



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TOM TORLAKSON
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

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October 11, 2018

Jean Martin, Director
North Orange County Special Education Local Plan Area, Code 3001
1021 W. Bastanchury Road #161
Fullerton, CA 92833

Dear Jean Martin:

The purpose of this letter is to inform you that the North Orange County Special Education Local Plan Area (SELPA) amendment to update the language of the local plan has been reviewed and approved.

As you know, this approval does not set aside any federal or state laws or regulations. A SELPA may choose to amend their special education local plan any time a change is deemed necessary due to local changes, new legislative requirements, a new interpretation by the courts, or an official finding of noncompliance with federal law, state law, or regulations determined by the California Department of Education (CDE).

A copy of your complete special education local plan, including policies and procedures, must be held on file at each participating local educational agency and be accessible to any interested person.

If you have any questions regarding this subject, please contact Caitlyn Petersen, Special Education Division, by phone at 916-327-3504 or by email at cpetersen@cde.ca.gov.

Sincerely,

A handwritten signature in purple ink, appearing to read "KW".

Kristin Wright, Director
Special Education Division

KW:cp

North Orange County SELPA
Local Plan
2018

Elements of a Local Plan

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
Multidistrict SELPAs 56205 (a) (12) (D) Multidistrict plans, submitted pursuant to subdivision (b) or (c) of Section 56195.1, shall do the following:			
56205 (a) (12) (D) (i) Specify the responsibilities of each participating county office and district governing board in the policymaking process, the responsibilities of the superintendents of each participating district and county in the implementation of the plan, and the responsibilities of district and county administrators of special education in coordinating the administration of the local plan.	56195.1	Page 25	Yes () No ()
56205 (a) (12) (D) (ii) Identifying the respective roles of the administrative unit and the administrator of the special education local plan area and the individual local education agencies within the special education local plan area in relation to the following:	56195.1 (b)	Page 28	
56205 (a) (12) (D) (ii) (I) The hiring supervision, evaluation, and discipline of the administrator of the special education local plan area and staff employed by the administrative unit in support of the local plan.		Page 25	Yes () No ()
56205 (a) (12) (D) (ii) (II) The allocation from the state of federal and state funds to the special education local plan area administrative unit or to local education agencies within the special education local plan area.	56195.1 (b)	Page 44	Yes () No ()

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (a) (12) (D) (ii) (III) The operation of special education programs.		Page 7	Yes () No ()
56205 (a) (12) (D) (ii) (IV) Monitoring the appropriate use of federal, state, and local funds allocated for special education programs.		Page 39	Yes () No ()
56205 (a) (12) (D) (ii)(V) The preparation of program and fiscal reports required of the special education local plan area by the state.		Page 44	Yes () No ()
56205 (a) (13) Copies of joint powers agreements or contractual agreements, as appropriate, for districts and counties that elect to enter into those agreements pursuant to subdivision (b) or (c) of Section 56195.1.		1)Head Start 2) OC Early Start /Part C 3) LA Part C 4) PIES Appendix B	Yes () No ()
56205 (b) (1) Each local plan submitted to the superintendent under this part shall also contain all the following:			

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
(1) An Annual Budget Plan that shall be adopted at a public hearing held by the special education local plan area Notice of this hearing shall be posted in each school in the local plan area at least 15 days prior to the hearing. The annual budget plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraph (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and Section 56195.9. The annual budget plan shall identify expected expenditures for all items required by this part which shall include, but not be limited to, the following:		Appendix C	The due date for the Annual Budget Plan is June 30 each fiscal year.
56205(b) (1) (A) Funds received in accordance with Chapter 7.2 (commencing with Section 56836).			
56205(b) (1) (B) Administrative costs of the plan.			
56205(b) (1) (C) Special education services to pupils with severe disabilities and low incidence disabilities.			
56205(b) (1) (D) Special education services to pupils with nonsevere disabilities.			
56205(b) (1) (E) Supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments.			

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205(b) (1) (F) Regionalized operations and services, and direct instructional support by program specialists in accordance with Article 6 (commencing with Section 56836.23) of Chapter 7.2.			
56205(b) (1) (G) The use of property taxes allocated to the special education local plan area pursuant to Section 2572.			

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
<p>56205 (b) (2) An Annual Service Plan shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each school district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraphs (D) and (E) and paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and with Section 56195.9. The annual service plan shall include a description of services to be provided by each district and county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by county offices or education, and juvenile court schools, regardless of whether the district or county office of education is participating in the local plan. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.</p>		Appendix C	<p>The due date for the Annual Service Plan is June 30 each fiscal year.</p>

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (b) (3) A description of programs for early childhood special education from birth through five years of age.		Page 6 - 16	Yes () No ()
56205 (b) (4) A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan, may address questions or concerns to the governing body or individual.	56205 (b) (1) 56205 (b) (2)	Page 41	Yes () No ()
56205 (b) (5) A description of a dispute resolution process, including mediation and final binding arbitration to resolve disputes over the distribution of funding, the responsibilities for service provision, and the other governance activities specified within the plan.		Page 34	Yes () No ()
56207.5 A request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirements shall apply:		Page 47	
56207.5 (a) The special education local plan area shall comply with Section 56140.			Yes () No ()

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56207.5 (b) The charter school shall participate in state and federal funding for special education and the allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05 in the same manner as other local educational agencies of the special education local plan area.	56195.1 (f) 56203	Page 47	Yes () No ()
56207.5 (c) The charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area.	56195.1 (f) 56203	Page 48	Yes () No ()
<u>Reading Criteria:</u> In order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative. Further, SELPA Local Plans shall include assurances that special education instructional personnel will participate in staff development inservice opportunities in the area of literacy that includes:	State Board Requirement 2/10/99	Page 46	
a. Information about current literacy and learning research		Page 46	Yes () No ()
b. State adopted standards and frameworks		Page 47	Yes () No ()

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
c. Increased participation of students with disabilities in statewide student assessments		Page 38	Yes () No ()
d. And, research based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate.		Page 46-47	Yes () No ()
Local Plans shall also include assurances that students with disabilities will have full access to:			
a. All required core curriculum including state adopted core curriculum text books and supplementary text books		Page 42	Yes () No ()
b. Instructional materials and support in order that students with disabilities attain higher standards in reading		Page 42	Yes () No ()

North Orange County SELPA
Local Plan
2018

Certification of Participation,
Compatibility, and
Compliance Assurances

Administrative Unit and
County Superintendent of Schools

**Certification of Participation, Compatibility,
and Compliance Assurances**

1. Designate the Special Education Local Plan Area (SELPA) Option:
 Single District Multiple District District/County

SELPA Code 3001	SELPA Name North Orange County SELPA	Application Date 4/16/18
SELPA Address 1021 W. Bastanchury Road Suite 161	SELPA City Fullerton	SELPA Zip Code 92833
SELPA Director Name (Print) Jean Martin, Ph.D.	Director Telephone Number (714) 641-5400	Director E-mail jemartin@ocde.us

2. Certification of Assurances by the Designated Administrative and Fiscal Agency for this Program (Responsible Local Agency/Administrative Unit [RLA/AU])

Designated RLA/AU Name
Orange County Department of Education

RLA/AU Address 200 Kalmus	RLA/AU City Costa Mesa	RLA/AU Zip Code 92628-9050
Name of RLA/AU Superintendent Dr. Al Mijares	Superintendent Phone Number (714) 966-4001	Superintendent E-mail amijares@ocde.us
Date of Governing Board Approval June 9, 2017	BPSD: 1/8/18 FSD: 10/17/18 FJUHSD: 9/5/17	LHCSD: 9/14/17 LJSD: 10/2/17

I certify that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 *United States Code (U.S.C.)* 1400 et seq, and implementing regulations under 34 *Code of Federal Regulations* Parts 300 and 303, 29 *U.S.C.* 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California *Education Code (EC)* Part 30, and Chapter 3 Division 1 of Title V of the *California Code of Regulations*.


Signature of RLA/AU Superintendent 	Date 6-14-18
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3. Certification of Compatibility by the County Superintendent of Schools

Name of County Office of Education (COE)
Orange County Department of Education

COE Address 200 Kalmus	COE City Costa Mesa	COE Zip Code 92628-9050
Name of COE Superintendent Dr. Al Mijares	Superintendent Phone Number (714) 966-4001	Superintendent E-mail amijares@ocde.us

Pursuant to *EC* Section 56140, I certify that this plan ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by the county office of education, and juvenile court schools, will have access to appropriate special education programs and related services.

