

WEST END
SPECIAL EDUCATION LOCAL PLAN AREA

POLICIES
AND
PROCEDURES



8265 Aspen Avenue, Suite 200
Rancho Cucamonga, CA 91730

(909) 481-4547

(909) 987-2279 FAX

weselpa.sbcss.k12.ca.us

**West End
Special Education Local Plan Area**

Joann Reilly, SELPA Administrator

MEMBER LOCAL EDUCATION AGENCIES

Alta Loma School District

Central Elementary School District

Chaffey Joint Union High School District

Chino Valley Unified School District

Cucamonga School District

Etiwanda School District

Mountain View School District

Mt. Baldy Joint School District

Ontario-Montclair School District

Upland Unified School District

San Bernardino County Superintendent of Schools

**WEST END SELPA
LOCAL PLAN POLICIES AND PROCEDURES
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HANDBOOKS/MANUALS/PROCEDURES UNDER SEPARATE COVER

FISCAL ALLOCATION PLAN AND PROCEDURES MANUAL

PROCEDURAL MANUAL

REFERRAL PROCESS HANDBOOK

WEB-BASED IEP HANDBOOK

LOW INCIDENCE GUIDE HANDBOOK

PARENT HANDBOOK

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

ELIGIBILITY/ANNUAL/TRIENNIAL REASSESSMENT

Identification of Individuals for Special Education

Member districts and LEAs shall review on at least an annual basis the special education 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. A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate. All referrals from school staff shall include a brief reason for the referral and describe the regular program resources that were considered and/or modified for use with the student, and their effect. The pupil shall not be considered an individual with exceptional needs if the determinant factor is a lack of appropriate instruction in reading, including the essential components of reading instruction; a lack of instruction in mathematics; or limited English proficiency. SELPA procedures shall be followed in conducting assessments and reassessments. The LEA shall conduct a reassessment of each special education pupil at least 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. A reassessment shall occur not more frequently than once a year, unless both the parent and the Local Education Agency (LEA) agree in writing.

An LEA shall not be required to obtain informed consent from the parent of a child for initial assessment to determine whether the child is an individual with exceptional needs if:

- Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent/guardian of the student.
- The rights of the parent/guardian have been terminated in accordance with California law.
- The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student. (EC56321)

Educational Code Section 56321.1 requires the LEA to obtain informed consent from the parent of a child who is the ward of the state and not residing with the child's parent. Reasonable efforts shall be made to obtain the informed consent from the parent.

Educational Code Section 56320 requires the LEA to follow IDEA requirements that assessments and assessment materials are provided in the pupil's native language or mode of communication, unless clearly not feasible to do so; are administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer; are used for purposes for which they are valid and reliable, administered by trained and knowledgeable personnel; and are administered in accordance with any instructions provided by the producer of the assessments; and it specifies that no single measure or assessment is used as the sole criterion for determining whether a pupil is an individual with exceptional needs or for determining an appropriate educational program for the pupil.

The time from referral for initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child shall be made, and an individualized education program meeting shall occur, within 60 days of receiving parental consent for the assessment. Each LEA shall ensure that assessments of individuals with exceptional needs who transfer from one district to another district in the same academic year are coordinated with the individual's prior and subsequent schools as necessary and as expeditiously as possible, in accordance with federal statute, to ensure prompt completion of a full assessment. (EC56043)

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reevaluated to determine if they still need special education and related services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these individuals. (EC 56445)

The screening of a pupil by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an assessment for eligibility for special education and related services. (EC56321)

If a parent/guardian refuses to consent to the initial evaluation, the district may pursue the evaluation by utilizing the due process procedures, however if the district declines to pursue the lack of consent, it does not violate its child find requirement. If a parent of a child who is parentally placed in a private school at the parent's expense refuses consent to an evaluation, the district may not use due process to override the lack of consent. (EC 56321)

Specific Learning Disability Eligibility

Educational Code Section 56337 defines if a pupil has a "specific learning disability" with new IDEA language in Section 1414 of Title 20 of the United States Code. The LEA shall not be required to take into consideration whether a pupil has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. An LEA may use a process that determines if the pupil responds to scientific, research-based intervention as part of the assessment procedures.

Legal References:

CODE OF REGULATIONS, TITLE 5

3021 Regular education attempts prior to referral

EDUCATION CODE

56303 Regular education resources utilized prior to referral

56304 Alternative means of IEP meeting participation

56043 (c) (1) Primary timelines affecting special education programs

56302.1 (a) Timelines affecting special education initial assessment

56320 Assessments and assessment materials

56321 Informed parental consent

56321.1 Informed consent-wards of the state

56329 Determining Eligibility

56337 Specific Learning Disability eligibility

56344 Timelines affecting special education IEP development

56381 Timelines affecting special education reassessment

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WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

CHARTER SCHOOL

Provision of Special Education Services to Students Voluntarily Enrolled in Charter Schools

A. Rationale

This policy applies to all dependent charter schools that are chartered by educational entities located within West End SELPA, as well as independent charter schools designated as a Local Education Agency (LEA). Additionally, this policy applies to any charter school petition granted by the County Board of Education or State Board of Education (SBE) in which oversight responsibilities have been assigned to a district within the SELPA (EC 47605(k)(1), 47605.5). In compliance with EC 47645, the West End SELPA will treat the review and approval of a charter school's request to be an LEA in the same manner as a request from another district to join the SELPA.

As students enrolled in charter schools are entitled to special education services provided by state and federal funding, the charter schools shall follow all applicable requirements of state and federal law regarding provision of special education services (EC 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 West End SELPA in accordance with this Local Plan. Students enrolled in charter schools chartered within the county shall receive services in a manner similar to students enrolled in member districts within the SELPA. Funding for special education services, participation in the governance structure, and responsibility for provision of services shall be based on the status of the individual charter school.

All approved charter schools will be deemed as public schools within a district unless the charter school has been deemed an LEA.

1. SELPA Involvement with Approval and Renewal of Charters

- a. 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. In order to be deemed an LEA, the chartering entity will provide assurances that all eligible students, including those students enrolled in the charter school, will receive appropriate special education services.
- b. A charter may be granted pursuant to EC Section 47605, 47605.5, and 47606 for a period not to exceed five years.
- c. A material revision of the provisions of a charter petition may be made only with the authority that granted the charter; a school district governing board, a county board of education, or the State Board of Education.

- d. The authority that grants the charter may inspect or observe any part of the charter school at any time.
- e. Reversals and material revisions of charters shall be governed by the standards and criteria in EC 47605.
- f. A charter may be revoked by the granting authority if it is found that the charter:
 - i. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter;
 - ii. Failed to meet or pursue any of the pupil outcomes identified with the charter;
 - iii. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement;
 - iv. Violated any provision of law.
- g. Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

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 School Within a School District - Charter schools that are deemed to be public schools within a district will participate in the 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 regular program.

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 Superintendents' Council will make the final determination whether the charter school has met all requirements of an LEA. The requirements include:
 - i. Meet the terms of the agreement regarding Identification, Screening, Referral, Assessment, Instructional Planning, Implementation, and Review.
 - ii. Meet the terms of the agreement regarding Procedural Safeguards.
 - iii. Meet the terms of the agreement regarding Regionalized Services.
- c. Once deemed an LEA, the charter school will be responsible for and entitled to the following:
 - i. Participate in governance of the SELPA in the same manner as other districts within the SELPA.
 - ii. Receive state and federal funding for special education in accordance with the SELPA Allocation Plan.
 - iii. Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, transportation, non-public school/agency placements, inter/intra SELPA placements, due process proceedings, complaints, and attorney fees.
 - iv. Receive services from the SELPA including dispute resolution and non public school/agency tuition in the same manner as other districts within the SELPA.

C. Administrative Guidelines

- 1. A petition for the creation of a charter school, or renewal of an existing charter, which seeks to be deemed an LEA, must contain adequate assurances that the proposed school will comply with all applicable provisions of state and federal law and implementing regulations related to the rights of disabled students and their parents (20 U.S.C. Chapter 33, Individuals with Disabilities Education Act).
- 2. The LEA governing board may require that a petition include the means by which the charter school intends to serve students with disabilities. This may include a specific reference as to whether the charter school intends to be deemed an LEA or public school for the provision of special education services.
- 3. The LEA governing board may 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 district which authorized the charter if the school is deemed a public school within the district or by the 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, non-public school, non-public agency, or another district or SELPA), the charter school will be responsible for any excess costs attributable to the placement in accordance with the SELPA fiscal allocation plan. Responsibility for excess costs will rest with the placing charter school or LEA authorizing the 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 school. The chartering district will represent the needs of the charter schools it authorizes that are deemed public schools of the LEA in the SELPA governance structure. The charter school will receive SELPA services in the same manner as other schools within the chartering district depending on charter school agreement or MOU with the LEA.
10. 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.

Legal References:

Local Plan Page 31

EDUCATION CODE

56195 Charter School

56195.1(f) Charter School

56207.5 Charter School

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

CHILD FIND

Child Find

The Superintendents' Council recognizes the need to actively seek out and evaluate residents from birth through age 21 inclusive within the member districts and LEAs who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Individuals with Disabilities Education Act, (IDEA2004) requires that this "child find" identification system include identification of students with disabilities who are homeless or are wards of the state, students attending private schools, including religious-schools and highly mobile children with disabilities, such as migrant and homeless children. Such students regardless of the severity of their disabilities, who are in need of special education and related services will be identified, located and evaluated. In order to carry out this requirement, districts will maintain records of which children with disabilities are currently receiving needed special education and related services.

The member district and LEA superintendent or designee shall establish a means whereby parents/guardians, teachers, appropriate professionals and others may request screening for any child they believe to have a disability that significantly interferes with his/her learning. The member district or LEA superintendent or designee shall identify screening processes to determine when an individual's academic, behavioral or other difficulties may be related to disabilities and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review and triennial assessment.

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

Legal References:

EDUCATION CODE

44265.5	Professional preparation for teachers of visually impaired, orthopedically impaired, or deaf or hard of hearing students
56000-56001	Special education programs
56026	Individuals with exceptional needs
56026.5	Low incidence disability
56029	Referral for assessment
56136	Guidelines for low incidence disability areas
56300-56303	Identification of individuals with disabilities
56320-56330	Assessment
56333-56338	Eligibility criteria
56339	Attention deficit and hyperactivity disorders
56340-56347	Instructional planning and individualized education program
56350-56352	IEP for visually impaired students
56381	Reassessment of students

56425-56432 Early education for individuals with disabilities

56441.11 Eligibility criteria, children 3 to 5 years old

56445 Transition to grade school; reassessment

56500-56508 Procedural safeguards

GOVERNMENT CODE

95000-95029 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3021-3029.1 Identification, Referral and Assessment

3030-3031.1 Eligibility criteria

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35.1 Evaluation and placement

104.35.2 Procedural safeguards

300.1-300.756 Assistance to states for the education of students with disabilities

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

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WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PRIVATE SCHOOLS

The Superintendent's Council recognizes its obligations under federal and state law to identify and provide equitable services to students voluntarily enrolled by their parents/guardians in private schools located in the district.

