○ All children with disabilities have the right to a free appropriate public education.

○ All children with disabilities have the right to placement in the least restrictive environment which offers maximum interaction with nondisabled peers.

○ All individuals have the right to receive a full explanation of all procedural safeguards and rights regarding their child's education.

Rights Related To Records

○ Individuals have the right to privacy and confidentiality of all educational records.

○ You may examine all records concerning your child within 5 days of your request.

○ You may request copies of records. (The District may charge a reasonable fee for copying unless you cannot afford such fees.)

○ You may challenge the content of records and tape recordings in accordance with Federal and state law.

Rights Related To Assessment

○ You may request an educational assessment for your child.

○ You must give your written permission for any assessment before it may be conducted, and you may revoke that consent at any time.

○ You have a right to have an assessment that is designed to be free of racial or cultural discrimination.

○ You shall be given, in writing, a proposed assessment plan within 15 calendar days of the referral for assessment not counting days between school sessions or days of school vacation in excess of 5 school days from date of receipt of referral unless there is written parent agreement to an extension. Assessment plans shall be developed within 10 days after the start of the new regular school year when a referral was made 10 days or less prior to the end of the regular school year. For pupil school vacations, the 15 day time starts again when the regular school year reconvenes. A copy of the Parent's Rights shall be included with the assessment plan.
o The assessment plan shall explain each type of assessment instrument to be used, the professional personnel responsible for administering the instrument, and the facts which make an assessment necessary or desirable.

o You shall have at least 15 calendar days from your receipt of the proposed assessment plan to arrive at a decision. Assessment may begin immediately upon the District’s receipt of your consent.

o You shall be fully informed of the assessment results and will receive a copy of the findings of the assessment.

o You have the right to obtain, at public expense, an independent educational assessment if you disagree with the assessment conducted by the District. However, the District may initiate a due process hearing to show that its assessment is appropriate. If the decision resulting from the hearing is that the District’s assessment is appropriate, you still have the right to an independent assessment, but not at public expense. You are entitled to only one independent educational assessment at public expense each time the District conducts an assessment with which you disagree.

o You will be notified before an Individualized Education Program team meeting is held to discuss the assessment, the educational recommendations, and the reasons for these recommendations. You will be invited to participate in the development of your child’s Individualized Education Program (IEP).

o An IEP shall be developed within sixty (60) calendar days from the date of receipt of your written consent for assessment, not counting days between regular school sessions or days of school vacation in excess of 5 school days, unless you agree, in writing, to an extension.

Rights Related To The Individualized Education Program (IEP)

o The IEP shall be developed within 40 days after the start of the new regular school year if the referral was made 20 days or less prior to the end of the regular school year.

o Your child’s program placement will be based upon the goals and objectives as stated in his/her IEP.

o The IEP team meeting shall be arranged at times and places mutually agreeable to you and the District.

o You are entitled to receive written notice of the proposed meeting.

o You and the District/SELPA have a right to make an audiotape recording of the IEP team meeting by giving 24 hours notice to the IEP team of the intent to tape the meeting. If the
District/SELPA gives notice of intent to audiotape the meeting and you object or refuse to attend, then the meeting shall not be tape recorded.

- A copy of the IEP shall be provided in the primary language at your request.
- You have the right to present information to the IEP team in person or through a representative and the right to participate in eligibility recommendations and program planning.
- You have the right to request a review by the IEP team.
- Your child's IEP and placement will be reviewed at least once each year by the IEP team and you will be invited to participate.
- A meeting of the IEP team requested by a parent to review the IEP shall be held within 30 days, not counting days between regular school sessions or days of school vacation in excess of 5 school days, from the date of receipt of your written request.
- Your child shall not be required to participate in all or part of any special education program unless you are first informed in writing of the facts which make participation in the program necessary or desirable.
- Your voluntary written consent is necessary before any program placement or special education services may begin. You may consent to all or part of the proposed IEP.
- You may withdraw your consent at any time after consultation with a member of the IEP team, and after submitting written notification to an administrator.