Signature of County Superintendent or Authorized Representative 	Date 6-14-18
--	-----------------

4. Certification of the Community Advisory Committee

(Complete Form SED-LP-2)

For Department of Education Use Only

Recommended for Approval by the Superintendent of Public Instruction:		
Date:	By:	Approval Date:

North Orange County SELPA
Local Plan
2018

Certification of Participation,
Compatibility, and
Compliance Assurances

Community Advisory Committee

**Certification of Participation, Compatibility,
and Compliance Assurances**

Community Advisory Committee Certification		
CAC Compliance Verification	Yes	No
The Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the Local Plan pursuant to California Education Code (EC) Section 56194.	J.B.	
To ensure adequate and effective participation and communication pursuant to EC 56195.9, parent members of the CAC, or parents selected by the CAC, participated in the development and update of the Local Plan for special education.	J.B.	
The plan has been reviewed by the CAC, and the committee had at least 30 days to conduct this review, prior to submission of the Local Plan to the Superintendent pursuant to EC 56205(b)(6).	J.B.	
The CAC has reviewed any revisions made to the Local Plan as a result of recommendations or requirements from the California Department of Education.	J.B.	
Certifying Signature		
Name of Chairperson (print)	Phone	
Tracy Berkley	(914) 883-2923	
Signature of CAC Chairperson	Date	
Tracy Berkley	8.2.2017	

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

**North Orange County
Special Education
Local Plan Area
Local Plan and
Assurances**

Adopted: June 9, 2017

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Appendix A.....Verification of Community Advisory Committee
Appendix B.....Contractual Agreements
Appendix C..... Annual Budget and Service Plan

PARTICIPATING MEMBERS

It is the determination of the Governing Body that the North Orange County SELPA is of sufficient size and scope. This Governing Body submits to the County Superintendent and the State Superintendent of Public Instruction a local plan for the education of all individuals with exceptional needs residing in the following districts in accordance with Education Code § 56205:

Orange County Department of Education
200 Kalmus Drive
Costa Mesa, CA 92626
Responsible Administrative Unit

Buena Park School District
6885 Orangethorpe Avenue
Buena Park, CA 90620

Fullerton School District
1401 West Valencia Drive
Fullerton, CA 92833

Fullerton Joint Union High School District
1051 W. Bastanchury Road
Fullerton, CA 92833

La Habra City School District
500 N. Walnut Street
La Habra, CA 90631

Lowell Joint School District
11019 Valley Home Avenue
Whittier, CA 90603

PURPOSE OF THE LOCAL PLAN

In response to the Individuals with Disabilities Education Act (IDEA), legislation within California mandates the development of a comprehensive plan addressing special education and requires local districts and agencies to establish Special Education Local Plan Areas (SELPAs) to address the needs of all children with disabilities.

It shall be the policy of the SELPA that parents, students, teachers, and additional staff work together to make certain that the appropriate services are provided on an individualized basis for every child with a disability. The Local Plan is developed and maintained by these local members of each community. The Local Plan is developed in collaboration with representatives from participating member local education agencies (LEAs), the local Community Advisory Committee (CAC), member LEA Superintendents, and the SELPA Director.

The purpose of the Local Plan is to describe how the SELPA will guarantee and provide special education programs and services and designate the SELPA policy-making body. These policies shall promote educational opportunity and equity through the following, but not limited to activities:

- Accountability
- Annual Performance Reports of Progress
- Community Involvement and Support
- Coordination of Resources
- Data Collection & Reporting
- Full Service to All Students with Disabilities
- Guaranteed Equality of Access
- Local Governance Systems
- Post-Secondary Transition
- Program Evaluation
- Quality Program Reviews
- Staff Development Programs

MISSION STATEMENT

The North Orange County SELPA is dedicated to the belief that all students can learn and that students with disabilities must be guaranteed equal opportunity to become contributing members of society. To that end, it is the mission of the SELPA to facilitate high-quality educational programs and services for students with disabilities and provide training for parents and educators.

In order to maintain compatibility with other local plans, the SELPA submits the local plan and collaborates with the Orange County Department of Education (OCDE), other county agencies, and neighboring SELPAs. This intended to ensure and maintain healthy and enriching environments in which special needs students and families can live and succeed.

Special Education Local Plan Area Local Education Agency Assurances

1. Free Appropriate Public Education 20 United States Code (USC) Section (§) 1412 (a)(1)

Assurance

It shall be the policy of the North Orange County SELPA that a free appropriate public education is available to all children residing in the LEA between the ages of 3 (three) through 21 (twenty-one) inclusive, including students with disabilities who have been suspended or expelled from school.

Procedure

A free appropriate public education occurs within the context of a public education setting. The responsible local educational agency (LEA) makes free appropriate public education available to all eligible children with disabilities, who are between the ages of 3 and 21, inclusive. (See also the SELPA Annual Service Plan).

A student transferring into any LEA from within the SELPA is immediately placed in a LEA or agency program in conformity with the student's IEP (unless the parent agrees otherwise). For students transferring into the LEA from a LEA not operating special education programs under the same local plan, the IEP shall be implemented for a period not to exceed 30 days before a new IEP is developed (unless the parent agrees otherwise).

The IEP meets the unique needs of each individual in order for the student to benefit from his or her educational opportunities. A variety of related services and other supportive services is provided based on student's needs as required to assist a child with a disability to benefit from special education. Students' placements and services are in accordance with their IEPs. The LEA provides special education and related services in accordance with the child's IEP. Services are provided by appropriately credentialed or qualified staff.

The LEA ensures that children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations and modifications, as documented in the IEP. When receiving instruction in the general curriculum, children with disabilities have access to State Board of Education approved instructional materials and course content consistent with instruction provided to students without disabilities.

The length of the instructional day is the same as for age appropriate peers including instructional minutes unless otherwise specified in a student's IEP.

State guidelines for low incidence disabilities are considered in the identification, evaluation, planning, and provision of services and program reviews. Students

with low incidence disabilities have the opportunity to receive all or a portion of their instruction in the regular classroom while being enrolled in special classes taught by qualified teachers. For students with hearing impairments, amplification devices, including hearing aids, are monitored consistently.

To the maximum extent appropriate, children, including preschool children, are educated with children who are not disabled. Special classes, separate schooling and other removal from the regular education environment occur only when the nature or severity of the disability of a child is such that education in regular classes, including preschool classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.

2. Full Educational Opportunity 20 USC § 1412 (a)(2)

Assurance

It shall be the policy of the North Orange County SELPA that all pupils with disabilities have access to educational programs, nonacademic programs, and services available to non-disabled pupils.

Procedure

Steps are taken, including placement of classes, to ensure that students with disabilities participate in academic, nonacademic and extracurricular services and activities to promote maximum interaction with the general school population.

Children with disabilities are educated with children who are not disabled. Placement in 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.

The child is not removed from age appropriate, regular classrooms solely because of needed modifications in the general curriculum.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and other nonacademic activities specified in federal regulations the local educational agency (LEA) ensures that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.

Transportation is available when required for students with disabilities, as determined by IEP teams and individual LEA transportation policies.

3. Child Find 20 USC § 1412 (a)(3)

Assurance

It shall be the policy of the North Orange County SELPA that all children with disabilities, including children with disabilities attending private schools, regardless

of the severity of their disability, and who are in need of special education related services are identified, located and evaluated.

Procedures

The SELPA actively seeks out children, ages 0-21 years, who may be in need of special education services, including children in private, including religious, schools; highly mobile individuals with exceptional needs, such as children who are migrant or homeless; children who are advancing from grade to grade even though they are suspected of being an individual with exceptional needs and in need of special education and related services; and children who are wards of the state, and seeks out students who have disabilities and are in need of special education and related services residing in the jurisdiction of the district, special education local plan area, or county office. For more information regarding parentally placed private school children, please see the Private School policy.

Announcements of special education services available in North Orange County SELPA shall be made known to the public through information provided to parents of enrolled students and community service providers. Parents and service providers are also encouraged to inform their friends and neighbors of the availability of evaluations and special education services.

In addition to the local newspaper announcement, the North Orange County SELPA sends to each private school annually a notice regarding the process for referring children with suspected disabilities for evaluation. The private schools are encouraged to send this notice to parents of children enrolled in their schools. Parents and/or private school representatives refer children for special education evaluation through their local school districts as appropriate.

In North Orange County, Child Find procedures for children birth to age three are coordinated between lead agencies, the Orange County Regional Center and the Orange County Office of Education, with contacts available at agencies such as the health department and social services. Children referred for assessment and services are mutually referred to the lead agencies. If a child has not yet reached his third birthday, the referral is faxed to Orange County Regional Center.

Written policies and procedures for a continuous child find system include the following activities: identification, screening, referral, evaluation, planning, implementation, review, and the three-year reevaluation. Parents, schools, and several agencies may contact the residence school district to make a referral for assessment. In the case of parentally placed pupils in private school, the district of service shall be contacted regarding child find and assessment.