The member district and LEA superintendent or designee shall ensure that activities to locate, identify and evaluate students with disabilities enrolled by their parents/guardians in private schools within the district are comparable to activities undertaken for individuals with disabilities ages three to 21 inclusive in public schools within the district. The SELPA will on an annual basis place an advertisement in the local newspaper regarding child find, and send a private school child find brochure to private schools located in the SELPA.

The member district and LEA superintendent or designee shall develop a budget for the provision of services to children with disabilities enrolled by their parents/guardians in private school based on the proportionate share of federal funds received and the number of eligible children, including the possibility of mid-year enrollees, and the types of services to be provided.

Legal References:

EDUCATION CODE

- 56000 Education for individuals with exceptional needs
- 56020-56035 Definitions
- 56170-56177 Children in private schools
- 56195.8 Adoption of policies for programs and services
- 56300-56385 Identification and referral, assessment
- 56500-56509 Procedural safeguards, including due process rights
- 56600-56606 Evaluation, audits and information

UNITED STATES CODE, TITLE 20

- 1232g Family Educational Rights and Privacy Act
- 1400-1482 Individual with Disabilities Education Act

UNITED STATES CODE, TITLE 29

- 794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

- 300.1-300.818 Assistance to the states for the education of students with disabilities, especially:
 - 300.130-300.140 Children with disabilities enrolled by their parents in private schools

COURT DECISIONS

- Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

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WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

CIVILITY

All West End SELPA staff members will treat parents and other members of the public with respect, and will expect the same in return. The West End SELPA is committed to maintaining orderly educational and administrative processes in keeping its offices free from disruptions and preventing unauthorized persons from entering its facilities.

This policy is developed to promote mutual respect, civility and orderly conduct among West End SELPA employees, parents, students and the public. This policy is not intended to deprive any person of their right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free environment for all individuals who enter the West End SELPA facilities. West End SELPA encourages positive communication, and discourages volatile, hostile or aggressive actions. The West End SELPA seeks public cooperation with this endeavor.

Disruptions

1. Any individual who disrupts or threatens to disrupt West End SELPA operations; threatens the health or safety of West End SELPA staff; willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on the grounds of West End SELPA, facilities or those of its member school districts, will be directed to leave West End SELPA property promptly by West End SELPA administrative staff and shall not be allowed to return for at least 48 hours (EC 32211).
2. If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner while on West End SELPA premises, the West End SELPA administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate in a civil manner.

If corrective action is not taken by the abusing party, the West End SELPA employee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated, and if the meeting or conference is on West End SELPA premises, the offending person will be directed to leave promptly.

3. When an individual is directed to leave under the circumstances discussed in Section 1 or 2 above, the West End SELPA administrator or designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code Sections 32211 and Penal Code Sections 626.6 and 626.8, if he/she reenters any West End SELPA facilities within 72 hours after being directed to leave.

If an individual refuses to leave upon request or returns before the applicable period of time, the West End administrator or designee may notify law enforcement officials. An Incident Report, attached, shall be completed for any such situations.

Safety and Security

4. The West End Program Administrator or designee will ensure that a safety and/or crisis intervention techniques program is provided to staff in order to raise awareness on how to deal with these situations if and when they occur.
5. When violence is directed against a West End SELPA employee, the employee shall promptly report the incident to their supervisor and complete an Incident Report. All West End SELPA employees, supervisors and administrators should complete an Incident Report and report to law enforcement, any attack, assault or threat made against them on West End SELPA premises or at West End SELPA sponsored activities (Penal Code Section 243.5).

Documentation

6. When it is determined by staff that a member of the public is in the process of violating the provisions of this policy, an effort should be made by staff to provide a written copy of this policy, including applicable Code provisions, at the time of occurrence. The employee will immediately notify his/her supervisor and provide a written Incident Report.

Legal References:

EDUCATION CODE

32211 Disturbing School

44810 Willfull Interference

PENAL CODE

243.5 Arrest on School Grounds

415.5 Fighting on School Grounds

626.6 Refusal to Leave School Grounds

626.8 Disruptive Presence at School

WEST END SPECIAL EDUCATION LOCAL PLAN AREA

INCIDENT REPORT

Name of Staff: _____

Today's Date: _____ Time of Incident: _____

Location of Incident: _____

Did you feel your well-being or physical safety was threatened? _____ Yes _____ No

Were there any witnesses to this incident? _____ Yes _____ No

Name of Witnesses: _____

Were the police contacted? _____ Yes _____ No

Describe what happened:
(if you need additional space, use the back of this sheet)

Signature of Person Completing the Form

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

CONFIDENTIALITY UNIFORM COMPLAINT PROCEDURE

Student Records

It shall be the policy of the West End SELPA that the confidentiality of personally identifiable data, information, and records maintained by the SELPA or LEA relating to pupils with disabilities and their parents and families shall be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). Member districts and LEAs will comply with district policies and regulations as well as SELPA procedures to maintain the confidentiality of special education student records.

Uniform Complaint Procedures

District and LEA SELPA members shall follow district policies and regulations that identify the person(s), employee(s), agency position(s) or unit(s) responsible for ensuring compliance with state and federal law and for receiving and investigating complaints alleging noncompliance or discrimination.

Legal References:

CODE OF REGULATIONS, TITLE 5

431 Adoption of policies regarding confidentiality

4621 Adoption of policies regarding uniform complaint procedures

UNITED STATES CODE

20 USC 12325 Family Education Rights and Privacy Act (FERPA)

34 CFR 99.3 Clarifies student record and personal memory aid

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WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

ACCESS TO STUDENT RECORDS AND SELPA DOCUMENTS

I. Access to Student Records

A. Student records can be accessed through two actions:

1. Written parental consent.
2. Court order (EC 49076). This does not include subpoenas from attorneys unless it includes written parent permission.

B. When a subpoena is received and does not include written consent from the parent, the following steps are taken:

1. Person issuing the subpoena is contacted and informed of the parental consent or judicial order requirement.
2. The burden is placed on the person seeking disclosure to comply with the legal requirements; the SELPA not supply information or contact the parent.
3. Records are not released until the SELPA has received either written parental consent or court order.

C. Court Appearances

If the parent will not consent to the release of records, the SELPA custodian of student records may be asked to appear in court. In lieu of a personal appearance, the SELPA may copy the records and mail them to the court with an affidavit certifying their authenticity.

D. Responding to Requests for Records: Parent Notice

Unless prohibited by the judicial order, the SELPA should make a reasonable effort to notify the parent and student in advance of complying with release of a student's record.

E. Response Time for Subpoenas

CA Code of Civil Procedures (1987) requires attorneys to specify a reasonable response time.

F. Civil Matters

In civil matters we must be given at least fifteen days to produce documents (Code of Civil Procedures 1985.3). The SELPA should not produce records pursuant to a civil subpoena signed by the attorney but must wait until the parent/guardian has given written permission or the court orders the release.

G. Criminal Matters

In criminal matters there is no minimum notice requirement for subpoenas. However, the provisions of “reasonableness” tend to govern. If possible to arrive with the requested documents on time, the court will most likely not issue a contempt citation. The SELPA must be prepared to explain why it was unable to comply. The penalty for refusing to comply and failing to show good cause is generally a fine in the sum of \$100.00.

In a juvenile criminal matter, it is the court, not the attorney that is obligated to order the county to pay the fee. It will not order payment without a formal request. The SELPA has no resource if the court does not order the fee paid.

The SELPA should not produce records pursuant to a civil subpoena signed by the attorney but must wait until the parent/guardian had given written permission or the court orders the release.

H. Reimbursement for Costs

If the subpoena requires a personal appearance by a SELPA employee as a witness to provide testimony regarding a matter the employee observed during the course of his or her employment, Government Code section 68096.1 requires that the SELPA be reimbursed for the actual cost of the employee’s absence, or \$150 per day, whichever is greater.

I. Cost of Producing Records

The SELPA may charge the issuing party for the reasonable cost of producing the records. Reasonable costs include:

1. Ten cents per page for reproduction of documents up to 8 ½ by 14 inches;
2. Reasonable clerical costs incurred in locating and making records available.
3. Actual postage charges.

J. Redacting Other Student Names

Even where an appropriate Notice to Consumer or parent authorization is provided, the SELPA should never release student records that contain other students’ names or personal information. Data relating to other students must be redacted, blocked out or otherwise concealed, prior to release of the documents. As a courtesy, the SELPA or its attorney should inform the person who issued the subpoena that this data will be redacted.

K. Sending Records to the Court

A copy of the records separately enclosed in an inner envelope together with the affidavit signed by the custodian of records under penalty or perjury and

certifying that the copy is a true copy of the original record on file in the SELPA (EC 49078).

II. Access to SELPA Documents

A. SELPA documents can be accessed through written request.

B. Responding to Requests for Documents

1. If the document is located on the SELPA website, the requestor will be informed.
2. If the document is not available electronically, the SELPA will make every effort to provide the requested document within ten business days.

C. Reimbursement of Costs

The SELPA may charge the requesting party for the reasonable cost of producing the documents. Reasonable costs include:

1. Ten cents per page for reproduction for documents up to 8 ½ by 14 inches;
2. Reasonable clerical cost incurred in locating and making documents available
3. Actual postage charges.

Legal References:

CODE OF REGULATIONS, TITLE 5

431 Adoption of policies regarding confidentiality

UNITED STATES CODE

20 USC 12325 Family Education Rights and Privacy Act (FERPA)

34 CFR 99.3 Clarifies student record and personal memory aid

Education Code 49069; 49076-49078

California Code of Civil Procedures 1985.3; 1987

California Evidence Code 1563 (b) (2) and (b) (3)

California Penal Code 1331

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

ACCESS TO INSTRUCTIONAL MATERIALS

It shall be the policy of the West End SELPA and its member districts to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

Legal References

EDUCATION CODE:

60312

FEDERAL REFERENCES

20 USC 1412 (a)(23)

34 CFR 300.172(e)(1)

9-08

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

FACILITIES

Philosophy

West End SELPA and participating districts believe that all children are equally valuable and are deserving of an appropriate learning environment. Accordingly, facility needs of both general and special education children will be considered and equally weighted in deciding classroom assignments. School facilities for all children will meet the standards mandated by the Education Code and other applicable laws.