Procedures For Resolving Differences

- You and representatives from the District may meet informally to resolve any issue(s) relating to the identification, assessment, education and placement of the child or the provision of a free appropriate public education.
- Either you or the District may request a voluntary pre-hearing request mediation by filing a written request with the Superintendent of Public Instruction with a copy provided to the other party at the same time. The pre-hearing mediation shall be scheduled within 15 days of the receipt of the request by the State Superintendent. The mediation conference shall be completed within 30 days after receipt of the mediation request unless both parties agree to a time extension. Attorneys or other independent contractors who provide legal advocacy shall not participate in pre-hearing request mediation conferences.
- Informal meetings and mediation conferences are optional.
- Either you or the District may request a due process hearing in the event of a disagreement regarding a proposal or a refusal to initiate or change the identification, assessment, education placement of your child, or the provision of a free appropriate public education.

- The due process hearing procedures include the requirement of a resolution session unless both parties agree to waive this requirement, the right to voluntarily participate in a mediation conference, the right to examine pupil records, and the right to a fair and impartial administrative hearing at the state level.

- Any party to the hearing has the right to be informed by the other parties at least 10 days prior to the hearing as to what those parties believe are the issues to be decided and their proposed resolution of those issues. Upon request, parents who are not represented by an attorney will be assigned a mediator to assist in identifying the issues and the proposed resolution.

- All requests for a due process hearing shall be submitted to the Superintendent of Public Instruction with a copy provided to the other party at the same time.

- You will be advised of free or low-cost legal services and other relevant services available within the geographic area.

- You have the right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of disabled children.

- You have the right to present evidence, written arguments and oral arguments.

- Any party to the hearing has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least 5 days before the hearing.

- You have the right to a written or electronic verbatim record of the hearing.

- Any party to the hearing has the right to written findings of fact and the final administrative decision.

- The hearing must be completed within 45 days unless a continuance is granted.

- Either party has the right to appeal the final administrative decision to a court of competent jurisdiction. Appeals must be made within 90 days of receipt of the hearing decision.

- A court may award reasonable attorneys’ fees to the parent if the parent is the prevailing party. The court may also award the District attorneys’ fees if the parent’s due process action or court case is frivolous, unreasonable, or without foundation or if the parent acted with improper purpose in filing their complaint.

- During the hearing and judicial proceedings, the pupil shall remain in his or her present placement unless the District and parent agree otherwise.
Complaint Procedures

An individual may file a written complaint with the Superintendent of the District or the State Superintendent of Public Instruction with a copy to the District regarding the public agency’s alleged violation of federal or state law involving special education and related services.

(Rev. September 2009)

Note: This is a partial list of rights. Parents/adult students (if appropriate) receive an expanded, in-depth version of parents/adult student rights prior to initial assessment and prior to each IEP annual review meeting.
APPENDIX D
Record Keeping

Many parents have found it helpful to develop a home file or notebook about their child. One of the most practical and useful projects for parents is the formulation of a file or notebook of the child’s medical development and educational histories. Such a file is useful for keeping records for every child, but it is particularly useful for keeping records of disabled child whose records are often more complicated and lengthy than those of most children. Parents may refer to these files to gauge progress and make comparisons.

Important information to include:

1. **Medical:** Developmental history, including pregnancy and birth, doctor’s report (pediatrician, allergist), therapy reports (speech therapy, occupational therapy), and agency reports (Regional Center, Mental Health).

2. **School:** Copies of all IEP’s, communications with school staff, assessment reports, educational history, report cards, dated examples of school work, vocational testing.

3. **Personal/Social History:** The child’s interests, clubs and organizations, family history, camps, special awards and pictures.

4. **Other Resources:** Financial resources, legal documents, community agencies, copies of Federal and State laws and regulations.