The SELPA uses a systematic process for referring potential students for special education evaluation that is coordinated with Local Education Agency (LEA) and individual school site procedures.

Each LEA shall identify personnel to oversee and receive the child find referral

process. The responsible LEA personnel shall within 15 days work with school site staff to develop an assessment plan, as needed, and notify the parent. All referrals for special education and related services are documented and filed by the LEA. Referrals for preschool children, not kindergarten eligible are faxed for processing to the district of residence.

School site staff considers the resources of the regular education program and when appropriate utilize the resources. There is documentation of these attempts to modify the regular instructional program prior to referral for special education services.

When a verbal referral is made, staff of the district offers assistance to the individual in making a request in writing and assist the individual if a request is made for assistance. The LEA provides parents with a written notice that their child is being referred to determine eligibility for special education and the reason for the referral.

Identification and Referral Procedures

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

Families of children under age three with identified or suspected disabilities are referred to Orange County Regional Center or RCOE Infant Circle.

Initial referrals for preschool children are processed through the Preschool Child Find Team. Staff obtain information from the child's parent/guardian and, when appropriate, preschool staff. The team meeting provides the opportunity to discuss the child's growth and development relative to expectations, intervention strategies, and the child's potential need for evaluations to determine eligibility for special education. The process for referring school age students (age 5 to 18 years old) for special education services begins at the neighborhood school and/or district. An individual with a concern about a student's progress may request consultation with the SST. Forms to request SST Consultation are available from site staff. The SST is a general education function and may be composed of the principal or designee, general education staff member, the student's teacher and other categorical staff. The team may also include special education staff such as the speech pathologist and hearing specialist, resource specialist, and/or psychologist. The SST Chair sends notification of SST meetings to the appropriate participants, including parents, and facilitates the meeting. If the SST finds that the student's needs cannot be

appropriately met with modifications of the general program, a referral for special education evaluation is considered. At the time of referral, parents are given a copy of the Notice of Procedural Safeguards.

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

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

Procedures for Utilization of General Education

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

Following a referral, a proposed evaluation plan is shared with parents and evaluations are conducted only after the parent has signed the consent for evaluation form.

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

4. **Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP) 20 USC § 1412 (a)(4)**

Assurance

It shall be the policy of the North Orange County SELPA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

Procedure

The North Orange County SELPA provides a free appropriate public education (FAPE) in the least restrictive environment (LRE) to all students residing within the North Orange County SELPA. The North Orange County SELPA provides a full range of special education programs to facilitate services for students with disabilities in a supportive, cooperative, and mutually respectful environment. The appropriate special education placement in the LRE, for each child with a disability, is determined by an IEP team. The IEP team is comprised of the child's parents, school staff, and other professionals with knowledge or expertise regarding the child.

The IEP team shall consider the educational and nonacademic benefits of placing the student in a regular class and shall determine what support services would be needed in order to support this placement. All placement decisions should promote maximum interaction between students with disabilities and their non-disabled peers, in a manner that is appropriate to the needs of both. Special education services shall be provided outside the regular classroom only when the IEP team determines that the student's individual needs cannot be appropriately met in the general education classroom.

Parents/guardians shall have the right to approve the student's placement in a special education program, and written parental consent shall be obtained before any such placement is made unless a due process hearing officer authorizes the placement. Once an IEP team has determined an appropriate placement with parent/guardian consent, that placement remains in effect unless modified through the IEP process, mutual agreement, or a due process hearing officer order.

Individualized Educational Program (IEP) Procedures

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

IEP Timelines

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

- a. An IEP required as a result of initial assessment shall be developed within 60 calendar days of receipt of the parent's signed consent for assessment not counting
- b. days between school sessions or terms, or vacation days in excess of five consecutive days. An IEP shall be developed within 30 days of the beginning of the subsequent school year for each student for whom a referral was made within 20 days of the end of the school year. An extension of the time limits may be agreed to, in writing, by the parent.
- c. A meeting of the IEP team shall be held within 30 days of a parent's written request, not counting days between school sessions or terms, or vacation days in excess of five consecutive days.
- d. The IEP meeting will always include a parent (or surrogate parent) unless the parent is unwilling/unable to attend and the district has maintained a record of attempts to include the parent at a mutually agreeable time and location.
- e. The district encourages meaningful participation of parents at IEP meetings by scheduling meetings at times convenient for parents within reason, providing interpreters for non-English speaking or deaf parents, encouraging parents to send a representative in their absence, conducting teleconferences when appropriate, etc.

Parents are notified in advance of a need for an IEP team meeting. Every attempt is made to schedule a student's IEP team meeting at a time that is mutually convenient for the parent/guardian and school staff. Staff will utilize a variety of communication modes, offer alternative meeting dates and locations, and/or suggest that the parent sends a representative if he/she is unable to attend. Notification forms include the purpose, time, and location of the meeting and the staff who will attend.

IEP Participants

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

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

As appropriate, representatives of other agencies are invited to participate in IEP meetings that are held to discuss transition services. In addition to written invitations and telephone

calls, other efforts are made to encourage their participation. If an agency representative does not attend the IEP meeting where transition services are discussed, a district designee will contact the agency representative if appropriate to coordinate transition services.

Purpose of the IEP Meeting

The IEP team meets when

- a. The student has received an assessment for special education;
- b. The student's special education placement is to be initiated, changed or terminated;
- c. The student's progress is less than anticipated;
- d. A parent or teacher requests a meeting to develop, review, or revise the IEP;
- e. It has been one year since the previous IEP was developed. The purpose of the [IEP] annual meeting is to review the student's progress, the appropriateness of the placement, and make any needed changes in the IEP.

At the IEP Meeting

To facilitate the meeting, districts may arrange for interpreters for parents who are hearing impaired or whose primary language is not English. The IEP form serves as a record of the persons attending, and the deliberation, planning, and decisions of the IEP team regarding the special education programs and services for each student. Prior IEP goals and objectives are reviewed to determine to what degree they were met. The discussion of present levels of performance includes not only results of standardized achievement test scores, but also classroom performance, observations, and parent and teacher reports. The IEP process enables the team to develop a completed IEP which shows a direct relationship among the levels of performance and the goals and objectives, and to identify the specific services required to enable the child to advance appropriately toward attaining the annual goals, be involved and progress in the general curriculum, to participate in extracurricular or other nonacademic activities, and to be educated and participate with children with disabilities and non-disabled children in these activities as appropriate.

The IEP team refers to established eligibility standards as set forth in Title 5 CCR 3030 (a-j) as appropriate. Eligibility for special education is written on each IEP developed by the team.

At the IEP meeting, introductions are made, and the purpose and format of the meeting are described. Each required component of the IEP is discussed by the team and recorded on the form including:

- a. The strengths, interests, and learning preferences of the student;
- b. The child's present levels of educational and social functioning, including the results of the initial or most recent assessment of the child and/or the results of the child's performance on any general State or district-wide assessment programs as appropriate;
- c. Annual goals and short-term objectives or benchmarks related to meeting the child's needs that result from the disability to enable the child to be involved in and progress in the general curriculum [or appropriate activities for preschool children] or to meet each of the child's other educational needs that result from the disability;
- d. The concerns of the parent relevant to the child's educational progress;

- e. A description of how the child's disability affects involvement and progress in the general curriculum, or for preschoolers, participation in appropriate activities;
- f. An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and extracurricular activities;
- g. A statement of the supplemental aids and services to be provided to or on behalf of the student;
- h. A statement of program modifications or supports for school personnel that are required for the child to advance appropriately toward attaining the annual goals specified in the IEP;
- i. A determination of the student's need for assistive technology devices and services or low incidence services, equipment, and materials to meet the educational goals and objectives;
- j. A statement of how the child's progress toward the annual goals will be measured and how the parents will be informed of their child's progress;
- k. If the child is Limited English Proficient, a description of how his or her level of English proficiency, related to the IEP, will be addressed;
- l. If the child is Deaf or Hard of Hearing, a description of specialized communication strategies if needed, and opportunities for direct instruction and communication with peers and adults in the student's language and mode of communication;
- m. If the child's behavior impedes learning, a description of positive behavior interventions, strategies, and supports to address the behavior, including a Behavior Intervention Plan if required;
- n. By the time a student reaches the age of 16, a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or needed linkages;
- o. For students age 17 or older, verification that the student has been apprised of his or her rights at the age of majority;
- p. A statement of the special education and related services to be provided to the child, including the projected date for beginning the services and modifications, anticipated frequency, location, and duration of those services and modifications;
- q. Individual modifications in the administration of State or district-wide assessments of pupil achievement, or a statement of why that assessment is not appropriate for the child, designating the California Alternate Performance Assessment as the means to measure the student's progress;
- r. The determination of the need for Extended School Year, participation in Workability, and specialized transportation services;
- s. A review of the Notification of Procedural Safeguards; and
- t. Parental consent to all or part of the IEP.