It is recognized that appropriate facilities affect the quality of the learning environment. Therefore, West End SELPA and participating districts commit to working with the state legislature and through other available avenues to procure adequate funding to ensure appropriate educational facilities for all children.

The effectiveness of educational programs is enhanced when supported by an efficient support staff housed in appropriate facilities. Accordingly, support facilities will be periodically reviewed to assure support and administrative staff facility needs are adjusted to reflect changing requirements.

In recognition of the need for West End SELPA districts to provide appropriate classroom facilities for County West End Operations as well as regional provider programs, the Superintendents' Council agrees to the following:

1. Each member district will provide classroom space on comprehensive school sites (classroom size commensurate with general education classroom size, approximately 960 square feet) equal to the percentage of students served by County operated programs as well as regional provider programs. For districts providing less than or more than required, an annual SELPA Reimbursement Rate charge or credit will be assessed as appropriate. The SELPA Reimbursement Rate will be based on the SELPA Housing Equity Rate.
2. When commercial property is leased, member districts will contribute to the lease cost equal to the percentage of students served by County or other regional district provider operated programs.
3. Agreements for special centers shall be approved by the Superintendents' Council.
4. County School staff shall work cooperatively with districts to establish eligibility for State building funds.
5. Member districts will work cooperatively with County School staff in planning for future school facilities.

6. Districts will receive equal credit for SB 50 classrooms, LeRoy Green portable classrooms, and district owned classrooms.
7. Long range planning will allow SB 50 funded County classes to replace district classrooms, once growth needs are met.
8. Priority for County SB 50 or similar funds will be given to districts exhibiting sustained growth trends for two or more years.
9. Reduce transportation costs whenever possible by placing classrooms where clusters of students reside.
10. Determine classroom needs by projecting enrollment in January of the current year to determine each district's percentage for providing classroom space.
11. For districts owing classroom space, SB 50 funds will be considered for providing classrooms to lessen individual district monetary responsibility.
12. A refurbishment study will be conducted each year by the LEA to determine renovation needs. Any refurbishment or replacement needs that involve SELPA funds will be approved through the Superintendents' Council. Whenever possible, the district housing the classroom being refurbished would be responsible for initiating discussion to determine where temporary classrooms will be housed. Work would be completed during off-track periods of time whenever possible.
13. A Facility Fund will be established by contributions from each member district to support needs identified by the annual refurbishment study.

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

COST OF RELOCATABLE BUILDINGS FOR COUNTY AND REGIONAL PROVIDER OPERATED SPECIAL EDUCATION PROGRAMS

- 1) Expenditure of funds for a relocatable building project using SELPA funds requires approval of the Superintendents' Council. Costs for a project may include any or all of the following deemed appropriate by the Council:
 - a) Planning money for architect and necessary consultants to develop architectural drawings and specifications in SB 50 acceptable format
 - b) Site preparation - grading and leveling; installation of adequate plumbing and sewer hookups; installation of adequate electrical, fire alarm, communications, and technology conduits; and building foundation. Alternative funding, such as e-rate funding, will be utilized when applicable.
 - c) Fire alarm and/or security alarm to include incorporation into site alarm system
 - d) Relocatable building
 - e) Land for the building, including appraisal of land and environmental assessment
 - f) Inspection fees, both in-plant and on-site
 - g) Division of State Architect fees
 - h) Furniture and equipment
 - i) Access compliance measures
 - j) Local Fire Marshal requirements
 - k) Approved construction contingency

- 2) The total project costs for a relocatable classroom using SELPA funds shall not exceed the typical cost for purchase and placement of that type of relocatable classroom for districts within the WESELPA. Additional costs due to location, design, or unforeseen conditions will not be accommodated without express approval of the Superintendents' Council. An emergency Superintendents' Council meeting will be called if individual or accumulated change orders in excess of the approved construction contingency need to be approved.

- 3) The Annual SELPA Housing Equity Rate per Class is an annual assessment.
 - a) The SELPA Housing Equity Rate is determined by taking approved district/LEA reported figures for grounds, maintenance, and operations, as well as allowed administration costs and calculating a per classroom cost for the entire district. These figures will be taken from each district's Unaudited Actuals Indirect Cost Rate Worksheet, California Department of Education SACS Financial Reporting Software, on an annual basis.

 - b) Allowable costs are:
 1. Plant maintenance and operations, Part III, Base Cost (8). Plant maintenance and operations includes those activities necessary to keep the physical plant and grounds open, clean, comfortable, in working condition, and in a state of repair. Plant maintenance includes those activities that are required to repair, restore, or renovate school property, including grounds, buildings, site improvements, building fixtures, and service systems. Direct charges to the plant maintenance program include

- salaries of directors and supervisors of maintenance, carpenters, painters, electricians, plumbers, maintenance clerks, and similar employees; employee benefits for all employees in this program; necessary materials and supplies; rental and replacement of plant maintenance equipment; contracts for repairing, restoring, or renovating the grounds, buildings, or equipment, including re-grading sites and repairing retaining walls, walks, driveways, sprinkler systems, and playground apparatus or equipment; reseeded of lawns; repainting; repairs to or replacement of roofs, walls, heating and air-conditioning units, and electrical and plumbing installations; repairs to building fixtures; resurfacing and refinishing of floors; movement of movable walls or partitions; and acquisition and replacement of related equipment.
2. Changes of partitions (non-movable types), walls, and roof structures are excluded from plant maintenance and should be charged to the facilities acquisition and construction program.
 3. Plant operations. Plant operations are housekeeping activities concerned with keeping the physical plant open and ready for use. Included activities are cleaning and disinfecting; heating and lighting; communications; maintenance of power; moving of furniture; caring for grounds; garbage and trash disposal; laundry and dry cleaning service, including the rental of towels; rental of equipment, such as floor polishers; softwater service; and such other housekeeping activities as are repeated on a daily, weekly, monthly, or seasonal basis.
 4. Direct charges to the operations program include salaries of directors, supervisors, and staff assigned to operations, custodians, guards, gardeners, telephone switchboard operators, truck drivers, operational clerks, security personnel, and similar employee(s); employee benefits for all employees in this program; supplies, including brooms, brushes, disinfectants, fuses, garbage cans, light bulbs and fluorescent tubes, mops, wax, soap, toilet paper, towels, outdoor flags, weed killers, and fertilizers; office supplies; repair and maintenance of equipment used in this program; and acquisition and replacement of related equipment.
 5. An Indirect Cost Rate will be applied as specified in Part III, Item D.
- c) The total of costs captured in item 3a is divided by the total number of classrooms in the district, Part 1 Classroom Units – Item B, and then divided by 960 square feet per classroom to determine both a cost per class and a cost per square foot. The SELPA Housing Equity Rate is determined by taking the average cost per class of all districts within the SELPA.
 - d) The rate will be determined using 1999/2000 school year actuals and recalculated each year utilizing SACS Financial Reporting Software data.
 - e) Districts housing County or regional provider classrooms are responsible for routine maintenance and utility costs. If routine costs are substantially greater than the average per class SELPA Housing Equity Rate, the district may submit a proposal to the Facility Advisory Committee for consideration of additional reimbursement through the Facility Fund.

4) Calculation of Annual SELPA Reimbursement Rate (see Exhibit A)

a) District Commitment

1. The number of pupils from residence districts enrolled in each County or provider program is determined by the December pupil count from the previous school year. (Columns A, B, and C)
2. The residence district pupil counts are divided by the established class average, which are ten in most cases. For County classroom needs, the actual number of classes needed, will be used.
3. The aggregated result is the initial number of classrooms for which each district is financially responsible. (Column G)

b) Comparison of Financial and Programmatic Commitment

The current Provision of District Classrooms (Column H) for each district, based on the programmatic facilities plan, is compared to the net district financial commitment.

1. If the actual number of classes needed matches the net district's financial commitment, then the district provides the space at no cost to the SELPA.
2. If the actual number of classes provided is less than the district's responsibility, the district will be billed for the difference at the SELPA rate per class. The initial district charge is calculated by multiplying the difference times \$to be determined. (Column J - Net Commitment)
3. If the actual number of classes provided is greater than the district's responsibility, the district will be reimbursed for the difference at the SELPA rate per class. The initial district reimbursement is calculated by multiplying the difference times \$to be determined. (Column J - Net Commitment)

5) Calculation of Medical Therapy Unit (MTU) Charges and Reimbursements

a) District Charge

Each district's charge is calculated by multiplying the percentage of non-LCI pupils receiving MTU services times the total cost per square foot. The result is multiplied by \$to be determined. (Column L)

6) Calculation of Total District Charge

- a) The individual charges and reimbursements are totaled for each district, and the district is either charged or reimbursed for facilities based on the computed total.

- 7) Billing and Payment Process
- a) The SELPA office will determine each district's financial responsibility based on the December pupil counts for each program, as well as the December counts of students receiving MTU services.
 - b) The SELPA office will bill and reimburse districts as cited in Sections 5, 6, and 7.
- 8) SELPA Plan Purchase of Classrooms for County or Provider Program Growth When District Classroom Space is Not Available
- a) The number of growth classrooms and proposed locations for the new school year will be calculated using preliminary projections by January 31 of the current school year.
 - b) Classrooms purchased through the SELPA plan will remain the property of the SELPA/County unless other provisions are made. There is a long-term commitment for classrooms purchased by the SELPA to house provider and County special education classrooms. If the status and/or location of a SELPA purchased classroom changes, the SELPA will pay for all associated moving costs. Moves and changes made at the district's request will be that district's financial responsibility. The Superintendents' Council will approve all classroom changes.
 - c) The district agreeing to provide space for the SELPA classroom will receive the Annual SELPA Reimbursement Rate and classroom credit as part of the calculation for financial responsibility of facilities in Sections 5, 6, and 7.
 - d) Calculation of Financial Responsibility for Purchased Classrooms
 1. Financial responsibility for classrooms to be purchased for the new school year will be based on current year facilities plan calculations. Classroom needs occurring once the school year begins will be met using this same methodology.
 2. Districts with a negative dollar amount in the Net Commitment (Column J) or a percentage less than 100% in the Percentage of Commitment Met (Column I) will be contacted to provide classroom space to lessen the district's Net Commitment amount. Districts showing the greatest negative commitment will be given first priority to provide classroom spaces.
 3. If these districts are unable to provide classroom space, all districts within the SELPA will contribute a portion of the cost to establish a new classroom. The percentage of contribution will be in direct proportion to the percentage of students enrolled in County and provider programs.
 4. The district willing to house the new portable will receive SELPA Reimbursement Rate credit for the classroom.

