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NEVADA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA  
(SELPA)

LOCAL PLAN

July 2011

Bitney College Prep  
High School

Chicago Park  
School District

Clear Creek  
School District

Forest Charter  
School

Grass Valley  
School District

Nevada City  
School of the Arts

Nevada City  
School District

Nevada Co.  
Supt. of Schools

Nevada Joint Union  
High School District

Pleasant Ridge  
School District

Penn Valley  
School District

Twin Ridges Home  
Study Charter

Twin Ridges  
School District

Union Hill  
School District

Yuba River  
Charter School

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## **SECTION ONE:**

# **STATE SUBMITTED REQUIREMENTS**

# **I. State Submitted Policies**

**NEVADA COUNTY SELPA**  
**HOLLY HERMANSEN, RLA SUPERINTENDENT**

NEVADA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA  
ASSURANCE STATEMENT

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

It shall be the policy of this SELPA that a free appropriate public education is available to all children residing in the SELPA between the ages of 3 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 Individualized Education Program (IEP) that meets the unique needs of each individual in order to benefit from his/her access to educational opportunities.

FULL EDUCATIONAL OPPORTUNITY

It shall be the policy of this SELPA that all pupils with disabilities have access to the variety of educational programs and services available to non-disabled pupils including nonacademic and extra-curricular services and activities.

CHILD FIND

It shall be the policy of this SELPA that all children with disabilities, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located and evaluated.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

It shall be the policy of this SELPA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program.

LEAST RESTRICTIVE ENVIRONMENT

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

PROCEDURAL SAFEGUARDS

It shall be the policy of this SELPA that children with disabilities and their parents shall be provided with safeguards throughout the identification, evaluation, placement process, and provision of a free appropriate public education to the child.

### ANNUAL/TRIENNIAL REASSESSMENT

It shall be the policy of this SELPA 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 parent or teacher requests a reassessment and a new Individualized Education Program (IEP) to be developed.

### CONFIDENTIALITY

It shall be the policy of this SELPA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction.

### PART C. TRANSITION

It shall be the policy of this SELPA that children participating in Early Intervention Programs (IDEA, Part C) and who will participate in preschool programs (IDEA, Part B) experience a smooth effective transition between these programs.

### PRIVATE SCHOOLS

It shall be the policy of this 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

It shall be the policy of this SELPA that the local plan shall be adopted by the appropriate local board(s) of the districts and Nevada County and is the basis for the operation and administration of special education programs; and 2) that the agencies 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 Rehabilitation Act, and the provisions of the California Education Code, Part 30.

### GOVERNANCE

It shall be the policy of this SELPA to support and comply with the provisions of the governance structure described in this Plan, and any necessary administrative support to implement the plan.

### COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

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

## PERSONNEL STANDARDS

It shall be policy of this SELPA 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.

## PERFORMANCE GOALS AND INDICATORS

It shall be the policy of this SELPA to comply with the requirements of the performance goals and indicators developed by the state, and provide data as required by the state.

## PARTICIPATION IN ASSESSMENTS

It shall be the policy of this SELPA that students with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations, where necessary. For those children with disabilities who cannot participate, alternate assessment will be conducted.

## SUPPLEMENTATION OF STATE/FEDERAL FUNDS

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

## MAINTENANCE OF EFFORT

It shall be the policy of this SELPA 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.

## PUBLIC PARTICIPATION

It shall be the policy of this SELPA that, prior to its adoption of policies and procedures, the SELPA shall make the policies and procedures available to the general public, hold public hearings and provide an opportunity for comment by the general public.

## SUSPENSION/EXPULSION

It shall be the policy of this SELPA that data on suspension and expulsion rate will be provided in the manner prescribed by the State.

## PART C

It shall be the policy of this SELPA to submit the Part C (Infants) Local Interagency Agreement to the State as part of the Annual Service Plan.





# **1. Description of Governance and Administration of the Local Plan**

## **Purpose**

The Nevada County SELPA is composed of the 16 local education agencies (LEAs) of Nevada County including the 10 school districts, 5 charter LEAs, and the office of the County Superintendent of Schools of Nevada County. The Nevada County Superintendent of Schools has been designated as the Responsible Local Agency (RLA), and the Nevada County Superintendent of Schools as the Superintendent of the RLA. In adopting the completed Local Plan, each LEA agrees to carry out the duties and responsibilities assigned to each agency within the Plan, or which may be delegated at a later date through agreement of the participating agencies.

For the purposes of the local plan, the term LEA refers to member school districts, member Charter Schools and the County Office of Education. The term Superintendent refers to the superintendent or chief officer of each participating LEA. The term "school district" refers to school districts and charters that have been approved as LEAs for the purposes of providing special education.

The function of the Special Education Local Plan Area and participating agencies is to provide a quality educational program appropriate to the needs of each eligible child with a disability, who resides within the Local Plan Area, and to those eligible individuals who are residents of other SELPAs who may be in need of services, and who in accordance with the provisions of the annual budget plan of the cooperating Local Plan Area attend programs in this region.

All such programs are to be operated in a cost effective manner consistent with the funding provisions of Education Code Section 56700 et seq, IDEA, other applicable laws and the policies, and procedures of the Special Education Local Plan Area.

## **Changes in the Governance Structure**

Any changes in the governance structure of the Nevada County Special Education Local Plan Area, including dividing the SELPA into more than one operating entity, changing the designation of and/or responsibilities of the Responsible Local Agency are subject to specific provisions of Education Code Sections 56140, 56195, et seq., 56195.7 et seq., 56200 et seq., and 56205 et seq.

1. Any local agency which is currently designated as a Local Education Agency (LEA) participating in the Nevada County Local Plan for Special Education may elect to pursue an alternative option from those specified in Education Code Section 56195.1 by notifying the county superintendent at least one year prior to the date the alternative plan would become effective (E.C. 56195.3(b))
2. Any alternative plan of an LEA is subject to the approval of the county superintendent of the county which would have school districts as participating agencies in the alternative plan. (E.C. 56195.1)
3. Approval of a proposed alternative plan by the county superintendent must be based on the capacity of the district(s) to ensure that special education programs and services are provided to all children with disabilities. (E.C. 56140 (b))

4. If an alternative plan is disapproved by a county superintendent, the County office shall return the plan with comments and recommendations to the district(s). The district or districts participating in the alternative plan may appeal the decision to the Superintendent of Public Instruction. (E. C. 56140 (b) (2))
5. Any alternative plan to be submitted by a district or a group of districts currently participating in the Nevada County Local Plan must meet the standards established by the State Board of Education and not adversely affect the size and scope status of the current local plan geographic area.
6. Any changes in the designation of the responsible local agency for the Nevada County Local Plan must conform to the above code provisions and the administrative provisions for approval as specified in the Local Plan.

Disagreements among the participating agencies of the Nevada County Local Plan which cannot be resolved within the standard operating procedures specified in the Local Plan, may be resolved in accordance with the Dispute Resolution Policy.

### **Governance**

Governance of the Nevada County SELPA is composed of three committees: The Council of Superintendents, the Special Education Administrators Committee, and the Community Advisory Committee (*Special Education Parent Advisory Committee-SEPAC*).

I. **The Council of Superintendents** shall consist of the superintendent or Chief Officer of each of the participating LEAs, each of whom shall provide a liaison function between the LEA governing board and the Council. Member charter LEAs belonging collectively through a Joint Powers Agreement (JPA) may designate the Chief Officer of the JPA to represent them on the Council of Superintendents. LEA Superintendents exercise their authority and responsibilities in accordance with policies and procedures of their local governing boards and within the voting procedures of the Council of Superintendents, Policy #101.

### **RESPONSIBILITIES OF THE COUNCIL OF SUPERINTENDENTS**

The Council, with direction from the LEA governing boards, shall act to:

1. Establish operational procedures and make decisions on any matters regarding implementation, administration and operation of special education programs in accordance with the Local Plan.
2. Determine and provide direction on matters pertaining to personnel, Local Plan, program and service requirements, and allocation of Special Education funds.
3. Meet as often as necessary during the year to implement the business of the Special Education Local Plan Area and to provide the necessary direction and guidance to the SELPA Administrator.
4. Provide direction, consultation and technical assistance to the local education agencies and the Superintendent of the Responsible Local Agency.

5. Develop rules, regulations and procedures to ensure effective management and content of special education programs and services.
  6. Provide a consistent forum to develop, initiate, review and approve policy.
  7. Recommend to the Superintendent of the Responsible Local Agency a qualified candidate or candidates to be employed as the SELPA Administrator.
  8. Coordinate with SEAC, providing direction and technical assistance to ensure communication between both SEAC and the Council of Superintendents
- A. The Superintendent of each Local Education Agency shall be a member of the Council of Superintendents and shall provide a liaison function between the Local Agency governing Board and the Council.

#### RESPONSIBILITIES OF THE SUPERINTENDENT OF THE LOCAL EDUCATION AGENCY

1. Provide leadership within the Local Education Agency in support of the special education programs.
  2. Represent the Local Education Agency as a member of the Council of Superintendents.
  3. Act as a liaison between the governing board of the Local Education Agency and the Council of Superintendents.
  4. Advise the Local Education Agency governing boards of policies adopted by the Council of Superintendents and provide the governing boards with copies of such policies.
  5. Recommend the adoption of Local Education Agency Special Education policies to the governing boards.
  6. Annually recommend to the governing board the modifications of Local Education Agency special education programs which are necessary to meet the changing needs of the students, to be included in the required Annual Service and Budget Plans submitted to the SELPA.
- B. The County Superintendent of Schools of Nevada County shall be designated as the Superintendent of the Responsible Local Agency. The RLA Superintendent will serve as chairperson of the Council of Superintendents and will have the responsibility for the coordination and implementation of the Local Plan in accordance with approved policies and procedures.

#### RESPONSIBILITIES OF THE RESPONSIBLE LOCAL AGENCY SUPERINTENDENT

1. Serve as Chairperson of the Council of Superintendents and arrange the schedule, time, and place for meetings of the Council.
2. Serve as the employing agency for personnel who have responsibilities throughout the Local Plan Area. Such personnel will include, but not be limited to, the Program Administrator for the Local Plan Area, and Program Specialists. Employment of such personnel will be in accordance with personnel policies

and practices of the Nevada County Office of Education and procedural employment policies approved by the Council of Superintendents.

3. Employ appropriate classified personnel in support of the Local Plan Area certificated staff.
4. Provide suitable office space for both certificated and classified employees of the SELPA.
5. Provide for the annual evaluation of the SELPA Administrator for the Local Plan Area, Program Specialists, and other certificated specialists and report the results of these evaluations to the Council of Superintendents.
6. Receive and maintain accountability for the use of Regionalized Service funds appropriated to the Special Education Local Plan Area.
7. Establish appropriate record keeping procedures to be followed by each Local Education Agency for purposes of maintaining accurate fiscal and accounting records in accordance with State and Federal requirements and submit required reports to the appropriate authorities.
8. Provide technical support for the Management Information System necessary to comply with the requirements of the State Department of Education.
9. Recommend to the Council of Superintendents a plan for the sharing of Regionalized Service funds when Local Education Agencies are required to perform duties related to staff development, fiscal and accounting reports or other data gathering activities associated with required reporting activities.
10. Initiate the development of policies and procedures to be followed by all agencies participating in the Local Plan to ensure that the Procedural Safeguards enumerated in E.C. Sections 56500, et. seq., are extended to the pupil, the parent, and the public education agency in a consistent manner throughout the Local Plan Area.
11. Maintain an awareness of the activities of the Special Education Administrators Committee and encourage a working relationship with the SEAC group.
12. Monitor the utilization of funds within the Local Plan Area, and recommend amendments to the SELPA allocation plan.
13. Initiate the development of policies and procedures to be followed by the LEAs participating in the SELPA to ensure that all Procedural Safeguards are extended to pupils, parents, and education agencies in a consistent manner throughout the SELPA.

II. The Special Education Administrators Committee will consist of one representative appointed by each local agency. The Special Education Administrators Committee shall be an advisory body to the SELPA Administrator and the Council of Superintendents. The Special Education Administrators are responsible as individuals for the operation of Local Education Agency programs to ensure that all eligible children with disabilities receive appropriate services.

## RESPONSIBILITIES OF THE SPECIAL EDUCATION ADMINISTRATORS COMMITTEE (SEAC)

1. Advise the SELPA Administrator and the Council of Superintendents regarding the status, accomplishments and needs of special education programs operated within the Local Education Agencies on a regular basis.
  2. Provide technical advice and assistance to the Council of Superintendents and the SELPA Administrator.
  3. Provide leadership and support through inter-district relationships, to implement, the Local Plan, including any regionalized services/programs.
  4. Act as liaison with parents, community resources, other Local Education Agencies, the SELPA Administrator, and the Council of Superintendents.
  5. Gather, interpret, and report data regarding the implementation, administration and operation of the Local Plan.
  6. Coordinate and facilitate the day to day participation of Local Education Agency Special Education personnel and utilize other available district resources to improve special education services in accordance with the provisions of the Local Plan and decisions made by the Council of Superintendents.
  7. Advise the SELPA Administrator of the annual program needs of the Local Plan Area to be considered in the development of the annual budget plan and recommend programs and services to be considered for inclusion in the Regionalized Services Program budget.
  8. Recommend and coordinate staff development activities in the SELPA.
  9. Participate in the development of appropriate special education services which will ensure that when specified in the pupil's IEP, pupils with disabilities will have access to the same education programs as for non-disabled pupils; and programs and services will be equivalent to those of non-disabled pupils at the various age/grade levels.
  10. Functions in accordance with the Local Plan, Policy #102 "SEAC".
  11. Develop and recommend local eligibility requirements in accordance with federal state laws and regulations.
- IV. **Community Advisory Committee** *(In the Nevada County SELPA, called the Special Education Parent Advisory Committee- SEPAC).*  
Serves the Special Education Local Plan Area and the Superintendent of the RLA in an advisory capacity, in accordance with Education Code 56190-56194 and procedures specified in the Nevada County SEPAC Handbook.

Parents comprise a majority of the membership of the Special Education Parent Advisory Committee (SEPAC) and of these members, the majority must be parents of children with disabilities. Members of local PTC's, special education teachers, general education classroom teachers and school personnel, students with disabilities, representatives of related public and private agencies, and other persons concerned with the needs of children with disabilities may also be represented.

#### RESPONSIBILITIES OF THE COMMUNITY ADVISORY COMMITTEE (CAC)

1. Advise the SELPA Administrator, the Superintendent of the RLA, the Special Education Administrators Committee and Council of Superintendents regarding the development, amendment and review of the Local Plan, programs and services.
2. Inform and advise Special Education Local Plan Area staff regarding community conditions, aspirations, and goals for children with disabilities.
3. Make recommendations for annual priorities to be addressed by the SELPA.
4. Assist in parent education and in recruiting parents, volunteers, and agencies who may contribute to the implementation of the Local Plan.
5. Encourage community awareness and involvement in the development and review of the Local Plan.
6. Support activities on behalf of children with disabilities.
7. Facilitate communication between schools, parents, and community.
8. Assist in parent awareness of the importance of regular school attendance.
9. Establish and review by-laws to govern committee operations, including a procedure designed to provide for a systematic rotation of the membership.
10. Communicate with the district SEAC representative about information to be shared with other parents.

#### THE COMMUNITY ADVISORY COMMITTEE APPOINTMENT AND MEMBERSHIP (E.C. 56191)

The Community Advisory Committee shall consist of members appointed by the Local Agency Governing Boards, including the County Board of Education. The appointments from each agency may include parents of students enrolled in general education, parents of students with disabilities enrolled in public or private schools, pupils or adults with disabilities, district personnel, including teachers, representatives of other public agencies, or other persons concerned with the needs of children with disabilities. A district who has no district appointee may elect to be represented by a representative recommended and appointed from another district of their choice. All relevant public agencies will be invited to send a representative to serve on the Community Advisory Committee.

Members appointed to represent a school district are to be appointed by the governing board of the school district. All parent members of the committee must reside within the geographic area of the Special Education Local Plan Area.

Membership shall terminate for a member who is absent from three consecutive regular meetings without the member contacting the SELPA. A member may resign by filing a written resignation with the chairperson of the Community Advisory Committee and their LEA Board.

The Chairperson of the CAC shall be a member of the Committee to review and periodically revise the Local Plan.

#### TERM OF OFFICE

Each member of the Community Advisory Committee shall be appointed for a two-year term and may be reappointed to serve additional consecutive terms. A term constitutes any portion of a calendar year.

- V. **The Governing Board of each Local Education Agency** will have the responsibility to operate those programs which have been assigned to the Local Agency through the annual budget plan developed for the Local Plan Area, maintain an awareness of the special education activities of the Local Plan through the Local Education Agency Superintendent and participate in the development and implementation of policy decisions as provided for in the Local Plan.

#### A. RESPONSIBILITY OF LOCAL GOVERNING BOARDS

1. Carry out the duties and responsibilities assigned to each LEA.
2. Annually review and approve special education programs and services of the Local Education Agency.
3. Operate local programs consistent with state and federal law and regulations and policies and procedures approved for the Special Education Local Plan Area.
4. Designate the Superintendent of the LEA to participate in the development and adoption of policies related to the governance and operation of the Special Education Local Plan Area.
5. Develop and adopt policies for the operation of the Local Education Agency, which are consistent with those of the Special Education Local Plan area, and which promote the concept to ensure access to appropriate programs and services for all children with disabilities.
6. Participate in the nomination, selection, and appointment of Local Agency representatives to the Community Advisory Committee.
7. Provide suitable housing for special educational programs maintained by the Local Education Agency.



8. Cooperate with the Superintendent of the RLA and the governing boards of participating Local Agencies to assure the availability of appropriate services to eligible individuals regardless of district of residence.
9. Approve the state-required policies of the Local Plan developed for the Nevada County Special Education Local Plan Area prior to review by the State Department of Education.
10. Ensure LEA compliance with all elements of the Local Plan.

**B. GOVERNING BOARD RESPONSIBILITIES FOR POLICY MAKING**

Suggestions leading to the development of policy statements and/or changes in existing policy may originate at any level within the governance structure of the Nevada County Special Education Local Plan Area or from the Community Advisory Committee in its capacity. Policy considerations are to be dealt with in accordance with the following procedure:

1. All suggestions and/or requests for policy development or change are to be directed to the Council of Superintendents, passing through any intermediate review steps, as dictated by the governance structure.
2. The Council of Superintendents will consider all such requests.
3. If the Council determines such a policy is desirable or needed, the Council will have a draft of such a policy written.
4. The Council of Superintendents will take action to approve or reject the proposed policy. A policy will be considered adopted when a majority of the Council of Superintendents, voting in accordance with the weighted voting procedures established by the Council, has approved.

VI. **The SELPA Administrator** will coordinate the operation of all special education services of the SELPA pursuant to law and will administer those functions delegated to the SELPA pursuant to the Local Plan adopted by the Council of Superintendents. The SELPA Administrator serves under the direction of the Superintendent of the RLA and assumes responsibility for duties delegated by the Council of Superintendents or the Superintendent of the RLA.

**A. RESPONSIBILITIES OF THE SELPA ADMINISTRATOR**

Under the direction of the RLA Superintendent, the SELPA Administrator shall be responsible to:

1. Develop, implement, supervise, and provide for the evaluation of the Regionalized Services program.
- ~~2.~~ Meet with the Council of Superintendents to keep them informed of the status of the special education programs.

3. Serve as the chairperson of SEAC and assist SEAC members to implement each LEA's responsibility under the Local Plan.
4. Function as a liaison secretary to the CAC; assist in promoting community involvement and work closely with the Committee to develop recommendations to be presented to SEAC.
5. Prepare an annual budget for Regionalized Services to be submitted to the Council of Superintendents and the Superintendent of the RLA, in conjunction with the Annual Budget Plan.
6. Prepare an annual report on the status of special education programs and services for the Council of Superintendents and others, as appropriate.
7. Recommend employment of, assign, supervise, and evaluate staff employed by the SELPA.
8. Provide assistance to SELPA staff to carry out their responsibility to ensure that all pupils have access to full educational opportunity.
9. Provide necessary procedures and data to the RLA to allocate federal and state funds to the LEAs within the SELPA.
10. Provide support to the LEAs of the SELPA in their operation of special education programs and services.
11. Monitor the appropriate use of federal, state and local funds allocated for special education programs.
12. Prepare program and fiscal reports required of the SELPA by the State; manage the CASEMIS data system to comply with all state requirements.
13. Schedule regular meetings of the Council of Superintendents, SEAC and CAC for policy and budget development, support, and information sharing.
14. Ensure the implementation of all federal, state and local responsibilities of the SELPA, including personnel development and procedural safeguards and other assurances.
15. Develop and recommend to the Council of Superintendents a plan for personnel development, including training for staff, parents, and members of the CAC.
16. Coordinate procedures to assist LEAs with NPS/NPA services.
17. Assist LEAs in mediation and due process hearings.

**B. EMPLOYMENT AND EVALUATION OF THE SELPA ADMINISTRATOR**

1. The procedure for the employment of the Nevada County SELPA Administrator will be a process jointly agreed upon by the RLA Administrator and the Council of Superintendents.
2. The RLA Superintendent submits the name of the candidate to the Council of Superintendents for approval.
3. It becomes the responsibility of the RLA Superintendent to evaluate the SELPA Administrator annually and report the results of the evaluation to the Council of Superintendents.

**C. EMPLOYMENT AND EVALUATION OF THE PROGRAM SPECIALISTS**

1. Notices announcing vacancies for positions as Program Specialists will be circulated through notices to school districts, county office of education, State SELPA Administrators, and appropriate college and university placement services. The employment process will involve the following steps:
  - a. Applications will be screened by a sub-committee of SEAC which will recommend a reasonable number of applicants for interview.
  - b. An interview committee which includes the SELPA Administrator and at least one person each from the following categories will conduct the interviews:
    - a. Program Specialists
    - b. Special Education Administrators (SEAC)
    - c. Community Advisory Committee (CAC)
    - d. Special Education Personnel
2. From a list of the three top candidates as determined by the interview committee, the SELPA Administrator shall recommend one candidate to the RLA Superintendent for approval.
3. The SELPA Administrator will annually evaluate Program Specialists on forms provided by the Nevada County Superintendent of Schools.
4. Work assignments of Program Specialists are subject to review and approval of the Council of Superintendents.

**VII. Regionalized Services to Local Programs**

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

Regionalized services shall include:

- Program Specialist services (E.C. 56368)  
A Program Specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with disabilities and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of major disabling conditions.

A Program Specialist may do all the following:

1. Observe, consult with, and assist resource specialists, designated instruction and services instructors, and special class teachers.
  2. Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.
  3. Participate in each school's staff development, program development, and innovation of special methods and approaches.
  4. Provide coordination, consultation and program development primarily in one specialized area or areas of his or her expertise
  5. Be responsible for assuring that pupils have full educational opportunity regardless of the district of residence.
  6. Provide services as directed by the Council of Superintendents.
- Personnel development for staff, parents, members of CAC, volunteers, and governing boards 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, et 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 may 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.
  - Coordinating services with other agencies.

See the following pages for details.

## 1. Program Specialist Services

### A. Rationale

Education Code §56368 requires that each Special Education Local Plan Area have the services of specialized personnel with in-depth knowledge of specific disabling conditions employed in order to provide regionalized services.

### B. Policy Statement

The Superintendent of the Responsible Local Agency shall employ sufficient program specialist support to meet the needs of the Nevada County Special Education Local Plan Area. Such personnel will be employed in accordance with the personnel and employment practices of the Nevada County Superintendent of Schools and for purposes of supervision and evaluation be assigned to the SELPA Administrator.

### C. Administrative Guidelines

1. Whenever possible, program specialists employed should have expertise in the area of learning disabilities and one of the following: physical disabilities, communication disabilities, severe disabilities, behavior, infant/preschool, or career vocational development.
2. Program specialists are considered pupil services employees.
3. When working within a local education agency, program specialists are to conform to the protocol of the LEA.
4. Duties of program specialists are those specified in Education Code §56368 and the Local Plan:
  - a. Assist Resource Specialists, Designated Instruction and Service instructors, and Special Class Teacher in the planning and implementation of individual education programs for children whose disability is in the area of the expertise of the Program Specialist.
  - b. Coordinate curricular resources in a manner to make them available and effective for personnel who are in need of the resources.
  - c. In conjunction with the Special Education Administrators Committee and the SELPA Program Administrator, assess program effectiveness to promote the program for individuals with exceptional needs.
  - d. Participate in school staff development, research, program development, and innovation or special methods and approaches.
  - e. Provide coordination, consultation, and program development in areas to which the program specialist is assigned.
  - f. Under the direction of the SELPA Administrator, assure the pupils have full educational opportunity, regardless of the district of residence in the Special Education Local Plan Area.

- g. Serve on assessment teams and individualized education program teams as provided for in this plan.
  - h. Assist Local Education Agencies with non-public, non-sectarian and state school placements when requested.
7. Program Specialists will maintain a log of the number and types of services provided each year.

## **2. Personnel Development**

### **A. Rationale**

Implementation of the Nevada County 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.

### **B. Policy Statement**

The Nevada County SELPA will provide a regionalized personnel development opportunities to members of the SELPA and others. Nevada County 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, CAC representatives, NPS/NPA staff, agencies, classified, private schools, and charter schools within Nevada County;
2. Will ensure working collaboration with all member districts, including the County Office of Education and Juvenile Court Schools, 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, and Department of Rehabilitation;

3. LEAs and educational representatives will ensure notification of personnel development opportunities and encourage and support attendance;
4. Will ensure that the annual personnel development plan is in alignment with federal, state and local identified needs so that school personnel are prepared to meet the needs of individuals with disabilities;
5. Will include training for new staff as well as provide continuing education opportunities based on the needs assessments.
6. Provide opportunities for training school administrators including the area of suspension and expulsion of special education students on an annual basis.

C. Administrative Guidelines

Nevada County SELPA staff development offerings will adhere to the following guidelines:

1. The Nevada County SELPA and its LEAs are responsible for overall coordination of personnel development in accordance with policy approved by the Council of Superintendents.
2. The Nevada County SELPA and its LEAs will work together to ensure that appropriate participants are notified and will support the staff's attendance, as appropriate. It is the responsibility of the LEA 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 Special Education Administrators will gather information, identify needs, and share findings and recommendations for discussion and direction. Based on SEAC recommendations, the SELPA will:
  - arrange presenters
  - arrange locations
  - publish and distribute staff development calendar to all identified participants.
  - inform SEAC 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. SEAC and SELPA representatives, and others will work together to avoid duplication of inservice offerings and be responsible to individual LEAs for staff development needs that may arise, and if possible, provide assistance and resources.
5. The SELPA staff will be responsible to individual LEAs for personnel development needs that may arise; and, as possible, will provide assistance and resources.

6. Personnel Development offerings will be evaluated by workshop attendees, and reviewed by SEAC to assess effectiveness and to determine future offerings.
7. The SELPA and LEAs will ensure that CAC representatives and parents have opportunities for input and will be informed of regionalized personnel development offerings.
8. The Nevada County SELPA recognizes that individual LEAs have responsibilities to provide personnel development opportunities independent of the Nevada County SELPA.

### **3. Evaluation**

#### **A. Rationale**

E. C. 56600 was written, in part, to ensure that SELPAs participate with all State efforts to provide for “ongoing comprehensive evaluation of special education programs” in order to “refine and improve programs, policies, regulations, guidelines, and procedures on a continuing basis, and to assess the overall merits of these efforts”.

#### **B. Policy Statement**

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

#### **C. Guidelines**

1. The SELPA Administrator will be responsible to collect all data required by the California Department of Education related to special education budgets and services, and report them annually.
2. SELPA staff will support all the members of the SELPA in the collection of data related to compliance, due process procedures, availability of services, key performance indicators, etc., as needed.

### **4. Data Collection and Development of Management Information Systems**

#### **A. Rationale**

California Department of Education requires of each SELPA the collection of specified data in such a manner as to be communicative with the Management Information System of the State.



B. Policy Statement

The SELPA will implement a data collection and storage system that will provide for the management and reporting of required data for state and federal systems. The SELPA will continue to work with the State's Department of Management Information System to collect and report all required data related to special education fiscal and program services, and to provide other pertinent information necessary for the operation of the SELPA.

C. Guidelines

1. The SELPA staff will support all the districts in the SELPA in their collection and reporting of required data.
2. The SELPA staff will strive to support a system which is responsive to the data needs of the district.
3. The SELPA staff will implement a continuous improvement model of data collection.

**5. Curriculum Development**

A. Rationale

One of the primary goals of the Individuals with Disabilities Education Act and its amendments of 1997 and 2004 is to ensure that every child has access to the general curriculum. At the same time it defines special education as "specifically designed instruction". In order to allow children their best opportunity to access a free and appropriate public education in the Least Restrictive Environment, the SELPA has a responsibility to facilitate a balance and understanding of the requisite elements.

B. Policy Statement

The Nevada County SELPA is committed to ensuring that all children, regardless of their disability, have access to the general curriculum to the maximum extent appropriate. Therefore, a focus of personnel development activities and support to all member LEAs will be to facilitate professional growth and student achievement through curricular alternatives to all students, including modifications and accommodations, as appropriate.

C. Guidelines

1. All children with disabilities, including those with low incidence disabilities, will be given the opportunity to participate in the general curriculum and will be provided appropriate curricular accommodations and modifications.
2. SELPA staff will support statewide and local efforts to pilot and implement curriculum options designed to support children with varying learning needs.

3. SELPA staff will be available to support students and their teachers whose needs for curricular support are beyond the district's expertise.

## **6. Provision for Ongoing Review of Programs**

### **A. Rationale**

The State has in place a system for review of the special education programs in the districts. It is the responsibility of the SELPA to support the delivery of effective programs and services in its districts, to support a continuum of appropriate service options, to improve the quality of the programs offered, and to monitor them and participate in review processes, including the Quality Assurance Process, the Procedural Safeguards and Complaints processes and mediation and due process procedures.

### **B. Policy Statement**

The Nevada County SELPA endeavors first to provide adequate information, resources, and support to all its member districts, so that they may deliver compliant, quality services. Further, SELPA staff will, under the direction of the Council of Superintendents and in conjunction with SEAC, participate in all State review processes and any local review processes to ensure that appropriate and necessary services are offered for all children with disabilities and to support continuous improvement of those services.

### **C. Guidelines**

1. The SELPA will ensure that adequate information related to all areas of compliance is available to all the member LEAs.
2. The SELPA will ensure the availability of a full continuum of options, supplemental aids and services, and regionalized programs, for all children with disabilities, severe low incidence, non-severe and early childhood.

## **7. Coordinating Services with Other Public Agencies**

1. The SELPA will facilitate agreements for the provision and coordination of services by other public agencies that are funded to serve children with disabilities.
2. Each interagency agreement will be developed by a Committee for consideration by the SEAC.
3. The SELPA Administrator has the primary responsibility to negotiate agreements with other public agencies.
4. All agreements negotiated with public agencies are to be reviewed by the SEAC and submitted to the Council of Superintendents for approval.

5. These agreements include but are not limited to: Nevada County Behavioral Health, Part C (Infants), California Children's Services, Head Start, Alta California Regional Center, and others as needed.

## **8. Annual Budget and Service Plans**

### **A. Rationale**

Assembly Bill 602, Statutes of 1997 added new requirements to local plans. AB 602 requires Special Education Local Plan Areas (SELPA's) to submit Annual Budget and Service Plans that are adopted at public hearings. As required in Education Code Section 56205, these plans must identify expected expenditures and include a description of services, the physical location of services, and must demonstrate that all individuals with exceptional needs have access to services and instruction appropriate to meet their needs as specified in their Individualized Education Program (IEP).

### **B. Policy Statement**

The Annual Budget and Annual Service Plan will be submitted to the California Department of Education on or before June 30 of each year.

1. The Nevada County SELPA will adopt the Annual Budget Plan pursuant to EC Section 56205(b)(1), according to the governance and policymaking established in this policy. The completion of the process will be documented by evidence that a SELPA level public hearing has been held to adopt the Annual Budget Plan.
2. The Nevada County SELPA will develop and update the Annual Service Plan each year pursuant to EC Section 56205(b)(2), according to the governance and policymaking established in this policy. The completion of the process will be documented by evidence that a SELPA level public hearing has been held to adopt the Annual Service Plan.

**ANNUAL BUDGET PLAN**  
**FISCAL YEAR: \_\_\_\_\_**

The Annual Budget Plan shall identify expected expenditures for all items required by this part as listed below. The SACS Codes provide source information from the LEA(s) reporting.

	<b>Reference/Label</b>	<b>Instructions</b>	<b>Totals</b>
A	Funds received in accordance with Chapter 7.2 (commencing with Section 56836), (Special Education <b>Program Funding</b> )	SACS Resource Code 6500 (State), 3300-3499 (Federal)	
B	<b>Administrative costs of the plan.</b>	SACS Goal Code 5001; Function 2100	
C	Special Education services to pupils with <b>severe disabilities</b> (1) and <b>low incidence disabilities</b> (2).	SACS Goal Code 5710	
		SACS Goal Code 5730	
		SACS Goal Code 5750	
D	Special education services to pupils with <b>non-severe disabilities.</b>	SACS Goal Code 5770	
E	Supplemental aids and services to meet the individual needs of pupils placed in <b>regular education classrooms</b> and environments.	Any SACS Goal Code with SACS Function Code 1130	
F	Regionalized operations and services, and direct instructional support <b>by program specialists</b> in accordance with Article 6 (commencing with Section 56836.23) of Chapter 7.2. (SELPA Program Specialists Funding)	SACS Goal Code 5050	
		SACS Goal Code 5060	
G	The use of <b>property taxes</b> allocated to the special education local plan area pursuant to Section 2572.	Statement is included in Local Plan	

The Annual Budget Plan was presented for Public Hearing on: .....

.....  
 SELPA Name SELPA Code

.....  
 Authorized SELPA Signature Date

.....  
 Name & Title (type/print)

### ANNUAL SERVICE PLAN

<b>Location</b>										
<b>A.</b> The services listed in the boxes to the right are provided at <b>all</b> schools in the LEA.										
<b>B.</b> List all physical locations where services are provided in the LEA. Also, list any other services that are provided and not listed in Box A (above).	<b>Nature of Service</b>									
	(List the CASEMIS code associated with each service that is provided at the location listed in the left-hand column.)									
1.										
2.										
3.										
4.										
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20.										

Please ensure that the following are included on this form:

10 – Public Day School	11 – Public Residential School	15 – Special Education Center/Facility
19 - Other Public School/Facilities	20 – Continuation School	22 – Alternative Work Education Center/Work Study Program
24 – Independent Study	31 – Community School	55 – Charter School (operated <b>BY</b> an LEA/District/COE)

## 2. Distribution of Special Education Funds

### A. Rationale

Both federal and state law requires assurances that all eligible pupils residing within a SELPA have equal access to special education programs and services regardless of their district of residence. To accomplish this goal, the Council of Superintendents is required to (1) have a process for allocating funds in accordance with laws and regulations; (2) develop an annual budget allocation plan; and (3) monitor the use of special education funds.

### B. Policy Statement

1. Each LEA within the SELPA is assured an equitable share of federal and state special education funds available to the SELPA to provide special education services to residents of the districts. Services may be provided through funds allocated to the district of residence, another school district, a county office, or another SELPA.
2. Funds available for distribution are understood to be those allocated to the SELPA on the Advance Certification from the State Department of Education less the funds required to serve residents of Licensed Children's Institutions (LCIs), Low Incidence equipment, Regionalized Services, specially designated pools (NPS, NPA, Extended school year, OT, VI/DHOH\* and small district reserve), infants, and special education grant funds allocated by the State Department of Education. Nevada County SELPA will follow the state apportionment cycle in the distribution of special education revenues.