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

5. Least Restrictive Environment 20 USC § 1412 (a)(5)

Assurance

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

Procedures

It is the intent of the North Orange County SELPA to serve disabled students in the least restrictive environment consistent with their academic and non-academic needs. Students with disabilities shall receive their education in chronologically age-appropriate general education classrooms at neighborhood school sites unless there is a compelling educational reason why this cannot be accomplished. The Close cooperation of all school personnel is encouraged by district and site administrators to facilitate opportunities for social interaction between individuals with disabilities and non-disabled individuals.

The North Orange County SELPA provides a full range of program options to meet student's educational needs in the least restrictive environment. This includes District programs, County programs, regionalized services, state schools and non-public schools. The determination of the least restrictive environment is based on the IEP team's consideration of each individual student's unique needs, including present levels of performance, goals and objectives, and the configuration of special education support required to implement the IEP.

Removal of students from regular classes occurs only when the nature of the student's disability is such that education in a regular class with the use of supplementary aides and services cannot be achieved satisfactorily. To the maximum extent possible, individuals with exceptional needs are educated and participate with, non-disabled students in academic, non-academic, and extracurricular services and activities. Students attend the school they would attend if they were not disabled unless their IEP requires other arrangements. If other arrangements are determined necessary, students are served in the nearest appropriate program to their home school.

Special education services and supports will be provided for students with disabilities to ensure maximum interaction with their peers in the regular education environment as appropriate for the student's individual needs. The IEP team will make the decision regarding the least restrictive environment for each child on an annual basis. Individuals with exceptional needs shall have equal access to all activities, programs, and facilities in the general school environment. Participation in activities will be determined based on the individual needs of the disabled student.

The location of special day classes and other special education support programs will be included in decisions regarding housing and facilities planning and allocation. District commitments to ensure appropriate size, configuration and location for special classroom space on regular school campuses will continue in order to avoid frequent or disruptive

program relocations. Ramps, handrails, and adapted equipment are provided as necessary to ensure access and safety for students with disabilities.

Continuity in the assignment of appropriate classroom space for the provision of special education services allows students with disabilities the opportunity to develop relationships with non-disabled peers. Appropriate physical location of service facilitates continuing interaction with non-disabled peers and timely access to general education programs.

Programs are available to assist non-disabled students in understanding, supporting, and interacting with children with disabilities. Staff development, collaborative activities, and consultation by special education staff are provided to regular education staff to assist them in addressing the unique needs of students with disabilities.

6. Procedural Safeguards 20 USC § 1412 (a)(6)

Assurance

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

Procedures

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

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

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with a disability annually and upon (20 USC § 1415 (d))

1. Initial referral for evaluation,
2. Each notification of an IEP meeting,
3. Reevaluation of the student, and
4. Registration of a complaint.

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

In addition, this notice shall include the procedural safeguards relating to: independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints; the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parent/guardians of students in private schools at public expense; mediation; due process hearings; state-level appeals; civil action; and attorney's fees.

7. Evaluation 20 USC § 1412 (a)(7)

Assurance

It shall be the policy of the North Orange County SELPA that a review will be conducted on at least an annual basis to review the child's progress. This review shall include, but is not limited to, the achievement of annual goals, the appropriateness of placement, and/or to make any necessary revisions.

The North Orange County SELPA shall conduct a reassessment of each child with a disability at least once every three years, but not more than once a year unless 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.

Procedures

Annual Assessments

The North Orange County SELPA procedures for IEP Parent Notification and Participation ensure that the North Orange County SELPA Districts complete annual assessments within required timelines. The student's IEP is scheduled for review by the IEP team at least once a year. Assessments and IEP meetings will take place within 60 calendar days of receipt of the signed assessment plan. In addition, a special review of the placement may be requested at any time by:

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

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

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

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

Triennial Assessments

All reevaluations are conducted within three calendar years of the last assessment or more frequently if requested by the student's parent or teacher. The reevaluation determines if the student continues to have a disability and if he/she continues to require special education

services. It also determines how he/she is involved in and progressing in the general education curriculum. Assessment and IEP meetings shall be completed within 60 calendar days upon receipt of the signed assessment plan.

The North Orange County SELPA utilizes a Management Information System which tracks student IEP and three-year reevaluation due dates. A list is then compiled of students whose three-year reevaluations are due in that school year. The list is sent to the appropriate personnel, which may include the site administrator, school psychologist, the classroom teacher, and other special education staff for monthly monitoring and follow-up. A completed three-year reevaluation is recorded in the student MIS file to assure continued monitoring. The term "evaluation" is used synonymously with "assessment" to designate the process for identifying children with disabilities and conducting the triennial evaluations.

Assessment Plan

For all individuals, birth to 21 years of age, referred for special education services, an initial Assessment Plan is developed within 15 days of referral (not counting days between the student's regular school sessions or terms or day of school vacation in excess of five school days from the date of receipt of referral), based on intake interview information, Student Success Teams findings and recommendations, or parent request for evaluation. The Notice of Procedural Safeguards is included. An Assessment Plan is developed for all initial and triennial evaluations or any time an individual (e.g., psychoeducational) assessment is conducted. The Assessment Plan contains the following:

- a. Reason for the proposed assessment, other options considered, interventions and modifications attempted, and description of evaluation procedures relevant to the proposed action;
- b. Description of the type of evaluation, materials, and procedures;
- c. Assessment personnel identified by title and evaluation area;
- d. The student's primary language and English language proficiency status;
- e. A statement that tests and other evaluation materials will be provided and administered in the student's primary language or other mode of communication, and if not, the reasons why it is clearly not feasible, including any available independent evaluations;
- f. Results of recent evaluations, including any available independent evaluations;
- g. Information the parent requests to be considered;
- h. The necessity for alternative modes of assessment, if appropriate;
- i. Parent consent and date.

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

The assessment will be completed within 60 days of receipt of the parent's/guardian's written consent (not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days from the date of receipt of referral).

If the assessment personnel have legitimate reasons, they may request an extension of the timeline. Such an extension requires written approval from the parent, guardian or surrogate.

Assessment Process

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

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

Assessment Report

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

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

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

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

Independent Educational Evaluations

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

8. Confidentiality 20 USC § 1412 (a)(8)

Assurance

It shall be the policy of the North Orange County SELPA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA).

Procedure

"Confidentiality" means the restriction of access to verbal and written communications, including clinical, medical and educational records, to appropriate parties under Section 99.3 of Title 45 of the Code of Federal Regulations, Section 300.560 et seq. of Title 34 of the Code of Federal Regulations, Sections 827, 4514, 5328, and 10850 of the Welfare and Institutions Code, Section 2890 of Title 17 of the California Code of Regulations, and Sections 49060 through 49079 of the Education Code.

1. Confidentiality

All information that specifically relates to a child's exceptional needs and/or family is to be kept confidential. Such information is to be shared only with other professionals as they need to know in order to effectively meet the student's educational needs. Any sharing of information outside the school system requires written consent from the parent, except for transference of records in California.

2. Release of Information for Special Education Students

It is recommended that all forms used to request a release of information for students receiving special education be compliant with the requirements of the Health Insurance Portability and Accountability Act (HIPAA).

3. Special Education Records

It is recommended that all students receiving special education services shall have a complete confidential file located in a centralized location. These records shall contain psychological, speech/language, medical, and academic reports, as well as all other appropriate confidential information. Only persons with official business may enter into a student's confidential file. Any other person or agency requesting access to a student's confidential records must have written permission from the parent/guardian.

4. Amendment of Records

A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The agency must decide whether to amend the information in accordance with request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing.

9. **Part C, Transition 20 USC § 1412 (a)(9)**

Assurance

It shall be the policy of the North Orange County SELPA 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.

Procedure

For children participating in early intervention programs assisted under Part C of IDEA, a transition IFSP meeting is held when child is between two years and six months and two years and nine months of age. At the Transition IFSP Meeting, the team will discuss the child's present levels of development, possible options for the child when he or she turns three years of age that are based on the child's present levels of development, needs of the family during the six-month transition period, evaluation needs of the child during the six-month transition period, equipment/program needs the child may have at age three years.

At the transition meeting, the local educational agency (LEA) representative, with the input from the parents and the IFSP transition team, will highlight the needed areas of assessment and the areas of suspected disability on the assessment plan. When the child turns two years and ten months, the LEA assessment team will contact the

parents to have the assessment plan signed and to begin the evaluation.