Record keeping is not mandatory for parents of disabled children, but good records prove helpful in day-to-day contact. Bring your up-to-date record-keeping notebook to any and all meetings with school personnel. It is great to be prepared. The following pages provide a format that might be useful for recording information about your child.
NOTES I MAY WANT TO SHARE ABOUT MY CHILD

By answering the questions below, you will be prepared to share this important information with your child's IEP team and/or with your child's teacher:

1. What are my child's strengths? (For example – David is usually in a happy mood and eager to learn.)

2. What are good reinforcers for my child? What motivates my child to do his or her best? (For example – Senita loves to listen to music.)

3. What are things a teacher can do to help my child learn? (For example – Kathy learns best when she is allowed to explore and touch instructional materials.)

4. In what way do I want my child to be with nondisabled children? (For example – I want Doug to participate in music activities with nondisabled peers.)
5. Does my child have any health or medical problems that will affect his or her school activities? (For example - Because of heart problems, Marci needs a short rest every hour.)


6. Other needs I think my child has that may need special attention. Why? (For example - Devina may need to improve her coordination and balance skills.)


7. List any additional questions or concerns you would like to discuss at the IEP meeting here.


(Suggestion: Copy this page for your notebook so you can keep an original for later years. Bring an updated copy to each IEP meeting.)
APPENDIX E
Community Resources

Access Leisure
Recreation for the mentally handicapped
6005 Folsom Boulevard
Sacramento, CA 95819
General Info – (916) 808-3809
www.accessleisuresac.org

Alta California Regional Center
2135 Butano Drive
Sacramento, CA 95825
(916) 978-6400

Autism Society of Sacramento
P.O. Box 1295
Escondido, CA 92033
(800) 700-0037

Big Brothers and Big Sisters

River Park Drive, Suite 214
Sacramento, CA 95814
(916) 646-9300
www.admin@bbbs-sac.org

Boy Scouts of America
251 Commerce Circle
Sacramento, CA 95815
(916) 929-1417

California Association for the
Neurological Handicapped
Learning Disabilities
P.O. Box 61607
Sacramento, CA 95860

California Association for
Physically Handicapped
7000 Franklin Boulevard
Sacramento, CA 95818

California Children's Services
9616 Micron Avenue, Suite 640
Sacramento, CA 95827
(916) 875-9900

California Department of Rehabilitation
2225 19 Street
Sacramento, CA 95818
(916) 322-8500

Campfire Boys and Girls
658 Commerce Drive, Suite C
Roseville, CA 95678
(916) 781-3544

C.H.A.D.D. of Greater Sacramento
P.O. Box 329
Fair Oaks, CA 95628

Challenger Little League
5942 Bellevue Avenue
Sacramento, CA 95824
(916) 381-0898
www.kpack10104@aol.com

Child Action
9961 Horn Road
Sacramento, CA 95827
(916) 369-3319

Child Health & Disability
Prevention Program
9333 Tech Center Drive, Suite 800
Sacramento, CA 95826
(916) 875-7151
www.sacdhhss.com/chdp

Developmental Disabilities
Area Board III
1010 Hurley, Suite 195
Sacramento, CA 95825
(916) 263-1150

F.E.A.T.
Families for Early Autism Treatment
P.O. Box 255722
Sacramento, CA 95865-5722
(916) 843-1536
www.feat.org
LDA-CA State Office  
P.O. Box 60167  
Sacramento, CA  95860  
(916) 725-7881

Sacramento Assoc. for the Retarded  
2100 21st Street  
Sacramento, CA 95818  
(916) 452-4743

Sacto Society for the Blind  
2750 24th Street  
Sacramento, CA 95818  
(916) 452-8271  
www.societyfortheblind.org

Sacto Vocational Services  
(Inalliance)  
6950 21st Avenue  
Sacramento, CA 95820  
(916) 381-1300  
(Adult sheltered workshop)  
www.inallianceinc.com