\*When vision or deaf and hard of hearing services constitute the sole services, students will be counted as Nevada County Superintendent of Schools Special Education Services students. The funding allocation for these students will be added to the VI/DHOH pool on an annual basis. This will help provide additional funding into the pool to ensure against the possibility of high cost students depleting the pool. When LEAs provide services to students eligible as VI and/or DHOH, they will receive SELPA funding according to the appropriate level of service from the funding distribution model described below.

The visually impaired and deaf and hard of hearing programs will be responsible for providing all services directly relating to the disability such as interpreters, captionists, and braillists. The school district serving the student will be responsible for the other services indicated in the IEP.

3. Using the prior year April pupil count, excluding Infants, PPIIP, NPS, and LCI students, each LEA's caseload is converted into units of one of three types: level 1 (receiving special education from 0-10% of the school day), level 2 (receiving special education services from 11-100% of the school day, and level 3 (receiving special education services from 50-100% of the school day, and with a severe disability\*).

Using loading standards below, each district’s special education pupil count is converted into a unit entitlement using caseloads as follows:

Level 1:	24 students	All LEAs
Level 2:	28 students	Direct Service Districts
Level 2:	30.3 students	NCOE In-County Charters
Level 2:	31 students	Grades 9-12
Level 2:	30 students	K-8 <sup>th</sup> grade
Level 3:	7 students	All LEAs

The applicable average unit rate is then applied to create a district’s dollar entitlement as follows:

		Per Pupil
Level 3:	\$149,432	\$21,347
Level 2:	\$133,334	\$4,471
Level 1:	\$81,647	\$3,402

\*The definition of “severely disabled” is in Education Code §56030.5 and includes all but Specific Learning Disabled, Speech Language Impaired and Other Health Impaired.

4. Using the prior year April pupil count, the SELPA will calculate each LEA’s current year allocation by multiplying their calculated units times the respective unit rate adjusted annually by bifurcated COLA (i.e. increased or decreased). Each LEA is allocated the dollars calculated based on their pupil count . For LEAs with CBEDS enrollment of 75 or fewer students, the minimum funding is the greater of the combined Level 1 and Level 2 funding, or 25% of \$103,930 + bifurcated COLA for the current year, adjusted in future years by increasing or decreasing COLA. For LEAs with 76-200 students, the minimum funding is the greater of the combined Level 1 and Level 2 funding, or 50% of \$103,930 + bifurcated COLA for the current year, adjusted in future years by increasing or decreasing COLA. Level 3 funding will be added to the minimum funding level. If there is a shortage of funds from the state to cover the allocation, each LEA will receive the same proportion of the total as their proportion of the allocation model. If the state’s funding exceeds the allocation model, the excess amount will be used to equalize LEA funding and modify the unit rates for entitlement. This formula for distributing special education dollars is monitored and subject to approval by the Council of Superintendents.
5. After all appropriated funds have been distributed, a half percent of each LEA’s allocation will be transferred to a reserve account. This reserve may be used to support small school districts, and/or any other unusual circumstances creating a significant impact on the delivery of special education services. Any balance in this reserve account at the end of the fiscal year will be distributed in accordance with the direction of the Council of Superintendents.
6. Any school district with an enrollment under 500 that would receive a reduction of special education funding from prior year which would significantly impact the

implementation of special education services may apply to the Council of Superintendents for special financial assistance for the current year.

C. Administrative Guidelines

1. Calculations for LEA entitlements will be based on the April pupil count of the previous school year.
2. The SELPA Director will be responsible for monitoring the April pupil count, as well as other pertinent state and SELPA reports, to review the appropriateness of the incidence of students with identified special needs in the local plan area. The number and percentage of students with qualifying special education disabilities will be reported annually by district to the Council of Superintendents. Significant discrepancies between the state wide average and local LEA and/or SELPA wide incidence of special education will be studied. If appropriate, recommendations for corrective actions will be made to the Council of Superintendents.
3. Revenue limit dollars generated by students in special day classes will be used as a funding source for special education programs in accordance with Education Codes §42238.9 and 42238.95. It is each LEA's responsibility to ensure and monitor revenue limit dollars generated from SDC pupils.
4. Each County Office of Education receives property taxes, a portion of which are earmarked for special education. These dollars are a funding source to the SELPA's AB602 apportionment. Therefore, each County Office will retain property tax dollars only up to the level of its program entitlement, as per the SELPA allocation policy.
5. Parent Participation Preschool Intervention Program (PPPIP) will not be included in the base nor in the 3 to 22 year calculation, but will be funded through state and federal grants.
6. Calculations used to determine the transfer of special education programs from county offices to districts shall include the following:
  - a. Programs transferred from the county office to a school district shall follow the process described in Education Code §§56207 and 56370. The school district will be funded in the year of service transfer for pupils identified in the prior year April pupil count by moving the numbers of students identified on the previous server's count to the receiving district's count.
  - b. For funding purposes, program transfers will only apply to unduplicated pupil counts or the primary placement of students in the program to be transferred.
7. All participating LEAs and the county office of education will be responsible for maintaining local support to special education programs and will maintain a three percent (3%) contingency fund at the local level, that is equal to 3% of all special education expenditures budgeted in the fiscal year.



8. When IEP teams place special education students outside the Nevada County SELPA into a neighboring SELPA, funding will be provided in the following manner:
  - a. Reimbursement is only available for SH students who are residents within the geographical boundaries of the Nevada County SELPA.
  - b. A maximum of ten percent of one level 3 unit could be available by special request to the Council of Superintendents, using funds from the reserve account.
  - c. Any additional financial support necessary for this student becomes the responsibility of the district of residence.
  - d. Any related services necessary become the responsibility of the district of residence.
9. Each year the SELPA will receive the equivalent of 1997-98 base funding, as defined by the California Department of Education, Finance Division, plus two sources of new funding: COLA and Growth. These funding sources will be pooled and distributed in accordance with the funding model.
10. Bifurcated COLA will be applied annually to four pools: NPS, NPA, OT, and Extended Year. Any remaining COLA dollars are added to any new monies that are distributed in accordance with the funding model.
11. Growing LEAs will be compensated by the nature of the SELPA funding model. For example, as a district's or county office's special education population increases, so will their entitlement. As their entitlement (i.e. their April 1<sup>st</sup> special education pupil count) increases, so will their percentage of any new monies. Therefore, a growing LEA would be allocated a higher percentage of any new monies received by the SELPA.
12. A school district and/or county office may provide special education services in accordance with Education Code 56195.3 to students who reside outside the Nevada County SELPA. A written agreement between the two agencies shall stipulate the terms and conditions including transportation, related services, duration of service and the estimated financial payment the district of residence shall anticipate. The financial payment will be calculated based on all costs required to educate that child, minus revenue limit. Any costs incurred for related services and other associated costs will be included. Students residing outside the Nevada County SELPA and funded through a written agreement between the two agencies, shall not be included in the April 1<sup>st</sup> pupil count for local funding purposes.

### **3. Dispute Resolution Process**

#### **A. Rationale**

In order to ensure the continual delivery of quality services to children with disabilities, a process for dispute resolution over the responsibility for service provision, governance activities, program transfer, or the distribution of funding must be in place.

#### **B. Policy Statement**

If a dispute arises over the responsibility for service provision, governance activities, the distribution of funding or if a school district, including any charter school LEA, group of school districts, or a county office believes that an action taken by the Council of Superintendents will create an undue hardship on the district(s) or county office(s), or that the action taken exceeds the authority granted the Council of Superintendents within the Local Plan and/or state or federal statute, the aggrieved district(s) or county office may request mediation. If mediation is not successful, the aggrieved district(s) or county office may request a review of the action by an Independent Review Panel.

Any request for mediation must be submitted in writing to the RLA Superintendent within thirty (30) days of the action taken by the Council of Superintendents. The written request must clearly identify the reason(s) for the request and the potential resolution(s) to the problem. A request for review by the Independent Review Panel of the results of mediation must be submitted in writing to the RLA Superintendent within thirty (30) days of the action taken through the mediation process, and must include the reason(s) for the request and the potential resolution(s) to the problem.

#### **C. Administrative Guidelines**

1. In the event of a disagreement among local education agencies and the Responsible Local Agency (RLA), local education agencies and/or the RLA and the SELPA regarding the distribution of funding, responsibility for service provision and any other governance activities specified in the Local Plan, it is the intent of the Council of Superintendents (COS) that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan.
2. If a local education agency disagrees with a decision or practice of another agency or the SELPA, that local education agency has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the assistance of the SELPA Administrator, or his/her designee, or the Chair of the COS, or the services of a neutral mediator from outside the SELPA. This policy is intended to resolve disagreements within a period of 45 days, but is not intended to undermine local authority.

3. If either party is not satisfied with the results of this early mediation, and the dispute relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, the parties agree to submit the dispute to mediation. The parties will make a good faith effort to mutually agree to a mediator with expertise related to the dispute. If the parties cannot agree on a mediator, the parties will submit the dispute to mediation administered by an agency specializing in mediation.
4. Each party shall bear its own costs and expenses and an equal share of the mediator's administrative fees.
5. If mediation is not successful, an Independent Review Panel will be established.
6. To establish an Independent Review Panel, the Superintendent of the RLA shall establish a list of persons from nearby SELPAs, districts, or county offices, who are knowledgeable in the area of special education and who would be willing to serve as a member of such panel.
7. From the list of available panel members, the LEA or county office which requested the review, and the Superintendent of the RLA, acting for the Council of Superintendents shall each select a representative for the panel. These representatives then select one additional neutral member to serve as chairperson.
8. The panel shall meet as often as necessary to consider the facts of the complaint and prepare a written report and recommendations for consideration by the Council of Superintendents.
9. After studying the report of the review panel and at the next scheduled meeting of the Council of Superintendents, the Council must take one of the following actions. All voting is to be done in accordance with the weighted voting procedures specified in the Local Plan.
  - a. Vote to reaffirm the previous action of the Council.
  - b. Vote to rescind the previous action of the Council.
  - c. Vote to modify the previous action of the Council to comply or partially comply with the recommendations of the Review Panel.

Any costs resulting from this process are to be shared equally by the LEA(s) or county office which requested the review.

#### **4. Provision of Special Education Services to Students Voluntarily Enrolled in Charter Schools**

##### **A. Rationale**

This policy applies to all Charter Schools that are chartered by educational entities located within Nevada County. Additionally, this policy applies to any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to a district within the SELPA (Education Code §47605.5(k)(1)). Because students enrolled in charter schools are entitled to special education services provided by State and Federal funding, the charter schools will follow all requirements of state and federal law regarding provision of special education services (Education Code §56000 et seq., Individuals with Disabilities Education Act 20 U.S.C. Chapter 33).

##### **B. Policy Statement**

Special education and related services shall be provided to all eligible individuals within Nevada County in accordance with this Local Plan. Students enrolled in charter schools shall be served in the same manner as children with disabilities are served in other public schools.

For the provision of special education services, charter schools may be categorized as either a separate LEA or a Public Charter School within a district. All approved charter schools will be deemed public charter schools within a district unless the charter school has been deemed an LEA by the SELPA Council of Superintendents and approved by the County Superintendent of Schools.

##### **1. SELPA Involvement with Approval and Renewal of Charters**

Prior to approval of a new charter, or renewal of an existing charter, the superintendent or designee of the chartering entity shall consult with the SELPA Administrator regarding the status of the charter school. The chartering entity will provide assurances that all eligible students, including those students enrolled in the charter school, will receive appropriate special education services.

##### **2. Status of Charter Schools**

For the purposes of provision of special education services, charter schools may be deemed either an LEA or a public school within the chartering district.

##### **a. Public Charter School Within a School District**

Charter schools that are deemed to be public charter schools within a district will participate in state and federal funding in the same manner as other schools within the chartering district. The chartering district will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instructional services in a manner that is

consistent with all applicable provisions of state and federal law. The district 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 in the district.

The chartering district will receive all applicable special education funds. The chartering district will represent the needs of charter schools, like other schools within the district, in the SELPA governance structure. The chartering district will be responsible for ensuring that all eligible students are appropriately served. The district will be responsible for procuring and funding appropriate special education services, even though the student may reside anywhere in the State of California.

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. The charter school should also 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.

b. Charter School as an LEA within the SELPA

A charter school may apply to become an LEA for the provision of special education services. Application must be made to the SELPA by February 1 of the school year preceding the school year in which the charter school anticipates operating as an LEA within the SELPA. The Council of Superintendents will make the final determination whether the charter school has met all requirements of an LEA. These requirements include:

- Submit a letter of intent no later than February 1<sup>st</sup> of the school year for membership in the following fiscal year. The charter school is not authorized as a LEA unless authorized by the State Board of Education.
- The letter of intent must detail the following: Name of charter school and contact person, a plan for the delivery of special education services, and a list of staffing assignments and caseloads. The plan for special education services must describe the available continuum of placement options, supplemental aids and services and regionalized programs available for children with disabilities including severe and low incidence disabilities.
- Provide a current operating budget in order to assure fiscal responsibility in accordance with Education Code §§ 42130 and 42131.
- Provide assurances that students and staff will be instructed in a safe environment.

- Provide assurances that a full continuum of placement options, supplemental aids and aids and services, and regionalized programs are available for children with disabilities, including severe and low incidence disabilities.
- Provide a copy of the original petition.
- Be responsible for any legal fees as it relates to the application and assurances process in becoming an LEA.
- Meet the terms of the agreement regarding Identification, Screening, Referral, Assessment, Instructional Planning, Implementation and Review (Procedures of the Nevada County SELPA Local Plan).
- Meet the terms of the agreement regarding Procedural Safeguards of the Nevada County SELPA Local Plan.
- Meet the terms of the agreement regarding Regionalized Services of the Nevada County SELPA Local Plan.
- Sign the Nevada County Special Education Area Assurances Statement required of all member LEAs.
- The review process for joining the SELPA shall include a special education review of the Charter School by the SELPA, including history of compliance and willingness to resolve any noncompliance. These findings shall be reported to the Council of Superintendents as part of the decision making process.
- The Council of Superintendents shall review the letter of intent and the supporting documentation and may request additional information, including meeting with the Charter School representative. Based upon their review, the Council may elect to approve or deny requests for membership. Priority for approval shall be requests where programmatic issues are compatible with the SELPA Local Plan and fiscal issues are revenue neutral.
- Pending approval by the State Board of Education, the Council of Superintendents may grant guest status to attend Council meetings until a final determination is obtained.

Once deemed an LEA, the charter school will be responsible for and entitled to the following:

1. Participate in governance of the SELPA in the same manner as other LEAs within the SELPA.
2. Receive state and federal funding for special education in the same manner as other LEAs within the SELPA.

3. Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees.
4. A Charter School, approved as an LEA, may be a member of a Joint Powers Agreement (JPA) for the purposes of provision of special education. In this instance, the Charter School LEA may designate the chief official of the JPA to represent them on the Council of Superintendents governance committee. The JPA would exercise their vote based on the collective ADA of the Charter School LEA.

### C. Administrative Guidelines

1. The governing board of each LEA shall not approve a petition for creation of a charter school unless the petition contains adequate assurances that the proposed school will comply with all provisions of federal law and implementing regulations related to the rights of students with disabilities and their parents (20 U.S.C. Chapter 33, the Individuals with Disabilities Education Act).
2. The governing board shall require that a petition include the means by which the charter school intends to serve students with disabilities. This will include a specific reference as to whether the charter school intends to be deemed an LEA or public charter school for the provision of special education services.
3. The governing board shall require that a petition contain assurances that no student will be denied admission to the charter school based on disability or lack of available services.
4. Prior to approving a charter school petition, the superintendent or designee of the chartering entity may consult with the SELPA Administrator regarding the provision of special education services to students enrolled in the prospective charter school.
5. The charter petition, or an accompanying Memorandum of Understanding or Business Services Agreement may provide for the allocation of excess costs and/or the charter school's fair share of special education encroachment on the district general fund.
6. Once admitted to a charter school, any special education services required by enrolled students will be provided by the chartering district, if the school is deemed a public school of the district, or a charter school, if deemed an LEA.
7. If a charter school IEP team places a student in a special education program provided by another educational entity, i.e., a COE, another district or SELPA, the charter school will be responsible for any excess costs attributable to the placement. Responsibility for excess costs will rest with the placing charter school.

8. A district IEP team may place a student in a charter program only with agreement between responsible educational entities and parental consent. Under such circumstances, the placing district will be responsible for any excess costs in accordance with the Local Plan.
9. The chartering district will be allocated all special education funds that are generated by a charter school that is deemed a public charter school. The chartering district will represent the needs of charter schools that are deemed public charter schools in the SELPA governance structure. The charter school will receive SELPA services in the same manner as other schools within the chartering district.
10. If the charter school wishes to be deemed an LEA, the approved charter school will apply to the SELPA for LEA status prior to February 1 of the preceding school year.
11. Charter schools that are deemed an LEA will be allocated special education funds in the same manner as other districts within the SELPA. Charter schools that are deemed LEAs will be included in the SELPA governance structure in the same manner as other districts.
12. If the approval of a charter school requires a change in the SELPA allocation plan, such change shall be adopted pursuant to the policy making process outlined in the SELPA local plan.



## 5. Instruction, Literacy and Curriculum

### A. Rationale

All students with identified special needs should have access to the full continuum of options including standards based instruction and district adopted textbooks and materials. Grade level proficiency in reading, math and written language is an important goal for students with special needs.

### B. Policy Statement

In order to improve the educational results for students with disabilities, the districts of the Nevada County SELPA ensure that all students who require special education will have access to state approved, grade level, district adopted instruction and materials ( as appropriate to individual student needs) to the same extent as do non disabled students. In addition, our districts assure that special education instructional personnel will participate in a variety of professional development opportunities, including:

1. Research based instructional methodologies;
2. Instruction in the appropriate use of district adopted Curriculum
3. State-adopted standards and frameworks;
4. Differentiated instruction
5. Instructional methodologies and curriculums specific to students with disabilities

Each of the districts and the county office within the Nevada County SELPA will include special education staff in their curriculum materials selection process, in order to support alignment with State standards.

We assure that students with disabilities will have access\* to:

1. The full continuum of instructional options
2. All required grade level core curriculum including state-adopted core curriculum textbooks and supplementary textbooks;
3. Instructional materials and support.
4. Replacement and/or intervention curriculum as indicated by student needs

\*i.e. "Access" is defined as the *opportunity* to access when appropriate to meet the needs of individual students with special needs.

## **II. Part C Memorandum of Understanding**

**MEMORANDUM OF UNDERSTANDING FOR PART C  
BETWEEN  
ALTA CALIFORNIA REGIONAL CENTER  
AND  
NEVADA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**1. PURPOSE**

The purpose of this agreement is to describe selected policies and procedures of Alta California Regional Center (ACRC) and the Nevada County Special Education Local Plan Area (SELPA), relating to the implementation of Part C of the Individuals with Disabilities Education Act (IDEA), hereinafter referred to as Part C. ACRC and SELPA will work cooperatively with parents and with other appropriate agencies to enhance coordination and quality of services for families. Specifically, this agreement will define the financial responsibilities of each agency, procedures for resolving disputes, and other required components necessary to ensure effective cooperation and coordination between education and ACRC.

**2. PARTIES**

The parties to this Agreement are ACRC and SELPA. The Local Educational Agency (LEA) within SELPA is currently authorized to provide infant services is the Nevada County Office of Education. The Nevada County Superintendent of Schools administers the Infant Program for Nevada County (Infant Program).

**3. TARGET POPULATION**

This agreement applies to activities and services performed on behalf of Part C-eligible infants and toddlers, birth to thirty-six months of age, and their families, as defined in California statute, regulations and policies. The definition of the eligible population is found in Title 14, California Early Intervention Services Act, Chapter 4, Section 95014, and Part C 303.16, 303.300. (34 CFR Part 303)

**4. PAYOR OF LAST RESORT (Sec. 17, CCR 52109 (a) and (b))**

**A. Financial Responsibility**

ACRC and SELPA will operate within the provisions of the State Interagency Agreement executed between the Department of Developmental Services and the California Department of Education in July, 2000. Due to the importance of provisions entitled "Payor of Last Resort", those pertinent sections of the state interagency agreement are presented below:

- (1) "Payor of last resort" means the agency that is ultimately responsible to arrange, provide, or pay for appropriate early intervention services, which are defined in 34 CFR, Section 303.12, and listed on an Individualized

Family Service Plan (IFSP) as a required service. All other providers or payors will have been considered.

- (2) **Local Education Agency:** The Infant Program will be the payor of last resort for those infants with solely visual, hearing, or severe orthopedic impairment, or any combination thereof, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in Subdivisions (a), (b), (d), or (e) of Section 3030, and Section 3031 of Title 5 of the California Code of Regulations.
- (3) **ACRC:** ACRC will be the payor of last resort for all Part C eligible infants who are ACRC clients. This includes infants who may be eligible for both ACRC and special education services. Both agencies agree to adhere to any legislative changes in eligibility standards that may result in differing criteria for each agency. It will not include infants with solely visual, hearing, or severe orthopedic impairments, or any combination thereof who meet the criteria in Sections 56026 and 56026.5 of the Education Codes, and in Subdivisions (a), (b), (d), or (e) of Section 3030, and Section 3031 of Title 5 of the California Code of Regulations. (*See* Title 14, California Early Intervention Services Act, Chapter 4, Section 95014, and Part C 303.16, 303.300)

## **B. Maintenance of Effort**

ACRC is the designated payor of last resort for children jointly served by ACRC and the Infant Program. The Infant Program shall provide appropriate early intervention services to all infants with solely low incidence disabilities. The Infant Program shall also provide special instruction to infants who meet both agencies' eligibility criteria, up to the Infant Program's maximum funded capacity. Once the Infant Program reaches its maximum funded capacity, it will refer eligible infants and families to ACRC who will then assume responsibility for providing appropriate Part C services. The Infant Program and ACRC will share information about available openings under maintenance of effort.

## **5. PROGRAM IMPLEMENTATION POLICIES**

### **A. Coordination of Child Find Activities**

ACRC and the Infant Program will provide early intervention services to all eligible children. Within Nevada County, every effort will be made to provide information to the general public and to public and private agencies about the availability of early intervention services throughout the SELPA.

Specific efforts will be made to inform pediatricians, , Head Start programs, private childcare and preschool programs, and agencies that provide services to young children, of the availability of programs which provide intensive services for children ranging in age from birth to 2 years, 11 months.

ACRC and the Infant Program shall inform primary referral sources of the:

- (1) Eligibility criteria for early intervention services;
- (2) Types of early intervention services available through the Early Start Program;
- (3) Names of contact persons and telephone numbers for ACRC and the Infant Program; and
- (4) Federal requirement that a referral shall be made to ACRC or the Infant Program within two (2) working days of identification of an infant or toddler who is in need of early intervention services.

Efforts will be ongoing to identify children who are not yet in programs, and children who have left the program prior to age 2 years 11 months who may be eligible for services. The family will be informed on how to reinstate and access services from the LEA and/or ACRC.

## **B. Referral Procedures**

ACRC and the Infant Program agree to use a common Early Intervention Program Referral Form. Whichever agency receives the referral will interview the family and notify the other agency of the referral if it appears that the child will be eligible for services from the other agency. A copy of the Early Intervention Program Referral Form and a signed agreement or documentation of a verbal agreement to release information will be faxed to the second agency. Every effort will be made to work collaboratively with parents to ensure that permission to exchange information is provided, so as to enhance communication among the families and agencies, including the family's current school district of residence. Referrals to ACRC should be directed to the Early Intervention Intake Coordinator in Sacramento. Copies may be sent to the ACRC office. Referrals to education should be directed to the Infant Program. Referrals will be accepted at all times during the year. The 45-day intake time period begins on the day the referral is received and is documented in writing by either ACRC or the Infant Program. Referrals must be shared in a timely manner.

The agency that receives the referral will act as Interim Service Coordinator until the IFSP meeting is held. When a referral is received on a child who is 2 years 10 months or older, the initial agency receiving the referral will contact the SELPA Program Specialist within two days. A determination will then be made on which agency (ACRC and/or LEA) will proceed with the evaluation.

## **C. Intake Procedures**

Factors considered in determining which agency should conduct the intake are:

- (1) The agency that receives the referral;

- (2) The identified concerns of the family, *e.g.*, medical, social, financial, etc.;
- (3) The agency most likely to have services for which the child and family are eligible;
- (4) The status of the mandated caseloads for education;
- (5) Given parental consent, the intake may be done jointly by both agencies.

When services are likely to be needed or provided by both agencies, the Intake Process should be jointly conducted.

#### **D. Assessment Procedures and Exchange of Information**

Assessments will be provided by qualified Early Intervention staff. Every effort will be made to provide joint assessments where appropriate.

The Infant Program has the responsibility for assessments and for specialized services of solely low incidence children and for children within the Infant Program's funded capacity. ACRC has the responsibility for assessments for those children beyond the Infant Program's funded capacity and assessments for specialized services.

Assessments will be conducted in accordance with Title XVII, Sections 52082, 52084, and 52086. ACRC will have the responsibility for diagnostic assessments of those children for whom both agencies suspect a substantially handicapping condition which may make a child eligible for ongoing ACRC services.

Assessment data and information obtained by one agency will be made available to the other agency in a timely manner for use in determining eligibility and service needs, with parent permission.

#### **E. Individualized Family Service Plans (IFSP)**

Both parties to this Agreement will participate in the multi-agency IFSP meetings for any child served by the two agencies. Neither agency will make a commitment for the other agency. The initial IFSP meeting will be held within 45 days of the receipt of the written or documented referral. Scheduled breaks in services will be noted on the IFSP. The IFSP team shall determine procedures to ensure the provision of necessary services during periods of breaks when services are required on the IFSP. A six-month IFSP review will be conducted by the identified IFSP Service Coordinator and the parent(s), either in person or by phone. The Service Coordinator will provide written notice of all IFSP meetings to the family and to parties providing services. Every attempt will be made to schedule meetings for multi-agency participation. When a service is being requested of an agency whose representative cannot attend the IFSP meeting, prior permission to provide the service may be given by the agency representatives.

Both agencies will participate in the annual IFSP meeting. All agencies will follow rules and regulations in accordance with Subchapter 3, Articles 1 and 2, Section 52100, et seq. Any changes made to the IFSP must be documented and a copy sent to the other agency.

If English is not the primary language of the family, it is agreed that the Service Coordinator or the IFSP-designated Service Coordinator's agency will provide the service of an interpreter for the IFSP meeting. The IFSP document will be translated, at parent request, and the agency responsible for service coordination will fund the translation for the IFSP document.

Both agencies will utilize any community or in kind resources in providing this service. The IFSP Team will designate necessary interpreter services.

#### **F. Transition Procedures**

It is the responsibility of the IFSP Service Coordinator to provide the family with transition information as required in E.C. 52112. Both parties agree to abide by the timetable of activities outlined on the IFSP Transition Plan document and to the steps outlined on the "Service Coordinator's Transition Checklist" (*See Appendix A*). The SELPA program specialist will be notified of IFSP transition meetings. Local school district representatives are also informed of IFSP transition meetings.

#### **G. Service Coordination**

The agency that conducts the intake interview with the family assumes the role of the Interim Service Coordinator until the IFSP Service Coordinator is identified at the IFSP meeting. Both agencies agree to carry out ongoing service coordinator responsibilities as noted in Section 52121 in the Early Start Regulations.

#### **H. Transfer of Infants with Existing IFSPs**

In accordance with Education Code 52111 and the Welfare and Institutions Code Section 4643.5, both agencies shall ensure delivery of like Early Start services as soon as possible for children who are moving to Nevada County. Assignment of the service provider will be determined using referral procedures described herein (*See Section 5B*). An IFSP review meeting will be held within 30 days.

### **6. SURROGATE PARENTS**

The Nevada County SELPA will continue to implement a Surrogate Parent program in accordance with Sec. 17CCR52175. Staff development will include requirements contained in the California Early Intervention Act. The Surrogate Parent will be appointed by the IFSP service coordinator. ACRC has developed and will implement its own protocol for the appointment of surrogate parents as needed. (Reference: *Nevada County SELPA Surrogate Parent Manual*)

## **7. PROCEDURAL SAFEGUARDS**

Each agency shall annually provide a written notification to all parents enrolled in Early Start programs within Nevada County of their right to an appropriate Early Start education as stipulated in State and Federal statute. The Statement of Parent Rights shall be provided to parents at the time of referral for assessment, initial enrollment into the program, any subsequent assessment, and IFSP meetings, and upon request.

## **8. DISPUTE RESOLUTION**

The following steps will be followed if a dispute arises between LEAs within the SELPA and/or the SELPA and ACRC as to:

- (1) The eligibility of the infant;
- (2) Which agency is responsible for the infant and family evaluation and assessment, service coordination, and the development and implementation of the IFSP; and/or
- (3) Which agency is responsible for the provision or purchase of appropriate early intervention services.

**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 Administrator.

**Step 2:** If resolution of the dispute is not achieved, the two parties will request technical assistance from DDS and CDE.

**Step 3:** If resolution cannot be reached within 60 calendar days, the issue will be referred to Department of Developmental Services and California Department of Education for a 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.

## **9. STATUS OF SERVICES DURING A DISPUTE**

During the pendency of a dispute, the infant or toddler shall continue to receive the early intervention services listed on the IFSP currently being provided. If the mediation or due process hearing involves the initiation of a service or services, the infant or toddler shall receive those services that are not in dispute.



**10. ADDITIONAL COMPONENTS**

**A. Coordination**

Both agencies agree to share in Early Start service delivery meetings as necessary and agree to participate in Early Start service delivery. This process will be used for information sharing regarding agency procedures, changes in funding and other pertinent matters that may affect services to mutual clients. It is also the forum for discussions regarding new resource development and the identification of gaps in services. Both agencies will meet when there are issues concerning determination of program needs and fiscal responsibility. These meetings are also the forum for discussions regarding new resource development, the identification of gaps in service, and issues concerning determination of program needs and fiscal responsibility.


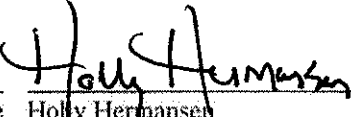
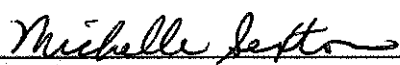
**B. Staff Development**

Both agencies agree to joint staff development regarding the implementation of Part C. Staff will be informed of the contents of this Agreement. Future training may be held if new procedures are developed or this agreement is substantially modified. Both agencies agree to notify the other party of any conferences or workshops pertinent to the implementation of Part C.

**11. TERMS OF AGREEMENT AND REVIEW SCHEDULE**

This Agreement between SELPA and ACRC shall be in effect from July 1, 2010 to June 30, 2013. Interagency agreements shall be reviewed by both agencies annually, revised as necessary, dated and signed by both parties. Proposed modification of any aspects of this agreement will be discussed in joint meetings between representatives of both agencies. Any subsequent proposed changes must be approved by the SELPA Director and the Director of ACRC. New laws or regulations implemented during the effective period of the agreement shall have precedence over any of the provisions contained herein. To amend this agreement requires thirty (30) days written notice.

It is the intent of the SELPAs and ACRC to maintain this document as a collaborative effort. It will be revised as necessary.

	
Phil Bonnet	Holly Hermansen
Executive Director	Nevada County Superintendent of Schools
Alta California Regional Center	
	
Michelle Sexton	
Nevada County SELPA Director	

*2/17/11*      *3-1-11*  
Date      Date

Appendix A – "Service Coordinator's Transition Checklist"

## Appendix A

### SERVICE COORDINATOR'S TRANSITION CHECKLIST

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NO LATER THAN 2 YEARS AND 6 MONTHS (file written copies of all notices, plans, correspondence & steps taken throughout the transition process in the child's record):

- Notify the family that transition planning will occur.
- Within 30-days following notification to parents, coordinate a date for a transition planning meeting.
- Notify LEA and/or regional center of transition planning if appropriate.
- 

BY AGE 2 YEARS 9 MONTHS (or as early as 2 years 6 months, if all parties agree):

- Provide written notice to the family of the date of transition planning meeting.
- Review progress on outcomes.
- Discuss eligibility determination for Part B preschool special education services, if appropriate.
- Discuss availability of community services.
- Explain transition planning to the family, including who may participate.
- Provide written information on due process procedures.
- Emphasize to parents that Early Start services end at age 3.
- Discuss when an extension of Early Start services after age 3 may be approved.
- Discuss ongoing eligibility, if applicable.
- Involve the family resource center or network in the transition process with parent consent.
- Obtain written parent consent for referral to LEA and/or regional center.
- Provide written referral to the LEA for Part B special education services, if appropriate.
- Inform parents about the LEA assessment process.
- Document discussion about:
- Steps to prepare a toddler to be able to adjust to changes in service delivery
  - Provision of information to parents about community services.
  - Dates early intervention services will terminate.
  - Projected date for final IFSP review.
  - Identifying persons responsibility for convening final IFSP review, IEP meeting and the OPP meeting as appropriate.
  - Identifying needed assessments, who will conduct them, and time lines.
- Verify completion of all assessments.
- Coordinate with parent(s) and the LEA to convene the final IFSP/IPP meeting(s).
- 

#### PRIOR TO AGE 3:

- Conduct the final IFSP review/IEP/IPP meeting.
- Refer for community-based services, as appropriate.
- Provide 30-day written notice for termination of early intervention services to parents and service providers including due process rights.
- If applicable, provide the family with a 30-day notice of ineligibility for regional center services. Include due process rights.
- Verify that the LEA obtains parent signature on the IEP and that services are implemented.
- If the child is eligible for regional center services after age 3 and the parents file for a due process against the LEA, request continued funding for current early intervention services.
- Discontinue early intervention service when due process is completed, parents sign the IEP, and Part B services are implemented.
- If the IEP team determines that services are needed and the LEA program will be on break and services will not be started by the child's 3rd birthday, request continued funding for current intervention services.
- 

#### OPTIONS AT AGE 3:

- Part B special education preschool and related services begin for eligible children.
- Regional center services begin for eligible children
- Indicated community services are in place.
- Natural and family supports are in place.
- Early Start services end.

**SECTION TWO:  
LOCAL PLAN POLICIES**

# **I. Agreements/Administration and Fiscal Policies**

# AGREEMENTS

## INTENT

The intent of these agreements is to provide an integrated system of comprehensive special education programs and services designed to meet the educational needs of children with disabilities who reside within the Local Plan Area.

Relative to the procedures as stipulated in the Local Plan of the Nevada County Special Education Local Plan Area (SELPA), which has been approved by the California State Board of Education, the member LEAS including the County Offices of Education participating in the Local Plan pursuant to California Education Code Section 5600 et. seq. and California Administrative Code Sections 3000 et. seq., Title V, agree as follows:

## AGREEMENTS

1. Agreements Regarding Identification, Screening, Referral, Assessment, Instructional Planning, Implementation and Review
  - A. Each Local Education Agency (LEA), school district or County Office of Education, when appropriate, accepts the responsibility to screen children ages 3-18, receive and process referrals, complete assessments and conduct reviews of the individual education program (IEP) and placement as provided in the Policies and Administrative Guidelines of this Local Plan.
  - B. Each Local Education Agency (LEA) shall have the responsibility to maintain and operate its own programs unless it is not feasible to do so. Feasibility will be reviewed and a determination made by the Council of Superintendents based upon recommendations of the Special Education Administrators Committee (SEAC). The SELPA Administrator and SEAC shall also recommend to the Council of Superintendents programs and services to be provided on a regionalized basis by the SELPA and/or a specified Local Education Agency. In general, each LEA is expected to provide for its own children unless the LEA does not have a sufficient number of students to warrant the operation of a program. In those cases children are provided appropriate services by another LEA within the SELPA until such time as the LEA of residence can do so.
2. Agreements Regarding Procedural Safeguards
  - A. Each Local Education Agency (LEA) is responsible for the development and implementation of IEPs for children who are residents of the LEA and are provided services operated by that LEA. Charter school LEAs shall be responsible for all children enrolled in their school.