The Exit IFSP meeting and Initial IEP meeting are held together prior to the child's third birthday with responsible agencies and potential service providers present. The District of Residence shall attend the IEP meetings. The Regional Center service coordinator reviews the Exit IFSP form with the team and ensures that all areas are discussed and completed. Continued eligibility for Regional Center services for the child is discussed. The LEA administrator reviews the steps of the IEP portion of the meeting. The IEP document is written as the team discusses each section. If the child is eligible for services, program options are discussed with the team, and placement decisions are made.

10. Private Schools 20 USC § 1412 (a) (10)

Assurance

It shall be the policy of this SELPA to assure that children with disabilities voluntarily enrolled by their parent in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated to providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

Procedure

The North Orange County SELPA policy ensures that the North Orange County SELPA locates, identifies and evaluates all children who may be eligible for special education and related services. Child-find activities for parentally placed private school children are similar to those activities undertaken for pupils in public schools.

IDEA 2004 determined that the District where the private school is located is responsible for conducting child-find activities for children enrolled by their parents in private schools. All Districts in Orange County have signed a written agreement that states that the District of residence of the private school student will be responsible for the evaluation and determination of eligibility for special education services.

For private school children who are parentally placed, there is no individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. The District determines the scope and type of services after consultation with private school representatives. A proportionate share of the District's special education federal funds is utilized to provide services to parentally-placed private school students with disabilities.

11. Local Compliance Assurances 20 USC § 1412 (a) (11)

Assurance

It shall be the policy of the North Orange County SELPA that the local plan shall be adopted by the appropriate local boards (district and county) and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, the Federal Rehabilitation

Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

Procedure

Education Code Section 56195.7 requires development of written agreements to be entered into by the entities participating in the Local Plan for Special Education, including regionalized services to local programs for the provision of ongoing review of programs conducted and procedures utilized. This might include, but is not limited to, the following:

- Review and analysis of LEA CASEMIS Data;
- Participation in the state's Quality Assurance Process (i.e., Self-Reviews, Verification Reviews) and follow-up;
- Collection and examination of data regarding the over/under representation of racially, ethnically, linguistically and culturally diverse students to determine whether an imbalance exists;
- Collection and examination of data regarding IEP and assessment timelines.

Corrections of identified problems may include, but not limited, to the following means:

- Provision of training and technical assistance as necessary to clarify compliant practices with appropriate LEA staff;
- Assistance with correction of non-compliant procedures or practices identified through state and local compliance complaint investigations;
- Regular meetings with district superintendents;
- Individual consultation with LEA administrative staff.

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

In addition, the North Orange County SELPA provides an advisory role to ensure each LEA and the SELPA as a whole will meet all applicable requirements of state and federal laws and regulations. This might include, but is not limited to, the following:

- Advise the LEA superintendent and special education director regarding the status of special education in their respective districts;
- Advise changes to the SELPA Local Plan, LEA policy, and/or LEA best practices;
- Advise in the development of the annual plan for staff development, including training and technical assistance to ensure compliant practices;
- Monitor each district's adherence to operational procedures established through the governance structure;
- Advise in problem resolutions related to operational procedures;

12. Interagency 20 USC § 1412 (a) (12)

Assurance

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are available and provided in accordance with their IEP's, including the continuation of services during an interagency dispute resolution process.

Procedure

Process for Coordinating Services with other Agencies:

All special education and related services determined by the Individualized Education Program (IEP) team to be necessary for a student to benefit from education shall be listed on the IEP. A district shall assure that each student with a disability is provided services in accordance with his/her IEP, regardless of which agency or contractor provides the services. If an agency fails to provide the service, the LEA will become the service provider.

Determination of Eligibility or Provision of Services from Other Agencies

A determination that a student is in need of a service shall be based on appropriate educational assessment(s). When the IEP team has determined and included on an IEP a statement that a student is in need of a service provided by another agency, the district or agencies shall provide or pay for the service(s). The district is solely responsible for obtaining all services and service providers needed to implement the IEP. The district shall monitor the statutory timelines to ensure that services are provided without delays.

The SELPA shall maintain the following interagency agreements on file:

- California Children Services
- Orange County Health Care Agency
- Parent Infant Education and Support Program
- Regional Center of Orange County
- Department of Rehabilitation
- Head Start

13. Governance 20 USC § 1412 (a) (13)

Assurance

It shall be the policy of the North Orange County SELPA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan.

Procedure

Membership

The local educational agencies within North Orange County join together pursuant to Section 56195 of the California Education Code to adopt a plan in accordance with 56205. It shall be the policy of the member LEAs to support and comply with the provisions of the

governance bodies and any necessary administrative support to implement the North Orange County SELPA Local Plan.

The North Orange County SELPA is a multi-district SELPA, comprised of 5 local educational agencies and one county office of education as described in Education Code Section 56195.1 (b), which exists for the purpose of providing coordinated general and special education programs and services to students with disabilities residing within the SELPA.

The local educational agencies (LEA) Participating Local Educational Agencies participating in the North Orange County SELPA include:

- Buena Park School District
- Fullerton School District
- Fullerton Joint Union High School District
- La Habra City School District
- Lowell Joint School District
- Orange County Department of Education

Governance and Administrative Structure

Governing Body

It Shall be the policy that the Governing Body of the North Orange County SELPA shall be called the North Orange County Superintendents Cabinet (NOCSC). The NOCSC has the task of initiating, reviewing, and adopting necessary policies for the operation of SELPA activities, including, but not limited to, the implementation of the Local Plan for Special Education.

The NOCSC is composed of a superintendent from each of the six participating local education agencies (LEAs) within the regional boundaries of the SELPA and the Orange County Department of Education. The Orange County Department of Education Superintendent's designee is the Deputy Superintendent. District Superintendents are the primary representatives on the NOCSC, however a Superintendent can appoint a designee to attend in his/her place if deemed necessary. The designee will have the ability to vote on behalf of the Superintendent.

Four voting members shall constitute a quorum. Four votes are needed to approve any action. The NOCSC will meet at least four (4) times annually during a fiscal year.

The NOCSC will approve major operational decisions in the SELPA such as, but not limited to the following:

- Sets policy and direction for the SELPA.
- Approves administrative regulations.
- Participates with the County Superintendent in the selection, supervision, and evaluation of the SELPA Director.
- Participates with the County Superintendent in the selection of SELPA staff.

- Approves SELPA financial actions including: distribution of special education funding to districts that operate special education programs and services; development of cost containment agreements and procedures; approval of the Regionalized Services budget.
- Monitors the appropriate use of local funds allocated for special education programs.
- Reviews and approves needed modification of this agreement on behalf of all districts in the SELPA.
- Adopts amendments to the permanent portion of the Local Plan.
- Approves the SELPA-wide annual service and budget plans, and subsequent modifications.
- Approves other agreements including, but not limited to Inter SELPA agreements, facility agreements, and bill-back agreements.
- Reviews exhibits such as manual and handbooks to assist in the implementation of the Local Plan. These implementation tools are considered exhibit portions of the Local Plan and shall be consistent with adopted policy.

After final action by the SELPA Governing Body, a copy of each adopted policy shall be made available publicly within the North Orange County SELPA Office or posted electronically.

Duties of the Chairperson

Each year, the Governing Body shall rotate a superintendent who is a North Orange County Superintendent Cabinet (NOCSC) member to serve as chairperson of the Governing Body. If the NOCSC chairperson is unable to attend an NOCSC meeting, the Governing Body will elect a substitute chairperson for the meeting.

The Chair shall preside at all meetings. He/she shall have the same rights as other members of the Governing Body, in voting, introducing motions and resolutions, and discussion of questions that follow.

He/she shall sign such documents on behalf of the Governing Body as may require his/her signature.

He/she shall represent the Governing Body in deliberations with other boards, districts, or agencies unless another member of the NOCSC is so designated.

He/she shall consult with the SELPA Director in the development of the NCOSC Agenda. The yearly rotation schedule is as follows:

1. Buena Park School District
2. Fullerton Joint Union High School District
3. Lowell Joint School District
4. Fullerton Elementary School District
5. La Habra City School District

Note: As the Responsible Administrative Unit (RAU), the Orange County Department of Education shall waive its rotation as the Chair of the Governing Body.

Duties of the Executive Secretary

The SELPA Director will serve as the Executive Secretary to the Governing Body. The SELPA Director will provide staff assistance to the North Orange County Superintendents Cabinet (NOCSC). The Executive Secretary shall not be a voting member of the NOCSC.