- e) Recommendation for Approval of Relocatable Purchase Costs
 - 1. A Facility Advisory Committee of three Business Administrators and three Program Directors, or their designees, each from a different district, will be selected by their peers to a three year term each year to review and recommend approval to the Superintendents' Council of estimated purchase and installation costs. The first year, the membership will consist of one member serving a one-year term, a second member serving a two-year term, and the third member serving a three year term. The SELPA Administrator will serve as an ex-officio member to cast a deciding vote if needed.
 - 2. Each district purchasing a relocatable funded by the SELPA will submit estimated costs for review by the Facility Advisory Committee for approval by the Superintendents' Council.
 - 3. A district may elect to upgrade the installation beyond Division of State Architect/SELPA requirements at its own expense.
- f) If a district elects to purchase classrooms that are needed programmatically by the SELPA to meet the district's responsibility for classrooms, it will receive full credit in the facilities calculation for both maintenance and purchase responsibility.
- 9) To support needs identified by each LEA's refurbishment study, a Facility Fund will be established. A Facility Fund of \$____ per December special education student count in County and provider programs will be assessed annually to either augment the County Deferred Maintenance Fund or maintain SELPA occupied district facilities.
 - a) Districts and/or County may request Facility Fund support in January for all planned refurbishment projects and approved maintenance contracts as they become necessary. Unforeseen repairs and refurbishment may be presented for approval as they become necessary.
 - b) County staff will be involved in estimating annual capital outlay needs, preventive maintenance, and unexpected building repairs.
 - c) The Facility Fund contribution will be used to reimburse districts or County for necessary approved capital outlay projects such as painting, reroofing, flooring, carpeting, and/or major modifications.
 - d) A Facility Advisory Committee of three Business Administrators and three Program Directors, or their designees, each from a different district, will be selected by their peers to a three year term each year to review and recommend approval to the Superintendents' Council of estimated Facility Fund expenditures. The first year, the membership will consist of members serving a one year term, two year term, and three year term, respectively. The SELPA Administrator will serve as an ex-officio member to cast a deciding vote if needed.

- e) Once projects are completed, the district or County will present documentation to the SELPA of actual costs associated with the project for final reimbursement.
- 10) Riverside Mandated Cost Case
- a) A district may choose to contribute all or a portion of the Riverside Mandated Cost settlement to go toward any facility or other assessment.

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

DEFINITION OF ADEQUATE SPACE FOR COUNTY AND REGIONAL PROVIDER OPERATED SPECIAL EDUCATION CLASSROOMS ON DISTRICT CAMPUSES

Adequate space guidelines:

- A) Adhering to the square footage specifications of Part 30 of the Education Code Section 17047 OR provision of a classroom of the same square footage allocated for a general education class of the same age/grade level.
- B) Bathroom facilities included within the classroom area for classes with students who require diapering and/or toilet training (such as the severely and profoundly handicapped [SPH] and preschool classes) is required. Bathroom space in the classroom or within one hundred feet of the classroom is desirable for other classes, but not required.
- C) Space that is not isolated from the remainder of the campus is preferable.
- D) District is to provide student and staff furniture as appropriate at a standard comparable to district classrooms, unless the County is eligible for funds for classroom furniture and equipment allowance, in which case County shall provide all furniture for the classroom.
- E) Classroom space will be provided at the age appropriate grade level setting where needs are identified, such as elementary, middle school, or high school.

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

FREE APPROPRIATE PUBLIC EDUCATION (FAPE) LEAST RESTRICTIVE ENVIRONMENT FULL EDUCATIONAL OPPORTUNITY

Free Appropriate Public Education (FAPE)

The West End SELPA Superintendents' Council desires to provide an appropriate education for all students, including those with disabilities. The Superintendents' Council recognizes that all individuals with disabilities have the right to receive a free and appropriate public education. The term free appropriate public education means special education and related services that are provided at public expense under public supervision and direction, and without charge, meet the standards of the state educational agency, include an appropriate preschool, elementary school, or secondary school education and are provided in conformity with the individualized education program required under section 614 (d)

Least Restrictive Environment

The West End SELPA member districts and LEAs shall provide special education instruction and services for individuals with exceptional needs in accordance with the federal Individuals with Disabilities Education Act. To the maximum extent appropriate, children with disabilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Full Educational Opportunity

The West End SELPA member districts and LEAs shall provide pupils with disabilities access to the variety of educational programs and services available to non-disabled pupils including non-academic and extra-curricular services and activities.

Modifications and/or special services and aids shall also be provided as needed for students who are eligible for services under Section 504 of the federal Rehabilitation Act of 1973, the American with Disabilities Act and related federal regulations. In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the West End Special Education Local Plan Area (SELPA).

The superintendent or designee shall extend the district's full cooperation to the West End SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of each member district or LEA, with the exception of those that apply to complaints.

Information shall be provided by member districts and LEAs concerning the number of individuals with exceptional needs who are being provided special education and related services (Education Code 56195.8). This information is reported to the California Department of Education.

Legal References:

EDUCATION CODE

- 56000-56001 Education for individuals with exceptional needs
- 56020-56035 Definitions
- 56040-56042 General provisions
- 56190-56194 Community advisory committees
- 56195-56195.9 Local Plans
- 56200-56202 Local plan requirements
- 56205-56208 Local plan requirements
- 56240-56245 Staff development
- 56300-56382 Identification and referral, assessment, instructional planning, implementation, and review
- 56440-56447.1 Programs for individuals between the ages of three and five years
- 56500-56508 Procedural safeguards, including due process rights
- 56600-56606 Evaluation, audits and information
- 56836-56836.03 Administration of local plan

GOVERNMENT CODE

- 95000-95029 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

- 3000-3082 Regulations governing special education

UNITED STATES CODE, TITLE 20

- 1400-1485 Individuals with Disabilities Act

UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.10-99.22 Inspection, review and procedures for amending education records
- 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
- 300.500-300.517 Due process procedures for parents and children
- 303.1-303.654 Early intervention program for infants and toddlers with disabilities

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

INDEPENDENT EDUCATIONAL EVALUATION

OVERVIEW

The West End Special Education Local Plan Area ("SELPA") has developed this policy, corresponding procedures and criteria, which govern independent educational evaluations. Parents should be sure to read the entire document carefully. The Policy, Procedures and Criteria are intended to be read in conjunction with one another as one comprehensive document. Parents who need additional information about independent educational evaluations should contact the office of the SELPA Administrator at 909/481-4547.

NOTICE TO PARENTS

- Please read this document before obtaining or paying for an independent educational evaluation. This document may limit your right to reimbursement.
- Before obtaining an independent educational evaluation, please contact the special education administrator from your district to discuss your evaluation questions and options.
- The school district will not automatically reimburse parents who unilaterally obtain independent educational evaluations. Please ensure that any independent educational evaluation conforms to SELPA requirements.

DEFINITIONS

"Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the school district.

"Public expense" means that school district either pays for the full cost of the evaluation or evaluation components or ensures that the evaluation or evaluation components are otherwise provided at no cost to the parent.

PARAMETERS FOR SEEKING INDEPENDENT EDUCATIONAL EVALUATION

Parents have the right to an independent educational evaluation at public expense if they disagree with an evaluation completed by the school district. The school district requires that the parent first inform the school district in writing or communicate to the school district at an IEP meeting that the parent:

1. Disagrees with the school district's evaluation; and
2. Is requesting an independent educational evaluation at public expense.

The parent may only request one publicly funded independent evaluation for each evaluation completed by the school district. The parents must notify the district of their disagreement with the district's evaluation within a reasonable time, if the request for an independent educational evaluation is received one year or more from the date of completion of the school district's evaluation, the district may complete a reevaluation prior to providing the parents with an independent educational evaluation.

If a parent disagrees with an evaluation by the school district and seeks an independent educational evaluation, the school district will either initiate a due process hearing to show that its evaluation is appropriate or will provide the parent an opportunity to obtain an independent educational evaluation in accord with this policy by arranging for the independent educational evaluation.

EXPLANATION OF DISAGREEMENT

If parents request an independent educational evaluation at the expense of school district, the parents will be asked for a reason why they object to the school district's evaluation. The explanation by the parent is not required. The school district may not unreasonably delay completion of a new assessment, completion of the independent educational evaluation at public expense, or the initiation of due process hearing to defend its evaluation. There is no requirement that the parents specify areas of disagreement with the school district's evaluation as a prior condition to obtaining the independent educational evaluation.

RESPONSE TO REQUEST FOR AN INDEPENDENT EDUCATIONAL EVALUATION

If parents request an independent educational evaluation at public expense in writing or at an IEP meeting, an attempt may be made by the district to resolve the issue within district by taking these steps:

1. The district special education administrator will be notified.
2. Parents will be provided a copy of the SELPA policy, procedures and criteria for independent educational evaluations.
3. The school district's evaluation will be reviewed with the parents to identify any areas of disagreement. Following discussion with the parents, the school district may elect to complete an additional or supplemental evaluation.
4. The district may offer the parent the option of another evaluation conducted by a district staff member from another school.
5. The district, in coordination with the West End SELPA, will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with obtaining and independent evaluation.

If these steps are unsuccessful and the school district agrees to an independent evaluation at public expense, the following procedures will be followed.

1. The district will provide the parent the following options for an independent educational evaluation at public expense.
 - a. A staff member from another LEA in the SELPA
 - b. A SELPA staff member
 - c. A staff member from another SELPA
 - d. A public sector provider
 - e. A private sector provider

In the interest of consistency between public and private evaluations, the SELPA encourages parents to choose an option for additional assessment offered by the school district within 15 days of receiving the options.