Short Center – Arts for the Handicapped  
2331 Saint Marks Way  
Sacramento, CA 95624  
(916) 973-1951

So. Sacto Social Security Administration  
40 Massie Circle  
Sacramento, CA 95831  
(916) 689-5293  
www.ssa.gov

Special Olympics  
1600 Sacramento Inn Way  
Suite 120  
Sacramento, CA 95815  
(916) 920-2950

Special Parents Groups  
Ms. Shari Soule’s  
8925 Lake Grove Court  
Elk Grove, CA 95624  
(916) 666-6158 or 714-1074

Stanford Settlement, Inc.  
450 West El Camino Avenue  
Sacramento, CA 95833-2299  
(916) 927-1303  
www.stanfordsettlement.org

Surplus Book Room  
4121 Power Inn Road  
Suite D  
Sacramento, CA 95826  
(916) 454-3459  
www.info@bookroom.org

Toy Box  
United Cerebral Palsy Association  
1803 Tribute Road, Suite A-1  
Sacramento, CA 95815  
(916) 567-4191

United Cerebral Palsy Association  
191 Lathrop Way, Suite N  
Sacramento, CA 95815  
((916) 565-7700  
www.ucpsacto.org

Warmline Family Resource Center  
1010 Hurley Way, Suite 290  
Sacramento, CA 95828  
(916) 922-9276  
www.warmlinefrc.org
Special Education Rights of Parents and Children
Under the Individuals with Disabilities Education Act, Part B

• Notice of Procedural Safeguards •

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child’s special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

What is the Notice of Procedural Safeguards?
This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:
- When you ask for a copy;
- The first time your child is referred for a special education assessment;
- Each time you are given an assessment plan to evaluate your child;
- Upon receipt of the first state or due process complaint in a school year; and
- When the decision is made to make a removal that constitutes a change of placement.

(20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1])

What is the Individuals with Disabilities Education Act (IDEA)?
IDEA is a federal law that requires school districts to provide a “free appropriate public education” (in English, referred to as FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (in English, known as IEP) and under public supervision to your child at no cost to you.

May I participate in decisions about my child’s education?
You must be given opportunities to participate in any decision-making meeting regarding your child’s special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child’s FAPE. (20 USC 1414[d] [1][B–[d][1][ID]; 34 CFR 300.321; EC 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic.

(20 USC 1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1] and 56506)

Where can I get more help?
When you have a concern about your child’s education, it is important that you contact your child’s teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (in English, referred to as SELPA) can answer questions about your child’s education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication. Additional resources are listed at the end of this document to help you understand the procedural safeguards.

Notice, Consent, Assessment, Surrogate Parent Appointment,
and Access to Records
Prior Written Notice

When is a notice needed?
This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 CFR 300.503; EC 56329, and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation.
The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 CFR 300.304; EC 56321)

What will the notice tell me?
The Prior Written Notice must include the following:
1. A description of the actions proposed or refused by the school district;
2. An explanation of why the action was proposed or refused;
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused;
4. A statement that parents of a child with a disability have protection under the procedural safeguards;
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part;
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
   A description of any other factors relevant to the action proposed or refused. (20 USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 CFR 300.503)

Parental Consent

When is my approval required for assessment?
You have the right to refer your child for special education services. You must give informed, written consent before your child’s first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

When is my approval required for services?
You must give informed, written consent before your school district can provide your child with special education and related services.