Duties of the SELPA Director

The Governing Body, also known as the North Orange County Superintendents Cabinet (NOCSC), will participate with the Orange County Superintendent of Schools in the selection, supervision, and evaluation of the SELPA Director and will evaluate the Director's job performance. The SELPA Director will be an employee of the Orange County Department of Education.

The Governing Body gives authority to the SELPA director as the administrator of the special education local plan area.

Under the supervision of the Orange County Superintendent of Schools and the NOCSC the SELPA Director will be responsible for:

- Providing regionalized services as described in E.C.56836.23.
- Coordinating the administration and implementation of the North Orange County Special Education Local Plan.
- Developing forms, manuals, and handbooks.
- Establishing the NOCSC, NOCDC and CAC meeting schedules.
- Coordinating the development and implementation of the SELPA program and student outcomes and the annual accountability procedure for every disability program and service offered within the SELPA.
- Evaluating SELPA staff with input from the district special education directors.
- Prepare the regional special education plan and state, federal and local reports as required, with input from the CAC and school districts through the NOCSC and the NOCDC.
- Coordinate services to disabled students with districts and other local public agencies through the development of procedural handbooks, negotiation of agreements, understandings, and ongoing dialogue.
- Develop and implement a plan for providing staff development opportunities to staff, parents, CAC, and others.
- Collect, process and report program, personnel and fiscal data related to the state evaluation of special education as specified in accordance with State and Federal laws and regulations. Develop regionalized services budgets and distribute regionalized services funds as approved by NOCSC.
- Coordinate the maintenance of a Management Information System to provide necessary CASEMIS Data.

- Coordinate, document and report child find activities in public and private schools and public awareness activities for the North Orange County Special Education Local Plan Area as required by State and Federal laws and regulations.
- Maintain an inventory, complete required reports, and receive funds and approve purchases for low incidence pupils utilizing the low incidence funds for equipment and services based on California Department of Education approved guidelines and local policies and procedures.

Duties of SELPA Personnel

It shall be the provision of the Governing Body that the SELPA shall employ any necessary administrative support to implement the plan. The Governing Body gives authority to the SELPA Director to identify the following administrators and their respective roles:

SELPA Coordinator
 SELPA Manager Autism
 SELPA Program Administrator
 SELPA Program Specialist

Duties of the Directors Council

There shall be a North Orange County Directors Council (NOCDC) composed of at least a chief business official, or designee, and a special education administrative designee from each school district. The SELPA Director or designee shall serve as the chairperson of the NOCDC. NOCDC will serve as the advisory committee to the Superintendents Cabinet (NOCSC) and will carry out those functions specified in state law and the local plan. The NOCDC shall perform duties such as but not limited to the following:

- Recommend programmatic decisions and decisions regarding the operation of special education in the North Orange County SELPA.
- Recommend policies, procedures and financial actions to NOCSC.
- Review and recommend needed modification of the Local Plan, with input from the Community Advisory Committee, to NOCSC.
- Provide program/services and coordination within the SELPA so as to assure the availability of appropriate special education services to all eligible individuals with disabilities.
- Review and recommend all procedural handbooks developed for use in the North Orange County SELPA to NOCSC.
- Recognize the importance of mutual cooperation and the value of parent input, by actively participating in the Community Advisory Committee.

Administrative Unit

It shall be the policy of the Governing Body that the Orange County Department of Education (OCDE) shall be considered a local educational agency (LEA) for all purposes of this local plan except where referred to as the Administrative Unit (AU) or Responsible Administrative Unit (RAU). The AU is designated to perform such functions as:

1. Receive and distribute funds;
2. Serve as the employing agency for personnel who have responsibilities throughout the Local Plan Area. Such personnel will include, but not be limited to, the SELPA Administrator for the Local Plan Area, SELPA Program Specialists. Employment of such personnel will be in accordance with personnel policies and practices of the Orange County Department of Education and procedural employment policies;
3. Employ appropriate classified personnel in support of the Local Plan Area certificated staff;
4. Coordinate suitable office space for both certificated and classified employees of the SELPA.

Local Education Agencies Responsibilities

It shall be the policy of the Governing Body that the Orange County Department of Education (OCDE) and participating local education agencies (LEA) governing boards shall have authority over the programs it directly maintains, consistent with the local plan submitted pursuant to Section 56195.1.

In the case of OCDE, which has more than one special education local plan area for which the county office provides services; relevant provisions of contracts between the county office and its employees governing wages, hours, and working conditions shall supersede like provisions contained in a plan submitted under Section 56195.1.

Each LEA shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Each LEA shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the procedures set out in this chapter and in accordance with the policies and procedures of the governing board.

Boards of Trustees of each LEA shall adopt policies and procedures for the special education programs and services provided in the North Orange County Special Education Local Plan Area. Such policies and procedures shall include, but not be limited to, all areas specified in applicable sections of the Education Code.

Inter-SELPA Transfer Agreement

It shall be the policy of this SELPA to oversee and approve all Inter-SELPA attendance agreements. An Inter-SELPA transfer agreement may be initiated by the local education agency (LEA) of residence when the LEA of residence has determined that an appropriate educational program is not available within the district. The transfer agreement should not be initiated until an informal agreement has been given by the district and SELPA of proposed attendance and until the terms and conditions of the Inter-SELPA Transfer Agreement have been agreed upon by the districts.

This agreement is not the same, and does not override any Parents' requests for an inter-district transfer outside the IEP process; hence, those requests are subject to the requested district's inter- district transfer policy.

Procedure

The Inter-SELPA Transfer Agreement shall be signed by the local education agency (LEA) of residence's authorized agent and forwarded to the SELPA of residence's administrator for signature. The Inter-SELPA Agreement shall then be forwarded to the LEA of attendance along with appropriate referral material.

If the pupil is to be admitted, the Inter-SELPA Agreement shall be signed by the LEA of attendance's administrator. When this signature has been obtained, the Inter-SELPA Agreement form shall then be sent to the SELPA of attendance's administrator for next steps.

After initial sending signatures have been obtained; the LEA of possible attendance will arrange an IEP meeting and invite the LEA of residence. Upon agreement of placement per the IEP team, the SELPA administrator will be responsible for authorizing and distributing final copies of the inter-SELPA agreement.

Please note, the Inter-SELPA Agreement shall not be deemed effective until the IEP has been agreed upon by the parent, or adult student; the LEA of residence; the LEA of attendance; and the Inter-SELPA Agreement has been signed and authorized by the SELPA of attendance.

The LEAs involved are responsible for entering into a Memorandum of Understanding Between School Districts if any additional costs are to be borne by the LEA of residence. It is recommended, but not necessary that this agreement be entered into prior to holding any IEP meetings to secure placement.

The agreement covers all days of attendance from the time of acceptance, until the end of Extended School Year (ESY) during the fiscal year the transfer agreement was initiated; unless revoked in writing by either LEA.

Inter-SELPA Billing Policy

It shall be the policy of the SELPA that any local educational agency (LEA) operating programs that accept students outside of their district of residence on a inter -SELPA agreement may invoice participating LEAs on an annual basis.

The SELPA shall not have any jurisdiction or oversight over the approval or disputes that occur with an Inter- or an Intra-SELPA attendance agreements.

Billing under this policy is not the same as a student attending a program under an inter-district permit and does not override any Parents' requests for an inter-district transfer outside the IEP process; hence, those requests are subject to the requested district's inter-district transfer policy and are not billable.

Transfer of Programs

It shall be the policy of this SELPA to adhere to all California Education Code requirements when requesting a program transfer.

Any request to divide or add to the SELPA will follow the size and scope analysis for each member LEA and affected SELPA based on the State Board of Education's regulation in effect at the time of division per 30 ED 56207. The one year notice requirement to the State Board of Education shall not be waived.

Community Advisory Committee

It shall be the policy of the SELPA, that each member local education agency (LEA) participate in the SELPA's established community advisory committee composed of parents of individuals with and without exceptional needs, educators, and community representatives concerned with the needs of individuals with exceptional needs.

Community Advisory Committee (CAC) membership will consist of one appointee of each member local educational agency (LEA), with the exception of the Orange County Department of Education (OCDE), the Special Education Local Plan Area (SELPA) Director, and one appointee of the SELPA Director. The LEA members of the CAC shall be appointed by, and responsible to the Governing Body of the North Orange County SELPA. The process for recommendation of appointment shall be determined by each LEA, and terms of appointment are for at least two years and are recommended to be annually staggered to ensure that no more than one-half of the membership serves the first year of the term in any one year. Upon the decision of the local LEA, a member may be recommended for reappointed for multiple terms.