2. Once the parent chooses an option, an assessment plan will be developed within 15 days, which specifies those areas to be evaluated and who will complete each assessment. The parent will be encouraged to participate in the development of the assessment plan.
3. Once the parent's written consent to the assessment plan is received by the school district, the school district will arrange for the alternative school district evaluator, contract with the independent evaluator, or otherwise ensure that an independent educational evaluation is provided at public expense. Parents will be required to sign appropriate releases to exchange information between the independent educational evaluators and the school district as a condition of the school district's agreement to provide for an independent evaluation.
4. The school district will contract with a qualified independent examiner who is able to provide a written report for an IEP meeting within 60 days. If the selected candidate cannot meet the time line, the school district will inform the parent and ask for agreement to an IEP extension or selection of another option.
5. The assessment/s completed will comply with the location requirements of the evaluator/s, the minimum qualifications of evaluator/s, the costs of the evaluation, and use of approved assessment instruments as set out in the Criteria for Independent Educational Evaluation. As part of an independent educational evaluation, the examiner shall follow guidelines for school district evaluations, which include, but are not limited to, observing the student in an appropriate setting. The independent examiner shall attend the IEP team meeting in person or through phone contact at which time the evaluation will be discussed. The school district will pay the independent examiner to attend the IEP team meeting as part of the evaluation responsibilities, which also include classroom visitation and interviews with parents and staff.

If the school district chooses to initiate a due process hearing to demonstrate that its evaluation is appropriate, it must provide the parent prior written notice of its refusal to provide an independent educational evaluation. It must also initiate the due process hearing without undue delay. If the school district initiates a hearing and the final decision is that the school district's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

PROCEDURES FOR OBSERVATIONS BY INDEPENDENT EDUCATIONAL EVALUATORS

Education Code § 56329 allows independent assessors the right to observe a special education student in his or her current placement or any placement proposed by the educational agency if the public agency's assessment includes, or its assessment procedures permit, such an observation.

The West End SELPA has established the following procedures and guidelines for these observations:

- The independent evaluator will notify the Special Education Administrator and Site Administrator of their request to schedule an observation in writing five days prior to the date of the observation.

- The Special Education Administrator will coordinate with the Site Administrator and independent evaluator to determine a mutually agreeable time and place for the observation. Prior to the observation, the purpose of the observation, the length of the observation and the location(s) of the observation will be agreed to. Observations will be limited to one independent evaluator per day.
- The Special Education Administrator will assign a district staff member to meet the independent evaluator and accompany them during their observation.
- In order to protect the privacy of other students, there will be no videotaping or recording during observations. There will be no direct contact with students.
- If the independent evaluator wishes to discuss the observation with district staff, advance notification of this request will be necessary, so that adequate coverage of students can be arranged. Interviews or discussions with staff shall be limited to certificated staff.

CONSIDERATION OF THE INDEPENDENT EDUCATIONAL EVALUATION

Independent educational evaluations are designed to determine the educational needs of disabled students. The school district is responsible for determining placements and services. Therefore, the school district will consider recommendations obtained in independent educational evaluations completed in accordance with this policy and procedures. However, independent educational evaluations will not control the school district's determinations and may not be considered if not completed by a qualified professional, as determined by the school district.

PARENT INITIATED EVALUATIONS

If the parents obtain an independent educational evaluation at private expense, the results of the evaluation:

1. Must be considered, if it meets SELPA criteria, in any decision made with respect to the provisions of FAPE to the student; and
2. May be presented as evidence at a due process hearing regarding that student.

EVALUATIONS ORDERED BY HEARING OFFICERS

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at the school district's expense.

CIRCUMSTANCES RESULTING IN EVALUATION NOT FUNDED BY THE SELPA

Because the parent must first disagree with the school district's evaluation in writing, the school district does not have an obligation to reimburse parents for privately obtained evaluations obtained prior to the date that the school district's evaluation is completed and discussed at an IEP team meeting. The school district is not obligated to reimburse parents for privately obtained evaluations if the parent disagrees with the school district's evaluation and independently seeks a private evaluation without first notifying the school district in writing of their disagreement with the school district assessment and requesting an independent educational evaluation from the school district except as provided below.

CIRCUMSTANCES RESULTING IN PRIVATELY OBTAINED EVALUATIONS
REIMBURSED BY THE SCHOOL DISTRICT

The school district may reimburse parents for a privately obtained independent educational evaluation even though the policy above was not followed in any one of the following three circumstances:

1. All of the following conditions have been met:
 - a. The parent disagreed with the school district's evaluation
 - b. The parentally obtained evaluation meets school district criteria
 - c. The parent timely and upon request provides the school district with written consent to exchange information with the examiner and a copy of the written evaluation report
 - d. The examiner attends the relevant IEP team meeting in person or provides information by phone to discuss his or her findings and provides protocols of all assessments to the school district
2. The school district's assessment has not been provided in compliance with the law.
3. The privately obtained evaluation assessed the student in an area of suspected disability, which was not assessed by the school district.

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

In all cases, if the school district initiates a due process hearing to show that the school district's evaluation is appropriate, no reimbursement shall be made unless ordered by a hearing officer.

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

INDEPENDENT EDUCATIONAL EVALUATION – CRITERIA

LOCATION LIMITATIONS FOR EVALUATORS

Evaluators will be located within, or in close proximity, (30 miles) to San Bernardino County. Evaluators outside this area will be approved only on an exceptional basis, providing the parents can demonstrate the necessity of using personnel outside the specified area. Any expenses beyond the evaluation, i.e., food, lodging, transportation are not covered in the cost of the independent evaluation.

COST LIMITATIONS FOR EVALUATIONS

Cost above the maximum allowable amounts will not be approved unless the parent can demonstrate that such cost reflects a reasonable and customary rate for such services, or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary. The cost of the evaluation shall include observations, administration and scoring of tests, report writing, and attendance at the IEP team meeting to discuss the findings.

As part of the contracted evaluation, independent evaluators must attend the IEP team meeting by phone or in person to discuss their findings, provide protocols of all the assessments, and provide a written report prior to the IEP team meeting. Independent evaluators must agree to release their assessment information, including protocols, and results to the district/SELPA prior to receipt of payment for services. The results of the independent evaluation will be considered in the diagnosis, program decisions, and placement of the student with disabilities as required by the IDEA and or Section 504 of the Rehabilitation Act of 1973.

QUALIFICATIONS FOR EVALUATORS

All assessments must be conducted by persons competent to perform the assessment as determined by SELPA criteria. All assessments must be conducted in accordance with all of the requirements of state and federal law, including but not limited to observing the student in the appropriate setting (E.C. § 56327) and conducting evaluations in accordance with Education Code § 56320. Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications.

CONFLICT OF INTEREST

In order to ensure the appropriateness of the IEE and its recommendations, the District/SELPA may, in its discretion, not fund an IEE by an evaluator who provides ongoing service(s) or is sought to provide service(s) for who the IEE is requested. Likewise the District/SELPA may, in its discretion, not fund services through an evaluator who's IEE the District/SELPA agrees to fund.

Academic Achievement	\$ 1000.00	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Adaptive Behavior	\$ 400.00	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Assistive Technology	\$ 500.00	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Auditory Acuity	\$ 280.00	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Auditory Perception	\$ 300.00	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Cognitive	\$ 650.00	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Health	\$ 250.00	Licensed Physician Credentialed School Nurse
Neurological	\$ 700.00	Licensed Physician
Motor	\$ 700.00	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist
Visual Motor Integration	\$ 300.00	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Acuity	\$ 300.00	Licensed Ophthalmologist Optometrist
Visual Perception	\$ 250.00	Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher
Speech and Language	\$ 800.00	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist

Social Emotional	\$ 600.00	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist Licensed Clinical Psychologist Licensed Psychiatrist
Functional Vision	\$ 250.00	Credentialed Teacher of Visually Impaired
Transition/Vocational	\$ 2,000.00	Credentialed Special Education Teacher Credentialed School Psychologist
Behavior Analysis	\$2,000.00	Certified Behavior Intervention Case Manager Certified Behavior Analyst

An independent multidisciplinary evaluation will be limited to a total of \$3, 500, a multidisciplinary neuropsychological assessment to \$4,500. For a neuropsychological evaluation the specialist must possess an educational psychologist license or credential and appropriate education, training and experience in administration and interpretation of neuropsychological assessment tools.

Legal References:

- 20 U.S.C. 1414(a)(1)(A) – Evaluations and re-evaluations
- 20 U.S.C. 1415(b)– Right to independent educational evaluation
- 34 CFR 300.321 – Re-evaluations
- 34 CFR 300.502 – Independent Educational Evaluations
- Comments to 34 CFR 300.502 Independent educational Evaluations
- Education Code section 56327
- 34 CFR 300.505 – Parent Consent – Evaluation
- 34 CFR 300.537 – Re-evaluations
- Education Code 56329 – Independent educational assessments
- Education Code 56381 - Reassessments

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

INDIVIDUALIZED EDUCATION PROGRAM PROCEDURAL SAFEGUARDS

Individualized Education Program

The West End SELPA districts or LEAs shall have an individualized education program (IEP) or Individualized Family Service Plan (IFSP) in effect for each student with a disability within district jurisdiction. The IEP or 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 in accordance with federal Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) and its implementing regulations (34 CFR 300.1-300. 818) as well as state laws and SELPA procedures regarding special education.

Members of the IEP Team

According to Code of Federal Regulations 300.321, the following are required members of the IEP team:

- One or both parents.
- Not less than one regular education teacher of the child if child is or may be participating in the regular education environment.
- Not less than one special education teacher or service provider.
- An administrative representative or designee of the local school district who: (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (b) is knowledgeable about the general education curriculum; and (c) is knowledgeable about the availability of resources within the local school district and/or SELPA.
- An individual who can interpret the instructional implications of the evaluation results. This individual may be one of the above school members of the IEP team.

The IEP team may also include:

- Individual(s) who at the discretion of the parents or agency may have special knowledge or expertise regarding the child.
- The child when appropriate. The individual with exceptional needs shall be allowed to provide confidential input to any representative of his or her IEP team.
- When a purpose of the meeting is transition:
 - The student, if he/she is unable or unwilling to attend the student's input regarding preferences and interests will be solicited.
 - A representative of any other agency that is likely to be responsible for providing or paying for transition services, with the consent of the parent.
- If the student has been placed in a group home by a juvenile court, a representative of the group home.
- At the request of the parent, of a child who was previously served under Part C of IDEA, the Part C coordinator or other representatives to assist in the smooth transition of services.
- A representative of County Behavioral Health, if the student is identified as potentially requiring mental health services.