- B. The County Office of Education has the responsibility to ensure that procedural safeguards are met for pupils enrolled in its programs and services. The staff of the County Superintendent shall schedule the IEP meeting and include the district of residence as a participant.
- C. It is the responsibility of the district of residence or LEA charter school of enrollment to ensure that procedural safeguards are met. The program operator of any and all special education programs shall keep the district of residence of the student informed and invite them to IEP meetings.
- D. Each Local Education Agency designated in the IEP to provide services for any pupil has the responsibility to assure the pupil and parent of their procedural safeguards.
- E. In the event a parent or pupil initiates a due process procedure relative to the assessment, instructional planning or services of the pupil, the LEA which is the district of residence of the pupil or the charter school LEA in which the child is enrolled will have the responsibility to conduct an informal review or mediation conference, and to participate in the fair hearing.
- F. The SELPA Administrator, upon the request of a Local Education Agency, shall provide assistance with any aspect of the due process procedures.
- G. If the Local Education Agency requests the assistance of the SELPA Administrator in the resolution of a due process or complaint which has been filed, the LEA assumes the responsibility to pay any costs for consultant or legal services not normally provided by the SELPA.

### 3. Agreements Regarding Regionalized Services

- A. **Program Specialists:**  
 Program specialists who have expertise in one or more disabling conditions, including vocational education and infant/preschool will be employed.  
  
 Program specialists will be classified as pupil services personnel, employed by the RLA Superintendent and supervised by the SELPA Administrator. Specific assignments of program specialists will be determined in accordance with the Policies and Administrative Guidelines of this Local Plan with assurances that services of program specialists shall be available to special education personnel and parents throughout the Local Plan Area when their knowledge or expertise is needed.
- B. **Data Management (MIS):**  
 SELPA shall design and implement a data collection and storage system that will provide for the management and reporting of required data for state and federal systems as well as providing other pertinent information necessary for the operation of the SELPA.
- C. **Curriculum:**  
 The curriculum for children with disabilities will be the same as for general education students whenever possible. Appropriate accommodations of the curriculum will be determined by each

IEP team. Instructional materials may be modified to meet the learning strengths of children with disabilities. Curriculum development is the responsibility of the participating Local Education Agencies and shall be based on statewide content standards.

The curriculum for severely disabled students, developed through the statewide evaluation process, based on content standards, and called "Curriculum for Students with Moderate to Severe Disabilities" will be implemented in the classes of the Nevada County SELPA, as appropriate.

D. Program Review:

The SELPA Administrator, under the direction of the Council of Superintendents and in conjunction with the Special Education Administrators Committee, shall participate in the State's plan for review of programs within the Local Plan Area

E. Staff Development:

The SELPA Administrator has the responsibility to implement the staff development program as required by the California Department of Education-Special Education Division.

4. Agreements with County Office:

- A. The County Office shall determine a process to use in determining which special education services the County Office shall provide to the districts.

5. Agreements Regarding Coordination With Other Agencies

- A. Agreements for the provision of services by other public agencies will be negotiated with each public agency within the Local Plan Area.
- B. The Special Education Administrators Committee will recommend services to be provided by contracting agencies taking into consideration the impact on plan participants, and cost factors.
- C. The SELPA Administrator has the primary responsibility to negotiate agreements with other public agencies, as mandated in Education Code.
- D. Interagency agreements will be developed by an Interagency Committee for consideration by the Special Education Administrators Committee (SEAC). These agreements include, but are not limited to, Mental Health, Part C, Head Start, Alta California Regional Center, and others.
- E. All agreements negotiated with public agencies are to be reviewed by the Special Education Administrators Committee and submitted to the Council of Superintendents for approval.

6. SELPA Monitoring Responsibilities

- A. Education Code Section 56195.7 requires development of written agreements to be entered into by the entities participating in the Local Plan for Special Education which include regionalized services to local programs. Among the regionalized services is the provision for ongoing

review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem.

B. SELPA monitoring activities to meet the Education Code requirement specified above may include but not be limited to the following:

- Observation of special education programs operated by each SELPA local education agency (LEA)
- Periodic review of Individualized Education Program documents developed by LEA IEP Teams
- Analysis of LEA KPI data
- Review and analysis of LEA CASEMIS data
- Participation in the state's Quality Assurance Process (i.e. CCR Self Reviews, Verifications Reviews and follow-up corrective action activities)
- Participation in selected LEA IEP Team meetings
- Review of selected LEA assessment reports
- Provision of ongoing training and technical assistance regarding compliant special education procedures

C. Correction of identified problems may be carried out through the following means:

- Consultation with the administrative personnel responsible for the LEA's special education programs
- Provision of training and technical assistance as necessary to clarify compliant practices with appropriate LEA staff
- Assistance with correction of noncompliant procedures or practices identified through state or local compliance complaint investigations

In cases where the identified problem persists following implementation of the such steps as outlined above, the LEA Superintendent shall be notified regarding the issue.



## **101. Council of Superintendents Voting Procedures**

### **A. Rationale**

The Council of Superintendents has the responsibility to establish operational policies and procedures regarding implementation, administration and operation of special education programs in accordance with existing policy.

### **B. Policy Statement**

Actions required to be taken by the Council of Superintendents shall be recorded at official meetings of the group. An official meeting for purposes of taking action requires a quorum of official representatives to be present. A quorum would be 50 percent of the LEAs within the county present.

The weighted voting system is based upon CBEDS enrollment from the prior school year. LEAs with CBEDS enrollment of 1 to 1000 will each have 1 vote. LEAs with 1001 to 2500 will each have 5 votes. LEAs with greater than 2501 will have 10 votes. A simple majority is required to pass a motion.

The district superintendent or Chief Operating Official shall represent his/her LEA on the Council of Superintendents. A voting member wishing to designate a proxy shall notify the Superintendent of the Responsible Local Agency in writing of his/her designee prior to the date of the meeting for which the proxy designation to be effective. A proxy must be a voting member of the Council of Superintendents.

### **C. Administrative Guidelines**

1. The governing board of each LEA shall designate the District Superintendent or Chief Operating Official to represent them on the Council of Superintendents.
2. When a charter school has been accepted by the Nevada County SELPA as a Local Education Agency (LEA), in accordance with Education Code Section 4761.5, the Council of Superintendents will make the final determination of whether the charter school has the capacity and intent to meet all requirements of an LEA. The governing entity of charter schools approved as LEAs for the purposes of providing special education shall designate their Chief Operating Official to represent them on the Council of Superintendents. Charter LEAs that are members of a JPA for the purposes of providing Special Education may designate the Chief Operating Official of the JPA to represent them on the Council of Superintendents.

3. The weighted vote roster will be calculated annually and will be acted upon by the Council of Superintendents.

**Weighted CBEDS 1, 5, 10 (1=1-1000, 5=1001-2500, 10=2501+)**

<b>LEA</b>	<b>2013/14 CBEDS</b>	<b>CBEDS WEIGHT</b>
CP	159	1.00
CC	165	1.00
TR	99	1.00
YRCS	311	1.00
NCSA	345	1.00
BSCP	102	1.00
TRHS	91	1.00
FCS	640	1.00
PV	749	1.00
UH	658	1.00
NC	908	1.00
PR	1,301	5.00
GV	1,699	5.00
NU	3,176	10.00
NCSOS	1,951	5.00
<b>15</b>	<b>12,354</b>	<b>36</b>

## **102. The Special Education Administrators Committee (SEAC)**

### **A. Rationale**

The Special Education Administrators Committee (SEAC) is an advisory body to the Council of Superintendents.

### **B. Policy Statement**

The Special Education Administrators Committee shall consist of a representative from each local education agency (LEA) within the Local Plan Area. Each LEA shall be entitled to a single representative on the Special Education Administrators Committee.

The Special Education Administrators Committee shall meet on a regular basis to discuss and cooperatively recommend to the Council of Superintendents procedures, policies and program functions necessary for the effective implementation of the Local Plan.

The SELPA Administrator shall serve as the chairperson of the Special Education Administrators Committee. A vice chairperson, to serve in the absence of the chairperson, shall be elected from the membership of the Committee on an annual basis.

Each LEA is entitled to one vote per action during the Committee meeting. Voting, in most instances, shall be a voice vote unless challenged, in which case a roll call vote shall be taken.

It is the responsibility of the chairperson to arrange the time, date and place for meetings and to prepare and distribute the agenda and minutes for each meeting.

### **C. Administrative Guidelines**

1. Each district shall notify the SELPA Administrator of the name, address, email, and phone number of the district's representative to the Special Education Administrators Committee. If changes occur during the year, the district shall also advise the SELPA Administrator.
2. If in the process of voting on any issue within the Special Education Administrators Committee, any member or the chairperson requests a roll call vote, the vote shall be taken and recorded in the minutes of the meeting.
3. Members of the Committee may request that specific items of interest be placed on the agenda for consideration. Any requests requiring action are to be directed to the SELPA Administrator verbally or in writing at least seven days prior to the date of the scheduled meeting.
4. It is the responsibility of the individual placing the agenda item to provide any data, information or materials pertinent for purposes of discussion at the meeting.

5. The SELPA Administrator has the responsibility to mail copies of the minutes of each meeting to each member of the Committee and to the Council of Superintendents.

### 103. AB 602 Reserve Account

#### A. Rationale

The Nevada County SELPA is required to assure that all eligible students have access to special education programs and services regardless of the district of residence. To accomplish this goal, the Council of Superintendents is required to develop policy and procedures to allocate and monitor the use of special education funds to local education agencies (LEAs).

#### B. Policy Statement

- 1 After all appropriated special education funds have been allocated a half percent of each district/county office of education's allocation will be transferred to a reserve account. This reserve may be used to support small LEAs, and/or any other unusual circumstances creating a significant impact on the delivery of special education services. The intent of this fund is to provide one-time funding for unusual and unforeseen circumstances.
- 2 Each LEA within the SELPA is assured an equitable amount of federal and state dollars available to the SELPA, which will be used to provide special education services to residents of each district. Procedures for the distribution of special education dollars are outlined in the following policies:

Distribution of Special Education Funds, Policy #1  
Nonpublic School Services, Policy #210  
Nonpublic Agency Services, Policy #211

- 3 The Council of Superintendents has designated a reserve account to be allocated in the following manner:
  - i First priority for allocation of reserve funds is for districts with enrollment under 500.
  - ii Second priority for allocation of reserve funds is for districts with enrollment 500-800.
  - iii The funds may be allocated to the above districts that would receive a reduction of special education funding from the prior year that would significantly impact the implementation of special education services. These districts may apply to the Council of Superintendents for special financial assistance for the current year.
  - iv The Council of Superintendents may also consider allocating reserve funds for other unusual circumstances that create a significant impact on the delivery of special education services.

#### C. Administrative Guidelines

1. Written requests need to be directed to the Council of Superintendents and must include detailed information as to why the LEA needs financial assistance.

2. An LEA may request, based upon extenuating circumstances, the amount of dollars in the reserve account. The circumstances that drive the request must be specified in the written request.
3. When IEP teams have determined that no other program is available within the SELPA and they place special education students outside the Nevada County SELPA into a neighboring SELPA, funding may be provided in the following manner:
  - a. Reimbursement would only be available for severely handicapped (SH)students.
  - b. Funds from the reserve account may be requested to help offset costs for student placed outside the SELPA, such as billback, DIS services and transportation. (see Policy 114: MOU with Placer County SELPA).
4. In order to access dollars from the AB 602 Reserve Account, an LEA must be able to demonstrate that all alternative programs have been explored within the LEA and/or the SELPA..
5. Requests for financial assistance from the reserve account should be submitted as soon as a need is identified, and notification of request will be made to the Council of Superintendents. The Council of Superintendents will review requests by the June meeting.
6. If requests for funds exceed amount in reserve account, the Council of Superintendents may allocate carryover from other pools, or prorate according to Item B.3.
7. At the end of each fiscal year, the Council of Superintendents will make a determination as to how to expend or plan for dollars remaining in the reserve account. The alternatives may include, but are not limited to:
  - a. Carryover the reserve account into the next fiscal year.
  - b. Transfer all or a portion of reserve dollars into one of the funding pools(Extended Year Pool, Nonpublic School Pool, and Nonpublic Agency Pool); or
  - c. Refund all districts their reserve allocation;

## 104. Distribution of Special Education Funds

### A. Rationale

Both federal and state law requires assurances that all eligible pupils residing within a SELPA have equal access to special education programs and services regardless of their district of residence. To accomplish this goal, the Council of Superintendents is required to (1) have a process for allocating funds in accordance with laws and regulations; (2) develop an annual budget allocation plan; and (3) monitor the use of special education funds.

The Nevada County SELPA is composed of the sixteen local education agencies (LEAs) of Nevada County, including the ten school districts, five charters, and the office of the Nevada County Superintendent of Schools. For purposes of identifying funding, charters and/or charter groups shall be funded through their chartering or supporting LEA.

### B. Policy Statement

1. Each LEA within the SELPA is assured an equitable share of federal and state special education funds available to the SELPA to provide special education services to residents of the districts. Services may be provided through funds allocated to the district of residence, another school district, a county office, or another SELPA.
2. Funds available for distribution are understood to be those allocated to the SELPA on the Advance Certification from the State Department of Education less the funds required to serve residents of Licensed Children's Institutions (LCIs), Low Incidence equipment, Regionalized Services, specially designated pools (NPS, NPA, Extended school year, OT, VI/DHOH\* and small district reserve), infants, and special education grant funds allocated by the State Department of Education. Nevada County SELPA will follow the state apportionment cycle in the distribution of special education revenues.

\*When vision or deaf and hard of hearing services constitute the sole services, students will be counted as Nevada County Superintendent of Schools Special Education Services students. The funding allocation for these students will be added to the VI/DHOH pool on an annual basis. This will help provide additional funding into the pool to ensure against the possibility of high cost students depleting the pool. When LEAs provide services to students eligible as VI and/or DHOH, they will receive SELPA funding according to the appropriate level of service from the funding distribution model described below.

The visually impaired and deaf and hard of hearing programs will be responsible for providing all services directly relating to the disability such as interpreters, captionists, and braillists. The school district serving the student will be responsible for the other services indicated in the IEP.

3. Using the prior year April pupil count, excluding Infants, PPIIP, NPS, and LCI students, each LEA's caseload is converted into units of one of three types: level 1 (receiving special education from 0-10% of the school day), level 2 (receiving special education services from 11-100% of the school day, and level 3 (receiving special education services from 50-100% of the school day, and with a severe disability\*).

Using loading standards below, each district's special education pupil count is converted into a unit entitlement using caseloads as follows:

Level 1:	24 students	All LEAs
Level 2:	28 students	Direct Service Districts
Level 2:	30.3 students	NCOE In-County Charters
Level 2:	31 students	Grades 9-12
Level 2:	30 students	K-8 <sup>th</sup> grade
Level 3:	7 students	All LEAs

The applicable average unit rate is then applied to create a district's dollar entitlement as follows:

		Per Pupil
Level 3:	\$149,432	\$21,347
Level 2:	\$133,334	\$4,471
Level 1:	\$81,647	\$3,402

\*The definition of "severely disabled" is in Education Code §56030.5 and includes all but Specific Learning Disabled, Speech Language Impaired and Other Health Impaired.

4. Using the prior year April pupil count, the SELPA will calculate each LEA's current year allocation by multiplying their calculated units times the respective unit rate adjusted annually by bifurcated COLA (i.e. increased or decreased). Each LEA is allocated the dollars calculated based on their pupil count. For LEAs with CBEDS enrollment of 75 or fewer students, the minimum funding is the greater of the combined Level 1 and Level 2 funding, or 25% of \$103,930 + bifurcated COLA for the current year, adjusted in future years by increasing or decreasing COLA. For LEAs with 76-200 students, the minimum funding is the greater of the combined Level 1 and Level 2 funding, or 50% of \$103,930 + bifurcated COLA for the current year, adjusted in future years by increasing or decreasing COLA. Level 3 funding will be added to the minimum funding level. If there is a shortage of funds from the state to cover the allocation, each LEA will receive the same proportion of the total as their proportion of the allocation model. If the state's funding exceeds the allocation model, the excess amount will be used to equalize LEA funding and modify the unit rates for entitlement. This formula for distributing special education dollars is monitored and subject to approval by the Council of Superintendents.
5. After all appropriated funds have been distributed, a half percent of each LEA's allocation will be transferred to a reserve account. This reserve may be used to support small school districts, and/or any other unusual circumstances creating a significant



impact on the delivery of special education services. Any balance in this reserve account at the end of the fiscal year will be distributed in accordance with the direction of the Council of Superintendents.

6. Any school district with an enrollment under 500 that would receive a reduction of special education funding from prior year which would significantly impact the implementation of special education services may apply to the Council of Superintendents for special financial assistance for the current year.

C. Administrative Guidelines

1. Calculations for LEA entitlements will be based on the April pupil count of the previous school year.
2. The SELPA Director will be responsible for monitoring the April pupil count, as well as other pertinent state and SELPA reports, to review the appropriateness of the incidence of students with identified special needs in the local plan area. The number and percentage of students with qualifying special education disabilities will be reported annually by district to the Council of Superintendents. Significant discrepancies between the state wide average and local LEA and/or SELPA wide incidence of special education will be studied. If appropriate, recommendations for corrective actions will be made to the Council of Superintendents.
3. Revenue limit dollars generated by students in special day classes will be used as a funding source for special education programs in accordance with Education Codes §42238.9 and 42238.95. It is each LEA's responsibility to ensure and monitor revenue limit dollars generated from SDC pupils.
4. Each County Office of Education receives property taxes, a portion of which are earmarked for special education. These dollars are a funding source to the SELPA's AB602 apportionment. Therefore, each County Office will retain property tax dollars only up to the level of its program entitlement, as per the SELPA allocation policy.
5. Parent Participation Preschool Intervention Program (PPPIP) will not be included in the base nor in the 3 to 22 year calculation, but will be funded through state and federal grants.
6. Calculations used to determine the transfer of special education programs from county offices to districts shall include the following:
  - a. Programs transferred from the county office to a school district shall follow the process described in Education Code §§56207 and 56370. The school district will be funded in the year of service transfer for pupils identified in the prior year April pupil count by moving the numbers of students identified on the previous server's count to the receiving district's count.

- b. For funding purposes, program transfers will only apply to unduplicated pupil counts or the primary placement of students in the program to be transferred.
7. All participating LEAs and the county office of education will be responsible for maintaining local support to special education programs and will maintain a three percent (3%) contingency fund at the local level, that is equal to 3% of all special education expenditures budgeted in the fiscal year.
8. When IEP teams place special education students outside the Nevada County SELPA into a neighboring SELPA, funding will be provided in the following manner:
  - a. Reimbursement is only available for SH students who are residents within the geographical boundaries of the Nevada County SELPA.
  - b. A maximum of ten percent of one level 3 unit could be available by special request to the Council of Superintendents, using funds from the reserve account.
  - c. Any additional financial support necessary for this student becomes the responsibility of the district of residence.
  - d. Any related services necessary become the responsibility of the district of residence.
9. Each year the SELPA will receive the equivalent of 1997-98 base funding, as defined by the California Department of Education, Finance Division, plus two sources of new funding: COLA and Growth. These funding sources will be pooled and distributed in accordance with the funding model.
10. Bifurcated COLA will be applied annually to four pools: NPS, NPA, OT, and Extended Year. Any remaining COLA dollars are added to any new monies that are distributed in accordance with the funding model.
11. Growing LEAs will be compensated by the nature of the SELPA funding model. For example, as a district's or county office's special education population increases, so will their entitlement. As their entitlement (i.e. their April 1<sup>st</sup> special education pupil count) increases, so will their percentage of any new monies. Therefore, a growing LEA would be allocated a higher percentage of any new monies received by the SELPA.
12. A school district and/or county office may provide special education services in accordance with Education Code 56195.3 to students who reside outside the Nevada County SELPA. A written agreement between the two agencies shall stipulate the terms and conditions including transportation, related services, duration of service and the estimated financial payment the district of residence shall anticipate. The financial payment will be calculated based on all costs required to educate that child, minus revenue limit. Any costs incurred for related services and other associated costs will be included. Students residing outside the Nevada County SELPA and funded through a

written agreement between the two agencies, shall not be included in the April 1<sup>st</sup> pupil count for local funding purposes.

**105. Cut-Off Dates to identify appropriate district of residence status for student enrolled in special education programs throughout the Nevada County SELPA.**

A. Rationale

A number of students are enrolled in programs that do not conform to the traditional grade level concept of the public schools. Consequently, these students will not “graduate” from eighth grade, which would provide a clear point of demarcation to change the district of residence from elementary to secondary. In order to correctly identify each child’s district of residence for accounting purposes, it is necessary to establish an alternative to graduation.

State law provides that to be admitted to kindergarten during the first month of a school year, a child must have a fifth birthday on or before December 2 of that school year. As a result, children entering kindergarten in September of any given year will range in age from four years nine months to five years nine months. Under normal circumstances, after a year of kindergarten and/or eight years of elementary schooling, the student will have been promoted from eighth grade and/or reached an age of between thirteen years nine months and fourteen years nine months, as of September 2 of the next school year.

B. Policy Statement

1. It is the responsibility of each elementary school district and the high school district to ensure that all residents of the district receive special education services as specified in the IEP of each student enrolled in grades kindergarten through completion of grade eight, or age four years nine months, as of September 2 of the school year when first eligible for admission to kindergarten, through the age of fourteen years nine months, as of September 2 of the school year in which a student would normally be eligible to enroll in a secondary school program.

If a student is enrolled in a program for elementary age students, and the district of residence is listed as an elementary district, and the student turns 14-9 years of age during the school year, the student would continue to be counted as a resident of the elementary district.

For students enrolled in an ungraded County operated program, the district of residence shall be determined to transition from elementary district to the high school district upon completion of grade 8, but not later than the year immediately following the child’s age of 14-9 after September 2 of that school year.

2. The high school district has the responsibility to ensure that all residents of the district who have completed the eighth grade, or will have reached the age of fourteen years nine months by September 2 of a new school year are provided special education services as specified in the Individual Education Program (IEP) of each student, regardless of school or program of attendance.

3. In accordance with provisions of the Nevada County Local Plan for Special Education, the school districts and county offices which comprise the Nevada County SELPA have the responsibility to assist each other to provide special education services for students whose needs cannot be met by the district of residence.
4. Nothing in this policy excuses any district or county office from continuing to provide special education services for students younger than four years nine months who have been identified as requiring intensive services through the IEP process. Nor does it exclude any school district or county office from continuing to provide special education services beyond the age of eighteen years nine months, for students who have not earned a diploma from a secondary program, completed a special education program, or reached the age of twenty-two. Nor does it relieve the school district of residence of the ultimate responsibility for the student to otherwise contract and pay for services that cannot be provided within the SELPA, or by another public school agency.

C. Administrative Guidelines

1. It is the responsibility of every school district and county office of education providing special education programs and services for students who are residents of the SELPA, to correctly determine the birth date and school district of residence for each student receiving special education provided by the school district or county office. This information is to be reported to the SELPA office on the MIS for each student.
2. During each school year, every school district and county office shall identify all special education students who will complete the eighth grade at the close of the current school year, and/or who will reach the age of fourteen years nine months on or before September 2 of the next school year. The County Office of Education and districts who serve severely disabled students, will notify the high school district when a student they serve, either completes the eighth grade and/or reaches the age of 14.9 on or before September 2 of the next school year.
3. When students are identified to transfer from a special education program operated by a school district or county office for children of elementary age, to a program maintained by a school district or county office for students of the secondary age level, the school district or county office providing the elementary special education program shall invite the appropriate representative of the school district responsible for the secondary special education program to the individual education program (IEP) meeting of each student.

If authorized high school personnel participate in the IEP meeting, the Individualized Education Program shall recommend the appropriate secondary school special education services for the student.

If authorized personnel of the high school districts have not participated in the development of the IEP for students prior to the transfer from the elementary program,

the school district or county office shall provide the high school with a list of students with disabilities who require special education services. For each pupil listed who enrolls in the high school, the school administrator shall make an interim placement in accordance with Education Code §56325 or shall immediately convene an IEP team meeting.

4. The change in status of a pupil can only be made at the beginning of a new school year, in September.

### Age/Grade Chart Reference

Child will turn by September 1	Child started late or was retained
Pre- 3.0 – 4.8*	3.0 – 5.8*
K 4.9 – 5.8	5.9 – 6.8
1 5.9 – 6.8	6.9 – 7.8
2 6.9 – 7.8	7.9 – 8.8
3 7.9 – 8.8	8.9 – 9.8
4 8.9 – 9.8	9.9 – 10.8
5 9.9 – 10.8	10.9 – 11.8
6 10.9 – 11.8	11.9 – 12.8
7 11.9 – 12.8	12.9 – 13.8
8 12.9 – 13.8	13.9 – 14.8
9 13.9 – 14.8	14.9 – 15.8
10 14.9 – 15.8	15.9 – 16.8
11 15.9 – 16.8	16.9 – 17.8
12 16.9 – 17.8	17.9 – 18.8
Post 17.9 – 22**	18.9 – 22**

\* Child is eligible to enroll at 3 years.

\*\* A student turning 22 from January to June, may continue through the remainder of the school year including ESY. A student turning 22 in July, August, or September of the school year will not begin the new school year. A student who becomes 22 during the months of October, November or December will be dismissed from eligibility for special education services on December 31. E. C. Section 56026 (a) (4) (A-C)

## 106. Assistive Technology and Low Incidence

### A. Rationale

Education Code §56836.22 provides supplemental funding for the purchase of specialized equipment, materials and books for pupils identified as having "Low Incidence" disabling conditions.

### B. Policy Statements

1. Low Incidence disabling conditions include Deaf/Hard of Hearing, Visually Impaired, Severely Orthopedically Impaired and Deaf/Blind, *and any combination thereof*.
2. Each LEA within the SELPA is eligible to share in the Low Incidence funding.

### C. Administrative Guidelines – See Nevada County SELPA Assistive Technology and Low Incidence Handbook

1. The Assistive Technology and Low Incidence Handbook will be reviewed annually by the Low Incidence Advisory Committee. Any recommended revisions will be reviewed and approved by the Special Education Administrators Committee (SEAC).

**107. Budget Items (CRF 300.229, 300.330., E.C. 56205(b))**

- A. The Council of Superintendents has the responsibility to monitor the use of fund within the SELPA and develop a process for the reallocation of funds necessitated by changes in law or as a result of changing needs within the Special Education Local Plan Area.
  - 1. The procedure for allocating funds within the SELPA is governed by the approved policy of the SELPA. [Reference -Policy #1]
  - 2. Recommendations for fund allocations/distribution, when approved by the Council of Superintendents, become part of the Annual Budget Plan for the SELPA.
  - 3. A public hearing on the Annual Budget Plan, in compliance with E.C. Section 56205 (b), is to be conducted annually by the SELPA.
  - 4. Nothing contained in the policy and procedures of the SELPA prohibits an LEA from utilizing local funds to provide special education programs and services beyond the level of funding provided through SELPA allocations.
  
- B. Each Local Education Agency shall adopt an annual budget plan meeting all requirements in Education Code 56205(b). Each Local Education Agency has the responsibility to establish accounting practices which clearly identify the purpose for which federal funds were expended in support of special education programs.
  - 1. The annual budget plan shall identify expected expenditures for all items required to implement the delivery of special education services and shall include:
    - a. funds received in accordance with Chapter 7.2 of Education Code 56836 et seq.
    - b. administrative costs of the plan
    - c. special education services to pupils with severe disabilities and low incidence disabilities
    - d. special education services to pupils with nonsevere disabilities
    - e. supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments
  - 2. The adopted LEA annual budget plan shall be submitted to the SELPA for the annual public hearing on the SELPA-wide annual budget plan.
  
- C. Regionalized Service Funds, including funds to support the activities of program specialists are allocated directly to the Administrative Unit, to be utilized and dispersed in accordance with EC 56836.02(b) and the Local Plan.
  - 1. The Superintendent of the Administrative Unit may allocate Regionalized Service pay the costs of a Regionalized Service provided by the LEA when the Administrative Unit cannot provide the service.



2. The Special Education Local Plan Area Administrator has the responsibility to develop and administer the Regionalized Services budget. The Regionalized Services budget is subject to approval by the Council of Superintendents.
  3. The annual budget plan for the SELPA shall include the expenditures for regionalized operations and services, including services of program specialists.
- D. The annual budget plan for the SELPA shall be adopted at a public hearing held by the SELPA, and shall include each LEA's adopted annual budget plan, the regionalized services budget, and the use of property taxes allocated to the County for special education
- E. An audit trail of the expenditures should clearly indicate a relationship between budget allocations and expenditures. When such funds have been used in the support of personnel development activities for conferences, workshops, etc., or for the purchase of materials, supplies and equipment, appropriate purchase orders, bills, and receipts should be available to substantiate the expenditure.

As a condition of receiving the federal funds, the Administrative Unit will provide each LEA an appropriate form to certify:

- a. Federal funds were expended for the purpose intended.
  - b. Federal funds were not used to supplant local or state funds.
  - c. The amount of federal funds expended and the balance on hand, if any.
- F. An annual service plan shall also be adopted at a public hearing held by the SELPA, and shall include:
1. A description of services to be provided by each district and county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools, community schools, and juvenile court schools.
  2. The adopted annual service plan shall be submitted to the SELPA for the annual public hearing on the SELPA-wide annual service plans.
- G. The use of funds in support of children identified as "low incidence" is governed by the approved policy of the SELPA Local Plan, Policy #105. The process to utilize low incidence funds includes the following procedures:
1. Funds allocated to the Administrative Unit from the State are deposited in a separate budgeting account established for that purpose.
  2. The SELPA Administrator has the responsibility to manage the disbursement of funds in accordance with SELPA policy.

3. The "Low Incidence" sub committee, made up of SEAC representatives from LEAs providing services to low incidence students, has the responsibility to:
  - a. Develop an application process and appropriate forms to be used by each or low incidence funding.
  - b. Review all requests for low incidence funding submitted by LEAs and notify each LEA of the level of funds approved for expenditure.
4. All purchases of low incidence specialized books, materials and equipment are to be made by the LEA approved to purchase the item(s) in accordance with purchasing practices of the agency.
5. LEAs must submit copies of purchase orders, billings and verification of payment to the Administrative Unit in order to receive reimbursement for items purchased with low incidence funds.
6. The Administrative Unit shall maintain a record of the cost and location of all items purchased with low incidence dollars for specialized books, materials, and equipment.

#### H. Transportation Services

If transportation services are to be provided for students receiving special education programs or services, the IEP of the student must include a statement to that effect. Transportation services for special education students may be provided by the regular transportation system of an LEA, specially designed vehicles operated by an LEA contracts with other public or private agencies or by payment in lieu of transportation to parents or other qualified individuals. The responsibility for providing and paying for transportation services may vary according to the circumstances related to individual placements of students. The following listing, which is not all inclusive, identifies the most common situations which may require that transportation be provided and identifies the LEA/s responsible for providing and paying the costs of the service.

For students who reside in school districts within the Local Plan Area, but are assigned through the IEP process to programs for which the county office is given responsibility within the Local Plan, the county office has the responsibility to provide the transportation service to the extent that the county office receives state reimbursement for its transportation program. The school districts in the county are responsible for the excess costs of transportation services provided by the county office in accordance with "Bill Back" agreements between the county office and school districts under provisions of the Local Plan. (Ref. - Policy #107.)

1. For students who are residents of the school district which operates the special education program in which the student has been placed, the district of residence must provide and pay for the transportation.

2. For students who are residents of one school district, but have been placed through the IEP process to receive service in another district or SELPA, the district of residence is responsible to provide and pay the transportation costs.
3. For students who are residents of a school district or reside in an LCI or FFH/A within a school district, and are placed through an IEP in a Non-Public, Non-Sectarian School or Agency, the district making the placement is responsible to provide and pay the costs for the transportation. These costs may be claimed for partial reimbursement from the SELPA NPS/A pool if the contract with a certified Non-public School or Agency stipulates the Non-public School or Agency is responsible for providing the transportation. Such costs must be reported on the TRAN Form if the district is responsible for providing the transportation.

**108. Procedures for Billing School Districts for Excess Costs of Special Education Programs Operated by County Offices of Education Within the Nevada County SELPA**

A. Rationale

The Nevada County Office of Education has been assigned responsibility to provide specified special education programs for school districts in the county. The Nevada County offices has experienced fiscal difficulties in the operation of these programs and has requested a SELPA policy to allow county offices to bill school districts for the excess costs of county operated programs.

Education Code §§56140 (d) and 56170 (e) permit school districts and county offices to enter into contractual agreements for provision of services to children with disabilities.

B. Policy Statement

The county office shall notify the Council of Superintendents informed when they are in the process of negotiating an agreement with the school districts of the county which would permit the county office to charge school districts excess costs attributed to the operation of special education programs operated by the county office for benefit of the school districts.

Such negotiations are to be completed by June 30 prior to the fiscal year in which the bill back charge will be levied and at the earliest date when the county office can determine that projected expenditures for the year in question will exceed the anticipated revenue. Any disagreements are subject to the provision in the Dispute Resolution Policy. Such decisions shall be rendered within ten working days by the RLA Superintendent.

All such agreements between districts and county offices are subject to review and approval of Superintendents, in accordance with provisions of the Special Education Local Plan, prior to being implemented.

C. Administrative Guidelines

1. Excess costs are defined as the deficit in funding between anticipated special education revenue and projected special education expenditures. The county office has the responsibility to provide appropriate data to substantiate the need for the bill back request.
2. Special education revenue includes all funds received through the apportionment process for the regular year, extended year, and lottery funds.
3. All agreements must include the formula to be used to compute bill back charges, the time frame for payment of charges and provisions for adjusting charges based upon final expenditure reports of the county office.

**109. Procedures for Billing School Districts for the Excess Costs of Transportation Services Provided District Residents Enrolled in Special Day Class Programs Operated by the Nevada County Office of Education**

A. Rationale

In addition to operating special education programs for school districts, the county office serves school districts by providing transportation services for students enrolled in those programs. Because funding for transportation is a reimbursement based upon prior year allowable costs and because of deficits in apportionments, the county office has been unable to keep pace with the increasing costs of transportation. As permitted by Education Code §§56140 (d) and 56170 (e), the county office has requested a policy to allow contractual agreements between the county office and districts to cover the excess costs of providing transportation services.

B. Policy Statement

The county office shall notify and keep the Council of Superintendents informed when they are in the process of negotiating an agreement with school districts which would permit the county office to charge school districts the excess costs of related special education transportation services.

Such negotiations are to be completed by February 1 in the year prior to the fiscal year in which the bill back charge will be levied and at the earliest date when the county office can determine that projected transportation expenditures for the year in question will exceed the anticipated revenue.

Any disagreements are subject to the provisions in the Dispute Resolution Policy.

All such agreements between districts and the county office are subject to review and approval by the Council of Superintendents, in accordance with provisions of the Special Education Local Plan, prior to being implemented.

C. Administrative Guidelines

1. Excess costs of transportation are defined as those costs which represent the difference between the transportation received and the actual cost of services provided by the transportation contractor. Excess costs may include administrative or indirect costs. The county office has the responsibility to provide appropriate data to substantiate the need for the bill back request.
2. The agreement for billing back excess costs of transportation shall include, but not be limited to the following considerations as a basis for the "bill back" charges.
  - a. number of students transported
  - b. total number of miles students are transported
  - c. costs per mile or costs per hour
  - d. district enrollment or ADA

e. any combination of the above or added factors agreed to by the Council of Superintendents.

The exact formula to be used to compute the transportation charges shall be that upon which the county office and districts have agreed through the Council of Superintendents and should use any combination of the above factors.

3. All agreements should also include the time frame within which charges are to be billed and paid, and provisions for adjusting charges based upon final expenditure reports of the county office.