At least a majority of the CAC shall be composed of parents of school-aged children with exceptional needs. The CAC members shall be appointed by, and responsible to, the Governing Body of the North Orange County SELPA. Parents of students with disabilities participating in OCDE programs shall be determined members of the LEA CAC in which they reside.

Local school districts are responsible for recommending appointed members from their districts. If any vacancies are not filled by December 1 of each school year, the CAC may request that these be filled by appointment by the SELPA Director.

The CAC shall have the authority and fulfill the responsibilities that include, but are not limited to, all the following:

1. Advising the policy and administrative entity of the district, special education local plan area, or county office, regarding the development, amendment, and review of the local plan.
2. Recommending annual priorities to be addressed by the plan.
3. Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.

4. Encouraging community involvement in the development and review of the local plan.
5. Supporting activities on behalf of individuals with exceptional needs.
6. Assisting in parent training and staff development.

The SELPA local plan for special education shall be developed cooperatively with input from the community advisory committee and appropriate representation from special and regular teachers and administrators selected by the groups they represent to ensure effective participation and communication.

Signed verification shall be on file that the plan has been reviewed by the community advisory committee. The CAC shall be provided sufficient time to conduct this review prior to submission of the plan to the Governing Body.

Policy Adoption

The Governing Body, also known as the North Orange County Superintendents Cabinet (NOCSC), has the primary function of providing policies to guide the actions of those to whom it delegates authority. These policies shall be recorded in writing.

The formulation and adoption of these written policies shall constitute one method by which the NOCSC shall exercise its leadership in the operation of the local plan.

In formulating policies, the Governing Body shall adopt general principles and statements of intent. The SELPA Director and his professional staff shall take action in addition to that. Application of such policies to individual problems and tasks is an administrative function to be performed by the SELPA Director. The SELPA Director shall, in turn, when necessary, or when directed by the NOCSC, prepare written regulations to ensure the implementation of the Governing Body policy.

The SELPA Director, in cooperation with staff and the Governing Body, shall recommend policies for adoption and recommend revision of existing policies. Policies and/or revisions may be proposed by any member of the NOCSC, by any lay group or organization, or by any citizen.

Specific policy proposals and suggested amendments to or revisions of existing policies shall be submitted to all members of the Governing Body in writing prior to a regularly scheduled NOCSC Meeting. No policy or amendment or revision shall be adopted unless it has been discussed at a meeting prior to adoption unless a majority of the Governing Body votes otherwise.

It shall be the duty of the Governing Body to reappraise its policies periodically in view of the changing needs of the community and schools.

Suspension of Policy and Regulations

Policies require frequent updating. The Governing Body should not be forced into a position of strict adherence to policies that need revision or are out of compliance. By

allowing the suspension of policy on the rare occasions when necessary, this policy ensures that the Governing Body's capacity to govern will not be limited by out-of-date policies. The suspension is a temporary measure to give the Governing Body adequate time to study changing legislation or changing circumstances within the community.

Governing Body adopted Policies and Administrative Regulations shall be subject to suspension for a specified purpose and limited time by majority vote of all members of the Governing Body.

The SELPA Director may suspend all or part of any policy or administrative regulation when it conflicts with state or federal law or regulations. The SELPA Director shall report the suspension to the Governing Body. The suspension shall be valid until the policy or administrative regulation is rescinded, amended or reaffirmed.

Parliamentary Procedure

Meetings of the Governing Body, also known as the North Orange County Superintendents Cabinet, will be conducted according to accepted parliamentary procedure and all business will be transacted by the Governing Board's action as a committee of the whole. Meetings shall be conducted in accordance with the procedures set down in Robert's Rules of Order, Newly Revised (RONR).

Public Meetings

In accordance with state open meeting laws (Brown Act), the Governing Body shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Governing Body meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Governing Body procedures.

Closed Sessions

The Governing Body may hold closed sessions only for purposes identified in the law. The Governing Body may hold a Closed Session at any time during a regular or special meeting and during emergency meetings in accordance with law. The agenda shall contain a brief general description of all closed session items to be discussed. The Governing Body shall disclose in open meeting the items to be discussed in closed session. In the closed session, the Governing Body may consider only those matters covered in its statement

The Board may hold Closed Sessions to consider personnel matters; consider employment or dismissal of an employee; give direction to its designated representative in negotiations; hear complaints or charges against any employee; or consider the expulsion, suspension, or disciplinary actions, or any other action, in connection with any pupil of the North Orange County SELPA School, if a public hearing would lead to giving out of information concerning the pupil; and to consider legal matters within the attorney/client privilege . Discussion of the subject matters listed above, or any other matters authorized by law or Closed Session, shall be kept confidential except to

the extent they are expressed in Governing Body Minutes.

Special Meetings

Special Meetings may be called at any time by the presiding Chair of the Governing Body or by a majority of members of the Governing Body.

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting.

Any Governing Body member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the Executive Secretary of the Governing Body or by being present at the meeting at the time it convenes.

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Governing Body concerning any item that has been described in the meeting notice, before or during the item's consideration.

Dispute Resolution

In the event of a disagreement among local education agencies, Administrative Unit (AU), and/or the SELPA regarding the distribution of funding, responsibility for service provision or any other governance activities specified in the Local Plan, it is the intent of the Governing Body that issues be resolved at the lowest level possible. The North Orange County Superintendents Cabinet (NOCSC) is to be the last resort. This policy is intended to resolve disagreements within a period of 45 days but is not intended to undermine local authority.

If a local education agency disagrees with a decision or practice of another agency or the SELPA, that local education agency has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the assistance of the SELPA Director, or his/her designee, or the Chair of the NOCSC. If this process fails, the parties may pursue a hearing on the issues and resolution with the Governing Body.

If either party disagrees with the recommendation of the Governing Body, and the dispute relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, the parties agree to submit the dispute to mediation. The parties will make a good faith effort to mutually agree to a mediator with expertise related to the dispute. If the parties cannot agree on a mediator, the parties will submit the dispute to mediation administered by the American Arbitration Association under its Commercial Mediation rules.

Any dispute unresolved in mediation, arising from a dispute that relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. If the parties agree, a mediator involved in the parties' mediation may be asked to serve as the arbitrator.

Each party shall bear its own costs and expenses; and in addition to, an equal share of the mediator's and/or arbitrator's administrative fees of arbitration.

Civility

This policy is intended to promote mutual respect, civility, and orderly conduct among all employees of member local education agencies (LEA) within the North Orange County Special Education Local Plan Area.

It is required that all employees conduct themselves in a professional manner and treat parents and members of the general public with dignity, respect and expect the same in return. Each member local education agency is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school/LEA grounds.

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 workplace for our students and staff.

Presenting a positive and professional demeanor to our children and community is encouraged and required by all employees of NOC SELPA member local education agencies.

Volatile, hostile or aggressive actions are discouraged and considered unacceptable behavior. Each North Orange County SELPA member LEA seeks public cooperation with this endeavor.

Disruptions

Any individual who disrupts or threatens to disrupt school/office operations; threatens the health and safety of students or staff; willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; harasses staff with frequent and abusive emails; or who has otherwise established a continued pattern of unauthorized entry on school district property, will be directed to leave school or school district property promptly by the Superintendent, principal or designee.

If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the district employee will verbally notify the abusing party that his/her participation in the meeting, conference or

telephone conversation is terminated and, if the meeting or conference is on district premises, the offending person will be directed to leave promptly.

When an individual is directed to leave under the above circumstances, the Superintendent, principal or designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with Californian Education Code 4481 I and Penal Codes 415.5 and 626.7 if he/she reenters any district facility within 30 days after being directed to leave, or within seven days if

the person is a parent/guardian of a student attending that school. If an individual refuses to leave upon request or returns before the applicable period of time, the Superintendent, principal or designee may notify law enforcement officials.

Safety and Security

When violence is directed against an employee, or theft against property, employees shall promptly report the occurrence to their principal or supervisor and complete an Incident Report. An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian.

Documentation

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.

Following any violation of the provisions of this policy, the employee will immediately notify his/her supervisor and provide a written report of the incident.

14. Personnel Qualifications 20 USC §1412 (a) (14)

Assurance

It shall be the policy of the North Orange County SELPA to make an ongoing, good faith effort to recruit and hire appropriately and adequately trained personnel, as defined by state standards to provide special education and related services to children with disabilities. Where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable coursework necessary to meet state standards shall be assigned.