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian consents and the district agrees, in writing, that the attendance of the

member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting involves a discussion of the member's area of the curriculum or related service, the IEP team member may be excused from the meeting if the parent/guardian consents in writing to the excusal and the member submits to the parent/guardian and team written input in to the development of the IEP prior to the meeting. (EC 56341)

Contents of the IEP

The IEP shall be in writing using the forms adopted by the SELPA. The IEP shall include, but not be limited to, the following:

1. Present levels of academic achievement and functional performance
 - the student's strengths, interests and learning preferences
 - the manner in which the student's disability effects their participation in the general education curriculum
 - the parent's concerns regarding educational progress
 - the results of the most recent assessments of the student
2. Measurable annual goals and objectives, including academic and functional goals designed to
 - Enable the student to participate and make progress in the general education curriculum.
 - Address the other educational needs that result from the student's disability
 - Identify how progress will be monitored and when periodic reports of progress will be provided concurrent with the issuance of report cards
3. Consideration of any special factors
 - Behavior that interferes with learning
 - English Learner language needs
 - For visually impaired students, Braille needs
 - For deaf students, language and communication needs
 - Assistive technology devices and services
4. For students age sixteen, or younger if appropriate
 - Measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment and where appropriate independent living skills
 - Transition services, including the courses of study, needed to assist student in reaching goals
5. The student's participation in state and district assessments, including the need for accommodations and modifications, or alternate assessments. If the IEP team determines the student will participate in an alternate assessment, the IEP must include:
 - The reason the student cannot participate in the regular assessment and
 - A reason that particular alternate assessment selected is appropriate.
6. A statement of the specific special education instruction and related services, supplementary aids and services, and extended school year services, if needed
 - Based on peer reviewed research
 - Provided in the least restrictive environment
 - The projected date for the beginning of such services and modifications, and the anticipated frequency, location, and duration.
7. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other non academic activities.

8. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to EC 56041.5 that will transfer to the student upon reaching age 18.

Development, Review and Revision of the IEP

The IEP team reviews the student's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the pupil are being achieved and the placement appropriate. The IEP team revises the IEP, as appropriate, to address among other matters the following: (1) any lack of expected progress toward the annual goals and in the general curriculum, (2) the results of any reassessment conducted pursuant to EC 56381, (3) information about the student provided to, or by, the parents/guardian, regarding review of evaluation data; (4) the student's anticipated needs; and (5) any other relevant matter. The IEP team shall also meet whenever the student has received a formal assessment, and upon request of the parent/guardian or teacher to develop, review, or revise the IEP.

A regular education teacher of the student, as a member of the IEP team, shall participate in the review and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions and supports, as well as, supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320.

When a participating agency, other than the LEA, fails to provide the transition services described in the pupil's IEP, the LEA shall reconvene the IEP team to identify alternative strategies to meet the transition service needs for the pupil set out in the program. (EC 56345.1)

As specified in EC 56157, when the district has placed a foster student or a student residing in a licensed children's institution in a nonpublic school, the district must conduct an annual evaluation, as part of the IEP process to determine whether the placement is the least restrictive environment that is appropriate to meet the student's needs.

When a student is placed in a residential placement by an expanded IEP team, the IEP shall be reviewed at least every six months, by the full IEP team. The IEP review must consider the case progress, continuing need for out-of-home placement, the extent of compliance with the IEP and progress toward alleviating the need for out-of-home care. (EC 56043)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the district may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The district should identify who is authorized to agree to an amendment of the IEP outside of an IEP meeting. The IEP team shall be informed of any such changes. Upon request the district shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (34 CFR 300.324)

Timelines for the IEP and for the Provision of Services

At the beginning of the school year, the district shall have an IEP in effect for each student with a disability within district jurisdiction.

The district shall ensure that a meeting to develop an initial IEP is conducted within 30 days of a determination that a student needs special education and related services. The district shall also ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with his/her IEP.

An IEP required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for a student for whom a referral has been made 30 days or less prior to the end of the regular school year. (EC 56344)

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

A regular education or special education teacher may request a review of the classroom assignment of a special education student by submitting a written request to the district or LEA superintendent or designee. The district or LEA superintendent or designee shall consider the request within 20 days of receiving it, not counting days in July and August or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction and/or related services, the district or LEA superintendent or designee shall convene an IEP meeting, which shall be held within 30 days of the district's LEA superintendent or designee's review, not counting days in July or August or days when school is off track, unless the student's parent/guardian consents to an extension of time.

The district shall ensure that the student's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The district shall also ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

An LEA shall seek to obtain informed consent from the parent/guardian of the student before providing special education and related services to the student. If the parent of the student refuses to consent to the initiation of services, the district shall not provide the services, nor may it use the due process procedures to override consent. If the parent/guardian does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student.

If the parent/guardian refuses all services in the IEP after having consented to those services in the past, the district shall file a request for a due process hearing. If the district determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated. While the due process

hearing is pending, the student shall remain in the current placement unless the parent/guardian and the district agree otherwise. (EC 56346)

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

Legal References:

EDUCATION CODE

56321 Development or revision of IEP
56341 -56347 Instructional Planning and Individualized Education Program
56363 Designated Instruction and Services/related service's
56380 IEP Team reviews; Notice of right to request
56381 Reassessment

FAMILY CODE

6500-6502 Age of Majority

GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

UNITED STATES CODE

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PROCEDURAL SAFEGUARDS

Procedural Safeguards

A copy of the procedural safeguards shall be made available to parents/guardians of students with a disability once each school year, and:

- Upon initial referral or parent/guardian request for assessment
- With the provision of any assessment plan
- Upon receipt of the first state compliance complaint and upon receipt of the first due process complaint in a school year
- When a decision is made to remove a student because of a violation of a code of conduct which constitutes a change of placement
- Upon request by a parent/guardian.

The procedural safeguards notice shall be in a language easily understood by the general public and in the parent/guardian's native language or other mode of communication used by them, unless to do so is clearly not feasible. If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that the notice is translated orally or by other means and that the parent/guardian understands the contents of the notice.

The District may place a copy of the procedural safeguards notice on the district's website.

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

Prior written notice shall be given by the public agency to parents or guardians of an individual with exceptional needs, or to the parents and guardians of a child upon initial referral for assessment, and when the public agency proposes to initiate or change, or refuses to initiate or change, the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education to the child. (Education Code 56500.4)

A parent/guardian and/or the district may initiate due process hearing procedures whenever:

- There is a proposal to initiate or change the student's identification, assessment or educational placement or the provision of FAPE to the student
- There is a refusal to initiate or change the student's identification, assessment or educational placement or the provision of FAPE to the student
- The parent/guardian refuses to consent to an assessment of his/her child
- There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, in

accordance with EC 56502. A due process complaint must be filed within two years of the date that the parent/guardian or district know or should have known about the situation that forms the basis of the complaint.

A district shall respond in writing to the parent/guardian's due process complaint within ten days of receipt. A district shall convene, prior to the opportunity for an impartial due process hearing, a resolution session, which is a meeting with the parents and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process hearing request (Education Code 56501.5). The party requesting the due process hearing shall not be allowed to raise issues at the hearing that were not raised in the notice filed under this section unless the other party agrees otherwise (Education Code 56502).

While a due process hearing is pending, the district or LEA superintendent or designee may choose to meet informally with the parent/guardian pursuant to Education Code 56502 or may hold a mediation conference pursuant to Education Code 56500.3. If a resolution is reached to resolve the due process issue(s), the parties shall execute a legally binding agreement that sets forth the resolution. The written agreement shall be signed by both the parent and the representative of the agency who has the authority to bind such agency and shall be enforceable in any state court of competent jurisdiction or in a federal district court of the United States (Education Code 56500.0). If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding upon the parties. (Education Code 56505)

Parent/Guardian Notice

The district or LEA superintendent or designee shall send parents/guardians notice of the IEP team meetings early enough to ensure that they will have an opportunity to attend. This notice shall: (34 CFR 300.322).

1. Indicate the purpose, time and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform the parents/guardians of the provisions of 34 CFR 300.321(a)(6) and (c), relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student
4. For students age 16, or younger if appropriate:
 - a. Indicate that the purpose of the meeting is the consideration of needed transition services for the student as required by 34 CFR 300.320(b)(2)
 - b. Indicate that the district will invite the student to the IEP meeting
 - c. Identify any other agency that will be invited to send a representative

Legal References:

EDUCATION CODE

56345.1 Transition Services Needs

56346 Informed consent

56500.3 Prehearing Mediation conference

56500.4 Prior Written Notice

56501.5 Resolution Session

56502 Due Process Hearing Requests

56503 Mediation Conference

56505 State Hearings

56507 Attorney Fees to prevailing party

UNITED STATES CODE

CODE OF REGULATIONS, TITLE 5

4600-4665 Complaint Procedures

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act of 1974

1400-1483 Individuals with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.819 Individuals with Disabilities Education Act

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

INTER-SELPA/DISTRICT TRANSFER

The Superintendents' Council recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

However, because of overcrowding within some SELPA school districts and limited district resources, the Superintendents' Council discourages transfers into these districts and will consider approving such transfers only on a case-by-case basis through an Inter-District Attendance Agreement.

Legal References:

Education Code

46600-46611	Inter-district attendance agreements
48204	Residency requirements for school attendance
48300-48315	Student attendance alternatives
48915	Expulsion; particular circumstances
48915.1	Expelled individuals: enrollment in another district
48918	Rules governing expulsion procedures
48980	Notice at beginning of term
52317	ROP, enrollment of students, inter-district attendance

12/05

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

INTER-DISTRICT/INTER SELPA PERMITS ADMINISTRATIVE REGULATIONS

A. Inter-SELPA Permits

1. If the IEP team determines that an appropriate program does not exist in the West End SELPA for a student, but does exist in a neighboring SELPA the SELPA Administrator will work in coordination with the District Director of Special Education to develop an Inter-SELPA Permit.
2. In SELPA's where there is a fee for service, the SELPA Administrator will negotiate the fee for service charge, based on the excess cost of the placement and services.

B. Transportation

1. In accordance with Education Code 46600-46611, there is no requirement to provide for transportation or transportation assistance. Therefore, the district may decide whether or not to provide transportation for students attending on the basis of Inter-District Agreements.
2. In most cases, transportation shall not be provided for students attending on an Inter-District Agreement. If the Individualized Education Program (IEP) requires transportation, the district requesting the inter-SELPA transfer will incur the transportation costs unless otherwise specified on the IEP.