**110. Procedures for Billing School Districts for Excess Costs of Special Education Students Attending Other School District Programs Within the Nevada County SELPA**

A. Rationale

School Districts and the County Office within the Nevada County Special Education Local Plan Area (SELPA) have been assigned the responsibility of providing special education programs and services to all eligible students. In accordance with the Local Plan, special education students are assured equal access to special education services, as determined by each Individualized Education Program (IEP). Students may be considered for special education programs and services administered by another school district within the Nevada County SELPA; however, the receiving district could experience additional costs to provide the program. This SELPA policy allows school districts to bill other school districts within the SELPA for the excess costs of programs for students who have a low incidence disability and/or who meet the definition of severely handicapped, in accordance with Education Code §§56026.5 and 56030.5.

B. Policy Statement

School districts may enter into a Letter of Agreement with another school district within the SELPA to permit one school district to charge another school district the excess cost attributed to the operation of a special education program for child with a disability. This placement situation would require both districts to follow the process outlined in the Special Education Handbook, Student Transfer Section and all other procedures outlined in the Local Plan.

C. Administrative Guidelines

1. The sending LEA is the LEA wherein the child with a disability resides. The receiving LEA at agrees to provide the special education and related services to the child with a disability. A contact person needs to be identified from both agencies to work on these placements.
2. The sending LEA will be responsible for all initial and three-year assessments, including assessment plans, parent notifications, and will conduct all necessary assessments in accordance with the California Education Code and the California Administrative Code, Title V.
3. The sending LEA will be responsible for conducting ALL IEP meetings and notifying the parents and other appropriate personnel to attend the meeting. The receiving district will send appropriate representatives to the meeting in order to facilitate the placement.
4. The receiving LEA will determine whether it can accept the student and provide all services specified in the student's IEP. If the receiving LEA agrees to accept the student, it will assume responsibility for providing all components as specified in the IEP.
5. The parties agree to consider access to all programs and services depending on the needs of the student and the availability of space in both the general and special education programs. If it is

anticipated that space will no longer be available for the beginning of the next school year, the receiving LEA will notify the sending LEA before February 1. The student may continue in the current placement until an appropriate educational placement is available or until the end of the school year, including Extended Year, if indicated on the IEP.

6. The receiving LEA shall notify the sending LEA if the student is absent for a total of ten days during a three-month period of time.
7. In accordance with the Local Plan, the sending district will be responsible for and will arrange any specialized transportation under this agreement.
8. If a parent moves from one LEA to another within the Nevada County SELPA, the current sending district shall notify the receiving district and the new district of residence within five days of the residence change. The student may continue in the current placement and an Interim IEP meeting shall be held by the new district of residence IEP team within 30 days. The new district of residence shall be responsible for transportation during the interim placement.
9. Excess cost is defined as the extraordinary costs of related/supplemental service(s) per student over and beyond the receiving district's entitlement of special education funding i.e., SDC, RSP, and DIS services.
10. There will be no exchange of revenue for IEP placements for other than severely handicapped and/or low incidence students.
11. The receiving district shall calculate special education revenues, including funds received through the special education apportionment including federal and state funds, extended year, and lottery funds for a particular class/program and ADA. It does not include discretionary grant funds.
12. The rate of exchange shall only be the amount of extra costs beyond the base program amount to provide the necessary services in accordance with the student's IEP.
13. The sending district is responsible for all due process hearings and complaints. The receiving district shall also notify the sending district when a student has accumulated five days of suspension.
14. This agreement may be terminated at any time by provision of written notification 30 days prior to the date of termination and completion of commitments for the current school year.
15. The Nevada County SELPA will transfer special education funds to the receiving district in accordance with a current signed Letter of Agreement.
16. All Letters of Agreement must be updated annually to reflect the need for services and any increased costs of providing the services.



**NEVADA COUNTY SELPA  
LETTER OF AGREEMENT  
FOR EXCESS COSTS OF SPECIAL EDUCATION PLACEMENT**

Agreement Date: \_\_\_\_\_

Service Dates: \_\_\_\_\_

Sending LEA: \_\_\_\_\_

Receiving LEA: \_\_\_\_\_

Pupil: \_\_\_\_\_ Age: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Pupil's Address: \_\_\_\_\_

Disability Placement: \_\_\_\_\_

---

Rationale for Placement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated Cost: \$ \_\_\_\_\_

The sending LEA and the receiving LEA hereby agree to the placement of the student listed above in special education programs and services. The receiving district will invoice the sending district at P-1, P-2, and Annual unless otherwise agreed upon in this Letter of Agreement. A copy of the invoice will be forwarded to the SELPA office in order to make the financial transfer.

Sending LEA Authorization: \_\_\_\_\_ Date: \_\_\_\_\_

Receiving LEA Authorization: \_\_\_\_\_ Date: \_\_\_\_\_

SELPA Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

cc: Nevada County SELPA Administrator, 112 Nevada City Hwy., Nevada City, CA 95959

## **111. Procedures for School Districts Billing School Districts for Excess Costs of Serving Non-Severe Special Education Students**

### **A. Rationale**

The function of the Special Education Local Plan Area (SELPA) and the participating agencies is to provide quality educational programs appropriate to the needs of each eligible student. All such programs are to be operated in a cost effective manner consistent with applicable laws and policies, and rules and regulations of the Special Education Local Plan Area. A district may have a student who needs to be served in another school district within the SELPA, and currently IEP teams are making these recommendations; however, the district agreeing to serve the child may incur costs in agreeing to this process. SELPA Policy #109 currently allows school districts to only bill other school districts within the SELPA for the excess costs of programs for students who have a low incidence disability or who meet the definition of “severely handicapped”.

### **B. Policy Statement:**

School districts/ Local Education Agencies (LEAs) may enter into an agreement with another school district/ LEA within Nevada County SELPA to permit a school district to bill another school district/LEA the excess cost attributed to the operation of a special education program for a child with a disability. This placement situation would require the procedure outlined in the Local Plan.

### **C. Administrative Guidelines:**

1. The sending Local Educational Agency (LEA) is the LEA wherein the child with a disability resides. Charter Schools as LEAs within the Nevada County SELPA for this purpose would be the sending LEA. The receiving LEA is the agency that agrees to provide the special education and related services to the child with a disability. Both LEAs need to identify a contact person to work on such placements.
2. The sending LEA will be responsible for all initial and three year assessments, including assessment plans and parent notification, and will conduct all necessary assessments in accordance with the California Education Code and the California Administrative Code, Title V.
3. The sending LEA will be responsible for conducting all IEP meetings and notifying the parents and other appropriate personnel to attend the meeting. The receiving district will send appropriate representatives to the meeting in order to provide assistance to the IEP team.
4. The receiving LEA will determine whether it can accept the student and provide all services specified in the student’s IEP. If the receiving LEA agrees to accept the student, it will assume educational responsibility for providing all components as specified in the IEP.

5. In accordance with the Local Plan, the sending district will be responsible for and will arrange any specialized transportation under this agreement.
6. The parties agree to consider access to all programs and services depending on the needs of the student and the availability of space in both the regular and special education programs. If it is anticipated that space will no longer be available for the beginning of the next school year, the receiving LEA shall notify the sending LEA in writing before February 1. The student may continue in the current placement until an appropriate educational placement is available or until the end of the school year, including Extended Year, if indicated on the IEP.
7. If a parent moves from one LEA to another within the Nevada County SELPA, the current sending district shall notify the receiving district and the new district of residence within five days of the residence change. The student may continue in the current placement and the new district of residence IEP team shall complete appropriate transfer and CASEMIS paperwork or hold a new IEP/review meeting within 30 days. The new district of residence shall be responsible for transportation during the interim placement. The bill for excess costs will apply to a sending district only for days when the child is a resident of the district.
8. Excess cost is defined as the extraordinary costs of related/supplemental service(s) per student over and beyond the receiving district's appropriation of special education funding, i.e. SDC, RSP, DIS services, including one-on-one aides.
9. The receiving district shall calculate all special education revenues, including funds received through the special education apportionment including federal and state funds, extended year, and lottery funds for a particular class/program, and ADA. It does not include discretionary grant funds.
10. The rate of exchange shall only be the amount of extra costs beyond the base program amount to provide the necessary services in accordance with the student's IEP. An agreement shall be developed to include the following components:
  - a. identify the service
  - b. identify the anticipated cost to the sending district
  - c. date and length of service
  - d. billing procedure
  - e. attendance log
11. Any additional personnel involved specifically for this student would be the responsibility of the sending LEA.
12. This agreement may be terminated at any time by provision of written notification 30 days prior to the date of termination and completion of commitments for the current school year, and with an IEP meeting for planning and transition purposes.

13. All agreements must be updated annually in writing to reflect the need for services and any increased costs of providing the special education services.
14. This agreement includes all special education programs operated by an LEA including the Parent Participation Preschool Intervention Program, (PPPIP).
15. The receiving LEA shall notify the sending LEA if the student is absent for a total of ten days during a three-month period of time.

## 112. Distribution of PPPIP Units

### A. Rationale

The Nevada County Special Education Local Plan Area receives federal and state dollars to provide special education services to children between the ages of 3 and 5 years. These programs are currently referred to as Parent Participation Preschool Intervention Programs (PPPIP). Both federal and state law require assurances that all eligible 3 and 4 year olds have equal access to special education programs and services regardless of district of residence. The Council of Superintendents is required to monitor the use of federal and state preschool dollars, and develop program standards and a process for re-allocating PPPIP dollars as directed by changes in law and/or needs within the SELPA.

### B. Policy Statement

- 1) Federal dollars are allocated to the SELPA for services to preschoolers, based on the December Pupil count of the previous year.
- 2) Federal dollars are also allocated to the SELPA for Regionalized Services and Program Specialists, and shall be allocated to the SELPA for regional operations on an annual basis.
- 3) The Nevada County SELPA has designated regions to assure PPPIP services to 3 and 4 year olds. Depending upon the region, one or more districts can have the responsibility for providing PPPIP services within that region.
- 4) Unit entitlement is calculated by estimating the 3 and 4 year old count for each LEA. This is done by doubling the previous year's kindergarten CBEDS count. The total entitlement of federal and state dollars is then converted to units, and based on each LEA's average growth and on a comparison of prior year 3 and 4 year old counts to the year before, the unit entitlement for each area is calculated. Due to the timeline restrictions, counts from past years are used.
- 5) Due to the nature of the funding model, any decline in numbers will affect funding for the next school year, e.g., 2002-03 numbers determine 2003-04 allocations.
- 6) Prior to initiating a new PPPI Program, the LEA must be eligible for, and allocated, at least a minimum of .5 units. Program initiation is subject to approval of the Council of Superintendents.

## 113. Program Transfers

### A. Rationale

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

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

### B. Policy Statement

There are several issues that need to be addressed while considering a program transfer from another school district or a county office of education or from a county office of education to a school district. Issues that need to be discussed include Education Code §56207 and other areas such as personnel, budget planning, transportation, extended year, equipment, materials, and the impact the transfer may have on other educational agencies throughout the Nevada County SELPA.

Any LEA considering a program transfer shall notify the SELPA office of the agency’s intent and the Council of Superintendents will determine if the request constitutes a program transfer in accordance with the SELPA Distribution of Special Education Funds Policy #106. The transfer will take effect in accordance with Education Code §56207(b).

If either the sending or receiving agency disagrees with the proposed transfer, the matter shall be resolved by the alternative dispute resolution process established in accordance with Education Code §56205 (b) (5) and the Nevada County Special Education Local Plan.

### C. Administrative Guidelines

1. Any LEA considering a program transfer shall meet in a timely manner with the SELPA Administrator and the appropriate LEA(s) to discuss issues and concerns.
2. Any LEA requesting a program transfer shall complete the program transfer packet in accordance with local policies, the Local Plan, and Education Code, in a timely manner.

3. Personnel procedures will be governed by Education Code §44903.7.
4. Funding for a specific program is generated by the April pupil count of the prior year. For program transfer purposes, funding will be allocated in the same manner and will not be based on the number of students enrolled in the program at the time of the program request. Students enrolled in the sending agency will be identified, and for funding purposes, put into the calculations of the receiving district. At the time the program transfer would take effect, if the sending agency's pupil count decreases by half from the numbers of the Class Size Standards as specified in the Local Plan, the sending agency has the option to not operate the program the year the program transfer would take effect. The sending agency must make it known that the program would not be operated.
5. Disposition of equipment, materials, and supplies, including assessment kits, shall be discussed and agreed upon in writing prior to the transfer request. The receiving agency is responsible for providing all the appropriate equipment, materials, and supplies to ensure that there is no disruption in the educational program of the students.

**114. Referral to Outside SELPA: Placer and Nevada SELPAs**

**Parties to the Agreement:**

The districts of Placer and Nevada Counties.

**Program/Services:**

This agreement will apply to the services provided in any regionally-operated program or classroom for the severely handicapped.

**Referral Process:**

Districts in both Placer and Nevada Counties, when there is a potential referral to the other SELPA for services, will adhere to the referral process in that county. It is acknowledged that students will be referred to the other SELPA only after all in-county services have been exhausted, but prior to a referral for placement in a non-public school. Either SELPA can decline to accept a student referred who is not appropriate for the program, or when the program is impacted.

**Program Excess Costs:**

The district of residence of the student agrees to pay the excess cost of the program, based on the annual county billback for that program. (See attached billback models for both counties.) In addition, the SELPA will pay one-ninth of the SDC-SH rate for the program. The one-ninth charge could be modified or waived, with the consent of both SELPAs, based on the specific circumstances of an individual child.

**Related Services:**

Costs for any related (DIS) services will be based on the annual billback rate times the number of services provided. For example, if the annual DIS bill back rate is \$500/service, and the student received speech and occupational therapy as DIS services, the charge will be \$1,000.) All costs of individualized services (e.g. one-to-one aide, interpreter) specific to that child, will also be paid by the district of resident.

**Transportation:**

The district of resident is responsible for transportation.

**Facilities:**

There will be no facilities costs for such placements.

**Terms of Agreement:**

This agreement will be in effect for the 2004-2005 school year, and will be reviewed annually thereafter.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Superintendent, Nevada County Superintendent of Schools

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Superintendent, Placer County Superintendent of Schools



## 115. Maintenance of Effort Policy

### A. Rationale

On June 2, 2004, CDE notified school districts and SELPA's that as the grantor of federal funds, it is CDE's responsibility to determine the eligibility of a SELPA to receive those funds. Similarly, as the distributor of federal funds to LEAs of a SELPA, it is the SELPA's responsibility to determine the eligibility of an LEA. Once the SELPA has been found to be eligible to receive federal funds, it must determine those LEAs who have passed the budget to actuals test. The federal maintenance of effort (MOE) regulations allow a reduction in expenditures for special education from state and federal funds for the following circumstances:

1. The departure of staff, either voluntarily or for just cause who are replaced by qualified lower paid staff
2. A decrease in enrollment of children with disabilities
3. The termination of obligation of the educational agency to provide a program of special education to a particular child with a disability that is an exceptionally costly program, because the child has moved out of the district, is no longer age-eligible or no longer needs the program of special education
4. The termination of costly expenditures for long-term purchases
5. To the extent of 20% of the increase in federal funds over the prior year

If all participating LEAs have passed the budget to actuals test, they are all eligible to receive federal special education funds. However, those participating LEAs which do not pass the budget to actuals test will not be eligible to receive the sub-grants and the distribution of remaining IDEA Part B funds will occur in accordance with the policies and procedures established in the local plan.

### B. Procedure

First Comparison: Budget year expenditures compared to prior year actual expenditures (budget to actual).

LEA will submit to the SELPA the required MOE documentation by September 15<sup>th</sup> each year. The budgeted special education expenditures must equal or exceed prior year expenditures for each LEA. Compliance with this requirement must be met before the allocation of federal funding are made to LEAs by the SELPA.

If the SELPA, as a whole fails the first comparison, it will be ineligible to receive Part B funding.

If the SELPA, as a whole, passes the budget to actual test, but one or more LEAs fail the test, they shall have until P-1 certification occurs to comply with the MOE requirements. If an LEA has not rectified the problem by the date that the P-1 certification is made, its proportionate share of the federal funds shall be re-distributed as determined by the Council of Superintendents.

Second Comparison: Unaudited actual expenditures must equal or exceed the prior year expenditures. This test is made when unaudited actuals are submitted by the LEA to the County Superintendent of Schools Office for submission to CDE.

If the SELPA does not meet the MOE requirement, it will be billed by CDE for the repayment of federal funds equal to the amount by which state and local spending was reduced. If the SELPA, as a whole, passes the actual to actual test, but one or more individual LEAs fails, the SELPA will bill the LEA for the amount that the LEA failed to spend from state and local funds to maintain their level of effort. The amount billed will be distributed to the LEAs which did pass the test in a manner that will not create a failure to maintain effort.

## **II. Programs**

## **201. Intervention Process Prior to Referrals for Special Education**

It shall be the policy of the Nevada County SELPA that all member LEAs implement all of California Education Code relative to the delivery of special education services.

Specifically relative to EC 56303, this SELPA ensures that children “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”.

This policy shall be ensured through the implementation of effective monitoring and assessment practices at school sites, so that the outcomes for student achievement will be continuously positive. Where appropriate growth is not occurring, the students’ achievement will be discussed with site level staff to proactively plan for necessary modifications to the instruction. If there is inadequate progress in the general curriculum, for an individual student, staff and parents will have the opportunity to ask for a range of potential intervention opportunities, which may include, but not be limited to, observations in class, team teaching, peer coaching/ modeling of instructional practices, classroom/environmental modifications and/or accommodations, and referral to site level “Student Success Teams” (by whatever name the site intervention team may be called) for additional supports and services for the student.

It shall be the responsibility of the school site to ensure that resources of the regular education program are utilized where needed. Specifically when a student is being considered for a referral for special education and services, the teacher and/or team of interested professionals, including the parent(s), will have the opportunity to discuss what new or additional supports, services, modifications, accommodations, etc., are appropriate for the student. Thus, when the IEP team meets following an assessment, the requirement that the child “needs’ special education and services can be adequately addressed by the team with written documentation that locally-provided supports and services have not been adequately successful. For learning disabilities, in particular, an assessed “severe discrepancy” must not be the result of environmental, cultural, or economic disadvantages and cannot be corrected through other regular or categorical services offered within the regular instructional program.

In all cases, site practices will comply with requirements in state and federal law, including changes which may occur from new Acts, e.g., No Child Left Behind Act, reauthorization of IDEA, etc.

**202. Local Plan for Early Intervention Services (E.C. Section 56429 and Government Code Sections 95000-95303)**

A. The Nevada County Special Education Local Plan Area (SELPA) will provide early intervention services for infants and toddlers identified as eligible for special education services from birth to 36 months of age. The Nevada County Infant Program provides services for infants in accordance with the provisions and guidelines of California's Early Start Program. The providers of these services will be the Nevada County Office of Education.

B. A collaborative effort will continue with all agencies in Nevada County to ensure services to infants and their families. The following public agencies within Nevada County have and will continue to provide services:

Alta California Regional Center	Early Head Start
Nevada County Childrens System of Care	California Children's Services

Agency involvement is a major component of the Infant Programs. Ongoing agency participation and involvement is essential to the Infant Programs and participating families.

C. The major goals and objectives of the Nevada County Infant Program are:

1. To inform parents, agencies and the communities that special education services are available for identified and eligible infants from birth to 36 months.
2. To coordinate the referral and assessment components with the appropriate agencies.
3. To provide a educational program for infants and their families to best meet their individual and family needs, based on the family's concerns, priorities and resources and assessment information. The delivery of services will be provided whenever possible in the "natural environment" which may include a combination of home, community settings, day care, preschools, and community center based programs.
4. To incorporate parent and family education and involvement as an integral part of the total comprehensive program.
5. To ensure that procedures for identification, assessment, instruction, planning, implementation, and review will be followed in accordance with the Memorandum of Understanding between Alta California Regional Center, Early HeadStart, and the Nevada County Special Education Local Plan Area.

D. Infant Programs in Nevada County shall be staffed using a transdisciplinary team approach. Membership on the teams shall consist of an Early Childhood Special Educator, speech and language therapist, nurse, psychologists and others when appropriate. The team will be used in assessment, program planning, the Individual Family Service Plan (IFSP) Process, and IFSP implementation and review.

Transdisciplinary teams shall involve the crossing of disciplinary boundaries and the sharing of expertise and knowledge.

- E. Special agency teams have been established and utilized in Nevada County to assist families and agencies in exploring alternative services, coordination of services and program options.

The benefits of a multi agency team are:

1. A team approach saves time and energy and provides families with information and support.
2. Parents are able to meet with all agency representatives who may be involved with the infant.
3. Provides an opportunity to explore all resources and options with the family and all team members.
4. Agencies are more effective when working with all participants and encourages creative problem solving techniques.
5. The team is able to decide the nature and the level of involvement.
6. Services available will focus on the infant as an individual within the family.

- F. An Interagency Agreement with Alta California Regional Center for Part C of IDEA has been developed, and will be reviewed annually.

- G. Preservice and Inservice training and education will be provided to assure early intervention providers the necessary skills in working with other agencies and families. Staff development will be conducted on an interdisciplinary basis to the extent appropriate and will address the training needs of all staffs, including public/private providers. Training will include, but is not limited to, the following areas:

1. Interagency and family/professional collaboration
2. Coordination of transition services from infant to preschool programs and services
3. Basic components and requirements of California's Early Intervention Services Act
4. Strategies to enhance the development and implementation of IFSPs
5. Other topics identified from local needs assessment

Parent support and education will continue to be a primary focus on both a formal and informal basis. Parents and families will have an opportunity to participate in family education training provided by a variety of agencies, the Warmline, LEAs, and the Local Plan Area. Parent education and training is also described in Nevada County Local Plan.

## 203. Individualized Education Program (IEP)

### A. Rationale

The Local Plan requirements adopted in 2002, and revised in 2003, require a policy for the Individualized Education Program (IEP).

### B. Policy Statement

Every child identified as a child with a disability and eligible for special education services shall have developed a written plan that is developed, reviewed and revised in accordance with federal and state laws and regulations.

### C. Guidelines

1. Each IEP developed for a child with a disability shall include:
  - a. a statement of the child's present levels of educational performance;
  - b. how the child's disability affects the child's involvement and progress in the general curriculum;
  - c. for a preschool child, how the disability affects the child's participation in appropriate activities;
  - d. a statement of measurable annual goals and short-term objectives/benchmarks;
  - e. a statement of the special education and related services and supplementary aids and services to be provided to the child or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child;
  - f. an explanation of the extent, if any, to which the child will not participate with non-disabled children in all areas of the school program;
  - g. a statement of any individual modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the child to participate in such assessment; or a statement that the child will not participate in a particular state or district-wide assessment of student achievement; and why that assessment is not appropriate and how the child will be assessed;
  - h. the projected date of the beginning of the plan;
  - i. the anticipated frequency, location, and duration of those educational services and modifications;

- j. by age 14, a statement of the transition service needs that focus on the child's course of study;
  - k. by age 16, a statement of the needed transition services and linkages for the child;
  - l. by age 17, a statement that the child has been informed of his or her rights under IDEA that may transfer to him or her at the age of majority;
  - m. a statement of how the child's progress toward annual goals will be measured and how the child's parents will be regularly informed at least as often as parents are informed of their non-disabled children's progress;
2. In subsequent reform efforts or reauthorization requirements, this SELPA will implement any additional new requirements, and may participate in any related pilot Special Education Division-sponsored programs.



## 204. Preschool Services

- A. The Nevada County Special Education Local Plan Area (SELPA) will provide education preschool services for children identified as eligible for special education from three years through five years of age. These services will be provided by school districts and the county office of education and will be available to all eligible preschool children within the SELPA. The services will be designed to support a standards-based preschool curriculum. Any person making a referral for special education assessment will contact the school district of residence who will arrange to screen students and/or institute the referral process.
- B. Special education programs and services for children between the ages of three and five years of age will include opportunities for active parent participation and involvement and may include the following:
  - 1. Parent education and training
  - 2. Parent participation in their child's education program
  - 3. Agency awareness
  - 4. Direct services to children
- C. School districts and the county office operate a continuum of service options for preschool age students and to the extent possible provide services to assure equal access to all services and programs available to nondisabled children. Appropriate settings may include:
  - 1. A public school setting which provides an age appropriate environment, materials and services. As the preschool child approaches the age to enter an elementary school environment, the child's preparation shall be geared toward a readiness for kindergarten and later school success.
  - 2. Head Start programs
  - 3. Programs located within a community setting
  - 4. The child's natural environment which may include the home
  - 5. Regular public or private nonsectarian preschool programs
  - 6. A special education preschool program with children who are not disabled attending and participating for all or part of the program.
  - 7. A special site where preschool programs for both children with disabilities and children who are not disabled are located close to each other and have an opportunity to share resources and programming.
  - 8. A special class, school or site for children with disabilities.
- D. School districts and the county office may provide preschool services by any of the following methods:

1. Directly by a school district and/or county office;
  2. Through an interagency agreement between and LEA and another public agency;
  3. A contract with another public agency pursuant to EC Section 56369;
  4. Through a contract with a certified nonpublic school, or nonpublic, nonsectarian agency pursuant to Section 56366
- E. A Transdisciplinary Team approach shall be provided and shall include appropriate personnel. Transdisciplinary teams shall involve the crossing of disciplinary boundaries, sharing skills and expertise, and shall incorporate an appropriate range of approaches in working with children and families. The teams will be utilized in assessment, program planning, and IEPs implementation and review.
- F. Transition services will be a major focus for preschool children transitioning to Kindergarten, first grade, or any other educational programs. The major goals of preschool transition services within the Nevada County Local Plan Area are:
1. Support successful transition in the child's education program and learning;
  2. Ensure continuation of appropriate support provided to families;
  3. Provide support and information to the receiving programs;
  4. Support children and families experiencing change.
- G. Local education agencies need to be knowledgeable of sending and receiving program services, policies, and procedures in order to assure an appropriate transition. Transition planning also needs to focus on providing information and support to families in order to address their concerns, priorities and resources. A transition timeline needs to be established no later than between four and six months prior to the transition actually occurring. As children become ready to transition to another preschool program, kindergarten, or to first grade, an assessment needs to be completed to prepare the IEP Team to determine the child's needs.
1. An appropriate assessment of the child with disabilities shall be completed. A transition IEP meeting for each child will be conducted to determine if the child is in need of special education and services. At this transition meeting, an individual from the school/district will be designated to follow the child's educational progress.
  2. Appropriate staff needs to be included in the meeting in order to promote an effective transition for the child, the family, school, and the community.
  3. If the child is going to exit from special education services, the general education staff will be notified.

## 205. Designated Instruction and Related Services (DIS)

### A. Rationale

Designated Instruction and special education related services are part of the continuum of program options required by Education Code 56360 and 56363. Designated instruction and services as specified in the IEP shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program (E.C. Sec. 56363(a)).

### B. Policy Statement

Special Education related services are to be available throughout the Local Plan Area for those individuals with exceptional needs who meet the eligibility requirements and need specially designed instruction. The extent of the needs and services required must be identified in the written individualized instruction program of each pupil based on appropriate assessments recently conducted. Services to be available include, but are not limited to those listed in the Local Plan. (Education Code 56363 (b)(1-16))

Individual local education agencies may provide related services or may contract for such services with other LEAs or other public or private agencies.

When an IEP team has determined the frequency and duration of related service to be provided for a pupil(s), the local educational agency must provide the service whether or not special education funding is available to the local education agency.

The Special Education Administrators Committee has the responsibility to develop and recommend eligibility, program, and standards for each DIS service provided.

### C. Administrative Guidelines

1. Each LEA determines the type of DIS services to be offered and requests approval of the Council of Superintendents in order to coordinate services and/or to avoid duplication of DIS services.
2. The Council of Superintendents determines which DIS programs are to be offered on a regionalized basis and delegates the responsibility.
3. Whenever feasible, DIS services are to be provided by regular class teachers, special class teachers, or resource specialists, if they are qualified to do so.
4. DIS instruction not provided by personnel listed in item three above is to be provided by qualified specialists, or by instructional aides working under the direction of qualified certified or licensed personnel, including, but not limited to licensed Occupational Therapist, or Registered Physical Therapist.

5. Designated Instruction and Services are to be written into the IEP including the start date, frequency, and duration of such services. Assessment personnel and DIS specialists are expected to substantiate the degree of disability of a pupil to the extent goals and objectives are written and services are provided in order for the pupil to benefit educationally from his/her instructional program.

## 206. Resource Services and Resource Specialist Programs

### A. Rationale

Legislation in 1999 enhanced the service delivery options available to districts to include Resource Services in addition to the Resource Specialist Programs and resource specialist programs are one of the continuum of program options mandated by Education Code §56361. Section 56362 establishes standards for the programs and basic qualifications for resource specialists.

### B. Policy Statement

Each local education agency has the responsibility to provide special education services for pupils who are residents of the district. These services may be provided through the employment of appropriately credentialed personnel with another local education agency or by contracting for the service with another local education agency which has employed appropriately credentialed personnel. All personnel employed to provide services as a special education teacher and/or resource specialist shall meet the standards established by the Commission on Teacher Preparation and Licensing.

Resource Specialists will provide direct instruction to students, monitor the progress of students whose needs have been identified in an IEP, provide consultant and coordination services to participating students, their parents and general and special education teachers, monitor programs for compliance with legal requirements and/or assist with staff development, inservice training and parent education, as appropriate. Services may be provided in a Resource Room or Learning Center or the general classroom. (See definitions following.)

At least 80% of Resource Specialists within the Local Plan Area shall be provided with an Instructional Aide. (Ed. Code 56362(f))

### C. Administrative Guidelines

1. Resource specialists are to be employed in accordance with the personnel practices and policies, and salary schedules of the local education agency providing the resource service and/or Resource Specialist Program.
2. No Resource Specialist shall be assigned a caseload in excess of 28 pupils without a waiver from the State Board of Education.
3. The person responsible for special education services of a local education agency determines the amount of resource specialist time assigned to each school.
4. Each local education agency has the responsibility for providing and assigning Instructional aides for individual resource specialists.
5. Each resource specialist has the responsibility to determine the responsibilities to be delegated to the instructional aide. The aide works under the direction of the resource

specialist or other certificated personnel, but need not perform all duties in the presence of the resource specialist.

6. Pupils who are monitored by a Resource Specialist, and who do not have an active IEP, will not be counted on the Resource Specialist caseload.

Definitions from CASEMIS to distinguish RS from RSP:

“RS (school based program 25) - This setting is marked when the learning center model or whole school model is used and students with and without IEPs are served in the same setting for 49% or less of the school day with special education support and/or services. RS could be a “pull-out, push-in or combination of pull-out and push-in” service delivery model.”

“RSP (26) - This setting is marked when the student receives his/her instruction from the special education provider exclusively with other children with disabilities who have IEPs, or who are served under “school-based coordination plans” or individually for 49% or less of the school day with special education support and/or services. RSP could be a pull-out or push-in service delivery model.”

## 207. Special Day Classes (SDC)

### A. Rationale

Special Day Classes and/or special class centers are one of the continuum of program d by Education Code Sections 56360 and 56364.2.

### B. Policy Statement

Special Day classes and centers shall be available throughout the Local Plan Area to serve pupils whose educational needs cannot be met through modification of the regular classroom program. Only pupils who need special class placement for more than a majority of the school day will be assigned to special classes. Insofar as possible, pupils will be assigned to special day classes within their school district of residence and local school attendance area and will be provided opportunities for appropriate integration in the least restrictive environment. Pupils with low incidence disabilities being served through an itinerant model, for funding purposes, will continue to be termed SDC Inclusion on the IEP.

Special day classes and centers for more severely disabled pupils will be maintained by the two county offices of education acting as local education agencies. Individual school districts may operate special day classes for pupils with both severe and non-severe needs. The operator of the program assumes administrative responsibility for the delivery of services for the pupil and for communication with the district of residence. The district of residence maintains ultimate responsibility for the pupil, and therefore, must ensure adequate communication to coordinate services for all pupils.

Class size for special day classes for both the severely disabled and pupils with “non-severe” disabilities, will be structured to ensure that the needs of children are addressed appropriately, recognizing that both districts and the county office of education have programmatic needs to support appropriate delivery of services.

### C. Administrative Guidelines

1. Pupils are to be assigned to special day classes and centers on the basis of similar educational needs rather than disabling condition alone.
2. All teachers assigned to special day classes are to hold appropriate special education credentials and have the competencies necessary to instruct the class to which they are assigned
3. Special day classes may have the services of an instructional aide or aides. Each local education agency determines the number of aides a special class requires.
4. The SELPA Program Administrator will review the Infant Programs to assure compliance with funding provisions.
5. For funding, the following caseload standards will be used:

	<b>Class</b>	<b>K- 8</b>	<b>7 - 12</b>	<b>9 - 12</b>
a)	Non-severe	12	12.6	14
	1. LH			
	2. CH			
b)	Severe/Low Incidence	7/9*	7/9*	7/9*
	1. DHOH			
	2. OH			
	3. Blind			
	4. Deaf/Blind			
	5. Autistic			
	6. Developmentally Delayed/Mentally Retarded			
	7. Multi-Disabled			
	8. Emotional Disturbance			

\* Funding for the class sizes for SDCs for the severely disabled in the Nevada County Office programs and and Nevada Joint Union High School District will be based on an average of 7 students. Funding for all remaining districts will be based on an average of 9 students.

The following are guidelines from CDE publications. Implementation of actual class sizes will vary depending on the range of abilities, grade level, goals and objectives on IEPs, and other factors related to the specific disabilities. These numbers are not to be construed as caps.

a. Programs for Deaf and Hard of Hearing Students Guidelines for Quality Standards

1. Center-based Infants	4
2. Preschool	4-6
3. Multi-disabled	4-6
4. K-3	4-8
5. 4-8	6-8
6. Secondary	8-10

b. Program Guidelines for Students who are Visually Impaired

1. Home-based Infants of Preschool Age	13-17
2. Infant/Preschool	4-8
3. K-3	6-10
4. 4-12	8-12
5. Multiple Disabilities	3-7
6. Itinerant	8-12
7. Orientation and Mobility	8-12



c. Program Guidelines for Students who are Deaf-Blind

- |                                   |      |
|-----------------------------------|------|
| 1. Full home-based Infant Program | 8-10 |
| 2. Infant/Toddler Center-based    | 3-4  |
| 3. Preschool                      | 3-4  |
| 4. Elementary                     | 3-5  |
| 5. Secondary                      | 3-5  |

d. Program Guidelines for Students who are Severely Orthopedically Impaired

CDE Guidelines are not definitive “since the needs of pupils vary within any one class.” (See pages 33 and 34 of this Program Guideline)

The following caseload guidelines are to be recommended:

- |                                              |       |
|----------------------------------------------|-------|
| a. Autism                                    | 8     |
| b. Developmentally Delayed/Mentally Retarded | 10    |
| c. Multiple Disabilities                     | 7 - 9 |
| d. Emotional Disturbance                     | 8     |

## 208. Extended School Year (ESY)

### A. Rationale

Provisions for providing extended year programs for individuals with exceptional needs are stipulated in Section 3043 of the California Administrative Code Title 5 and in IDEA in §300.309. IDEA defines extended year as special education and related services that:

1. Are provided to a child with a disability beyond the normal school year of the public agency.
  - a. in accordance with the child's IEP
  - b. at no cost to the parents of the child; and
2. Meet the standards of the state education agency.

“Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).”  
California Special Education Composite of Laws, Section 3043.

### B. Policy Statement

Extended year special education programs and services shall be made available within the Nevada County Special Education Local Plan Area for those pupils whose needs require such services beyond the regular academic year. Each LEA may elect to provide extended year programs and services individually or in conjunction with other local education agencies of the Local Plan Area.

Pupils with disabilities who may require an extended school year are those who are placed in special classes or centers, including in non-public, non-sectarian schools, or whose IEPs specify an extended year program as determined by the IEP team. Individual students, not assigned to special class placement may be considered for the extended school year or be provided other related services during the extended school year when recommended by the IEP Team in accordance with the same criteria as applied to consideration of students in special class/center or nonpublic school placement. All provisions for extended year programs and services are to be written into the IEP.

Provisions for funding extended year school programs are limited to those provided through reimbursement from the extended year pool. Nothing in this policy shall prevent a local education agency from offering and providing extended year services not required by statute at LEA expense.