What are the procedures when a parent does not provide consent?
If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.
If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.
If you refuse all services in the IEP after having consented to those services in the past, the school district must file a request for mediation or a due process hearing.
If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.
If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.
In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 USC 1414[a][1][D] and 1414[c]; 34 CFR 300.300; EC 56506[e], 56321[c] and [d], and 56346)

Surrogate Parent Appointment

What if a parent cannot be identified or located?
School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.
A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 USC 1415[b][2]; 34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6)
Nondiscriminatory Assessment

How is my child assessed for special education services?
You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.
Assessment materials must be provided and the test administered in your child’s native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.
No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC 1414[b][1]–[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[i] and 56320)

Independent Educational Assessments

May my child be tested independently at the district’s expense?
If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.
The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.
The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.
If the school district believes that the district’s assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.
District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.
If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; EC 56329[b] and [c])

Access to Educational Records

May I examine my child’s educational records?
You have a right to inspect and review all of your child’s education records without unnecessary delay, including prior to a meeting about your child’s IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) business days after the request has been made orally or in writing. (EC 49060, 56043[n], 56501[b][3], and 56504)

How Disputes Are Resolved

Due Process Hearing

When is a due process hearing available?
You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 USC 1415[b][6]; 34 CFR 300.507; EC 56501 and 56505[i])

Mediation and Alternative Dispute Resolution

May I request mediation or an alternative way to resolve the dispute?
A request for mediation may be made either before or after a request for a due process hearing is made.
You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.
What is a pre-hearing mediation conference?

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a P.A.P.E.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (EC 56500.3 and 56503)

Due Process Rights

What are my due process rights?

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 USC 1415[f][1][A], 1415[f][3][A]-[D]; 34 CFR 300.511; EC 56501[b][4]);
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (EC 56505[e][1]);
3. Present evidence, written arguments, and oral arguments (EC 56505[e][2]);
4. Confront, cross-examine, and require witnesses to be present (EC 56505[e][3]);
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (EC 56505[e][4]);
6. Have your child present at the hearing (EC 56501[c][1]);
7. Have the hearing be open or closed to the public (EC 56501[c][2]);
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing (EC 56505[e][7] and 56043[v]);
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (EC 56505[e][6]);
10. Have an interpreter provided (CCR 3082[d]);
11. Request an extension of the hearing timeline (EC 56505[f][3]);
12. Have a mediation conference at any point during the due process hearing (EC 56501[b][2]); and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (EC 56507[a]). (20 USC 1415[e]; 34 CFR 300.506, 300.508, 300.512 and 300.515)

Filing a Written Due Process Complaint

How do I request a due process hearing?

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child;
2. Address of the residence of the child;
3. Name of the school the child is attending;
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending; and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[b][7], 1415[c][2]; 34 CFR 300.508; EC 56502[c][1])
Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC 1415[f][1][B]; 34 CFR 300.510)

What does a resolution session include?
Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents’ due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

Does my child’s placement change during the proceedings?
The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement.

If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; EC 56505[d])

May the decision be appealed?
The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[i]; 34 CFR 300.516; EC 56505[h] and [k], EC 56043[w])

Who pays for my attorneys’ fees?
In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys’ fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys’ fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:
1. The court finds that you unreasonably delayed the final resolution of the controversy;
2. The attorneys’ hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
3. The time spent and legal services provided were excessive; or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys’ fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

Attorneys’ fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys’ fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517)

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings
[Office of Administrative Hearings]
Attention: Special Education Division
[Attention: Special Education Division]
[2349 Gateway Oaks Drive, Suite 200]
[Sacramento, CA 95833-4231]
[(916) 263-0880]
[FAX (916) 263-0890]
School Discipline and Placement Procedures for Students with Disabilities

School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days; and
- Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

What occurs after a removal of more than ten (10) days?

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child’s IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child’s misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district’s decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

What happens if the IEP team determines that the misconduct is not caused by the disability?

If the IEP team concludes that the misconduct was not a manifestation of the child’s disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC 1415[k][1] and [7]; 34 CFR 300.530)

If you disagree with the IEP team’s decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting the student district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR 300.530; EC 48915.5[b])

Children Attending Private School

May students who are parentally placed in private schools participate in publicly funded special education programs?

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC 1415[a][10][A]; 34 CFR 300.137 and 300.138; EC 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56175)

When may reimbursement be reduced or denied?

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.