C. Denial of Inter-District Transfer Agreement

1. In accordance with Education Code 46601, within 30 days of a request for an Inter-District Agreement, denied parties must be informed about their right to appeal to the County Board of Education and the appeal process involved. This information must be provided by the district denying the request or, in the absence of an agreement, by the district of residence.
2. The parent/guardian of a student who is denied a transfer requested pursuant to Education Code 46600-46611 shall receive timely notice, in accordance with law, regarding the process for appeal to the County Board of Education. This notice shall be provided by the district denying the request or, in the absence of an agreement between the districts, by the district of residence.
3. Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

Legal References:

EDUCATION CODE

- 46600-46611 Inter-district attendance agreements
48204 Residency requirements for school attendance
48980 Notice at beginning of term

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WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

MAINTENANCE OF EFFORT

It shall be the policy of the West End SELPA and its member districts that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

The LEAs of West End SELPA shall follow federal and state laws pertaining to the required Maintenance of Effort (MOE) spending levels for special education. If an LEA, or more than one LEA, does not meet the required spending levels to pass the MOE tests and the SELPA loses funding as a result of failure to pass the MOE requirements, the LEAs that caused the SELPA to fail the MOE requirements shall reimburse the SELPA for any funds lost by the other LEAs or the SELPA office, upon final approval of Superintendents' Council.

Legal References

EDUCATION CODE:

56205(a)(17)

FEDERAL REFERENCES

20 USC 1412(a)(18)

34 CFR 30.231-2

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

OVER-IDENTIFICATION AND DISPROPORTIONALITY

It shall be the policy of the West End SELPA and its member districts to prevent inappropriate disproportionate representation by race and ethnicity of students with disabilities.

The West End SELPA member districts shall, with SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation by race and ethnicity of students with disabilities. The SELPA shall provide the following assistance:

- Student trend data pertinent to the disproportionate calculation as reported through CASEMIS to the California Department of Education.
- Provide up-to-date training and information provided to the SELPA by the California Department of Education.
- Continue to inform member districts concerning responsibilities related to the potential transfer of local assistance funds to reduce disproportionality under the Early Intervening requirement of IDEA.

Legal References:

EDUCATION CODE

56205 (a)

FEDERAL REFERENCES

20 USC section 1412(a)(1)(24)

34 CFR 300.646

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WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PART C, TRANSITION

It shall be the policy of the West End SELPA and its member districts that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and family.

The service coordinator, six months before the third birthday of the toddler receiving early intervention services, shall do the following:

1. Notify the parent of a toddler who may be eligible for special education services under Part B of IDEA that transition planning will occur within the next three to six months.
2. Notify the local education agency where the toddler resides that there will be an Individualized Family Services Plan (IFSP) meeting requiring the attendance of an agency representative, before the toddler is two years nine months, or at the discretion of all parties, up to six months before the toddler turns three year old.

Within 30 days following the notification of the parent and the local education agency, the family service coordinator and the local education agency shall agree on the date for the IFSP Transition Planning Meeting. A written Transition Plan, covering each step of the process, shall be developed by the service coordinator.

All Part C program providers, with parental consent, shall transmit information about the child to the local education agency. This information shall include evaluation and assessments and a copy of the IFSP, and is sent no later than the time the toddler is two years nine months old. The local education agency shall then complete any additional assessments necessary to determine eligibility for special education services under Part B. These steps shall include sending a packet to the parent acknowledging the receipt of the referral and requesting a signed permission to assess.

An IEP shall be scheduled by the local education agency of residence to take place prior to the child's third birthday so that services under Part B may commence by that date or, if school is not in session, by the date that school is next in session, including Extended School Year.

Legal References:

EDUCATION CODE

56205(a)(9)

56429

17 CCR 52140

FEDERAL REFERENCES

20 USC 1412(a)(9)

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PARTICIPATION IN STATE AND DISTRICT WIDE ASSESSMENTS

It shall be the policy of the West End SELPA and its member districts that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessment with or without accommodations, or access modified or alternate assessments, consistent with state standards governing such determinations.

The LEAs within West End SELPA are committed to all students having access to state and/or district assessments, which extends to the preschool program. Through the IEP process each student's performance and curriculum will be evaluated in relation to the statewide or district assessment to determine the appropriate means of access to assessment. All needed accommodations and modifications will be documented in accordance with the testing guidelines set forth by the State. The SELPA will provide, as part of the SELPA-wide IEP, a form to address statewide and district assessment.

In the case of a district-wide assessment, the local educational agency, shall develop and implement guidelines for the participation of individuals with exceptional needs in alternate assessments for those pupils who cannot participate in regular assessments with accommodations as indicated by their respective individualized education programs. The guidelines shall provide for alternate assessments that meet the following requirements:

1. Are aligned with the state's challenging academic content standards and challenging pupil academic achievement standards.
2. If the state has adopted alternate academic achievement standards permitted under the regulations promulgated to carry out paragraph (1) of subsection (b) of Section 1111 of the Elementary and Secondary Education Act of 1965, measure the achievement of individuals with exceptional needs against those standards.

In the case of a district-wide assessment, the local educational agency, shall make available to the public reports regarding the assessment of pupils that have been identified as individuals with exceptional needs with the same frequency and in the same detail as it reports on the assessment of pupils that have not been so identified, in accordance with subparagraph (D) of paragraph (16) of subsection (a) of Section 1412 of Title 20 of the United States Code.

In the case of a district-wide assessment, the local educational agency, shall, to the extent feasible, pursuant to subparagraph (E) of paragraph (16) of subsection (a) of Section 1412 of Title 20 of the United States Code, use universal design principles in developing and administering any assessments under this section.

Legal References:

EDUCATION CODE:

56205(a)(15)

56385 State and district-wide assessment programs

56345 Individualized Education Plan: Contents of statement

60851 High school exit exam for a pupil with a disability

FEDERAL REFERENCES

20 USC 1412(a)(16)

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PERFORMANCE GOALS AND INDICATORS

It shall be the policy of the West End SELPA and its member districts to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

Each LEA in West End SELPA shall provide data and/or information to the California Department of Education required by regulations for purposes of the State Performance Plan. Current data reporting includes, but is not limited to:

- Pupil count information through CASEMIS
- Desired Results Developmental Profile

Legal References

EDUCATION CODE:

56205(a)(14)

FEDERAL REFERENCES

20 USC 1412(a)(15)

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WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PERSONNEL STANDARDS

The SELPA member districts and LEAs shall 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 students with disabilities. Positive efforts are made to employ qualified disabled individuals. Regular and special education personnel are adequately prepared to provide educational instruction and services to individuals with exceptional needs when there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable courses necessary to meet state standards, shall be assigned.

Special Education Teachers

Special Education teachers providing instruction and educational services shall meet the same “highly qualified” requirements, as defined in paragraph (10) of Section 1401 of Title 20 of the United States Code, and qualifications described in paragraph (14) of subsection (a) of Section 1412 of Title 20 of the United States Code. This does not create a right of action on behalf of an individual with exceptional needs or class of pupils for failure of a state or local educational agency employee to be highly qualified.

Related Services Personnel

All related services personnel will maintain appropriate certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which they are providing special education or related services.

Para-professionals

Para-professionals who are appropriately trained and supervised in accordance with State Law may be used to assist in the provision of special education and related services to children with disabilities. Para-professionals who assist students in core curriculum areas shall meet NCLB requirements.

Legal References

EDUCATION CODE

33590 (n)(o)

56058-56059

56205(a)(12)(E)(13)

FEDERAL REFERENCES

20 USC 1412 (a)(14)

CFR 300.156

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PRIVATE NURSING SERVICES TRANSPORTATION

The West End SELPA, San Bernardino County assures that students are provided with health care services, as related or designated instructional services, when the services are necessary for the student to attend school. These services are a part of the Student's Health Plan when it is appropriate for the services to be provided by school personnel and do not need to be administered by a physician.

Federal Law

The Individuals with Disabilities Education Act (I.D.E.A.) of 2004 insures that all children have available to them a free, appropriate public education. The law emphasizes special education and related services designed to meet their unique needs, to assure the rights of children with disabilities and their parents or guardians are protected, and to assess and assure the effectiveness of efforts to educate children with disabilities education and related services. School health services are a related service.

Federal Regulations provide further distinction between "school health services," which are provided by a "qualified school nurse or other qualified person," and "medical services," which are provided by a licensed physician. The District must provide the former (school health services) but not the latter (except those "medical services" that are for diagnostic or evaluation purposes).

Definition

Students who need school health services require special health care procedures for life support or health support during the school day in order to be able to benefit from the educational program.

Procedure for Developing the IEP of a Student with Specialized Health Care Needs

If a student is eligible for special education, the health plan is a part of the IEP process. Whether the child is eligible for special education or not, a meeting including the parents, a nurse knowledgeable about the student's health care needs, and members of the education team is convened to discuss; safe and appropriate classroom placement, and necessary services and personnel for the child to attend school in the Least Restrictive Environment. The issues addressed include:

- the medical problem,
- the child's condition and needs,
- the procedure/s required,
- how the need is currently being met,
- how the procedure is performed,
- what records are kept,
- what level of personnel is required,
- what supervision is needed,
- what is the educational impact, and
- where should the educational placement be.

The information from this meeting becomes a health plan that is a part of the IEP of a student who is eligible for special education.

The school nurse is legally responsible for school nursing procedures. He or she can delegate that responsibility by training and certifying other school staff. All staff having contact with the student should be informed about the student's needs and given training for services it is appropriate for them to provide. Review of training and care giving should be evaluated regularly as needs change and information and technology are updated.

There may be private nursing services that have been prescribed by a physician. During a transition period, a nurse from a private agency, who is supported by private insurance or other non-school funds, may provide nursing services. This transition period allows school personnel to be trained in the procedure that is needed. Private nurses on a school campus follow the same requirements as school volunteers, including providing the school/district with; current fingerprint clearance, certificate of negative tuberculosis, and emergency information. In addition the private nurse should provide the following: certification information, name and address of employing agency.

Transportation

Each LEA provides transportation as a related service if the student requires this service in order to receive special education.

Transportation issues are addressed on the student's IEP and may become a part of the Health Plan if school health services are required on the bus.

EDUCATION CODE

56001 (1) Provision of psychological and health services

56363 Related services

Legal References:

The Medically Fragile Child in the School Setting, A Resource Guide for the Educational Team, American Federation of Teachers, AFL_CIO, 1992.

Medically Related Services: Did the U.S. Supreme Court Change the Tatro Standard?, Charles L. Weatherly and Kathleen A. Sullivan.

Individuals with Disabilities Education Law Report, Vol. 29, Iss. 9, April 1999.