C. Administrative Guidelines

1. Extended year programs are those which would operate on days between the last day of one academic year and the first day of the succeeding academic year, or between sessions of non-traditional or year-round school calendars.
2. Extended year programs must offer a minimum of 20 instructional days or 19 if a holiday falls within the 20, when offered during the traditional summer break.
3. Extended year programs for special classes of severely disabled pupils may operate a maximum of 55 instructional days for funding purposes.
4. The length of the school day for extended year special education programs cannot be less than the school day of regular pupils of the same age attending summer school, and not less than the minimum school day for pupils of the same age unless specified in the IEP.
5. Personnel assigned to extended year special education programs must be appropriately credentialed.
6. Extended year programs should be comparable in scope and quality to programs offered during the regular year.
7. It is not necessary to provide for the integration of pupils during the extended year period if no regular summer school programs are being offered by that agency.
8. Requests for reimbursement for LEAs that operated extended year programs must be submitted no later than November 30 of the following year for approval by the Council of Superintendents.
9. It is recommended that all LEAs operating extended year programs be reimbursed for the direct service costs of operating such programs as per the attached form until all funds in the pool are exhausted. NPS, NPA, transportation, materials, equipment and indirect costs will not be allowed. Only administrative costs for SH students will be allowed. In such instances, all LEAs operating extended year programs would be reimbursed an equal percentage of their total costs, as funds allow.
10. If there are sufficient funds to operate extended year programs, the Council of Superintendents may consider other funding alternatives, which may include, but not be limited to:
  - a. Proportionately distribute remaining dollars to the county office to offset the billback, based on pupil count.
  - b. Transfer remaining dollars to help subsidize the non-public agency and/or the non-public school pools.

- c. Accrue remaining dollars to assist in the extended year programs in following years.



**Nevada County SELPA  
Extended School Year Reimbursement Request  
Summer 2004**

District Name \_\_\_\_\_

Number of SH Students enrolled \_\_\_\_\_

Number of NSH Students enrolled \_\_\_\_\_

Total Summer School Enrollment \_\_\_\_\_

**Certificated Salaries:**

\_\_\_\_\_ FTE Teachers \$ \_\_\_\_\_

\_\_\_\_\_ FTE Administrative\* \$ \_\_\_\_\_

\_\_\_\_\_ FTE Other (Speech, Nurses, etc) \$ \_\_\_\_\_

**Classified Salaries:**

\_\_\_\_\_ FTE Teaching Assistants \$ \_\_\_\_\_

\_\_\_\_\_ hours O T \$ \_\_\_\_\_

Benefits \$ \_\_\_\_\_

Mileage-Itinerant Only \$ \_\_\_\_\_

Total allowable ESY expenditures \*\* \_\_\_\_\_

\*\*Please note that certain expenditures are not reimbursable through the ESY pool: NPA or NPS contracts, support costs not directly related to the Special Education ESY, materials, transportation, equipment and indirect costs.

\*Allowable administrative salaries will equal the percentage of SH students over the total Summer School enrollment

## 209. Transportation

### A. Rationale

As specified in the Code of Federal Regulations Section 300.14, transportation of disabled pupils is defined as a related service to be provided as “required to assist a child with a disability to benefit from special education” and includes “travel to and from school and between schools; travel in and around school buildings; and specialized equipment, if required, to provide special transportation for a child with a disability”.

### B. Policy Statement

When the disabling condition of a pupil is such that the pupil cannot benefit from the educational programs and services recommended by the IEP Team without appropriate transportation being provided, the IEP Team has the responsibility to include transportation services in the IEP as a related service. When the use of regular school transportation or public transportation is not feasible, special transportation shall be provided.

The responsibility for providing the special transportation shall be determined in accordance with provisions of the Nevada County SELPA Local Plan. Nothing in this policy is intended to prevent a local education agency (LEA) from contracting with another public or private agency to provide special transportation services or providing reimbursement to the parent in lieu of providing transportation.

The specific needs of the pupil must be the primary consideration when an IEP Team is determining any transportation needs. These may include, but are not limited to the following:

1. Medical diagnosis and health needs: Consideration of whether a long bus ride could affect the pupil’s health; distance needed to walk or wheel oneself to the school; strength or ambulate/wheel; and necessary life supporting equipment needed for the pupil.
2. Physical accessibility: For pupils using wheelchairs who may live close to school or who use public transportation, consideration should be given to the physical accessibility of curbs, sidewalks, streets, and public transportation systems.
3. Pupil’s capacity age: The IEP Team also needs to give consideration to a pupil’s capacity to arrive at school on time, to avoid getting lost, his or her ability to avoid dangerous traffic situations, and any other potentially dangerous situation on the way to or from school.
4. If a Behavior Intervention Plan addresses transportation, it will describe how transportation services will be provided.
5. Other transportation needs must also be taken into consideration when the IEP team discusses a pupil’s placement and transportation needs.

C. Administrative Guidelines

1. Eligible pupils may be provided special transportation as follows:
  - a. To and from home and the school of attendance
  - b. Between schools for purposes specified in the IEP
  - c. To and from work stations when identified in the IEP
  - d. To and from assessment and IEP meetings when attendance of the pupil is appropriate
  - e. To and from a California Children's Service Medical Therapy Unit, during the regular hours of the school day
  - f. To and from a Mental Health service, during the regular hours of the school day
2. When extreme distances make it impractical to transport individual pupils from isolated areas, the LEA may elect to pay board and room for the pupil in a location in close proximity to the school of attendance. (Education Code §39807)
3. When parents are reimbursed in lieu of the LEA providing transportation, the rate of reimbursement will be that paid to district employees for travel. (Education Code §39807.5)
4. A significant change of placement may take place when pupils receiving special education services are suspended from bus transportation if the district: 1) has been transporting the pupil; 2) suspends the pupil from transportation as a disciplinary measure; and 3) does not provide another mode of transportation. (Office of Civil Rights, Letter of Finding Complaint No. 04-89-1236, December 8, 1989). A significant change in placement requires a meeting of the IEP Team to review the pupil's IEP. During the period of suspension from bus transportation, pupils must be assured of accessing the required special education instruction and services.
5. When the governing board of any school district provides for the transportation of pupils to and from school in accordance with the provisions of Education Code §39800, the governing board of the district may require the parents of all or some of the pupils transported to pay a portion of the cost of such transportation in an amount determined by the governing board. The governing board shall exempt from these charges pupils of parents and guardians who are indigent as set forth in rules and regulations adopted by the Board. Under this section, no charge shall be made for the specialized transportation of disabled children. Nothing in this section shall be construed to sanction, perpetuate, or promote the racial or ethnic segregation of pupils in the schools.



## 210. Nonpublic School Services

### A. Rationale

When appropriate special education programs and services do not exist in public schools within the Nevada County SELPA, or in neighboring SELPAs, it is the responsibility of the local education agency (LEA) to make available a free and appropriate public education (FAPE) in a nonpublic state-certified school. It is the intent of the State Legislature that the role of a nonpublic school shall be considered an alternative special education service which is available in order to provide a full continuum of placement options. The program specialists shall work with the IEP team to provide alternative program options to consider and will monitor nonpublic school placements.

### B. Policy Statement

Nonpublic school services shall be available at no cost to the parent when necessary to provide FAPE. Such services will be provided only when appropriate public education programs are not available either within or outside of the Nevada County Special Education Local Plan Area. Insofar as provided by law and regulations, a pupil for whom services are provided by a nonpublic school shall have the same rights as an individual enrolled in the public schools.

LEAs, which have the responsibility to provide special education services for a pupil with disabilities, shall enter into a contract with the nonpublic school in a manner consistent with Education Code §56366, and shall include an Individual Service Agreement.

If a free and appropriate public educational placement is available and the parent elects to place the pupil in a nonpublic school at public expense without the consent or referral by the LEA, the reimbursement of the cost of the nonpublic school placement may be reduced or denied if, at the most recent IEP meeting prior to the removal of the student from public school, any of the following has occurred:

- a. The parents failed to inform the IEP team that they rejected the placement offer;
- b. The parents failed to state their concerns and intent to place the student in a private school at public expense; or
- c. The parents failed to provide the LEA written notice within ten business days (including holidays which occur on a business day) prior to the removal of the student.

Any disagreement between a parent and LEA regarding the availability or appropriateness of special education programs may be subject to due process procedures.

For purposes of this policy, nonpublic school services are those provided by an education agency supported by other than public funds, governed by other than an elected public official or appointed board and which is certified as meeting the required state standards for this purpose. No contract for educational services to be provided by a nonpublic school will be honored unless such standards are met. If under extreme circumstances and a certified non-

public school cannot be located to meet the unique needs of a student, a district may apply for a waiver of certification of the non-public school, and resulting contracts will be allowed.

C. Administrative Guidelines

1. In accordance with Education Code §56366.7, the nonpublic school must be certified by the State of California to provide special education.
2. Conditions for recommending reimbursement for nonpublic school services:
  - a. The pupil has been properly referred, assessed and the IEP developed in accordance with district and SELPA procedures which ensure the protection of the individual's and parents' rights.
  - b. The pupil has been properly referred, assessed, and the IEP team has determined that the pupil is eligible for special education programs and services.
  - c. The special education needs of the pupil, as specified in the IEP, cannot be met by a public school within the Nevada County SELPA or in another SELPA.
  - d. The IEP team has determined that a nonpublic school placement is the only appropriate recommendation and does not violate the concept of least restrictive environment (LRE).
  - e. The procedures for selection of a nonpublic school have been followed and the nonpublic school has participated in the development of the IEP.
  - f. In accordance with Education Code §56342, prior to recommending a new placement in a nonpublic school, the IEP Team shall submit the proposed recommendation to the local governing board of the district and SELPA for review and recommendation regarding the cost of the placement. The local governing board shall complete its review and make its recommendations, if any, at the next regular meeting of the board. The parent or representative shall have the right to appear before the board and submit written or oral evidence regarding the need for nonpublic school placement of the student. Any recommendations of the board shall be considered at an IEP meeting to be held within five days of the board's review.
3. The SELPA will provide a standard form contract approved by legal counsel, for use by LEAs contracting for nonpublic school services. Such contracts will specify:
  - a. A description of the process to be used by the LEA to oversee and evaluate placements and the pupil's educational progress.
  - b. The administrative and financial agreements to provide the special education services, including transportation.

- c. The type of services to be provided.
  - d. The extent of services.
  - e. Term of the contract: duration of services as specified in the IEP.
  - f. Provision for restricting revisions except when based upon a new IEP.
  - g. Provisions for requesting an IEP review.
  - h. Provisions for termination for cause.
  - i. Provisions prohibiting the nonpublic school from subcontracting services to another agency.
  - j. An Individual Services Agreement.
4. All LEAs placing pupils in a nonpublic school shall submit a copy of the individual service agreement and the master contract to the SELPA office within 30 days of finalizing the contract.
  5. In accordance with §56365(d), the LEA shall pay to the nonpublic school the full amount of the tuition for pupils with disabilities who are enrolled in programs provided by the nonpublic school contract.
  6. LEAs may submit reimbursement requests for all nonpublic school placements to the Council of Superintendents, which will review all such requests prior to taking final action.
  7. A nonpublic school pool was established based on SELPAwide reimbursement for all 1997-98 placements. COLA will be applied annually to the pool. The purpose of this pool is to partially reimburse LEAs for costs associated with services to special education students in nonpublic schools.
  8. The rate of reimbursement to LEAs will be dependent upon the number of students enrolled in nonpublic school programs from July 1 to June 30 of each fiscal year and the amount of dollars available in the pool for the current year. All dollars will be equally distributed among LEAs who have made requests for reimbursement. Requests will be due December 1st and shall be partially payable in February at a rate to be established by the Council of Superintendents; and a final amount will be calculated for costs incurred by June 30 following the same procedures. Any LEA that does not submit a claim during the current school year will not be reimbursed at a later date except through placements required through mediation or due process.

9. These pools are not available for students living in Licensed Children's Institutions (LCIs) as there is another funding source for LCI students enrolled in nonpublic schools.
10. LEAs that are eligible for the State Department of Education's extraordinary cost pool will not have access to the Nevada County SELPA NPS pool except below the amount which makes them eligible for reimbursement from the extraordinary cost pool.
11. Any out-of-state nonpublic school placements will follow procedures as outlined in Education Code § 56365(e-i), California Code of Regulations 3060-3069 and Government Code 7572.55.

## 211. Nonpublic Agency Services

### A. Rationale

When appropriate special education services do not exist in public schools within the Nevada County SELPA or in neighboring SELPAs, it is the responsibility of the local education agency (LEA) to make available a free and appropriate education with a nonpublic agency. It is the intent of the state legislature that the role of a nonpublic agency shall be considered an alternative special education service that is made available in order to provide a full continuum of placement options and services.

### B. Policy Statement

Nonpublic agency services shall be available at no cost to the parent. Such services will be provided only when appropriate public education programs are not available either within or outside the Local Plan Area.

LEAs which have the responsibility to provide special education services for an individual with exceptional needs shall enter into a contract with the nonpublic agency in a manner consistent with Education Code §56366, and shall include an Individual Service Agreement.

If a free and appropriate public educational placement is available and the parent elects to place the student in a nonpublic agency at public expense without the consent of or referral by the LEA, reimbursement of the cost of the nonpublic agency placement may be reduced or denied, if at the most recent IEP meeting prior to the removal of the student from the public school, any of the following has occurred:

1. The parents failed to inform the IEP team that they rejected the placement offer;
2. The parents failed to state their concerns and intent to place the student in a private school at public expense; or
3. The parents failed to provide the LEA with written notice ten business days (including holidays which occur on business days) prior to removing the student from public school.

Any disagreement between a parent and LEA regarding the availability or appropriateness of special education programs may be subject to due process procedures.

For purposes of this policy, nonpublic agency services are those provided by an education agency supported by other than public funds, governed by other than a publicly-elected or appointed board, and which is certified as meeting the required state standards for this purpose. No contract for educational services to be provided by a nonpublic agency will be honored unless such state standards have been met.

C. Administrative Guidelines

1. In accordance with Education Code §56366.7, the nonpublic agency must be certified by the State of California to provide special education.
2. Conditions for recommending reimbursement for nonpublic agency services:
  - a. The pupil has been properly referred, assessed and the IEP has been developed according to district and SELPA procedures which ensure the protection of the individual's and parent's rights.
  - b. The pupil has been properly referred, assessed and the IEP team has identified the pupil as eligible for special education programs and services.
  - c. The special education needs of the pupil, as specified in the IEP cannot be met by a public school within the Nevada County SELPA or in another SELPA.
  - d. The IEP team has determined that a nonpublic agency placement is the only appropriate recommendation and does not violate the concept of least restrictive environment.
  - e. The procedures for selecting a nonpublic agency have been followed and the nonpublic agency participates in the development and implementation of the IEP.
  - f. In accordance with Education Code §56342, prior to recommending services from a nonpublic agency, the IEP team shall submit the proposed recommendation including the cost of the service to the local governing board of the district for review. The parent or representative shall have the right to appear before the board and submit written and oral evidence regarding the need for the nonpublic agency placement. Any recommendations of the board shall be considered at an IEP meeting to be held within five (5) days of the board's review.
  - g. Any nonpublic agency services which could be considered a related service will need to follow the guidelines as outlined in Nevada County SELPA Related Services Policy.
3. The SELPA will provide a standard Master Contract for use by LEAs in contracting for nonpublic agency services.
  - a. All LEAs placing students with a nonpublic agency shall submit a copy of the Individualized Service Agreement and the Master Contract to the SELPA office within 30 days of finalizing the contract.

- b. In accordance with Education Code §56365(d), the LEA shall pay to the nonpublic agency the full amount of the tuition for children with disabilities who receive services provided by the nonpublic agency contract.
- c. The Council of Superintendents will review all nonpublic agency reimbursement requests prior to taking final action.
- d. A nonpublic agency pool was established based on the base year (1997-98) SELPA wide reimbursement. A COLA will be applied annually. The purpose of this pool is to partially reimburse LEAs for costs associated with contracting for services for special education students through nonpublic agencies.
- e. The rate of reimbursement to LEAs will be dependent upon the number of students enrolled in nonpublic school programs from July 1 to June 30 of each fiscal year and the amount of dollars available in the pool for the current year. All dollars will be equally distributed among LEAs who have made requests for reimbursement.
- f. These pools are not available for students living in Licensed Children's Institutions (LCIs) as there is a separate funding source for LCI students enrolled in nonpublic schools and agencies.
- g. Any contracts for out-of-state NPA services will follow the procedures outlined in Education Code §56365, Title V Regulations 3060-3069, and Government Code 7572.55.
- h. Nonpublic agency dollars will only be available for services not commonly provided for by LEAs within the SELPA.
- i. LEA's that are eligible for California Department of Education Extraordinary Cost Pool will not have access to the Nevada County SELPA NPA Pool.

## **212. Services to Individuals With Disabilities in Alternative Settings**

### Educational Services For Individuals in Public Hospitals, Propriety Hospitals, and Other Residential Hospitals

- a. It is the responsibility of each Local Education Agency to assure that appropriate educational services are provided to special education pupils while confined to hospitals within the SELPA for extended periods of time. This is applicable only to those pupils found eligible for special education programs and services under the provisions of CAC Title 5 Section 3030. The IEP of the pupil must recommend the placement of students so placed and specify the program or services to be offered.
- b. Hospital placement may be applicable to pupils placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or other health facility as defined in Section 1250-1250.3 of the Health and Safety Code.
- c. It is the responsibility of the district of residence of pupils placed in any hospital as defined above to notify the district in which the hospital is located of the placement and cooperate with the district in the development of an appropriate IEP to be used during the time the pupil is confined to the hospital. It then becomes the responsibility of the district in which the hospital is located to provide the required programs or services as specified in the IEP.
- d. Programs or services provided to pupils while confined in a hospital setting may be delivered by a regular class teacher, special class teacher, resource specialist and appropriately credentialed Designated Instruction personnel.
- e. If a non-public, non-sectarian school is also operated by the hospital or other health facility and the pupil IEP designates this school to provide services for a pupil during confinement, the school district in which the parent of the pupil resides has the responsibility to assure that the required services are provided.

### Licensed Children's Institutions and Foster Family Homes

Pupils placed in Licensed Children's Institutions and/or foster family homes as defined by E.C. Section 56255.5 who are found eligible for special education programs and services by an IEP team shall be provided services as specified in the IEP in accordance with the following placement options:

1. By written agreement individual districts and county offices may join together and identify the specific local education agencies responsible for providing special education programs and services for residents of Licensed Children's Institutions and family foster home. Such agreements may include provisions for pupils identified as having disabilities classified as either severe or non severe.
2. In the absence of written agreements special education programs and services for residents of Licensed Children's Institutions and family homes shall be provided in accordance with the following principles based on current practice.



- a. Severely disabled pupils residing in foster family homes or Licensed Children's Institutions located in Nevada County shall be enrolled in appropriate programs maintained by each county office or in an appropriate program maintained by a school district approved by the county office. In addition, a county office or school district may elect to provide such services through contracts with non public, non sectarian schools or agencies.

In the event a pupil residing in a Licensed Children's Institution is placed in a non-public, non sectarian school, all of the following provisions and conditions must be followed:

- 1) IEP team/s representing the school district and county office shall determine that the educational needs of the pupil cannot be met through placement in a regular education program, operated by the district, with appropriate modifications and that no appropriate special education placement is available within programs maintained by the district or county office.
  - 2) If a non public school is operated in conjunction with the LCI, enrollment in the non public school cannot be a condition for placement in the LCI.
  - 3) It is the responsibility of the school district and/or county office, in cooperation with the non-public school, to develop the IEP for the pupil being placed.
  - 4) If the owner/operators of the LCI in which the pupil resides also owns/operates or is affiliated with the non public school in which the pupil is placed, neither the care provider nor employees of the care provider may represent the pupil in educational matters.
  - 5) The IEP should include appropriate provisions for interaction of pupils placed in non public schools with non disabled pupils, including dual enrollment whenever possible.
- b. Non severely disabled pupils residing in either Licensed Children's Institutions or foster family homes may be enrolled in appropriate programs maintained by the county office, or in a program operated by the school district in which the LCI is located.
  - c. It is the responsibility of the county office to ensure the appropriate placement of residents of LCI's as defined in E.C. Section 56155.5 (a) either through direct operation of programs or through contractual agreements with other public agencies or non public, non sectarian schools or agencies.

For pupils residing in foster family homes, identified in E.C. Section 56155.5 (b), who are not otherwise provided services under this Local Plan, are the responsibility of the school district in which the foster family home is located.

Funds will be allocated to the LEAs providing services to residents of LCIs and Foster Family homes just as are funds allocated for services to districts per the allocation plan for any other student requiring services.

3. Special Education Programs and Services Available For Pupils Residing in Licensed Children's Institutions and Foster Family Homes
  - a. Children placed in Licensed Children's Institutions/Foster Family Homes within the SELPA are considered residents of the school district/county office in which the LCI/FFH is located for purposes of special education placement.
  - b. Children residing in an LCI/FFH are eligible for special education services on the same basis as all residents of the SELPA as specified in provisions of the Local Plan.
  - c. Each eligible resident of an LCI/FFH is assured that all services specified in the IEP will be provided:
    - 1) In district of residence when an appropriate program is available there.
    - 2) In an appropriate program maintained by another district or county office.
    - 3) Through a non public, non sectarian placement when an appropriate program is not available within the SELPA Local Plan.
  - d. Separate written agreements between individual districts and the county office are subject to approval of the Council of Superintendents.

All participants in the Nevada County Special Education Local Plan Area agree that the provisions as stipulated here, constitute the "Agreement" required by E.C. Sections 56156.5 (c) and 56220 (f). Individual districts and the county offices may develop separate agreements to shift responsibilities from one agency to another subject to approval of the Council of Superintendents.

Special Education Services Provided in Community Day Schools (CDS) and/or County Community Schools (CCS) E. C. 56150

On behalf of member LEAs, the Nevada County Superintendent of Schools Office (NCSOS) has been designated to provide special education services to students with special needs placed in the County Community Day School (CDS) and County Community School (CCS) through the "Nevada County Superintendent of Schools Special Education Program Agreement." The placing district or charter remains the District of Residence for students in these schools. Funding for these special education services shall occur as follows:

1. The SELPAs AB602 funding model will generate revenue for the following year based on students placed in the program on April first. Excess costs of special education services, such as Specialized Academic Services and other Related Services including transportation, will be funded according to the excess cost formula identified in use within the SELPA.
2. Funding for any given school year can be modified through action of the SELPA Council of Superintendents.

Special Education Services Provided In Juvenile Hall, Juvenile Home, Day Center, Ranch, Camp, E.C. 56150

The County office or school districts designated as providers of special education services for all individuals with exceptional needs while confined in any of the above correctional facilities have the responsibility to:

- 1) Continue to implement the IEP of pupils previously identified for special education during their confinement; and
- 2) Develop and implement an IEP for pupils, who during confinement, are identified as being in need of special education services; and
- 3) Inform the district to which the pupil returns, after confinement, of the pupil's special education status, and send a copy of the current IEP. The receiving district has the obligation to place the pupil in an appropriate program and continue to implement the IEP.

## 213. Special Education Services to Students Parentally Enrolled in Private Schools

### A. Definitions

District of Residence, ("DOR"): As used in this policy, the district of residence refers to the school district within which boundaries the child with a disability resides.

Local Educational Agency, ("LEA"): As used in this part, the Local Educational Agency, LEA, refers to the school district where the private school or facility is located.

Private School Children with Disabilities: As used in this policy, “private school children with disabilities” means children with disabilities enrolled by their parents in private schools or facilities.

Private School or Facility: As used in this policy, “private school or facility” means: (1) private full-time day school pursuant to California Education Code section 48222 (including religious schools); (2) private tutor pursuant to California Education Code section 48224; and/or (3) any other California Department of Education ("CDE") identified educational institution, program, arrangement, or facility not sponsored, maintained, or managed by the school district and for which the school district does not collect average daily attendance funds; (4) CDE authorized private school affidavit.

### B. Procedures

The following procedures shall be followed by the school districts in the Nevada County Special Education Local Plan Area (“SELPA”) to ensure that the District:

Locates, identifies, and evaluates all children ages three (3) to twenty-two (22) with disabilities enrolled by their parents in private schools including religious schools who may be eligible for special education services;

Offers a free and appropriate public education (FAPE) to all children ages three (3) to twenty-two (22) with disabilities, enrolled by their parents in private schools including religious schools, who are determined to be eligible for special education services.

### C. Consultation

The LEA shall consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children, regarding—

- a. The child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
- b. The determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated;
- c. The consultation process among the local educational agency, private school officials, and representatives of parents of parentally placed private school children with disabilities,

including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;

- d. How, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
- e. How, if the local educational agency disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the local educational agency shall provide to the private school officials a written explanation of the reasons why the local educational agency chose not to provide services directly or through a contract.

When timely and meaningful consultation as described above has occurred, the LEA shall obtain a written affirmation signed by the representatives of participating private schools.

#### D. Child Find

- a. The LEA shall undertake the following child-find activities with regard to private school children ages three (3) to twenty-two (22):
  1. Consult with representatives of private school children with disabilities (including private school administrators, teachers, parents, and students) regarding the child-find process, including, but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations.
  2. Distribute materials to representatives of private school children with disabilities (including private school administrators, teachers, parents and students) regarding issues, including but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations.
  3. The proportionate share of federal funds shall not be used for child-find activities.
- b. The LEA shall ensure child-find activities undertaken for private school students are comparable to activities undertaken for children with disabilities ages three (3) to twenty-two (22) with disabilities in public schools. Child-find activities shall include consultation with representatives (staff and parents) of private school children three (3) to twenty-two (22) with disabilities regarding how to carry out child-find activities.

#### E. Special Education Referral

- a. Students must be referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.
- b. The Nevada County SELPA shall offer training to private schools in the area of special education laws and procedures and the SST process.

- c. When a private school holds an SST, the district of residence and LEA will be invited to attend.
- d. If after considering and, where appropriate, utilizing general education resources, representatives of private school children with disabilities (including private school administrators, teachers, and parents) determine that a private school child may be eligible for special education services, a referral shall be directed to the Director of Special Education of the LEA.

F. Initial Individual Education Program (IEP) Team Meeting

- a. Upon identifying and locating a child suspected of being a child with a disability, the LEA shall refer the child to the District of Residence for an appropriate and timely initial assessment of the child's needs, if a current assessment has not been performed by the District of Residence.
- b. If the parents of a private school child with a disability are clearly not interested in enrolling their child in public school, and if the child is eligible for special education and related services as a child with a disability, the District of Residence shall request the LEA to develop a Service Plan in accordance with this policy and federal and state laws and regulations.
- c. The DOR shall make the eligibility decision in accordance with applicable state and federal laws and regulations.
- d. After determination of eligibility the parents may indicate they have no desire to enroll in a public school and the District of Residence shall request the parents sign a statement to that effect.
- e. If the parents of a private school child with a disability are interested in enrolling their child in public school, or are unsure of their intentions, the IEP team shall develop an IEP for the child.
- f. The parent at that time may accept or decline the offer of FAPE. If they decline, indicate with a statement on the IEP.
- g. If the parent indicates intention to enroll or remain in private school and / or declines the offer of FAPE, the LEA then develops a Service Plan.

G. Child Count

The LEA shall consult with representatives of private school children to decide how to conduct the annual count of the number of private school children with disabilities.

- a. The child count shall be conducted for attendance on December 1 of the prior year. The child count shall be conducted by mail and follow-up phone or in-person contact as needed.
- b. The child count shall be used to determine the amount that the LEA must spend on providing special education and related services to private school children with disabilities in the fiscal year following the date on which the child count is conducted.
- c. The LEA will notify the SELPA of the child count by January 1 of each year.

H. Service Plans

- a. No private school child with a disability has an individual right to receive some or all of the special education services that the child would receive if enrolled in public school.

- b. Pursuant to federal and state law and regulations, the LEA shall spend a proportionate share of federal funds to provide special education and related services to private school children with disabilities ages three (3) to twenty-two (22) eligible for special education services. Decisions about the services that shall be provided to private school children with disabilities are made after consulting, in a timely and meaningful way, with representatives of private school children with disabilities (including private school administrators, teachers, parents and students) in order to determine:
  - 1. Which disabling conditions will be served;
  - 2. What services shall be provided;
  - 3. How and where and by whom services will be provided; and
  - 4. How services will be evaluated.
  
- c. Transportation: If the service plan team determines that transportation is necessary for the child to benefit from or participate in the services provided in the child's service plan, a private school child with a disability shall be provided transportation. Transportation may be provided from the child's school or home to the service site if other than the private school.
 

The LEA shall not provide transportation from the child's home to the private school. The cost of transportation shall be included in calculating whether the LEA has spent a proportionate amount of funding on private school children with disabilities.
- d. Each private school child with a disability who has been designated to receive services under this policy shall have a service plan that describes specific special education and related services that the LEA shall provide to the child as determined by the LEA in this policy. The LEA shall ensure that a representative of the private school attends each meeting involving an individual child's service plan. If the private school representative cannot attend, the LEA shall use other methods to ensure participation by the private school, including individual or conference telephone calls.
- e. The services offered in this policy shall be reviewed by the LEA at least annually by means of a survey initiated by each LEA and/or consultation with representatives of private school children with disabilities ages three (3) to twenty-two (22) (including private school administrators, teachers, parents, and students).
- f. The services provided pursuant to the policy may be provided at a private school, including a religious school, to the extent consistent with law. The location of the services shall be set out in the student's service plan. Service providers shall be hired and supervised by LEA. The LEA shall not use its proportionate share of federal funding to finance the existing level of instruction in a private school or to otherwise benefit the private school.

I. IEP Meetings After the Initial IEP Team Meeting

- a. All children with disabilities eligible for special education who reside in the District of Residence are entitled to receive a FAPE from the District of Residence if they are enrolled in public school. One year after an eligible private school child's initial IEP team meeting and annually thereafter, the District of Residence shall notify the child's parents in writing that the District of Residence:
  - 1. Continues to offer a FAPE in accordance with federal and state laws and regulations;

2. Is ready, willing, and able to schedule an IEP team meeting for their child in order to offer the child a FAPE, subject to assessment, if appropriate, if the parents express an interest in enrolling their child in public school.

J. Private Preschool Students with Disabilities (Age 3.0 - 5.11)

If the IEP team determines that a preschool child with a disability is eligible for special education services and develops an IEP offering only related services (i.e., placement is not a component of FAPE), the eligible preschool student shall be considered a public school student. The District of Residence shall provide the eligible preschool child with a disability with a FAPE in accordance with federal and state laws and regulations, and the IEP.

K. Dispute Resolution

- a. When FAPE is not at issue, special education due process procedures are not available to parents for resolving disagreements about the services provided to private school children unilaterally placed by their parents.
- b. No LEA or District of Residence is required to pay for the cost of educating a child with a disability at a private school (including special education and related services) if: (1) the District of Residence made a FAPE available to the child, and (2) the parents voluntarily elected to place their child in a private school.
- c. Disputes regarding whether the District of Residence made a FAPE available to the child (as well as the initial location, identification, and assessment of the parentally placed private school child with disabilities by the LEA and/or the District of Residence, as appropriate) may be resolved pursuant to local policies and procedures and/or by filing a request for a due process hearing with the Office of Administrative Hearings.
- d. Disputes regarding the LEA's policy regarding *Special Education Services to Students parentally Enrolled in Private Schools* Policy may be resolved pursuant to local policies and procedures, and/or by filing a complaint with the California Department of Education pursuant to Title 5 of the California Code of Regulations.



Procedure for determining proportionate amount of Federal Funds available to serve parentally placed private school students with disabilities:

Private School Funding Calculation

To calculate the proportionate share that an LEA must spend, use the figures found on the prior year 611 (3-21 year olds) and 619 (3-5 year olds) Grants letters and the pupil count from the most recent December 1 count.

**Sample Calculations:**

**Step 1:**

$$\frac{\text{Eligible Parentally Placed Private School Students (3-21)}}{\text{Total LEA (3-21)}} \times 611 \text{ grant amt.} = \text{Total amount to expend for private school}$$

**Eligible** Unduplicated Pupil Count (including above number) students 3-21.

**Example:**

$$\frac{10}{2500} = 0.004 \quad \times \quad \$2,500,000.00 \quad = \quad \mathbf{\$ 10,000.00}$$

**Step 2:**

$$\frac{\text{Eligible Parentally Placed Private School Students (3-5)}}{\text{Total LEA (3-5)}} \times 619 \text{ grant amt.} = \text{Total preschool amount to expend for private school}$$

students 3-5.

**Example:**

$$\frac{2}{200} = 0.01 \quad \times \quad \$175,000 \quad = \quad \mathbf{\$ 1,750.00}$$

Total Federal funds to be expended based on # of privately placed children = **\$ 11,750.00**

Timeline to Ensure Timely and Meaningful Consultation

- \_\_\_\_\_ (by ) A. LEAs send letter to principals of private schools including private school questionnaire and relevant legal code. A listing of private schools can be accessed at: [www.cde.ca.gov/sp/ps/rq/ap/coe\\_logon.asp](http://www.cde.ca.gov/sp/ps/rq/ap/coe_logon.asp)
- \_\_\_\_\_ (by May 1) B. LEAs meet with representative from private schools and parents of parentally placed private school students. Use agenda/check list to guide completing of required content of consultation.
- \_\_\_\_\_ Date of meeting C. Obtain written affirmation that timely and meaningful consultation has occurred with representatives of private schools and parents of parentally placed private school students.
- \_\_\_\_\_ (by June 1) D. LEA sends letter to private school outlining services to be provided to parentally placed private school students with disabilities.
- \_\_\_\_\_ On-going E. LEA receives referrals for evaluation from private schools throughout the year. If disability is suspected, LEA shall forward referral to DOR. Eligible students will have access to LEA determined services identified in their Service Plan based on availability of proportionate share of funds.
- \_\_\_\_\_ On-going F. Each LEA shall collect and maintain data relating to referrals, evaluations and services provided under this law.
- \_\_\_\_\_ Dec. G. LEA conducts child count to use in determining proportionate share of federal funds and notifies SELPA.

Notification

District of residence will notify LEA of parent decision not to access FAPE by enrolling in public school. District of residence will send completed copy of Certification of Parent Decision Not to Enroll in Public School to LEA in which private school is located.

## 214. Modifications and Accommodations

### A. Rationale

Education Code §37252 requires school districts maintaining any or all of grades 7-12 to offer supplemental instructional programs for pupils enrolled in grades 7-12, who do not demonstrate sufficient progress toward passing the California High School Exit Exam (CAHSEE). Federal law requires IEP teams to determine when and what accommodations and modifications to state and district-wide assessments are appropriate for pupils enrolled in special education programs.

### B. Policy Statement

Each school district is required to adopt policies and standards pursuant to Education Code §37252 et seq., and shall include provisions for:

1. Pupils who are enrolled in special education programs who need appropriate accommodations and modifications as determined by the IEP team, to meet district standards and graduation requirements.
2. Pupils with disabilities who, in the opinion of the IEP Team, do not demonstrate evidence of the ability to attain the district's standards, even with appropriate educational services and support.

The IEP Team shall develop goals and objectives based on state standards or modified pted by the governing board appropriate to the needs and potential of individual pupils. Such goals shall be included in the IEP for the pupil.

### C. Administrative Guidelines

1. District standards are to be reviewed and revised as needed as part of the process of reviewing and revising the IEP. If a pupil needs only accommodations or modifications in order to progress in an area of general curriculum, the IEP team does not need to include a goal for that area; however, the IEP needs to specify those accommodations and modifications.
2. Accommodations and modifications developed for individual special education pupils may be maintained for the pupil throughout his/her school experience whether or not the pupil continues in special education.
3. Accommodations and modifications may be eliminated for individual pupils when the IEP Team determines the pupil can attain the district's regular proficiency standards with appropriate educational services and support.
4. Pupils may be permitted to remain in school beyond grade 12 or equivalent to reach their IEP goals and/or graduation requirements.
5. Accommodations and assessment procedures must permit a reasonable amount of time for the pupil to attain the district requirements, but should not extend beyond the time state or federal law requires providing an education to the student.
6. Conferences to discuss pupil progress, proficiency level, etc., should be on an individual basis.

7. The county office and the school district in which a pupil was last enrolled have a joint responsibility to assure that children placed in Licensed Children's Institutions who are receiving special education services are included in accordance with Education Code §37252.
8. District policy must include how certificates or documents of educational achievement or completion (EC 56390 (a-c)) will be awarded to pupils with special needs based on district and state criteria.

## 215. Promotion and Retention of Special Education Students

### A. Rationale:

The California legislature passed a significant set of laws which transforms the way students move from grade level to grade level in California. These laws were designed to discontinue the practice of “social” promotion. As part of the larger standards-based school reform movement, the legislation outlines a promotion process based on student attainment of grade-level content standards, while at the same time, providing funding for intensive instructional support for those students at risk of being retained. School districts within the Nevada County SELPA must ensure all special education students a free and appropriate public education while meeting federal and state performance standards.

### B. Policy Statement:

School districts often require all pupils, including pupils with disabilities, to demonstrate mastery in a given area of the general curriculum before allowing them to progress to the next level or grade in that area. Therefore, in order to ensure that each pupil with a disability can effectively demonstrate competencies in an applicable area of the general curriculum, it is critical for the IEP team to consider the accommodations and modifications that the pupil needs to assist him or her in demonstrating progress. While all pupils demonstrate individual learning needs, pupils with disabilities have exceptional needs; however, IEP teams must not automatically assume that a pupil receiving special education services will be unable to succeed at high academic levels. IEP teams should consider whether the pupil’s disability adversely impacts the pupil’s potential for learning or the rate of learning. If so, the IEP teams should consider whether accommodations or curricular modifications can minimize this impact.

Neither federal nor state law prohibit the retention of pupils with disabilities; however decisions regarding placement, educational programs, and assessment of pupils with disabilities must be made by the IEP team. In accordance with 34 CFR Part 300 & 303, “the accommodations and modifications that the child needs to assist him or her in demonstrating progress” must be made on an individualized basis.

For the purpose of clarification:

#### 1. Accommodation:

An accommodation provides access for a pupil with a disability to participate in a course, standard or test, but it does not fundamentally alter or lower the standard or expectation of the course, standard or test. Examples may include presentation, format, timing, location, and response, as determined by a pupil’s IEP team.

#### 2. Modification:

A modification is a change in the course, standard, test preparation, location, timing, scheduling, expectations, pupil response, and or other attribute which provide access for a pupil with a disability to participate in a course, standard or test, but which does fundamentally alter what a test measures or lowers the standard or expectation of the course, standard or test (Freedman, 1999).

C. Administrative Guidelines:

1. Local governing board policies need to be based on either the minimum proficient level recommended by the State Board of Education on the STAR test or the pupil's grade and other indicators of academic achievement designated by the district.
2. If a pupil is unable to meet the board-adopted standards due to the nature or degree of the disability, the IEP team can establish individualized promotion standards; however, they need to:
  - a. be documented on the IEP
  - b. document any potential consequences including satisfying district requirements for graduation with a diploma.
3. If a pupil with a disability fails to meet board-adopted or IEP team developed promotion standards, the IEP team should reconvene immediately to consider the following:
  - a. Is the current IEP appropriate in the areas of academics, linguistic, social, emotional and behavioral needs?
  - b. Is the manner of assessment, including accommodations and modifications, identified in the IEP appropriate?
  - c. Were all services required by the pupil to make progress in the general education curriculum appropriately identified in the student's IEP?
  - d. Did the pupil receive all the services identified in the IEP?
  - e. In the case of English Language Learners, were the linguistic needs appropriately identified?
  - f. Was the assessment conducted consistent with the IEP?
4. Special education and related services must be aligned with the general core curriculum for all pupils.
5. There is no state or federal law prohibiting high, low, or modified grades for pupils with disabilities as long as those grades are available to all pupils. The modification should be reflected in the IEP and directly related to the pupil's disability. If a mutual grading arrangement with the special and general education teacher has been developed, the following needs to apply:
  - a. It must be indicated on the IEP.
  - b. The site principal should determine which teacher is responsible for recording the grades.
  - c. The IEP should list all accommodations and modifications, including grades.
  - d. Modified grades are to be made on an individual basis and are not due just to the pupil's disability.
6. If a pupil with a disability should be recommended to attend the Intensive Instructional Program or Summer Program developed by the local board pursuant to EC 37252.5, the

IEP team should meet before the end of the school year and document all the supports and related services the pupil will need to benefit from that program.

If Intensive Instructional Programs and/or summer school are determined not to be appropriate, the IEP team shall meet to address the unique needs of this pupil in order to develop an IEP that provides for the supports & services necessary for educational benefit.

Special education pupils may not participate in two programs at once, for example, Extended School Year under IDEA and the Summer School Program under EC 37252.5, for funding purposes.

## 216. School-Based Program Coordination Act (SBPC) of 1981

### A. Rationale

The School-Based Program Coordination Act of 1981 was enacted to provide school sites flexibility in the use of certain categorical resources. This Act gives districts and schools the opportunity to use this flexibility to ensure that all students, including students with special needs, receive an enriched program.

### B. Policy Statement

Each SBPC school site is required to develop a plan addressing the curriculum and instruction received by all pupils. This plan also affords the staff and others the opportunity to work regularly and systematically at improving their curriculum and instructional program. It provides an opportunity to focus the attention on the entire school community utilizing the school's categorical resources to ensure each pupil's success in the district's core curriculum.

### C. Administrative Guidelines

1. Each school site will follow rules and regulations in accordance with the School-Based Program Coordination Act of 1981.
2. Special Education services may be included and coordinated into an SBPC; however, actual dollars may not be included.
3. Special Education pupils enrolled in a Resource Specialist Program (RSP) or Designated Instruction and Services (DIS) Program, such as speech and language, may be counted on caseloads ONLY for FISCAL PURPOSES.
4. For SERVICES PURPOSES, pupils who receive the same frequency, intensity, and duration of services as the identified RSP or DIS student should count toward caseload total. If this results in exceeding the maximum caseload requirements for Resource Specialists or speech and language staff, an SBPC waiver of Education Code §52860 is necessary.
5. Waivers must be approved in order for the following to take place pursuant to a school's School-Based Program Coordination as described in the school site plan:
  - a. Resource Specialists exceeding caseload standards in accordance with Education Code §56362 (c);
  - b. Team teaching for Special Day Class teachers (Education Code 52860);
6. The following school districts have School-Based Program Coordination at all school sites:  

CHICAGO PARK	TWIN RIDGES
CLEAR CREEK	UNION HILL
GRASS VALLEY	NEVADA JT. UHSD
NEVADA CITY	NEV.CO.SUPT. OF SCHOOLS
PLEASANT RIDGE	
PLEASANT VALLEY	
READY SPRINGS	



### **III. Operational Procedures**

### **301. Child Find**

#### **A. Rationale**

The Local Plan requirements adopted in 2002 require a policy for a local “Child Find” system.

#### **B. Policy Statement**

It is the intent of the Nevada County Special Education Local Plan Area to actively identify, locate and evaluate children with disabilities from birth through 18. The Child Find system is coordinated by the SELPA Administrator. Each local education agency shall have local procedures to implement the Child Find system.

#### **C. Administrative Guidelines**

1. The SELPA Administrator coordinates the dissemination of information and media announcements regarding Child Find activities including to pediatricians, hospitals, Early HeadStart and HeadStart programs, preschools, and public and private agencies.
2. Each local education agency designates an individual to be responsible for the Child Find activities of the district.
3. The person identified as responsible for Child Find activities of a local education agency develops a process for screening and identifying students suspected of being a child with a disability. Such procedures should include a method of disseminating information locally.
4. The SELPA Administrator enlists the aid and cooperation of the CAC in Child Find activities.
5. It is the responsibility of the local education agency to develop an IFSP/IEP and provide appropriate services for children identified as eligible for special education.

See also procedures on “Identification, Screening, Referral, Assessment, Instructional Planning, Implementation, and Review”.

## **302. Assessment and Instructional Planning**

### **A. Rationale**

State and federal law and regulations specify provisions to be followed in the development of an Individualized Education Program.

### **B. Policy Statement**

Each local education agency shall designate a certificated person who will have the responsibility to coordinate the activities of referral, assessment, instructional planning, and placement of students residing within the district who are found to be eligible for special education programs and services.

Each agency shall follow the Nevada County SELPA procedures for assessment and instructional planning which conform to the timelines and processes stated in the law. (See “Identification, Screening, Referral, Assessment, Instructional Planning and Review Procedures”.)

No procedures for assessment are to be initiated for a pupil without written consent of the parents, and no pupil is to be enrolled in special education unless the special education service to be provided is specified in the IEP and approved in writing by the parent.

### **C. Administrative Guidelines**

1. The district person responsible for special education programs and services assumes responsibility to inform staff and parents of the timelines and process to be followed for purposes of assessment.
2. The district person responsible for special education programs and services establishes IEP Teams in accordance with district needs and designates an IEP Team chairperson(s).
3. The district person responsible for special education programs and services coordinates the distribution of IEPs to appropriate personnel and the SELPA and monitors the assessment process to ensure conformity.
4. In a format provided by the SELPA, the district person responsible for special education maintains an accurate record of pupils receiving special education programs and services. The record should differentiate clearly between duplicated and unduplicated count.

### **303. Review of Pupil's Assignment**

#### **A. Rationale**

Both Federal and State law contain provisions to ensure that children with disabilities are educated to the maximum extent possible with children without disabilities, and that children are removed from the regular educational environment only when the nature and severity of the disability is such that education in the regular classroom cannot be satisfactorily achieved with the use of supplementary aids and services. State requirements permit general and special education teachers to request a review of a pupil's assignment and requires that each Special Education Local Plan Area have in place a process by which a teacher may request a review of the class assignment. The intent is to ensure that the pupil's IEP team be convened if changes in placement or services are being considered.

#### **B. Policy Statement**

Assignment of pupils eligible for placement as individuals with exceptional needs will be made in accordance with state guidelines and eligibility criteria. Recommendations for placement are to be compatible with the pupil's needs as identified by the IEP Team and specified in the IEP. The IEP must stipulate the extent to which the pupil will be able to participate in the general education program.

Pupils assigned to special education programs will be placed in the least restrictive environment possible in relationship to the needs of the individual. Special education placements are subject to continuous monitoring and annual review.

Pupils with exceptional needs who cannot be accommodated in modified general education classes will be assigned to special education programs which promote maximum interaction with non-disabled peers and access to the general education curriculum.

A review of the assignment of a pupil will occur when either a general education class teacher or a special education teacher to whom the pupil is assigned requests such a review. If the review indicates that a change in the pupil's assignment should be considered, an Individualized Education Program Team meeting will be scheduled.

#### **C. Administrative Guidelines**

1. Placement in special education programs/services shall be made only in accordance with the IEP developed by the IEP Team and agreed to in writing by the parent.
2. All assessment and IEP procedures must comply with State and Federal law and regulations and the Local Plan.
3. Requests by a general education class teacher or a special education teacher for a review of the placement or assignment of pupils are to be directed to the site principal or appropriate program supervisor.
4. The principal or program supervisor, if other than the IEP Team chairperson, forwards the review request to the IEP Team chairperson.
5. Within five days, the IEP Team chairperson confers with the teacher who has submitted the request and determines whether or not to call a meeting of the IEP Team.

6. If a determination is made to convene an IEP meeting, the appropriate team members, including the parent, are notified and the meeting scheduled within fifteen days.
7. The IEP Team reviews the pupil's assignment, determines necessary program modifications and further determines continuation in the present assignment or agrees on a new assignment.
8. Within five days following the IEP meeting, appropriate personnel are notified of program and service changes made by the IEP Team. The new IEP will be implemented as agreed upon.

### **304. Individual Pupil Program and Placement Review**

#### **A. Rationale**

State and federal law and regulations requires an annual review of the placement and Individualized Education Plan for each pupil. In addition, an assessment of pupils at least every third year is required.

#### **B. Policy Statement**

It is the intent of each local education agency to provide necessary special education programs and services to all eligible pupils. Such services are to be designed to ameliorate the disabling conditions of each pupil, and insofar as possible, permit integration with regular students and encourage a return to regular classroom programs. No pupil shall be required to remain in special education programs for an indeterminate period of time without the benefit of annual review of his/her program and placement and periodic reassessment prior to continued participation in special education programs/services beyond the third year.

All assessments and individualized educational programs are to be developed in accordance with the Local Plan. Nothing in this policy may prevent more frequent reviews and assessments when the need arises.

#### **C. Administrative Guidelines**

1. Efforts should be made to schedule assessments and reviews throughout the academic year.
2. Reviews and assessments should be scheduled to permit sufficient time for notification to parents.
3. The three-year assessment provision will follow the process described in state and federal regulations.
4. Pupil placement and progress should be monitored on a continuing basis as frequently as for nondisabled peers or in accordance with the IEP.
5. See also "Identification, Screening, Referral, Assessment, Instructional Planning, Implementation and Review Procedures".

### 305. Selection of Surrogate Parents

#### A. Rationale

State and federal law require that a Surrogate Parent must be provided for some children who have been referred for special education services, or who are being served in special education.

#### B. Policy Statement

The Special Education Local Plan Area and the local education agencies will implement the mandate through established procedures. The appointment of a surrogate parent will occur when the following conditions exist:

1. The child has been named a ward or dependent of the court and the parent/guardian has been denied the right to make education decisions for the child by specific court order; and/or
2. The parent cannot be identified; and/or
3. The location of the parent is unknown; and/or
4. An adult pupil is a ward or dependent of the court and has been found to be incompetent.

All procedures and guidelines pertaining to surrogate parents are outlined in the Surrogate Parent Handbook.

#### C. Administrative Guidelines

1. LEAs shall implement a process of soliciting applicants to serve as surrogate parents. Qualified individuals will be appointed to act as surrogate parents following an application and training process in accordance with the SELPA's Surrogate Parent Handbook.
2. LEAs must determine that the individual does not have a conflict of interest in representing the child. "An individual who would have a conflict of interest.... means a person having any interests that might restrict or bias his or her ability to advocate for all of the services required to ensure a free appropriate public education for and individual..." (Gov. Code 7579.5(f))
3. The responsibilities of an individual serving as a surrogate parent are to represent the interest of the child in all matters pertaining to his or her education including, but not limited to:

- Identification and referral
- Consent for assessment
- Instructional planning and IEP development
- Education placement
- Review and revision of the IEP
- Due process
- Confidentiality of records
- Written consent to IEP team for 26.5 services
- Other matters as related to a free and appropriate education

4. The surrogate parent shall have access to the pupil's school records while serving as a surrogate parent. They must, however, maintain the confidentiality of the pupil's records.
5. Surrogate parent shall volunteer services to school districts and the county office and serve without compensation. LEAs may reimburse a surrogate parent for mileage and other incidental expenses directly associated with their duties as a surrogate parent.
6. Individuals shall be appointed to serve as surrogate parents only after completion of the training and demonstration of the knowledge necessary to represent the pupil's interest. The training shall include, but is not limited to: 1) disability awareness, 2) special education procedures, and 3) sensitivity to ethnic and cultural factors.
7. Surrogate parents may be appointed by a LEA when a pupil is initially placed in the SELPA, in order to meet the requirements for an immediate education placement, while the status or location of the pupil's parent is researched.
8. Surrogate parents shall be appointed to a term not to exceed two years. A surrogate parent may be recommended for reappointment at the discretion of the LEA.
9. A surrogate parent appointment for an individual pupil shall be terminated:
  - a. immediately upon location of the parent or legal guardian;
  - b. upon an action of the court to reinstate the parent's rights to represent the pupil in educational matters.
  - c. they become an employee of a public agency involved in the education and care of the pupil;
  - d. the surrogate parent develops a conflict of interest in representing the pupil;
  - e. the pupil turns 18 years of age;
  - f. the surrogate parent fails to or is unable to fulfill the responsibility of a surrogate parent.
10. Each LEA will determine the status of the pupils in need of surrogate parents including acquiring the necessary documentation.
11. Appropriate training for surrogate parents will be provided for by the SELPA. This training will be provided at least two times a year. Additional training times will be determined by the SELPA and the LEAs. A training manual will be provided to each participant and the training will be provided by program specialists. Notification from the SELPA will be sent to each LEA and participant indicating that the individual has satisfactorily completed the Surrogate Parent Training Program. The SELPA will maintain a list of individuals who have successfully completed the training. Certification based on these trainings shall remain valid for two years.
12. The SELPA will monitor and evaluate surrogate training and services with the Special Education Administrators Committee (SEAC) members. Policies, procedures, handbooks, and other data will also be reviewed.
13. Additional information regarding the Surrogate Parent program within the Nevada County SELPA including forms and procedures are available in the Surrogate Parent Manual.



### **306. Infant Respite Policy Procedures for Children with Solely Low Incidence Disabilities**

#### **A. Rationale**

The California Early Intervention Services Act mandates that local education agencies (LEAs) provide respite services to pupils with solely low incidence disabilities only until their third birthday. However, after the third birthday, education does not have a mandate to provide respite services. Funding to local education agencies for the California Early Start Program is included in the allocation of early intervention services under IDEA, Part C (Early Start). All families of infants with low incidence disabilities who do not qualify for service under the Lanterman Act, MediCal or private insurance, are eligible for respite services, based on need. The provision of respite services is an IFSP decision, based on the resources and needs of the particular family. All families must be informed of their rights to respite. Respite is an early intervention service.

#### **B. Policy Statement**

Respite refers to short-term care given in the home or out of the home which temporarily relieves families of the ongoing responsibility of specialized care for a pupil with a disability. These services are provided to families with pupils who are solely low incidence and who have current Individual Family Service Plans (IFSP) in accordance with the Nevada County Special Education (SELPA) Local Plan. The service providers within the SELPA is the Nevada County Infant Program. Infants currently receiving Infant Program services who are not solely low incidence infants may request respite services in accordance with the provisions and guidelines of California's Early Start Program and the Department of Developmental Disabilities. Respite programs for families of low incidence infants will be funded through a contractual arrangement between the operators of the programs and an agency that is approved and licensed to provide such services. Funds to be used for these services will be included as part of the allocation of Early Start funds. Program operators will need to be accountable and responsible for all contracts, claims, reimbursements, etc. for expending funds as well as for audit purposes.

The provision of respite services is an IFSP team decision, based on assessments and resources. The infant program of Nevada County will consider family needs, strengths, and resources when developing a respite plan as part of the IFSP process. The number of hours provided and the duration of the respite services are determined on an individual basis and are written on the IFSP. As with all Early Start services, the respite services will be reviewed at the six month IFSP review or earlier if necessary to determine the individual needs of the families.

#### **C. Administrative Guidelines**

1. The Infant Program Service Coordinator or another assigned LEA staff member is responsible for coordinating and obtaining respite services, including the appropriate documentation.
2. In order to be eligible for respite from the Infant Program, families may not be eligible for respite from any other funding source such as MediCal, Regional Centers, or others.
3. Respite services requiring nursing services are limited as stated in Part C regulations of IDEA.
4. Respite services may be purchased for the primary caregiver who is the natural parent or for a person who assumes the role of the natural parent and is not receiving compensation.

5. Respite services may be provided to enable parents to attend meetings or trainings pertaining to the education or development of their disabled child.

D. Criteria for Respite Services

Respite services may be purchased based on the individual needs of the pupil and family. Respite may be considered under the following circumstances:

1. Respite care is needed to protect the health and safety of the pupil.
2. Respite care is needed because of medical problems of the pupil.
3. Respite care is needed because of a family crisis or disruption (i.e., death, major medical care, and or emotional problems of a family member).
4. Respite care is needed when primary caregiver identifies extreme stress which inhibits normal functioning.
5. Respite care is needed when primary caregiver experiences coping difficulties associated with age and/or infirmity.

Respite is to be used to enable the family to experience activities typically available to families who do not have a disabled child. Respite services are not to be used for daycare while parents work, to care for siblings, or to provide services within the home.

### 307. Interdistrict Transfer Permits

#### A. Rationale

This policy focuses on procedures a school district may rely upon to deny, revoke or non-renew an interdistrict attendance permit from the viewpoint of operational needs and problem solving alternatives.

#### B. Policy Statement

School districts are not required to accept non-resident pupils. State law allows school districts to deny interdistrict attendance on any non-arbitrary basis. Districts may deny interdistrict attendance requests even when the request is based on parental employment and/or child care, based on any factors the district deems necessary, except:

1. Race
2. Ethnicity
3. Sex
4. Parental Income
5. Scholastic Achievement
6. Any other arbitrary consideration  
Reference: (Education Code §48204(f)(1); or
7. Disability (34 C.F.R. §194.4)

Federal law (as interpreted by the Office of Civil Rights) does not require a school district to accept all non-resident students with exceptional needs under interdistrict agreements. State law has provided school districts and SELPAs with the general power to establish policies and procedures regarding education. As long as the school district's policies and procedures do not infringe on state and/or federal laws, the district may enforce their procedures and contract.

#### C. Administrative Guidelines

1. School districts may establish non-discriminatory guidelines for the admission of non-resident pupils.

- a. Conditions of attendance are not an automatic right to interdistrict attendance

- 1) Parental employment within the district boundaries does not automatically allow a pupil to attend district schools.

Education Code §48204(f)(1) states that a district is not required to admit pupils into the district simply because the pupil's parent and/or guardian is employed within the district boundaries.

A school district is refrained from denying admission only based on arbitrary considerations such as race, ethnicity, sex and disability. Therefore, it is critical that a school district develop policies and procedures that specify under what circumstances non-resident pupils will be admitted.

- b. Districts may deny interdistrict admissions on various grounds.

1) Class load limits for regular and special education classes.

A school district may determine class-loading limits and not accept any non-resident student that would disrupt the district's ability to serve resident pupils in an appropriate setting. For example, with Class Size Reduction in place, enrollment at some schools and some grade levels may be limited to a number that is sufficiently low so as to ensure that the district will not lose funding if additional resident pupils move into the school boundaries. Likewise, a district may set class size limits and class load limits for special education and other programs. The district is not required to admit non-resident pupils when there is insufficient room for the pupil, so long as this is applied in a non-discriminatory manner.

2) Legislative Intent

Education Code §41375 defined the legislative intent that local school officials make every effort to reduce class size and pupil-teacher ratios. Education Code §35160.1(a) provides that district governing boards “should have the flexibility to create their own unique solutions” to the unique problems of the particular district.

Districts have a need to maintain designated class sizes and teacher-pupil ratios to appropriately serve resident pupils. To meet that need, governing boards may set policies for class size that estimate the probable numbers of pupils who will be moving into the district during the ensuing school year.

3) Office of Civil Rights

In Fallbrook (15 EHLR 754) the Office of Civil Rights (OCR) clarified that school districts may not ban all non-resident disabled pupils. However, the facts in Fallbrook are very different from the facts in most school districts within the Nevada County SELPA. In Fallbrook, the district had a policy of refusing an interdistrict permit for all disabled pupils based simply on the child's disability. The Fallbrook District automatically denied all applications for transfer if the pupil needed special education services.

In contrast, school districts within the SELPA are only attempting to limit enrollment of individual pupils who would create the need to expand existing programs or create additional programs. By adopting policies that consider class and program size and the student-teacher ratio, districts would only be denying interdistrict permits to those students who would create the need for additional programs or personnel. A district would admit the pupil if his/her needs could be met in an existing program. Admission would be based on ability to serve irrespective of any disability.

34 C.F.R. §104.4 requires that no qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal

financial assistance. By determining class/program loading standards and non-discriminatorily applying these standards to all pupils who apply for interdistrict attendance, a district would not be excluding a pupil with a disability based on his/her disability. Rather, the denial would be based on the non-arbitrary class load limits.

OCR clarified the interdistrict issue in their opinion of Complaint Number 09-93-1172-1 (McCabe, 20 IDELR 1078) by finding that a district's denial of an interdistrict permit to an individual disabled pupil based on program capacity was legitimate because the decision to deny was not arbitrarily based. Like districts within the Nevada County SELPA, the district in McCabe did not arbitrarily deny the interdistrict permit based on the pupil's disability. Instead, the denial was based on a crowded classroom with insufficient space for an additional pupil. In McCabe, OCR found that the district's refusal to admit the pupil with a disability based on overcrowded classes was a legitimate, non-discriminatory reason for denying the interdistrict transfer.

4) Excess Cost

A district may deny an interdistrict permit when the additional costs of educating a pupil would exceed the amount of additional state aid received as a result of the transfer (Education Code §48302(f)(3)). Accepting a non-resident pupil who would potentially cause the district to be forced to add an additional program is imposing an additional cost on the district that far exceeds the state aid. If acceptance of a non-resident pupil would require hiring additional personnel or providing additional equipment or services, the district could reasonably deny the interdistrict permit based on the excess cost factor.

A district may also deny admission to a pupil with a disability if the student's needs cannot be met in existing programs that have space for him/her. State and federal revenues for special education do not follow an individual pupil and provide for all his/her educational needs. Here, it is critical that class and program loading standards have been established by board policy so the district can show a non-discriminatory reason for denying an interdistrict permit.

Although the OCR has found that the refusal to accept all special education non-residents may amount to discrimination, there is no applicable federal law that would prevail over California Education Code §48204(f)(3) regarding the issue of excess cost. Therefore, the district may refuse to accept non-resident pupils who would create excess costs so long as the standard is imposed in a non-discriminatory manner.

2. A district should establish board policies that require yearly reapplication for interdistrict attendance permits.

a. Policy Recommended

1) Parental Employment

Interdistrict attendance is permitted, but not required, when the parent or guardian of an elementary age pupil is employed within the school district boundaries (Education Code §48204(f)).

A district should establish policies regarding interdistrict attendance permits that allow denial of permits when acceptance of the pupil would overcrowd classes or programs. The policy should clarify that students will not be denied admission based on race, ethnicity, sex, parental income, scholastic achievement or disability. However, once accepted, the pupil need not reapply to continue in the district through the twelfth grade subject to Education Code Sec. 48204 (f) (1-6) (Education Code §48204(f)(7)).

2) Yearly renewal even after acceptance

Education Code §35181 allows governing boards to adopt policies setting forth the responsibilities of pupils regarding academic performance, attendance, behavior and other aspects of school life which the board may deem relevant. Based on Education Code §35181, a district may establish policies and procedures that entail yearly renewal application for all interdistrict attendance permits. Further, the renewal of such a permit could be made dependent upon factors such as behavior, attendance, grades, etc.

b. A district is entitled to the presumption its actions are proper.

It is presumed that official duties have been regularly performed. (Education Code §664; see also City and County of San Francisco v. Cooper, 120, Cal.Rptr. 707).

c. Interdistrict attendance contracts with parents may specify behavioral expectations, enrollment standards and renewal terms.

Governing boards may adopt policy statements setting forth the responsibilities of pupils regarding any of the following:

- Academic performance
- Attendance
- In-school behavior; and
- Any other aspects of school life which the school district governing board may deem relevant (including interdistrict attendance (Education Code §35181)).

District policy should require that all interdistrict transfer requests be accompanied by parental agreement in the form of a behavioral/ performance contract. The contract should specify the expectations the governing board has established and include requirements for attendance, behavior, grade point expectations, and any other items included in the board policy. Parents and pupils may be required to sign the contract as a condition of the district granting an interdistrict permit.

The district must make sure that any such contract does not discriminate against pupils with disabilities. The district must be willing to modify the contract to meet individual pupil needs. For example, a standard GPA requirement could be modified to meet the special education or Section 504 requirements of an individual pupil. The attendance requirement could be modified to meet the

needs of a chronically ill pupil. (Section 504 of the Rehabilitation Act of 1973 as found in 34 C.F.R., Part 104).

The contract should state that an individual pupil who fails to meet the terms of the contract may be denied continued enrollment on an interdistrict basis. Denial, revocation or non-renewal of an interdistrict permit must be applied in a non-discriminatory manner (Section 504, as above.) Further, there must be reasonable notice (e.g., one grading period).

Education Code §48980 defines notice requirements to parents given at the beginning of each academic year, and includes (j) attendance options.

- d. A district may establish policies and procedures limiting financial exposure from non-resident pupils.

A district has strong grounds for limiting negative financial impacts created by pupils attending on interdistrict transfer permits. The means of controlling the situation is through carefully tailored board policies and procedures that:

- Establish class and program size limitations;
- Determine the number of spaces that should be retained for possible new residents;
- Establish standards required to interdistrict permits, including but not limited to, attendance and academic performance;
- Establish a requirement of behavioral expectations for all interdistrict permits;
- Clarify interdistrict permits to be considered on an individual basis in a non-discriminatory manner; and
- Establish procedures for notification and appeal.

### 308. Residency

#### A. Rationale

District responsibility to provide special education services and protections is based on a pupil's residency.

#### B. Policy Statement

Residence for a pupil under the age of eighteen (18) is determined by:

1. The school district in which the parent of legal guardian resides (Education Code §48200), or
2. The school district in which the pupil's licensed children's institution (LCI) or foster family home is located, unless the pupil was placed in the LCI by an IEP Team (Education Code §§56162 and 56165).
3. The school district that has granted the pupil an interdistrict attendance agreement pursuant to Education Code §46600 et seq.
4. Enrollment in a charter school.

#### C. Administrative Guidelines

1. Placement by an IEP team in a special education program operated by another educational entity does not alter a pupil's district of residence. Placement of a special education pupil in a placement outside the district may be a function of the IEP Team. A district may provide for the education of special education pupils in programs maintained by other districts or the county office of education through agreement of the sending and receiving entities (Education Code §56195.5).
  - a. Pupils placed by an IEP Team in a placement outside the district remain residents of the placing district.
    - i. An IEP Team will not place a pupil outside the district of residence without agreement of the receiving entity.
    - ii. The district of residence will chair IEP meetings regarding the pupil.
    - iii. The district of residence will ensure procedural safeguards in compliance with Education Code §56500 et seq.
    - iv. The district of residence will be responsible for any expulsion of special education pupils placed by an IEP Team in an out-of-district placement in compliance with Education Code §48915.5.
      - The principal or designee of the school of placement will be responsible for suspension and recommendations for expulsion of students in compliance with Education Code §§48900 and 48915.



2. District of residence for a pupil over the age of eighteen (18) is as follows (Education Code §56041):
  - a. For non-conserved pupils, the last district of residence in effect prior to the pupil's attaining age eighteen (18), until the parents relocate to a new district of residence.
  - b. For conserved pupils, the district of residence of the conservator until the conservator relocates or a new conservator is appointed. If a new conservator is appointed, the residency of the new conservator will determine the district of residence.

**309. Procedures for Licensed Children’s Institutions (LCI)/ Nonpublic Schools (NPS) in the Nevada County SELPA**

**A. Rationale**

Students placed in a Licensed Children’s Institution (LCI) by an appropriate public agency for residential purposes and who are eligible for special education programs and services shall be provided services as specified in their IEP. The school district in which the LCI is located, in accordance with current law (Education Code 56156.5-56166.5) and the Nevada County Special Education Local Plan, are responsible for those Licensed Children’s Institutions (LCI) pupils.

**B. Policy Statement**

Procedures have been identified in accordance with laws and regulations to establish and ensure services to children. These procedures identify three areas:

1. pupils placed at an LCI in the Nevada County SELPA with current IEPs;
2. pupils placed without IEPs; and
3. pupils placed by education.

**C. Administrative Guidelines**

1. Those special education teachers, speech therapists, adaptive physical education teachers, and other staff who serve the pupils enrolled in the Nonpublic School (NPS) program must be employed by the nonpublic school.
2. In accordance with current law and the Nevada County Special Education Local Plan, the school district in which the LCI is located is responsible for those LCI pupils who have been placed in a Licensed Children’s Institution by an appropriate agency for residential purposes. (Education Code 56156.5 - 56166.5). For pupils in grades preK-8, the school district of residence will be the elementary or unified school district; and for pupils in grade 9 through graduation or age 22, the school district of residence will be the high school district. Pupil observations, evaluations, and progress reports conducted by the NPS staff should be considered in the annual IEP meetings held for each child. Psychological and formal academic assessments and other evaluations including speech and language need to be conducted by the appropriate school district of residence. It will be the responsibility of the school district of residence where the LCI is located to ensure that three-year evaluations are also conducted.
3. The contract between the school district of residence where the LCI is located and an NPS cannot include a claim for any of the costs as specified in Education Code 56836.16 which includes the following:
  - a. Administrative or indirect costs for the local education agency.
  - b. Direct support costs for the local education agency.
  - c. Transportation costs provided either directly or through a nonpublic, nonsectarian school or agency master contract or individual services agreement for use of services or equipment owned, leased, or contracted by a district, special education local plan area, or county office for any pupils enrolled in nonpublic, nonsectarian school or agency pursuant to Education Code §56366(a) or (b).

- d. Costs for services routinely provided by the district or county office (unless the board grants a waiver under Education Code §56101) including the following:
    - i. School psychologists services other than those described in Education Code §§56324 and 56363 and included in a master contract and individual services agreement under Education Code §56366(a).
    - ii. School nurse services other than those described in Education Code §§49423.5, 56324, and 56363 and included in a master contract and individual services agreement under Education Code §56366(a).
    - iii. Language, speech and hearing services other than those included in a master contract and individual services agreement under Education Code §56366(a).
    - iv. Modified, specialized, or adapted physical education services other than those included in a master contract and individual services agreement Education Code §56366(a).
    - v. Other services not specified by a pupil's individualized education program (IEP) or funded by the state on a caseload basis.
  - e. Costs for non-special education programs or settings, including for pupils birth to 5 years.
  - f. Costs for placements outside the state.
  - g. Costs for related assessments by a school psychologist or school nurse.
  - h. Costs for services that the NPS is not certified to provide.
  - i. Costs for services provided by personnel who do not meet the requirements of Education Code Sec. 56366.1(1).
  - j. Costs for services provided by public school employees.
4. Any waiver requests need to be completed by the NPS and forwarded to the the school district in which the LCI is located and the SELPA. There are two types of waivers which apply to services provided by state certified nonpublic schools. One relates to the use of substitute teachers. The other relates to the authority of the State Superintendent of Public Instruction to waive one or more of the requirements governing nonpublic nonsectarian school and agency services, as described by Education Code §56366.2, through a petition filed by a district, special education local plan area, county office of education, nonpublic nonsectarian school or agency, or licensed children's institution.

This petition is completed by the local education agency or nonpublic school or agency with reasons stated for the request. The petition must include sufficient documentation to demonstrate that:

- a. The waiver is necessary or beneficial to the content and implementation of the pupil's IEP;

- b. The waiver does not abrogate any rights provided to children with disabilities and their parents or guardians under state and federal law; and
  - c. It does not hinder the compliance of the district, special education local plan area, or county office of education. (Education Code §56366.12)
5. This section addresses nonpublic schools that are both an LCI and a nonpublic school. The courts, probation department, and social services agency, etc. make the placements within the LCI; however, public school agencies, (i.e. the school district of residence in which the LCI is located ), are the only agencies permitted to make special education placements in the nonpublic schools. This does not preclude the possibility that any public school agency within the state could enter into a separate agreement for both residential and school placement within the Milhous Nonpublic School. For example, a school district within Nevada County could place a pupil at Milhous and would be responsible for both residential and school costs unless it is a 3632 placement.
  6. The school district of residence in which the LCI is located has the responsibility to obtain the signatures for the IEP.
  7. If it is necessary to appoint a surrogate parent, this should be done in accordance with the Nevada County Special Education Local Plan Area Surrogate Parent Policy and Procedures. The training of these individuals is the responsibility of the SELPA.
  8. The school district of residence in which the LCI is located has the responsibility for initial psychological, academic, speech and language assessments and other assessments and could contract for these services with the appropriate school district in which the LCI is located or with other qualified individuals in accordance with Education Code §56320.
  9. NPS/LCI staff will be notified and encouraged to participate in SELPA sponsored training programs.