U.S. Supreme Court Ruling No. 96-1793

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PROHIBITION ON MANDATORY MEDICINE

It shall be the policy of the West End SELPA and its member districts to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

Legal References:

EDUCATION CODE

56040.5

56205

FEDERAL REFERENCES

20 USC 1412 (a)(1)(25)

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

PUBLIC PARTICIPATION

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

Meetings and Notices

Meetings of the West End SELPA Superintendents' Council are conducted for the purpose of accomplishing SELPA business.

A Superintendents' Council meeting exists whenever a majority of members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Superintendents' Council. (Government Code 54952.2)

In accordance with state open meeting laws, the Superintendents' Council shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and SELPA adopted bylaws.

When addressing the Superintendents' Council during Public Input, comments are to be limited to three (3) minutes or less for each speaker, with a maximum of 20 minutes total for each item. This time limit may be extended upon a majority vote of the members of the Superintendents' Council.

Agenda/Meeting Materials

Superintendents' Council meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Superintendents' Council agenda item before or during the Council's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Superintendents' Council. (Education Code 35145.5; Government Code 54954.3)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Superintendents' Council meeting should contact the SELPA Administrator or designee in writing.

Meeting Conduct

All Superintendents' Council meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Superintendents' Council members and to other persons upon request.

The chairperson shall conduct Superintendents' Council meetings in accordance with SELPA bylaws and procedures that enable the Superintendents' to efficiently consider issues and carry out the will of the majority.

Legal References:

EDUCATION CODE

- 5095 Powers of remaining board members and new appointees
- 32210 Willful disturbance of public school or meeting a misdemeanor
- 35010 Prescription and enforcement of rules
- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35163 Official actions, minutes and journal
- 35164 Vote requirements

GOVERNMENT CODE

- 35145.5 Agenda; public participation; regulations
- 53635.7 Separate item of business
- 54950-54957.9 Meetings, especially:
 - 54953 Meetings to be open and public; attendance
 - 54953.2 Compliance with Americans with Disabilities Act
 - 54953.5 Audio or video tape recordings of proceedings
 - 54954 Time and Place of regular meetings
 - 54954.1 Mailed notices
 - 54954.2 Agenda posting requirements, board actions
 - 54954.3 Opportunity for public to address legislative body
 - 54954.5 Closed session item descriptions
 - 54956 Special meetings; call; notice
 - 54956.5 Emergency meetings
 - 54957 Closed sessions
 - 54957.5 Agenda distribution
 - 54957.9 Disorderly conduct of general public during meeting; clearing of room
 - 54961 Prohibition on use of certain facilities

UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 Effective communications
- 36.303 Auxiliary aids and services

ATTORNEY GENERAL OPINIONS

- 84 Ops.Cal.Atty.Gen. 181 (2001)
- 84 Ops.Cal.Atty.Gen. 69 (1996)
- 78 Ops.Cal.Atty.Gen. 327 (19

COURT DECISIONS

- Baca v. Moreno Valley Unified School District, (C.D. Cal. 1996) 936F. Supp. 719

ATTORNEYGENERAL OPINIONS

- 59 Ops.Cal.Atty.Gen. 532 (1976)
- 61 Ops.Cal.Atty.Gen. 243, 253 (1978)
- 63 Ops.Cal.Atty.Gen. 215 (1980)
- 66 Ops.Cal.Atty.Gen. 336, 337 (1983)
- 76 Ops.Cal.Atty.Gen. 281 (1993)

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

RESOURCE SPECIALIST CASELOADS

Resource Specialists

The LEA Governing Boards shall employ certificated resource specialists to provide services, where required by law, for special education students, their parents/guardians, and school staff.

The resource specialist program shall be directed by a resource specialist fully qualified in accordance with law.

Legal References:

EDUCATION CODE

56195.8 Adoption of policies

56361 Program options

56362 Resource specialist program, contents, direction; resource specialist, caseloads, assignments, instructional aide; pupil enrollment

56362.1 Caseload

56362.5 Resource specialist certificate of competence

56362.7 Bilingual-cross cultural certificate of assessment competence

56363.3 Average caseload limits

56441.7 Maximum caseloads for programs for individuals with exceptional needs between the ages of three and five inclusive

56728.6 Instructional personnel funding

56728.8 Instructional personnel funding; services to infants

CODE OF REGULATIONS, TITLE 5

3051.1 Language, speech and hearing development and remediation; appropriate credential

5/03

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

SUPPLEMENTATION OF STATE/FEDERAL FUNDS

It shall be the policy of the West End SELPA and its member districts 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 and not to supplant state, local and other Federal funds.

Each LEA shall assure compliance through sound budget development and fiscal review. Each LEA shall provide the SELPA the documentation necessary to develop the Annual Service Plan, the Annual Budget Plan and Maintenance of Effort. A detailed description of the distribution of local, state and federal funds is contained in the West End SELPA Fiscal Allocation Plan and Procedures.

Legal References

EDUCATION CODE:

56205(16)

FEDERAL REFFRENCES

20 USC 1412(a)(17)

9-08

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

SURROGATE PARENTS

Federal Regulations (34 C.F.R. 300.519) and California State Statute (EC 56050) mandate the appointment of a surrogate parent to ensure the educational rights of a child with exceptional needs when 1) no parent can be identified, 2) after reasonable efforts, the parents' whereabouts cannot be determined, or 3) the child is a ward of the court and that court has limited the rights of the parents or guardian to make educational decisions regarding the child and the child has no responsible adult to represent him or her 4) the student is an unaccompanied homeless youth not in the custody of a parent/guardian, 5) the student has reached the age of majority but been declared incompetent by a court of law. The surrogate parent shall act as the child's parent and have all rights as delineated in federal and state law. Upon a determination that a student needs a surrogate parent, the LEA will make reasonable efforts to ensure that the surrogate is appointed within 30 days.

When appointing a surrogate parent, the local educational agency shall, as a first preference, select a relative caretaker, foster parent, or court-appointed special advocate, if any of these individuals exists and is willing and able to service. If none of these individuals is willing or able to act as a surrogate parent, the local educational agency shall select the surrogate parent of its choice. If the child is moved from the home of the relative caretaker or foster parent who has been appointed as a surrogate parent, the local educational agency shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the child.

In order to meet the needs of the federal and state mandates, the West End SELPA staff supports the utilization of surrogate parents by developing procedures for the surrogate parent program and implementing a training program for districts' staffs and surrogate parent nominees. Individual districts will determine which students require the services of surrogate parent, nominate surrogate parent volunteers, appoint the surrogate parent after they have successfully completed training, supervise the surrogate parent, and then evaluate the surrogate parent annually.

Legal References:

GOVERNMENT CODE

7579.5 Surrogate

7579.6 McKinney-Vento Homeless Assistance Act

34 C.F.R. 300.519

EDUCATION CODE

56050 Surrogate Parent

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

SUSPENSION/EXPULSION

It shall be the policy of the West End SELPA that data on suspension and expulsion rates will be provided in the manner prescribed by the state.

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

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred. (20 USC 1415(k)(5)). If the parent/guardian has not allowed the student to be evaluated for special education services or has refused services, the district would be deemed to not have knowledge that the student was disabled. In addition, the district would be deemed to not have knowledge that the student was disabled if the district conducted an evaluation and determined that the student was not an individual with a disability.

The District Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change of placement pursuant to 34CFR 300.536.

Any student suspended for more than 10 school days in the same school year, or any student expelled from school shall continue to receive services during the term of the suspension or expulsion to the extent necessary to provide the student a free and appropriate public education. Any alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. (20 USC 1412(a)(1)(A); 300.530)

When a student with a disability is suspended for more than 10 consecutive school days, when a series of removals totaling 10 or more school days constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct, a manifestation determination review shall be held, to determine whether the relationship between the student's disability and the behavior subject to the disciplinary action. If the behavior was caused by or had a direct and substantial relationship to the student's disability, or was a direct result of the district's failure to implement the student's IEP, the student shall be returned to the placement from which they were removed. If the behavior was not a manifestation of the student's disability, the student may be disciplined in accordance with the procedures for students without disabilities.

Member districts and LEAs shall develop district policies and regulations governing the suspension and expulsion of special education students, which are in accordance with state and federal regulations.

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

The LEA Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Education Code 48203 requires the district to report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action.

Legal References:

EDUCATION CODE

35146 Closed sessions (re suspensions)
35291 Rules (of governing board)
48203 Reports of severance of attendance of disabled students
48900-48925 Suspension and expulsion
56000 Special education; legislative findings and declarations
56320 Educational needs; requirements
56321 Development or revision of individualized education program
56329 Independent education program teams
56340-56347 Individual education program teams
56505 State hearing

PENAL CODE

245 Assault with deadly weapon
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act
626.10 Dirks, daggers, knives, razors or stun guns

Legal References Continued:

UNITED STATES CODE, TITLE 18

930 Weapons

UNITED STATES CODE, TITLE 20

1412 State Eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812(c) Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities

300.530-300.537 Discipline procedures

COURT DECISIONS

Parents of Student W.v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P.v.Governing Board of Grossmont Union High School District, (1994 S.D. Cal). 858

F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Doe v. Maher, (1986) 793 F.2d 1470

WEST END SPECIAL EDUCATION LOCAL PLAN AREA POLICY

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

When authorizing special transportation for students with disabilities within the West End SELPA, the individualized education program (IEP) team or Section 504 committee shall consider, at a minimum, all of the following:

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

Students with disabilities who do not meet any of the above criteria may use regular home-to-school transportation.

When a student with a disability is excluded from school bus transportation due to expulsion, the district shall provide alternative transportation at no cost to the student or parent/guardian. (Education Code 48915.5)

Students transported in a school bus or in a student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway, or road. (5 CCR 14103)

A bus driver shall have the authority to discontinue the operation of a school bus whenever he/she determines that it is unsafe to continue.

Administrative regulations related to bus driver authority shall be made available to parents/guardians, students, teachers and other interested parties. (5 CCR 14103)

Legal References:

EDUCATION CODE

39830-39842 School buses

40080-40090.5 Training required obtaining or renewing bus driver certificate

45125.1 Criminal background checks for contractors

56195.8 Training in installation of mobile seating devices

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

1808.8 Dismissal for safety-related cause

2570-2575 Transportation of students

12517-12517.4 Certification requirements

12522 First aid training for school bus drivers

13376 Driver certificates; revocation or suspension; sex offense prosecution

22112 School bus signals; roadway crossings

25257 School bus; flashing light signal system

Legal References Continued:

25257.2 School bus used for transportation of developmentally disabled person

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

14104 School bus driver instructor

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal motor vehicle safety standard #222