## **IV. Safeguards**

## 401. Complaints about Individual Protections

### A. Rationale

Both state and federal law require the adoption of a prescribed procedure to be followed when an individual, public agency, or organization believes an individual local education agency or the RLA are in violation of federal or state laws, or regulations governing special education, and the individual, agency or organization wishes to file a complaint. A "Complaint" is defined in California Code, Title V, as a written and signed statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination.

### B. Policy Statement

Any individual, public agency, or organization may file a written complaint with a district, alleging violation by the district of federal or state laws or regulations governing special education and related services rendered for an individual pupil. Procedures for handling complaints will be specified in administrative regulations of the district and will be available to any interested person. Notice of complaint procedures will be distributed annually to pupils and their families, employees, advisory committee members, and other interested parties in accordance with Title V, CCR 4622.

### C. Administrative Guidelines

1. Each local educational agency shall adopt policies and procedures for the investigation and resolution of complaints. Such policies and procedures shall ensure local education agency compliance in accordance with both IDEA and Section 504 of the Rehabilitation Act of 1973.
2. For complaints relating to special education, the following conditions shall apply with regard to intervention by the California Department of Education.
  - a. A complainant alleges that a public agency, other than a local education agency as specified in Government Code Section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to individuals with disabilities;
  - b. The complainant alleges that the local education agency or public agency fails or refuses to comply with the procedural safeguards established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;
  - c. The complainant alleges facts that indicate that the pupil or group of pupils may be in immediate physical danger or that the health, safety or welfare of a pupil or group of pupils is threatened;
  - d. The complainant alleges that a pupil with a disability is not receiving the special education or related services specified in his or her Individualized Education Program (IEP);
  - e. The complaint involves a violation of federal law governing special education, 20 U.S.C. Section 1400 et seq., or its implementing regulations.

- f. The complaint shall identify upon which basis, a direct filing to the State is being made, and shall propose a solution to the complaint.
3. If the complainant is unable to put the complaint in writing due to conditions such as illiteracy or other disabilities, the public agency shall assist the complainant in the filing of the complaint.
4. Disagreements relative to the proposal, or refusal of a public agency to initiate or charge the assessment, identification or educational placement of individual pupils or the provision of a free appropriate public education to the pupil should be handled in accordance with due process procedures.

## 402. Procedural Safeguards

### A. Rationale

The Code of Federal Regulations, [34 CFR §300.504 (a)] and [CFR §300.505 (a)] the California Education Code §56500-56508, California Code of Regulations 3080-89, et seq., and California Administrative Code Section 3, provide guarantees of due process procedures.

### B. Policy Statement

All procedural safeguards of the Individuals with Disabilities Act, IDEA Amendments of 1997, and ensuing reauthorizations, shall be applicable to the local education agencies, and to parents and pupils who are participants in the Nevada County Special Education Local Plan Area. Parents shall be informed at least annually of their right to initiate due process actions and are to be informed of the process to follow when they have notified the local education agency of their intent to do so. Either the pupil, the parent or the local education agency may initiate due process hearing procedures when:

1. There is a proposal to initiate or change the identification, assessment, or educational placement of a pupil or the provisions of a free appropriate education.
2. There is a refusal to initiate or change any of the provisions enumerated in item number one.
3. A parent refuses to consent to the assessment of a pupil.

Procedures to implement the due process continuum shall provide for a continuum of dispute resolution options, including informal review, mediation conferences, and a hearing before a state hearing officer. Efforts to resolve any disputes shall include the offer of alternative dispute resolution means, including Solutions Panels, Facilitated IEP meetings, informal mediation or other.

### C. Administrative Guidelines

1. The parent, pupil, or local education agency initiates a due process procedure by submitting a written request to the Special Education Hearing Office and at the same time providing the other party to the due process procedure a copy of the request.
2. Within three days of receipt of the request, the local education agency advises the parent of:
  - a. The availability of alternative dispute options, free and low cost legal services and other relevant services available in the geographic area.
  - b. The right to meet informally with the superintendent of the local education agency.
  - c. The right to a mediation conference and/or the right to waive a mediation conference.
  - d. The right to be represented by counsel.
  - e. The right to review and receive copies of all school records within five days upon receipt of a written or oral request.



- f. The right to examine hearing evidence and list of proposed witnesses five days prior to the hearing.
  - g. The right of the pupil to remain in his or her present placement pending the decision of the hearing.
  - h. Written notice of the parents' rights in language easily understood by the general public and in the primary language or mode of communication of the parent unless it is clearly not feasible to do so.
  - i. The right to initiate a referral of a pupil for special education services.
  - j. The right to obtain an independent assessment at public expense.
  - k. The right to participate in the development of the IEP, be informed of the availability of a free appropriate education and all available alternatives, public and private.
    - l. Written parental consent of the parent must be obtained before a pupil receives special education services.
  - m. Attorney fees may be recoverable under certain circumstances.
3. The superintendent of the local education agency or designee schedules an informal review within 10 days of receipt of the due process request.
  4. The Special Education Hearing Office or designee shall notify both parties of the request for a hearing, and schedule a date for a mediation conference unless either party waives the right to a mediation conference or requests a continuance.
  5. Either party to the mediation conference may request a continuance which may be granted for just cause by the Special Education Hearing Office. Any continuance shall not extend the 45-day limit for completion of the due process hearing and rendering a decision unless the party initiating the decision is agreeable to the extension.
  6. If the informal review and/or mediation conference do not result in a resolution of issues, a hearing is conducted in accordance with Education Code §56505 and state regulation.
  7. The use of an attorney by any party to a due process hearing is governed by Education Code §56507.
    - a. If either party to a due process hearing intends to be represented by an attorney in the state hearing, notice of that intent shall be given to the other party at least ten days prior to the hearing. The failure to provide that notice shall constitute good cause for a continuance.
    - b. An award of reasonable attorneys' fees to the prevailing parent, guardian, or pupil, as the case may be, may only be made either with the agreement of the parties following the conclusion of the administrative hearing process or by a court of competent jurisdiction pursuant to paragraph (3) of subsection (i) of Section 1415 of Title 20 of the United States Code.

- c. Public education agencies shall not use federal funds distributed under Part B of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or other federal special education funds, for the agency's own legal counsel or other advocacy costs, that may include, but are not limited to, a private attorney or employee of an attorney, legal paraprofessional, or other paid advocate, related to a due process hearing or the appeal of a hearing decision to the courts. Nor shall the funds be used to reimburse parents who prevail and are awarded attorneys' fees, pursuant to subdivision 7 (b) above, as part of the judgment. Nothing in this subdivision shall preclude public agencies from using these funds for attorney services related to the establishment of policy and programs, or responsibilities, under Part B of the Individuals with Disabilities Education Act 20 U.S.C. Sec. 1400 et seq.) and the program administration of these programs. This paragraph does not apply to attorneys and others hired under contract to conduct administrative hearings pursuant to Education Code §56505(a).
  - d. The hearing decision shall indicate the extent to which each party has prevailed on each issue heard and decided, including issues involving other public agencies named as parties to the hearing.
- 8. The local education agency may file a request for a due process hearing to establish the validity of a local agency assessment in lieu of paying the cost for an independent assessment obtained by the parent. Due process procedures of Education Code §56502 are followed for this procedure.
  - 9. The Nevada County Special Education Local Plan Area (SELPA) has instituted an Alternative Dispute Resolution program, which is designed to provide an informal processes for resolving disputes and facilitating communication between parents and school districts

## **403. Confidentiality of Information**

### **A. Rationale**

The Code of Federal Regulations Title 45, Sections 121a.221 and 121a.564 574 require the adoption of policies and procedures to ensure the confidentiality of information for each pupil receiving special education programs and services.

### **B. Policy Statement**

The Responsible Local Agency and each participating local education agency shall establish procedural safeguards to insure the confidentiality of student information. The established procedures are to remain on file in the district office.

All personally identifiable confidential information for each student will be maintained by the local education agency. A central file maintained by the Responsible Local Agency will be limited to pupil eligibility data, demographics, and program requirements, including those of the California Special Education Management Information System (CASEMIS).

The procedural safeguards are to include provisions for:

1. Parent and pupil rights.
2. Access to educational records.
3. Classification of records, mandatory, mandatory interim and permitted records.
4. Transfer of pupil records.
5. Retention of pupil records and destruction of pupil records.
6. Reproduction of and fees for the reproduction of records.
7. Challenges to the content of pupil records.

### **C. Administrative Guidelines**

1. The governing board of each local education agency should adopt procedures based on the SELPA Manual, Confidentiality of Pupil Records.
2. Each local education agency should designate one employee as the custodian of records.
3. Certificated personnel having the need to use confidential materials are to receive instruction in maintaining confidentiality.
4. A list which identifies those persons authorized access to confidential information is to be maintained at each school site.

#### **404. Suspension and Expulsion of Students With Disabilities**

##### **A. Rationale**

In the interest of providing a safe school campus for all pupils, the provisions of Education Code 48900 et seq., with regard to suspension and expulsion of pupils are applicable to all pupils, including pupils with disabilities. In addition, the IDEA and its implementing regulations provide further considerations specific to pupils with disabilities (Section 1415 (k) of Title 20 of A.S.C. and Sections 300.519-300.529 of Title 34 of CFR). Because of these considerations, it is necessary to clarify the local procedures regarding pupils with disabilities, in matters of discipline.

##### **B. Policy Statement**

The LEAs of the Nevada County SELPA will follow the procedural requirements outlined in state and federal law related to discipline involving a pupil with disabilities, including pupils with IEPs, pupils with 504 plans, and pupils “not yet eligible for special education and related services... if the LEA had knowledge that the child was a child with a disability” (Section 300.527, Title 34, CFR). A pupil with disabilities may be suspended or expelled from school in accordance with subsection (k) of Section 1415 of Title 20 of the United States Code and the discipline provisions contained in Sections 300.519 through 300.529 of Title 34 of the Code of Federal Regulations. A free and appropriate public education for such pupils shall continue to be provided in accordance with law.

##### **C. Administrative Guidelines**

###### **1. Involvement of Law Enforcement**

- a. Prior to the suspension or expulsion of any student, the Principal or his/her designee shall notify law enforcement authorities of any acts of the pupil which violate Section 245 of the Penal Code.
- b. Within one school day after suspension or the recommendation for expulsion consideration, the Principal or designee shall notify law enforcement authorities of any acts that may violate subdivision (c)(related to controlled substances, alcohol, or intoxicants) or (d) (related to sales of same) of Section 48900.
- c. The Principal or designee shall notify law enforcement authorities of any acts of a pupil that may involve the possession or sale of narcotics or of a controlled substance or of a violation of Section 626.9 or 626.10 of the Penal Code.
- d. In such circumstances, the Principal or designee shall ensure that copies of the special education and disciplinary records of the pupil are transmitted to law enforcement authorities, to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974.

###### **2. Change of Placement**

A “Change of Placement” occurs if the pupil is removed from his or her current educational placement for more than 10 consecutive school days; or the pupil is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year. To determine if the cumulative 10 days or more constitute a pattern, the IEP team must consider factors such as the length of each removal, the total amount of time the pupil is removed, and the proximity of the removals to one another.

- a. To the extent removal would be applied to pupils without disabilities, school personnel may order the removal of a pupil with a disability from the pupil's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in the same school year for separate misconduct (as long as those removals do not constitute a change of placement).
- b. After a pupil with a disability has been removed from his or her current placement for more than 10 school days in the same school year, the LEA must provide services as determined by the IEP team during any subsequent days of removal.
- c. School personnel may order a change in placement to an appropriate Interim Alternative Educational Setting (IAES) for not more than 45 days, if the
  - i. pupil carries a weapon to school or to a school function, or
  - ii. pupil knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
- d. Such an Interim Alternative Educational Setting must be determined by the IEP team and must:
  - i. be selected so as to enable the pupil to continue to progress in the general curriculum, and to continue to receive the services and modifications in the pupil's current IEP that will enable the pupil to meet the goals in that IEP, and
  - ii. include services and modifications to address the behaviors leading to this IAES recommendation that are designed to prevent the behavior from recurring.

### 3. Functional Behavioral Assessments

- a. Before, or not later than 10 business days after, either first removing the pupil for more than 10 school days in a school year or commencing a removal that constitutes a change of placement, the LEA shall either:
  - i. Convene an IEP meeting to develop an assessment plan to conduct a functional behavioral assessment, or
  - ii. If the pupil already has a behavior intervention or support plan, the IEP team shall meet to review the plan and its implementation, and modify the plan and its implementation, as necessary to address the behavior.
  - iii. If the LEA had not yet conducted a functional behavioral assessment and implemented a behavior intervention or support plan, as soon as practicable after developing the plan in 3.i. above and completing the necessary assessment, the LEA shall convene an IEP meeting to develop appropriate behavioral supports and/or interventions to address the behavior, and shall implement those interventions.
  - iv. If a pupil with a disability who has a behavior plan is subsequently subjected to a removal, the IEP team members shall review the behavior plan and its implementation to determine if modifications are necessary. If any one of the team members believes that modifications are needed, the team shall meet to modify the plan and its implementation.

### 4. Manifestation Determination Review Process (Section 300.523 and 300.524)

- a. No later than the date on which the decision is made to change the placement of a pupil with a disability, the LEA must notify the parents and provide a notice of procedural safeguards.

- b. No later than 10 school days after the date of such decision, a review must be conducted of the relationship between the pupil's disability and the behavior subject to the disciplinary action. This review must be conducted by the IEP team in a meeting.
- c. To determine that the behavior of the pupil was not a manifestation of the pupil's disability, the IEP team must:
  - i. consider all relevant information, including:
    - a) evaluation and diagnostic results, including information supplied by the parents;
    - b) observations of the pupil, and
    - c) the pupil's IEP and services; and
  - ii. determine that:
    - a) In relationship to the behavior subject to disciplinary action, the pupil's IEP and placement/services were appropriate, and the special education services, supplementary aids and services, and behavior intervention/support strategies were provided consistent with the IEP and placement;
    - b) The pupil's disability did not impair the ability of the pupil to understand the impact and consequences of the behavior subject to disciplinary action; and
    - c) The pupil's disability did not impair the ability of the pupil to control the behavior subject to disciplinary action.
- d. If the IEP team determines that any of the standards above were not met, the behavior must be considered a manifestation of the pupil's disability.
- e. If, during this review, the LEA identifies any deficiencies in the pupil's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.
- f. This meeting may be conducted at the meeting convened to consider a change of placement, develop a functional behavioral assessment plan, develop a behavior intervention or support plan, or review the plan and its implementation.
- g. If the result of this review is that the behavior was not a manifestation of the pupil's disability, the relevant disciplinary procedures applicable to pupils without disabilities may be applied to the pupil in the same manner in which they would be applied to pupils without disabilities.
- h. If the LEA initiates such disciplinary procedures, the LEA shall ensure that the special education and disciplinary records of the pupil are transmitted for consideration by the person(s) making the final determination regarding the disciplinary action.

5. Parent Appeal (Section 300.525)

- a. If the pupil's parent disagrees with a determination that the pupil's behavior was not a manifestation of the pupil's disability, or with any decision regarding placement, the parent may request a hearing. If a parent does request a hearing, the pupil must remain in his or her current educational placement (Section 300.514) or the Interim Alternative Educational Setting (IAES) (Section 300.526), pending the decision of the hearing officer or until the expiration of the 45 days, whichever occurs first, unless the parent and the LEA agree otherwise.
- b. The LEA shall arrange for an expedited hearing.
- c. If a child is placed in an IAES and the LEA proposes to change the pupil's placement after expiration of the IAES placement, the pupil must remain in the

placement prior to the IAES during the pendency of any proceeding to challenge the proposed change in placement, unless school personnel maintain that it is dangerous for the pupil to be in the (stay put) placement, in which case, the LEA may request an expedited due process hearing.

6. Protections for Pupils Not Yet Eligible for Special Education and Related Services (Section 300.527)

A pupil who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated any rule or code of conduct of the LEA, may assert any of the protections provided in IDEA if the LEA had knowledge that the pupil was a pupil with a disability before the behavior that precipitated the disciplinary action occurred.

- a. An LEA is deemed to have knowledge that a pupil is a pupil with a disability if the
  - i. parent of the pupil has expressed concern in writing to personnel of the LEA that the child is in need of special education and related services;
  - ii. behavior or performance of the child demonstrates the need for these services;
  - iii. parent of the pupil has requested an evaluation of the pupil to determine eligibility for special education and services; or
  - iv. teacher of the pupil, or other personnel of the LEA has expressed, in writing, concern about the behavior or performance of the pupil to the director of special education of the LEA, in accordance with the LEA's established child find and special education referral system.
- b. An LEA would not be deemed to have knowledge that the pupil was a pupil with a disability, if
  - i. the agency conducted an evaluation and determined that the pupil was not a pupil with a disability; or
  - ii. determined that an evaluation was not necessary, and provided notice to the pupil's parents of its determination.
- c. If a request is made for an evaluation of a pupil during the time period in which the pupil is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
- d. Until such evaluation is completed, the pupil will remain in the educational placement determined by school authorities.
- e. If the pupil is determined to be a pupil with a disability, the agency shall provide special education and related services in accordance with IDEA.

7. General Guidelines

- a. In cases in which an extended suspension is not warranted, but a change of services or placement is likely to ameliorate the pupil's misconduct, the IEP Team should be convened to determine whether alternative services or another placement (e.g., another classroom school site, home teaching, independent study) would be appropriate. Any change requires parental consent.
- b. In accordance with §48915.5(j), if a pupil with exceptional needs is excluded (suspended for more than ten (10) days in a school year) from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent.

- c. The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils including pupils with current Individualized Education Programs (IEPs), in accordance with Education Code 48900 et seq.
- d. In the case of a pupil who is enrolled in a program operated by a County Office of Education or other regional provider on an LEA campus, suspension will be handled by the site Principal or designee, which may include the County Office administrator of the Program. The site Principal or designee will notify the administrator in charge of special education in the district of residence and the administrator of the County-operated program, where applicable, if a pupil from that district is suspended. In the event of a recommendation for expulsion, the site Principal, designee or LEA representative shall immediately notify the administrator in charge of special education in the district in the district of residence of the pupil and shall work closely with the district representative in the expulsion and IEP proceedings. The district of residence shall be responsible for the actual expulsion proceedings and coordination of the IEP/manifestation determination meetings.
- e. An expulsion order shall remain in effect until the governing board orders the readmission of a pupil. At the time an expulsion of a pupil is ordered, the governing board shall set a date, in compliance with Education Code §48916. The governing board shall recommend a Rehabilitation Plan in accordance with Education Code §48916.
- f. No expulsion hearing shall be conducted for an individual with exceptional needs until:
  - i. a pre-expulsion assessment is conducted;
  - ii. the IEP team meets, and
  - iii. any due process hearings and appeals are completed.

Once the special education procedures are completed the expulsion hearing must occur within thirty (30) school days (Education Code §48915.5(h)).
- g. Even if properly expelled, pupils who qualify for special education under IDEA must continue to receive a free and appropriate public education (FAPE).(20 U.S.C. §1415(k)(5)).
- h. School disciplinary action is also subject to Section 504 of the Rehabilitation Act of 1973, which prohibits disability discrimination. An Office of Civil Rights (OCR) regulation interpreting Section 504 requires that a school district evaluate a disabled pupil before making a significant change in the placement and affording the due process procedures required by Section 504 regulations at 34 C.F.R. §104.36.



**NEVADA COUNTY SELPA**  
(Special Education Local Plan Area)

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**APPENDIX ONE**

**Identification, Screening, Referral,  
Assessment, Instructional Planning,  
Implementation and Review Procedures  
Manual**

# **IDENTIFICATION, SCREENING, REFERRAL, ASSESSMENT, INSTRUCTIONAL PLANNING, IMPLEMENTATION AND REVIEW PROCEDURES MANUAL**

## **A. Rationale**

Both State and federal law require the implementation of procedures to address the requirements of the laws related to children with disabilities. In California, SELPAs have been identified as the local support system to a district or districts to ensure implementation of those laws. In the “Assurances Statement” of each Local Plan required by the state, commitment is made by each LEA of the SELPA to follow all laws, including those related to the process of “Identification” through “Implementation and Review”. The purpose of this section is to clarify the local procedures adopted to implement those sections. (See Part 30, Ch. 4, Articles 1-5, Education Code 56300-56382.)

## **B. Procedures**

### **1. Identification and Referral**

- a. In an effort to provide complete educational services to all children with disabilities, an active “Child Find,” is operational in the Local Plan Area. The SELPA Administrator coordinates Child Find efforts. Every effort will be made to provide information to the general public, and to public and private agencies, about the availability of special education programs and services throughout the Local Plan Area.
- b. Specific efforts are made to inform pediatricians, hospital neo-natal intensive care units, Head Start programs and operators of private pre-school licensed by state or local agencies of the availability of programs providing intensive special education services for pupils ranging in age from 0 to 2 years 11 months.
- c. Each Local Education Agency (LEA) Special Education Administrator/designee will establish a process within his/her Local Education Agency to reach parent groups, staff assessment teams, site administrators and any neighborhood media, or communicators which are not likely to be approached by any other Local Education Agency or Special Education Administrator.  
  
The SELPA will contact media, groups, and agencies which overlap districts in the county, and which are mainly focused within the Special Education Local Plan Area.
- d. Referrals of pupils who may be in need of special education services will be actively solicited from teachers, parents, agencies, appropriate professional persons, and from community members. Efforts are ongoing to identify pupils who are not yet in school, pupils enrolled in school, and pupils who have left school prior to age 21.
- e. Identification procedures will be coordinated with LEA’s school site procedures for referral of pupils with needs that cannot be met with modification of the regular instructional program.

- f. For pupils not yet in school, a process has been in effect to inform the communities throughout the Local Plan Area of special education services that may be available. Various means of communication are utilized for this community awareness process. Newspapers, television and public notices may be used. Information is also disseminated at meetings of interested groups. Pupils not in school and referred through the community awareness effort will be referred to the appropriate Local Agency for screening. The Local Agency will determine whether assessment and instructional planning is necessary.
- g. For pupils enrolled in school, ongoing inservice training is provided for both general and special education personnel to identify pupils who may be eligible for special education services. Teachers will receive appropriate training regarding learning styles of pupils and variables which may affect the least restrictive environment.
- h. Pupil/Child Success Teams. Such teams are utilized throughout the SELPA as a function of general education. In this context they are of value to special education and serve to:
  - 1.) Identify pupils whose progress in school appears to be limited by unknown factors;
  - 2.) Provide assurances that appropriate general classroom interventions have been tried without success prior to referral for special education services.

Pupil/Child Success Teams may be the vehicle used in the implementation of Section 504 of the Rehabilitation Act of 1973 by providing interventions and implementing modifications appropriate to meet the educational needs of pupils who may be deemed eligible as disabled under Section 504.

- i. The Special Education Administrators Committee has developed the process which shall be followed by districts to screen pupils for eligibility in special education programs at the elementary and secondary levels. It is the responsibility of the special education administrator/designee of each district to ensure:
  - 1.) That placement practices are consistent throughout the district.
  - 2.) That all referrals for special education services are handled in accordance with the referral, assessment and placement procedures described in the law.
  - 3.) That all appropriate resources of the regular education program have been considered, and where appropriate, utilized, prior to recommending special education services.
- j. The SELPA Administrator shall have primary responsibility for developing and implementing uniform screening procedures throughout the Local Plan Area. The district special education administrator/designee shall be responsible for implementing Local Education Agency screening procedures in the district. The SELPA Administrator and the Special Education Administrators Committee have developed the screening procedures to be used whenever a pupil is referred for assessment. The responsibility of directing that assessment will rest with the Local Education Agency director. Consideration shall be

given to assure that all procedural safeguards are adhered to throughout the screening and assessment process.

School personnel who suspect that a pupil may have a disability will refer those pupils to the appropriate Local Educational Agency's Special Education Administrator/designee at any time throughout each year. At the beginning of each school year, each Local Education Agency administrator/designee will send written directions to all staff and others who are in a position to identify unserved pupils with disabilities, reminding them of their responsibility in this regard, and the need for early referrals which will permit the identification and assessment process to be completed in a timely manner.

1.) District Responsibilities

Each LEA will:

- a.) Develop and adopt a written referral system which is consistent with laws and regulations identifies responsibilities of various district personnel.
- b.) Provide each site administrator with a copy of the referral system along with the name of a district level person who can assist him/her with referrals.
- c.) Contact local media, service clubs, local offices or agencies, local pupil's services and doctor's offices, district PTA's, etc. Cooperate with neighboring Local Educational Agencies in this regard.
- d.) Provide orientation for site administrators alerting them to expect contacts from citizens concerning unserved and inadequately served pupils and to their expected role when responding to such contacts.
- e.) Maintain an ongoing communications effort with local parent groups, advisory committees, and staff to ensure their having pertinent search information at all times.
- f.) Maintain a list of the groups and persons contacted. This list will be routinely reviewed with the SELPA to assure completeness and avoid duplication of effort.

2.) SELPA Responsibilities

The SELPA will:

- a.) Provide each Local Education Agency with current information and materials received by the SELPA.
- b.) Provide information to and contact with organizations which serve large portions of the Local Plan Area, and who in the normal course of their duties would expect to come in contact with pupils with disabilities on how to proceed with a referral. Social Service agencies, Juvenile Courts, hospitals, Regional Centers, associations serving the disabled, etc., are examples of such agencies.

c.) Identify through reporting requirements pupil with disabilities in order to remain eligible to receive federal funds. Each year the Special Education Administrators Committee will review and, if necessary, modify this search plan.

3.) Each year the Special Education Administrators Committee will review and, if necessary, modify the search plan.

## 2. Parents' Rights

Each Local Education Agency shall annually provide a written notification to all parents of pupilren who attend schools within the Nevada County Local Plan Area of their rights to an appropriate education as stipulated in State and Federal statute. In addition, a copy of "Procedural Safeguards" shall be provided to the parents at the time of referral for assessment, at all times required by law. (See the Nevada County SELPA web site for the most recent copy of the Procedural Safeguards.)

## 3. Assessment

As appropriate, each LEA in the SELPA is responsible to develop and complete assessments for all pupils referred to or receiving special education services within those programs, unless another Local Education Agency, such as the school district of residence of pupils from out of the district, or the appropriate county office enters into a specific agreement with the Local Education Agency operating the program to assume this responsibility. The responsibility for compliance in this regard rests with each Local Agency administrator/designee of special education or other persons assigned the responsibilities for special education service within the Local Education Agency.

Because of the limited size and resources of many districts, the Local Education Agencies may, by this agreement, share personnel and resources to the maximum extent possible, in order to ensure that each Local Education Agency is capable of providing a multi disciplinary assessment team for assessment purposes. The responsibilities of coordination for this purpose rest with the Special Education Administrators Committee and the SELPA Administrator.

The County Office and the SELPA have the major responsibility to assist direct service districts.

The SELPA Administrator will coordinate contacts with other public agencies which have special education responsibilities, and who can provide personnel to assist with assessment.

a. Tests and Testing for Purposes of Assessment – Tests, assessment materials and procedures shall comply with the requirements of EC56320, and for Infants, 56320.1.

The district Special Education Administrator/designee has the responsibility to see that all assessments are carried out in accordance with provisions of law and by appropriate personnel, utilizing materials appropriate for each case presented for assessment to ensure:

1.) Psychological assessments are assigned to a credentialed school psychologist.

- 2.) Health assessments are assigned to a credentialed school nurse.
- 3.) Speech and language assessments are assigned to a credentialed Speech and Language Specialist.

The responsibility to coordinate the activities related to assessment may be delegated to a case coordinator, designated by the LEA special education Administrator/designee, who will review the assessment reports to ensure:

- 1.) Tests selected and administered to address the pupil's aptitude and/or achievement are appropriate.
- 2.) Multiple assessments, records or reports were utilized so no single criteria is used to determine the pupil's needs.
- 3.) All pupils being assessed for initial and three year reassessments have had vision and hearing screening unless parental permission was denied.

b. Development of the Assessment Plan

Upon receiving a referral for assessment the Special Education Administrator/Designee for the Local Education Agency will develop the Assessment Plan or delegate this responsibility to a case coordinator who will:

- 1.) Review the referral and gather pertinent information from the parent, teacher or other knowledgeable sources, including other public agencies.
- 2.) Determine appropriate content for the Assessment Plan and identify tests, records, reports and other information to be used for assessment.
- 3.) Develop a summary explanation of the purposes of each type of instrument to be administered.
- 4.) Identify personnel who will have the responsibility to administer and interpret test results.
- 5.) Provide the parent with a copy of the Statement of Parents' Rights (Procedural Safeguards).
- 6.) Within 15 days, send parent notice of the referral and the proposed assessment plan. Inform the parents they have 15 days to respond.

c. Upon completion of the Assessment Plan, the case coordinator will assign assessment responsibilities to:

- 1.) A teacher or specialist with knowledge of the suspected disability or a specialist qualified to conduct a diagnostic evaluation in the primary area of suspected disability.

- 2.) Additional professional specialists representing health services, psychology, social work, and speech, language and hearing when the assessment plan indicates a need for such assessments to be conducted by these personnel.
- 3.) The regular classroom teacher of the pupil who will provide a record of current performance.

All persons assigned assessment responsibilities shall maintain records of assessments made and forward a completed report to the case coordinator.

d. Provisions for Interim Placement of Special Education Pupils

Whenever a pupil who has been receiving special education services transfers to a school within the Nevada County Special Education Local Plan Area, the school principal shall immediately notify the Special Education Administrator/designee of the Local Education Agency.

- 1.) The Local Education Agency Administrator/designee, or an appointed case coordinator will review the Individual Education Program (IEP) of the pupil, or if the IEP is not available, contact the previous district to determine the service the pupil was receiving.
- 2.) Based upon a review of the available information, the case coordinator will recommend services that are similar to those of the previous placement.
- 3.) The Administrator/designee of the Local Education Agency will place the pupil in a comparable program so as to receive similar purposes, until a new IEP meeting can be held.
- 4.) If the parent does not consent, or if a comparable program is not available, an IEP Team will convene to review the case and develop a new IEP.
- 5.) The IEP Team will utilize previous records and reports to establish a pupil record.
- 6.) If an interim placement is made, an IEP Team will be convened within 30 days to review the interim placement and recommend a final placement.

e. Utilization of State Schools Services When Appropriate

The Local Education Agency Administrator/designee may elect to utilize the services available through the State Special Schools when:

- 1.) The needs of the pupil indicate a referral would be appropriate.
- 2.) A pupil requires intensive services which are not available

within the Local Plan Area and the parent concurs or requests such a referral.

All referrals to State Special Schools are to be coordinated by the case coordinator and shall be in accordance with policies and procedures established for each State Special School.

f. The Assessment Report

All personnel who have been assigned responsibilities for assessment are responsible for completing all reports pertinent to those responsibilities.

The case coordinator shall, with parent consent, include in the assessment report the results of previous independent assessments applicable in the assessment report(s) and shall also include current independent assessments obtained, at public or parent expense, as requested by the parent.

When the assessment report(s) has been completed, the Local Agency Administrator/designee shall give written notice to the parent that they will be provided a copy of the assessment report(s) and that a staff person is available to review the assessment results with the parents.

If the parent disagrees with the assessment obtained by the LEA and requests an Independent Assessment at public expense, the request will be honored unless the Local Education Agency initiates a due process procedure and prevails in a decision declaring the Local Agency assessments to be appropriate. In that event, the parent should be informed the Independent Assessment is not at public expense.

The details of the assessment report(s) will include data and justification to clearly indicate to the parent:

- 1.) Whether or not the pupil is in need of special education services and the basis for the appropriate conclusions. Considerations should be given to characteristics of the pupil which are symptomatic of typical learning, behavioral or social characteristics associated with suspected disabilities as well as those standardized tests and measuring instruments used to identify specific areas of disability.
- 2.) The prevalence or absence of relevant behavior characteristics observed during the assessment. The assessment report should provide an understanding of the differences between deviant behavior patterns which are not commonly associated with disabling conditions and those which are, and the possible resultant effects on academic and social functioning. This aspect of the report should include information that may have been provided through other agencies as agreed to in the Assessment Plan.
- 3.) To the extent that health, medical, and developmental findings are relevant to educational progress, such findings should be included in the assessment report.
- 4.) For pupils suspected of having a learning disability,



discrepancies between achievement and ability great enough to indicate a need for special education services should be identified and discussed.

- 5.) In accordance with E.C. 56337.5, if a pupil is assessed as being dyslexic and meets the eligibility criteria specified in Section 56337 and meets the criteria of specific learning disabilities in CCR Section 3030(j), the pupil may be entitled to special education and related services. If a pupil exhibits characteristics of dyslexia or other related reading dysfunctions and is found not to be eligible for special education and related services, the pupil's instructional program shall be provided in the general education program.
- 6.) If a pupil with a suspected or diagnosed attention deficit disorder or attention deficit hyperactivity disorder is not found to be eligible for special education and related services pursuant to E.C. 56339(a), the pupil's instructional program shall be provided in the general program.
- 7.) Whenever unusual environmental, cultural, and economic conditions appear to be a factor contributing to a disabling condition, the effects are to be noted and recorded within the Assessment Report.

The Individualized Education Program Team has the responsibility to utilize the Assessment Report of the assessment team to develop the IEP for each pupil and to recommend an appropriate placement for the pupil.

g. Compliance and Implementation of Eligibility Criteria

The Special Education Administrators Committee has the primary responsibility to assure that eligibility criteria, as provided for in CCR Title 5 3030(a) (j) and federal IDEA are utilized for assessment and development of Individual Education Programs throughout the Local Plan Area. In fulfilling this responsibility, the Special Education Administrators Committee (SEAC) shall:

- 1.) Establish a standing sub committee to be known as the Eligibility Criteria Committee.
- 2.) The Eligibility Criteria Committee will recommend:
  - a.) Appropriate workshops and staff development activities will be offered to personnel responsible for assessments and development of IEP's.
  - b.) Assure that use of Special Education funds received annually comply with the intent of the "Eligibility Criteria".
- 3.) The SEAC representative of each Local Education Agency shall have the responsibility to:
  - a.) Distribute copies of the Eligibility Criteria to all

appropriate persons in the district who should be aware of the criteria.

- b.) Appropriate district personnel shall attend workshops and staff development activities designed to assist staff in understanding and implementing the Eligibility Criteria.
- c.) Monitor the special education placements within the district for compliance with the Eligibility Criteria.
- d.) Consider the effect of the Eligibility Criteria on special education programs of the district when requesting consideration of changes annual unit allocations to be included in the Annual Budget Plan approved by the Council of Superintendents.

#### 4. Instructional Planning and Individualized Education Program

Each Local Education Agency has the responsibility to initiate and conduct meetings for the purpose of developing, reviewing and revising the IEP for pupils enrolled in special education programs maintained by the Local Agency. Whenever two or more Local Education Agencies are responsible for the operation of separate programs within a district or school, such agencies may by agreement share or delegate the responsibility for instructional planning of pupils.

The written IEP shall be the same format for use by all LEAs within the SELPA.

- a. Composition of the Individualized Education Program Team  
Membership of the IEP team includes all members required in law.
  - 1.) One must be a representative, other than the teacher of the pupil, who has been appointed by the administration of the district and who must be qualified to provide or supervise special education programs and services and be knowledgeable of programs and services appropriate for the pupil. The district appointee may be an administrator, program specialist or other specialist with the required qualification. The district representative shall assume the responsibility of chairperson of the IEP team.
  - 2.) If the pupil has no general education teacher, another teacher qualified to teach a pupil of similar age/needs, may represent that role.
  - 3.) One or both parents of the pupil are recognized as the primary participants in an IEP, but they may choose a representative to attend and participate in the development of the IEP. Failure of a parent or representative to attend does not prohibit the IEP team from holding the IEP meeting. However, efforts will be made to include parents in every meeting. Arrangements will be made for interpreters for parents whose primary language is other than English or who are deaf.
  - 4.) The pupil will always be invited, once the pupil is age 14 and older, otherwise; the pupil may be included as per parent agreement.

- 5.) If a non public school placement is requested, the meeting is recessed and rescheduled at a date which permits the Local Agency to explore alternative placement in another public school program or an appropriate non public school placement.
- 6.) IEP Teams considering placement of pre school pupils may include a program specialist with pre school training and experience, and/or a pre school teacher(s) with knowledge about pre school training, experience pre school pupils, and of the suspected disability of the pupil being considered.
- 7.) IEPs for pre school or school age pupils enrolled in State Special Schools will conform to those elements of this plan which are appropriate for pupils in attendance at State Special Schools. The IEP will include additional components as required by the State Department of Education for the development of IEPs for pupils enrolled in the special schools.
- 8.) IEP teams considering placement and/or review of pupils of pre school or school age pupils in a non public school have a program specialist who has knowledge and skill in the area of the suspected disability of the pupil being considered. In addition, the IEP team will include a representative of the non public school providing service to the pupil or being considered to provide the service.
- 9.) If any member of an IEP team recommends residential placement for a pupil who has been assessed as emotionally disturbed, the membership of the IEP team shall be expanded to include a representative of the County Mental Health Department. The expanded IEP team shall then determine whether:
  - a.) The pupil's needs can reasonably be met through any combination of non residential services, preventing the need for out of home care;
  - b.) Residential care is necessary for the pupil to benefit from educational services; and
  - c.) Residential services are available which address the needs identified in the assessment and which will ameliorate the conditions leading to the "emotionally disturbed" designation.
- 10.) If a residential placement is made by the IEP team, the County Mental Health Department becomes the lead case manager unless this responsibility is delegated, by agreement, to the County Welfare Department. Any emotionally disturbed pupil provided services requiring out of home placement shall be reviewed at least every six months to monitor program effectiveness and progress toward returning the pupil home. This provision shall be included in the pupil's IEP and shall be monitored by the SELPA Administrator and/or the LEA Administrator/ Designee. (See Interagency Agreement with Children's System of Care.)

- b. The Individual Education Team Chairperson shall be the designated Local Agency representative who shall, in consultation with the parent, arrange the date, time and place of the IEP meeting when:
- 1.) A pupil has received a formal assessment.
  - 2.) Pupil progress is less than anticipated.
  - 3.) Within 30 days of the enrollment of a special education transfer from another SELPA.
  - 4.) Within 30 days after school begins for referrals received within 20 days prior to the end of the previous year.
  - 5.) At least annually.

The Chairperson notifies the parent, pupil when appropriate, assessment staff, the pupil's teacher, LEA administrator/designee, and as appropriate, the program specialist and/or other agencies of the date, time and place of the meeting.

The Chairperson conducts the meeting and works with the IEP team to develop an Individualized Education Program including all elements required by law.

It is the responsibility of the IEP team chairperson to provide access to copies of the IEP to staff members who have responsibility for providing programs and/or services agreed to in the IEP. Personnel include, but are not limited to, regular classroom teachers, special class teachers, psychologists, resource specialists, designated instruction, transportation personnel, other public agency and non public non sectarian school representatives when appropriate. Staff members are required to treat information contained in IEP's in terms of strict confidentiality. The parent must also be provided a copy of the IEP. The IEP must be in the primary language of the parent when requested.

When another agency provides services as delineated in an Interagency Agreement or Memorandum of Understanding with the SELPA, the IEP Chairperson has the responsibility to contact other agencies to assure their participation in the development of an appropriate program for the pupil whenever the agency will have a responsibility to provide services.

The IEP Chairperson will:

- 1) Review the case file to determine previous or current involvement of other public agencies.
- 2) Contact those agencies and request further participation in the assessment and development of the individual education program of the pupil.
- 3.) With parent permission, request appropriate reports and records from participating agencies.

If the other agency is not one providing services through an Inter-Agency agreement, the IEP Chairperson must ensure that the participation is at no cost to the parent.

- c. The membership of the IEP team have responsibilities as follows during the meeting:
- 1.) The pupil's present teacher reports on the pupil's current level of performance and participates in the IEP development. Other teachers who have contact with the pupil also report their conclusions.
  - 2.) The parent, guardian, or representative provides pertinent information for development of the IEP.
  - 3.) The pupil with a disability attends the IEP meeting, when appropriate, to provide input to the IEP development based on that pupil's needs, preferences, and interests.
  - 4.) Assessment personnel attend the IEP meeting to provide and interpret assessment results, when qualified to do so.
  - 5.) Program specialists may attend IEP meetings as specialists knowledgeable in the area of the disabling condition, but in addition may participate when a pupil is considered for special class, non public school placement or placement in another Special Education Local Plan Area. In this capacity the program specialist shall assist the IEP team by:
    - a.) Providing information concerning program options within the SELPA, in other Local Plan Areas, and in non public schools.
    - b.) Coordinating IEP team activities with other public and private schools.
    - c.) Coordinating the implementing placement recommendations.
  - 6.) Report on observations:
    - a.) A person who has observed a pupil as having a learning disability or behavior disorder in an appropriate educational setting reports on the observation, including, for example, on:
      - i. Interaction with other pupils and teachers.
      - ii. The pupil's ability to follow directions.
      - iii. The pupil's behavior in a variety of school activities.
    - b.) If a pupil is less than four years and nine months of age, or is not enrolled in school, a member of the IEP team must observe the pupil in a natural environment appropriate for that age pupil.
  - 7.) Representatives of other public agencies which provide related services report on the extent of such services which can be included in the IEP.
  - 8.) A parent surrogate will be appointed by the IEP Chairperson to act in lieu of the parent when: (Ref. - Surrogate Parent Manual)
    - a.) The pupil has been named a ward or dependent of the court and the parent/guardian has been denied the right to make educational decisions for the pupil by specific court order.

- b.) The parent cannot be identified and/or the location of the parent is unknown and the local agency is unable to determine the whereabouts of the parent.
- c.) An adult pupil is a ward or dependent of the court and has been found to be incompetent.

d. Circumstances Under Which the Individualized Education Program Team Meets

The Individualized Education Program Team shall have the responsibility to review assessment results, determine eligibility, determine the content of the Individualized Education Program, and make service recommendations. To meet these responsibilities, the Local Education Agency Administrator/Designee, the Principal /designee and/or the IEP Chairperson will take appropriate actions, in accordance with this plan, to schedule IEP meetings when any of the following conditions occur:

- 1.) A pupil has received an initial formal assessment.
- 2.) The pupil demonstrates a lack of anticipated progress.
- 3.) The parent or teacher requests a meeting to review, develop, or revise, the Individualized Education Program.
- 4.) At least annually to review the pupil's progress, the Individualized Education Program, the appropriateness of the placement and to make necessary revisions in the program.
- 5.) When an individual is to be enrolled in non-public schools or State Special Schools, if a parent requests a review of the Individualized Education Program as developed by the IEP Team, a meeting of the IEP team must be held within thirty days of the written request excluding days of July and August. If such a request is verbal, parents are to be informed the request must be in written form.

An Individualized Education Program shall be developed within a total time not to exceed 50 days, not counting days between the pupil's regular school sessions, terms, or school vacation in excess of five school days from the date of receipt of the parent's written consent for assessment. In cases when referral has been made within 20 days or less prior to the end of the school year, the Individual Education Program shall be completed within 30 days after the commencement of the subsequent year.

e. Provisions for implementing the Individualized Education Program when the parent has not agreed to all of the components of the IEP. E.C. 56346

When a parent has not agreed to all elements of the IEP, the Local Education Agency shall initiate those aspects of the IEP to which the parent has agreed in accordance with a time frame acceptable to the parent. The parent shall be advised to the effect that sections of the IEP not agreed to by the parent may be pursued in accordance with the due process procedure including:

- 1.) An informal review
- 2.) Informal Mediation
- 3.) Mediation

4.) A hearing before a State Hearing Officer

The IEP Chairperson shall discuss, with the parents, the options available and provide the parent with appropriate information concerning each level of the process.

f. The IEP Chairperson shall review and provide the parents a copy of their Parent Rights.

5. Implementation of the Continuum of Program Options

This section describes the various instructional components available under this local plan. These include:

- a. General education programs
- b. Resource Rooms/Learning Centers
- c. Resource Specialist Program
- d. Designated Instruction and Services
- e. Special Classes and Centers
- f. Non-public, non-sectarian schools and services
- g. State Special Schools
- h. Instruction in settings other than classrooms
- i. Itinerant instruction using telecommunication
- j. Instruction in home, hospital and other institutions
- k. Preschool/Infant services
- l. Licensed pupilren's institutions

Through the provision and coordination of these instructional components, the Local Plan Area will provide a free and appropriate education for individuals with exceptional needs, age 0-22 years.

a. General Education Programs With Supports

State and national education reform efforts, especially the intent of the IDEA where access to the general education curriculum is required to be the IEP team's first consideration for all pupilren with disabilities, this SELPA commits to support of that effort. IEP Team members and special education providers, through trainings provided by the SELPA, are informed that the general education classroom must be the team's first consideration for placement, with the discussion to focus on how the pupil can be successful in the general education classroom with accommodations, modifications, supports and services. Only after such services are determined by the IEP Team to not provide sufficient progress for the pupil with a disability, may consideration of removal from the classroom be given.

b. Resource Rooms/Learning Centers

LEAs of the Nevada County SELPA may offer a setting (which may be called a Resource Room or a Learning Center) which provides an alternative to the general education classroom for services determined by the IEP team to be more appropriate and the pupil's IEP can be implemented effectively.

Such Resource Rooms may be operated as part of school-based coordinated plans, and may include service providers from special education staff, Title I staff, SIP-funded staff, or any other resource support personnel as determined by the site and district. Staff funded through special education dollars will continue to have pupils with IEPs as their first priority. Pupils without IEPs may be served in resource rooms by other staff

or by special educators whose service to pupils with IEPs allows group services appropriate to both. All pupils may thus be served as the needs of their individual learning plans or IEPs dictate.

c. Resource Specialist Program (See Policy #202)

Each Local Education Agency (LEA) in the Special Education Local Plan Area shall have available special education services from appropriately credentialed providers. As noted above, because of the requisite emphasis on access to the general curriculum, services will be considered first in general education programs. When necessary, services may be provided in a pull-out basis, either in a resource room-type model, or in a Resource Specialist Program.

The Resource Specialist program shall be under the direction of a resource specialist who is a credentialed special education teacher with a resource specialist certificate.

A teacher holding a clinical services credential, with special class authorization, and who meets all other qualifications for a resource specialist may also serve in a resource specialist program.

The Resource Specialist Program shall meet the following standards:

- 1.) Provide for a Resource Specialist or specialists, who shall provide instruction and services for those pupils whose needs have been identified in an Individualized Education Program and developed by the Individualized Education Program team, and who are assigned to regular classroom teachers for a majority of a school day.
- 2.) Provide for a Resource Specialist to offer direct instruction, information, consultation, assistance, and materials to parents, pupils and classroom teachers.
- 3.) Coordinated with the regular school and pre school programs for pupils enrolled.
- 4.) Make provisions to monitor pupil progress on a regular basis, participate in the review and revision of Individualized Education Programs, as appropriate, and refer pupils who do not demonstrate expected progress to the Individualized Education Program team for review.
- 5.) At the secondary school level, provide services with an emphasis on academic achievement, work experience, vocational training and career preparation for each pupil enrolled in the resource specialist program.
- 6.) The recommended caseload standard for individual resource specialists is 24 throughout the Local Plan Area; the maximum caseload permitted is 28, unless the district applies for a waiver to the State Board of Education of up to 32. Both the recommended and maximum caseload are inclusive of all pupils receiving direct special education services by the resource specialist. Caseload standards for less than FTE personnel are determined by the FTE ratio (e.g. .5 FTE=caseload maximum of 14). Maximum caseload standards may be exceeded only when waivers have been granted in accordance with rules and regulations adopted by the State Board of Education.



- 7.) Resource specialists may or may not have instructional aides assigned to assist them with their duties. Each LEA has the flexibility to determine the number and method assigning aides to the Resource Specialist in accordance with local needs and fiscal resources. Such numbers and assignments must conform to the standard to assure that no less than 80% of the Resource Specialists within the Local Plan Area are provided an instructional aide. Therefore, each LEA shall assign at least 80% support to the LEA's Resource Specialist program.
- 8.) Pupils shall be enrolled in the Resource Specialist program for less than a majority of the school day unless prior approval has been given by the Superintendent of Public Instruction to exceed this standard.
- 9.) Resource specialist shall not be assigned to teach regular classes during that portion of the school day for which they are assigned as a resource specialist.
- 10.) Questions pertaining to competencies required for Resource Specialists shall be resolved in accordance with rules and regulations adopted by the Commission for Teacher Preparation and Licensing.
- 11.) The Resource Specialist shall also provide consultation to general education teachers and pupils not enrolled in Special Education programs.

d. Designated Instruction and Services/Related Services (See Policy #205)

Designated instruction and services as specified in IEPs shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. The instruction and services shall be provided by the regular class teacher or the special education teacher if the teacher is competent to provide the instruction and services and if such provision is feasible. If not, the appropriate DIS specialist shall provide the service (E.C. 56363(a)).

No pupil will be assigned to receive designated instruction and services unless the provisions for assessment and the development of an Individualized Education Program have been followed.

Classified personnel may be employed to provide designated instruction and services (e.g., occupational therapists, transcribers, braillists, etc.).

Teacher aides and/or speech pathology assistants may be utilized to assist designated instruction personnel, or to provide services under their direction when such service is deemed to be appropriate and necessary. The selection of teacher aides to provide services will reflect the necessary skill and knowledge required for the task. Teacher aides providing designated instruction and services will receive inservice training from appropriate DIS specialists.

Designated instruction and services are available and will be provided in accordance with the Individualized Education Programs of pupils. Services may include, but are not limited to:

- 1.) Language and speech development and remediation

- 2.) Audiological services
- 3.) Orientation and mobility instruction
- 4.) Instruction in the home or hospital
- 5.) Adapted physical education
- 6.) Physical and occupational therapy
- 7.) Vision services
- 8.) Specialized driver training instruction
- 9.) Counseling and guidance
- 10.) Psychological services other than assessment and development of the IEP
- 11.) Parent counseling and training
- 12.) Health and nursing services
- 13.) Social worker services
- 14.) Specially designed vocational education and career development
- 15.) Recreation services
- 16.) Specialized services for low-incidence disabilities, such as readers, transcribers and vision and hearing services.  
(Ed. Code 56363 (b))

The average caseload for language, speech and hearing specialists in the SELPA shall not exceed 55 cases.

LEA may contract with other public or private agencies to provide designated instruction services when necessary. A Non Public Agency(NPA) contract shall be developed and the contract shall specify the following:

- 1.) The contracting parties.
- 2.) Services to be provided.
- 3.) Cost of services.
- 4.) Payment provisions.
- 5.) Timelines for providing services.

Each LEA shall describe, in its annual service plan, the designated instruction services to be provided.

e. Special Classes and Centers (See Policy #207)

Special classes that serve pupils with similar and more intensive educational needs will be available. Pupils will be recommended for such classes only when the nature or severity of the disability of the pupil is such that education in the regular classes with the use of supplementary aids and services, including curriculum modification and behavioral support, cannot be achieved satisfactorily. Any action for placement in a special class or center shall be consistent with Special Education Local Plan Area philosophy of serving individuals in the least restrictive environment. (See Policy #304)

Special education classes and centers are to be staffed by teachers who hold special education credentials appropriate to the needs of the pupils assigned to each class and by appropriately trained teacher aides. Each special day class will have the support of one instructional assistant and/or more, as deemed appropriate by the LEA.

When supplemental services are provided to pupils in special classes or centers, personnel providing and/or supervising such services must hold the proper credential, license, or training authorizing the service.

Pupil placement in special classes and centers shall be for a majority of the school day unless a waiver is granted or in accordance with State Board of Education policy or guidelines.

The Individualized Education Program Team shall recommend enrollment in Special Classes and Centers only when the identified needs of a pupil cannot be effectively met in a less restrictive educational environment. Enrollment in a particular Special Class shall be based upon the individual's educational needs. The Individualized Education Program Team will recommend enrollment of pupils in special classes or centers only after considering the following criteria:

- 1.) The pupil's intellectual strengths and weaknesses.
- 2.) The pupil's academic needs.
- 3.) The pupil's affected development.
- 4.) The pupil's behavioral needs.
- 5.) The pupil's learning style.
- 6.) The total composition of the proposed class.
- 7.) The pupil's chronological age, size and maturity.
- 8.) The location and physical facilities of the class.
- 9.) The proposed teacher's particular skills and talents.

The Special Education Local Plan Area shall ensure that all pupils with disabilities enrolled in special classes have equal access to all services and programs available to pupils without disabilities in the Local Plan Area. Equal access shall extend to both academic and non academic programs/activities. Procedures for realizing and ensuring equal access shall follow the assessment and instructional planning process of this plan.

Non academic activities/services, to which special education pupils have equal access include, but are not limited to: Counseling, Health Services, Employment training, and Transportation. Such services are part of a special education pupil's total education experience. The IEP Team will consider the individual needs of all pupils and place pupils in these programs where appropriate. Additionally, extra curricular activities such as athletics, recreation activities, special interest groups, and clubs shall also be available.

Insofar as possible, special classes and centers are to be located on campuses of regular elementary and secondary schools. The SELPA Program Administrator and the Special Education Administrators Committee shall continue plans to accomplish this goal.

Special Classes/Centers are to conform to the class size standards as recommended by the Special Education Administrators Committee.

- f. Non-public, non-sectarian school and services (See Policy #210 and 211)

When appropriate programs do not exist in public schools within the SELPA or in nearby SELPAs, the appropriate Local Education Agency within the Nevada County SELPA will make available a free and appropriate education in non public, non sectarian schools or agencies. (See Policy #210 and 211)

- 1.) Placement in non public, non sectarian schools or agencies will be made

only after the LEA IEP Team has explored and considered all the available options available for public school placement both within and outside of the Local Plan Area.

- 2.) Prior to making a recommendation for a new non-public, non-sectarian school placement, the IEP team shall submit the proposed recommendations to the governing board of the Local Education Agency for its review and recommendations regarding the cost of the placement. Any recommendations of the board are to be considered by the IEP team within five days following the review. (E.C. 56342)

g. State Special Schools

State school placement of pupils otherwise eligible in accordance with E.C. Sections 59020, 59120 and 59220 shall be made by the IEP team when the recommendation is based on a finding that no appropriate placement is available in the Local Plan Area. All such referrals shall be made in accordance with procedures established by the appropriate state school.

Resources of the state schools may be utilized to obtain further assessments and recommendations when deemed appropriate by the IEP team. Referrals for this purpose do not constitute a placement.

h. Instruction in settings other than classrooms

As necessary and appropriate and when determined by the IEP team, special instruction may be delivered in settings other than classrooms.

i. Itinerant instruction using telecommunication

As necessary and appropriate, and when determined by the IEP team, instruction may be delivered using telecommunication.

j. Instruction in home, hospital and other institutions

- 1.) It is the responsibility of each Local Education Agency to assure that appropriate educational services are provided to special education pupils while confined to the home or hospitals within the SELPA for extended periods of time. This is applicable only to those pupils found eligible for special education programs and services under the provisions of CAC Title 5 Section 3030. The IEP of the pupil must recommend the placement of pupils so placed and specify the program or services to be offered.
- 2.) Hospital placement may be applicable to pupils placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or other health facility as defined in Section 1250-1250.3 of the Health and Safety Code.
- 3.) It is the responsibility of the district of residence of pupils placed in any hospital as defined above to notify the district in which the hospital is located of the placement and cooperate with the district in the development of an

appropriate IEP to be used during the time the pupil is confined to the hospital. It then becomes the responsibility of the district in which the hospital is located to provide the required programs or services as specified in the IEP.

- 4.) Programs or services provided to pupils while confined in a home or hospital setting may be provided by a regular class teacher, special class teacher, or resource specialist if possible. Otherwise appropriately credentialed Designated Instruction personnel may be used to provide services.
- 5.) If a non-public, non-sectarian school is also operated by the hospital or other health facility and the pupil IEP designates this school to provide services for a pupil during confinement, the school district in which the parent of the pupil resides has the responsibility to assure that the required services are provided.

k. Preschool Services

- 1.) The Nevada County Special Education Local Plan Area (SELPA) will provide preschool services for pupils identified as eligible for special education from three years through five years of age. These services will be provided by school districts and the County Office of Education and will be available to all eligible preschool pupils within the SELPA. The services will be designed to support a standards-based preschool curriculum. Any person making a referral for special education assessment will contact the school district of residence who will arrange to screen pupils and/or institute the referral process
- 2.) Special Education programs and services for pupils from the age of three through five years of age will include opportunities for active parent participation and involvement and may include the following:
  - a.) Parent education and training
  - b.) Parent participation in their pupil's education program
  - c.) Agency awareness
  - d.) Direct services to pupils
- 3.) School districts and the county office shall operate a continuum of service options for preschool age pupils and provide services to assure equal access to all services and programs available to nondisabled pupils. Appropriate settings may include:
  - a.) A public school setting which provides an age appropriate environment, materials and services. As the preschool pupil approaches the age to enter an elementary school environment, the pupil's preparation shall be geared toward a readiness for kindergarten and later school success.
  - b.) Head Start programs
  - c.) Programs located within a community setting
  - d.) The pupil's natural environment which may include the home.
  - e.) Regular public or private nonsectarian preschool programs
  - f.) A special education preschool program with pupils who are not disabled attending and participating for all or part of the program.
  - g.) A special site where preschool programs for both pupils with disabilities and pupils who are not disabled are located close to each other and have an opportunity to share resources and programming.

- h.) A special class, school or site for pupils with disabilities
- 4.) School districts and the county office may provide preschool services by any of the following methods:
- a.) Directly by a school district and/or county office;
  - b.) Through an interagency agreement between an LEA and another public agency;
  - c.) A contract with another public agency pursuant to EC Section 56369;
  - d.) Through a contract with a certified nonpublic school, or nonpublic, nonsectarian agency pursuant to Section 56366.
- 5.) A Transdisciplinary Team approach shall be provided and shall include appropriate personnel. Transdisciplinary teams shall involve the crossing of disciplinary boundaries as well as sharing skills and expertise. All team members will incorporate an appropriate range of approaches in working with pupils and families. The teams will be utilized in assessment, program planning, and IEPs implementation and review.
- 6.) Transition services will be a major focus for preschool school pupils transitioning to Kindergarten, first grade, or any other educational programs. The major goals of preschool transition services within the Nevada County Local Plan Area are:
- a.) Support successful transition in the pupil's education program and learning;
  - b.) Ensure continuation of appropriate support provided to families;
  - c.) Provide support and information to the receiving programs;
  - d.) Support pupils and families experiencing change.
- 7.) LEAs need to be knowledgeable of programs, services, policies, and procedures in order to assure appropriate transition. Transition planning also needs to focus on providing information and support to families in order to address their concerns, priorities and resources. A transition timeline needs to be established no later than between four and six months prior to the transition actually occurring. As pupils become ready to transition to another preschool program, kindergarten, or to first grade, an assessment needs to be conducted and the IEP Team needs to determine the following:
- a.) An appropriate assessment of the pupil with disabilities shall be conducted. A transition IEP meeting for each pupil will be conducted to determine if the pupil is still in need of special education and services.
  - b.) Appropriate staff need to be included in the meeting in order to promote an effective transition for the pupil, the family, and the community. At that transition IEP meeting, a case manager will be designated to monitor the pupil's successes.
  - c.) If the pupil is going to exit from special education services, the general education staffs need to be notified. At the transition IEP meeting, a case manager will be designated to monitor the pupil's successes throughout the transition year, including making referrals for

child study teams or subsequent referrals, as necessary. (See Policy #204)

1. Licensed Children's Institutions (See Policy #309)

Pupils placed in Licensed Children's Institutions and/or foster family homes as defined by E.C. Section 56255.5 who are found eligible for special education programs and services by an IEP team shall be provided services as specified in the IEP in accordance with the following placement options:

- 1.) By written agreement individual districts and county offices may join together and identify the specific local education agencies responsible for providing special education programs and services for residents of Licensed Children's Institutions and family foster homes. Such agreements may include provisions for pupils identified as having disabilities classified as either severe or non severe.
- 2.) In the absence of written agreements special education programs and services for residents of Licensed Children's Institutions and family homes shall be provided in accordance with the following principles based on current practice.
  - a.) Severely disabled pupils residing in foster family homes or Licensed Children's Institutions located in Nevada County shall be enrolled in appropriate programs maintained by each county office or in an appropriate program maintained by a school district approved by the county office. In addition, a county office or school district may elect to provide such services through contracts with non public, non sectarian schools or agencies.

In the event a pupil residing in a Licensed Children's Institution is placed in a non-public, non sectarian school, all of the following provisions and conditions must be followed:

- i. IEP team/s representing the school district and county office shall determine that the educational needs of the pupil cannot be met through placement in a regular education program, operated by the district, with appropriate modifications and that no appropriate special education placement is available within programs maintained by the district or the county office.
- ii. If a non public school is operated in conjunction with the LCI, enrollment in the non public school cannot be a condition for placement in the LCI.
- iii. It is the responsibility of the school district and/or county office, in cooperation with the non-public school, to develop the IEP for the pupil being placed.
- iv. If the owner/operators of the LCI in which the pupil resides also owns/operates or is affiliated with the non public school in which the pupil is placed, neither the care provider nor

employees of the care provider may represent the pupil in educational matters.

- v. The IEP should include appropriate provisions for interaction of pupils placed in non public schools with non disabled pupils, including dual enrollment whenever possible.
- b.) Non severely disabled pupils residing in either Licensed Children's Institutions or foster family homes may be enrolled in appropriate programs maintained by the county office, or in a program operated by the school district in which the LCI is located.
- c.) It is the responsibility of the county office to ensure the appropriate placement of residents of LCI's as defined in E.C. Section 56155.5 (a) either through direct operation of programs or through contractual agreements with other public agencies or non public, non sectarian schools or agencies.

For pupils residing in foster family homes, identified in E.C. Section 56155.5 b), who are not otherwise provided services under this Local Plan, are the responsibility of the school district in which the foster family home is located.

Educational funds will be allocated to the LEA providing services to pupils residing in LCI's when appropriate.

## 6. Review

The Individualized Education Program of each individual with exceptional needs is to be reviewed at least annually. Such a review serves a variety of purposes including the opportunity to:

- a. Evaluate pupil progress
- b. Ensure continued eligibility
- c. Examine the appropriateness of placement
- d. Examine the need for necessary revisions of the Individual Education Program
- e. Provide the opportunity for coordinating provisions which require health and psychological screening for pupils assigned to the resource specialist program for more than one year with a single meeting
- f. Simplify the scheduling of triennial review activities including reassessment

Each review should be designed to facilitate an analysis of an Individualized Education Program to determine whether the annual goals, short term objectives, pupil performance, programs, and service specified in an IEP were appropriate, and to develop new goals to ensure planning for appropriate services.

Such procedures shall ensure:



- a. Annually informing the parent of their rights, including the right to request a review of the IEP in accordance with provisions of this plan.
- b. That IEP reviews are completed within 50 days from the time of acceptance of the assessment plan by a parent in cases of initial referral, or when reassessment has been requested. In cases where an IEP review, without benefit of additional assessment, has been requested, the review will be scheduled and completed as quickly as possible, but in no case will the time period exceed 30 days from the time of the request.

As stipulated in this plan, each IEP is to be reviewed at least annually. The plan offers further assurances that any required assessments of pupils enrolled for the second year in a resource specialist program will be completed, and the results made available for consideration during the annual review. It is further stipulated that assessment necessitated for the triennial review will be completed and the assessment reports be made available in ample time to be included for consideration during the review.

It is the responsibility of the LEA Administrator/designee of special education to establish procedure, set time lines and schedule annual reviews in a manner to permit implementation of this policy.

The procedures for reviewing IEPs and three-year assessments included in Education Code Sections 56380-56381, for purposes of 34 CFR 300.534, are hereby included in this local plan by reference.

7. Non-Public, Non-Sectarian School Contracts (See Policy #210 and 211)

Local Education Agencies may enter into agreements with non public, non sectarian schools or agencies to provide special education services for a pupil when the IEP team has determined:

- a. The pupil's disabilities are compounded by other conditions which require educational and related services and facilities that cannot be provided by the local public agency.
- b. The pupil's placement in a public school special education program has not been successful and further modification of the program or alternative public school placement is not possible.
- c. Because of the uniqueness of the pupil's educational needs, the local school agency is unable to meet the requirements of the IEP.
- d. Because of limited numbers of eligible individuals, it would not be reasonable to initiate a program.

When the Individual Education Program Team has determined that a non public, non sectarian school is the most appropriate placement for the pupil, the Local Education Agency and the parent shall agree upon an appropriate school. In selecting the non public, non sectarian school, every effort shall be made to locate a school as near to home as possible, and within the state prior to considering an out of state placement.

Upon selection of a non public, non sectarian school, the Local Education Agency shall enter into a master contract with the non public school to pay the costs of programs and services stipulated in the IEP. The contract document will be based upon a model agreement adopted for use by local agencies within the Local Plan Area and will include:

- a. A description of the services to be provided and the financial agreement related to those services.
- b. Provisions for the time period of the contract and services to be provided.
- c. Provisions to amend or change the contract, providing such changes do not alter the educational programs.
- d. Provisions stipulating conditions which allow the contract to be terminated for cause upon 30 days' notice.

Local school agencies shall not enter into any contract or agreement with a non public, non sectarian school or agency which has not been certified by the State Department of Education as meeting the required fire, sanitation, building safety and other standards required by law.

The LEA Administrator/designee shall notify each parent of their responsibility to inform the LEA when a change of address occurs and instruct the parent in the procedures to follow in doing so.

#### 8. Compliance With Provisions of Least Restrictive Environment (LRE)

The Nevada County Special Education Local Plan Area complies with principles of LRE.

- a. To the maximum extent possible, Special Classes, Resource Specialists Programs and Designated Instruction Services are provided within local neighborhood schools.

When sparsity of population or other factors prevent a LEA from providing a required service for its resident non-severely disabled pupils, the service is to be provided by:

- 1.) For DIS, the County Office or adjacent LEA shall provide services within the school of attendance of the pupil being served.
- 2.) For SDC, pupils are assured an appropriate placement in a Special Day Class located or adjacent to a regular school in a nearby district. The actual program may be operated by the other LEA or County Office.

- b. The LEAs and the County Office will continue to locate facilities and programs designed to serve severely disabled pupils on regular school campuses to the extent that the needs of pupils, as determined by IEP team, can best be met within an instructional setting of a regular elementary or secondary school.

In constructing new facilities, LEAs within the SELPA are to follow the provisions stipulated in State Guidelines. LEA's shall ensure that plans for all new school facilities include appropriate classroom space to meet the needs of disabled pupils living within the attendance area of the schools.

All individuals with exceptional needs are assured equal access to all services and programs available to non-disabled and those who are chronologically age appropriate pupils. Such provisions apply whether or not pupils are enrolled on a regular school campus and are equally applicable to academic, non-academic and social activities.

#### 9. Vocational Education and Career Education and Transition

The Individualized Education Program (IEP) Team will identify career and vocational activities as appropriate to the individual needs of pupils. ALL 14 YEAR OLD PUPILS WILL HAVE TRANSITION PLANS THAT INCLUDE PUPIL PERFORMANCE STANDARDS. Such activities should be planned in a manner to provide exposure to a variety of experiences which will permit pupils to progress.

Options within the SELPA to complete this transition include but are not limited to the following:

- a. Workability - is a special education vocational program for secondary age pupils. This program gives special education pupils work experience while still enrolled in high schools or other educational settings. Placement Specialists are employed by school districts to assist pupils with on-the-job training. Services may include: assessment, career guidance, job search skills training, job coaching, mobility training, and literacy training.
- b. Regional Occupational Programs (ROP) - is a regular education program operating on high school campuses and other locations within the communities.
- c. Work Experience Programs - is a regular education program operating on high school campuses. Opportunities for vocational training are available within community settings, school settings, public and private agencies. Work experience might include clerical, landscape and gardening, custodial, pupil care, and instructional aides activities.
- d. Regular Industrial Arts Program - offered on individual high school campuses.
- e. Department of Rehabilitation (DR) - provides employment services to people of all ages who have physical, mental, or emotional disabilities. Services include vocational assessment, counseling and guidance, medical exams, employment training, and placement assistance.
- f. Providers of Supported Employment - Supported employment services are available to Regional Center clients who are able to work a minimum of 20 hours per week. Intensive job development, job placement, job coaching, and follow-along services are provided. PRIDE and ARC currently are vendorized providers.
- g. Adult Schools - public LEAs provide competency-based instruction in such areas as GED preparation, basic academic skills, ESL, and independent living skills. These schools primarily serve adults; however, high school pupils may attend.
- h. Golden Sierra Job Training Agency (GSJTA) is the Service Delivery Area for the Job Training Partnership Act for Nevada County. Its Summer Youth Employment Program places special education pupils on work experience sites in public and private non-profit agencies. GSJTA also provides job-specific skills training, on-the-job training, and literacy services.
- i. Community Colleges - provide a variety of academic and vocational courses. Each college has a Learning Disabilities Program (which has different eligibility criteria than K-12, and services for orthopedically disabled pupils). Sierra College has a program for SH pupils.

10. Behavioral Intervention

The Nevada County Special Education Local Plan Area has established definitions and procedures regarding the use of behavioral interventions for pupils identified with current IEPs. The role and responsibilities of each Local Education Agency is defined and stipulated in the Behavioral Intervention Handbook. These guidelines identify procedures for emergency interventions to control unpredictable, spontaneous behaviors of individuals with IEPs. These individuals would include those who pose a clear and present danger to themselves or to others, or serious property damage. All responses to serious behavioral problems will respect human dignity and personal privacy and ensure educational placement in the least restrictive environment.

- a. The Nevada County SELPA Behavioral Intervention Handbook includes the following sections:
  - 1.) Definitions regarding terminology
  - 2.) Procedures outlining the implementation of positive behavioral intervention
  - 3.) Role and responsibility of the IEP team
  - 4.) Procedures for dealing with behavioral emergencies
  - 5.) Staff development/training
  - 6.) Transportation
  - 7.) Appendix: Sample forms and examples of positive programming, goals, and objectives
- b. The Special Education Administrators Committee (SEAC) has the primary responsibility to assure that appropriate Behavioral Intervention guidelines, as provided for in (CCR Title 5 3001 and 3052) are utilized when appropriate in Individual Education Plans throughout the Local Plan Area.
  - 1.) The SEAC representative of each Local Education Agency shall have the responsibility to:
    - a.) Distribute copies of the Behavioral Intervention Guidelines to all appropriate persons in the district who should be aware of the practices and procedures.
    - b.) Provide for attendance of appropriate personnel at workshops and staff development activities designed to assist staff in understanding and implementing the regulations.
  - 2.) Nonpublic schools and agencies operating within the Nevada County SELPA will:
    - a.) Receive copies of the Behavioral Intervention Guidelines.
    - b.) Be included in staff development training

# **NEVADA COUNTY SELPA**

(Special Education Local Plan Area)

Dr. Terence K. McAteer  
Nevada County Superintendent of Schools

Holly Hermansen  
Assistant Superintendent  
SELPA Director

## **Appendix 2**

# **Assistive Technology & Low Incidence Manual**

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## **Appendix 3**

# **SEPAC Parent Handbook**

To be inserted when revised.

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## Appendix 4

# SEPAC Committee Handbook

To be inserted when revised.

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## Appendix 5

# 504 Handbook

To be inserted when revised.



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## **Appendix 6**

# **Strategies & Procedures That Support Positive Behaviors**