Procedures

With the serious shortage of teachers and specialists, the Commission on Teacher Credentialing (CTC) after two years of in-depth studies and public input, adopted a new credentialing structure for special education credentials in California, which is now being implemented. All prior issued credentials continue in force, but new candidates are now required to obtain one or more of the following credentials:

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

The result is the basic elementary or secondary teaching credential is no longer required. However general education knowledge, skill, and field experience are embedded in the special education standards. Many credential-granting institutions have established a blended or joint general education/special education credential program. Several new programs have been developed to support teacher candidates in beginning their careers through internships and mentoring programs. Another major change in teacher credentials is the issuance of a limited term preliminary level credential, a professional clear level credential, and a requirement of 150 hours of professional growth for the renewal of the professional-level credential every five years. Teachers in nonpublic schools must meet the same credentialing standards.

Resource Specialist Caseload

It shall be the policy of the SELPA that for those local education agencies (LEA) that wish to implement a resource specialist program, they shall adhere to and provide all services listed in 30 EC 56362. No resource specialist shall have a caseload which exceeds 28 pupils. The SELPA shall not require the implementation of a resource specialist program. If an LEA wishes to implement programs other than a resource specialist program, caseloads shall be determined by individual LEA collective bargaining agreements and local board policy.

Speech/Language Pathologist Caseload

The maximum caseload for a speech and language specialist providing services exclusively to individuals with exceptional needs, between the ages of three and five years, inclusive, as defined in Section 56441.11 or 56026, shall not exceed a count of 40. 30 EC 56441.7 (a)

The average caseload for language, speech, and hearing specialists in special education local plan areas shall not exceed 55 cases, unless the local plan specifies a higher average caseload and the reasons for the greater average caseload. 30 EC 56363.3

Individual member local education agencies (LEA) may collectively bargain other averages with its bargaining units, so long as the maximum number does not exceed the previously stated counts for the SELPA.

15. Performance Goals and Indicators 20 USC § 1412 (a) (15) Assurance

It shall be the policy of the North Orange County SELPA and the member districts to comply with the requirements of the performance goals and indicators developed by the California Department of Education (CDE) and provide data as required by the CDE. A review of the District performance goals and indicators is made on at least an annual basis to determine priorities for program improvement.

Procedure

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

The SELPA regularly updates the California Department of Education (CDE) with data through the California Special Education Information System (CASEMIS) reporting program to address the performance of children with disabilities related to the key performance indicators.

Among activities related to the State Performance Plan are regionalized services to LEA programs for the provision of an ongoing review of programs and data monitoring procedures utilized. These include, but not limited to:

- Review and analysis of LEA CASEMIS Data;
- Participation in the state's Quality Assurance Process (i.e., Self-Reviews, Verification Reviews) and follow-up;
- Provision of ongoing training and technical assistance regarding compliant special education procedures;
- Collection and examination of data regarding the over/under representation of racially, ethnically, linguistically and culturally diverse students to determine whether an imbalance exists;
- Collection and examination of data regarding IEP and assessment timelines.

16. Participation in Assessments 20 USC § 1412 (a) (16)

Assurance

It shall be the policy of the North Orange County SELPA that all students with disabilities shall participate in state and district-wide assessment programs, with appropriate accommodations, where necessary. For those children with disabilities who cannot participate, the alternate assessment may be conducted. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

Procedures

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

Students with significant cognitive disabilities should participate in the state alternate assessment system, in accordance with state guidelines for determination of appropriate assessment participation.

17. Supplementation of State/Federal Funds 20 USC § 1412 (a) (17)

Assurance

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds. Up to 15% may be used for coordinated pre-referral interventions.

18. Maintenance of Effort 20 USC § 1412 (a) (18)

Assurance

It shall be the policy of this SELPA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement state, local, and other Federal funds and not to supplant those funds; and will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

Procedure

The state is the "grantor" of federal funds and the North Orange County SELPA is the recipient of the grants. MOE on the part of the SELPA is monitored by the California Department of Education (CDE) aka the state. The expenditure data of the participating districts within the North Orange County SELPA will be consolidated to determine if the SELPA as a whole has met the MOE requirements.

As long as the SELPA passes the MOE tests, failure by an individual LEA within the North Orange County SELPA to meet the MOE test by itself will not result in sanctions to the SELPA from the State. If the North Orange County SELPA does not pass the budget-to-actual test, none of the participating members will be eligible to receive Part B funding.

As the grantor of IDEA Part B funds to individual districts within the multidistrict North Orange County SELPA, it is the SELPA's responsibility to determine the

eligibility of each district for IDEA funds.

Local Penalties Assessment Process for a LEA not Meeting MOE:

When a local educational agency (LEA) does not meet the MOE tests, but the SELPA as a whole has met the MOE requirements, then the matter is brought to Governance Body for resolution. If a LEA does not meet with the MOE requirements due to a redistribution of federal funds within the SELPA, there will be no penalty applied to that LEA.

When a LEA does not meet the second MOE test and the SELPA as a whole does not meet the MOE requirement, the SELPA will be billed for repayment of federal funds equal to the amount by which state and local spending was reduced. The LEA which did not meet the MOE and caused the SELPA not to meet MOE will be assessed the amount of repayment of federal funds on a proportionate basis.

When CDE determines the SELPA has not met MOE by comparing budgeted expenditures of the current fiscal year to unaudited actual expenditures of the prior fiscal year (October 15 data submission), the SELPA will not be eligible to receive federal special education funding. At this point, the SELPA would determine which LEA is responsible for not meeting SELPA-wide MOE. The LEA AB602 funding allocation will be reduced by the amount by which the district did not meet its MOE as approved by Governance Body.

Three Part MOE Test Process:

Test 1:

SELPA Test: The SELPA's state and local special education budget is at least equal to that which was spent in the prior year, either in total or on a per-capita basis

Test 2:

SELPA Test: The SELPA can treat up to 20% of its increase in Federal Part B IDEA funds as local funds, which may result in meeting the MOE requirement.

Test 3:

LEA Test: The SELPA can determine if the reduction in budgeted expenditures, as determined from Tests 1 and 2, was due to any of the following events.

Amounts associated with these will be offset against the budget reduction (either on a combined state and local expenditures or on local expenditures only) to determine if the reduction is exempted, in full or in part, due to these causes.

1. Voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel, who are replaced by qualified, lower-salaried staff.
2. A decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of

special education to a particular child with a disability that is an exceptionally costly program, as determined by the CDE, because the child:

- Has left the jurisdiction of the agency;
- Has reached the age at which the obligation of the agency to provide free, appropriate public education (FAPE); or

4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

19. Public Participation 20 USC § 1412 (a) (19)

Assurance

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

Procedure

Members of the public, including parents or guardians of students with disabilities who are receiving services under the Local Plan, may address questions or concerns at regularly scheduled meetings according to Brown Act requirements to receive and take action on information or business related to special education and the administration of North Orange County SELPA.

20. Rule of Construction 20 USC § 1412 (a) (20)

(Federal requirement for State Education Agency only)

Not Applicable

21. State of Advisory Panel 20 USC § 1412 (a) (21)

Not Applicable

22. Suspension/Expulsion 20 USC § 1412 (a) (22)

Assurance

It shall be the policy of the North Orange County SELPA that data on suspension and expulsion rates will be provided in a manner prescribed by the State.

Procedures

California has an extensive law with regard to suspension and expulsion. Educational opportunities are provided to all expelled students. The principal of each school is responsible for keeping detailed records and reporting each incident to the district and board of education. The district, in turn, is responsible for reporting annually to the Department of Education data on the numbers of students recommended for expulsion, the grounds for the recommendation, the action taken, the type of referral for education, and the disposition of the pupil at the end of the expulsion period. The Department of Education analyzes the data to determine if a LEA has a significant discrepancy from

state averages. Failure to submit a timely report requires the state superintendent to withhold further apportionment of funds to the LEA. The California Code of Regulations requires LEAs to report annually to the Department all events requiring an "emergency behavioral report" indicating a student with a disability has had an event of serious behavior the nature of which could be grounds for suspension or expulsion. The Department is required annually to provide the data from these reports to the Commission on Special Education. The Special Education Division is organized into geographic regions for providing focused monitoring and technical assistance and for the purpose of maintaining a close relationship with the LEAs and the performance of their students with disabilities. A database of key performance indicators (KPI) is kept and analysis is made on an ongoing basis to provide assistance whenever KPIs indicate a potential problem. In this mode, excessive suspension and expulsion rates will trigger an action for Department and North Orange County SELPA staff to work to determine the basis for and a resolution to the problem. Such an indicator may also target the LEA for an on-site review if a timely and satisfactory resolution has not been implemented.

In accordance with federal requirements: 20 USC 14121 (a) 22, it shall be the policy of the North Orange County SELPA that the state prescribed data rates on suspension and expulsion will be collected on the District's CALPADS system. The data will be reported to the State Department of Education as directed by State guidelines.

23. Access to Instructional Materials 20 USC § 1412 (a) (23)

Assurance

It shall be the policy of the North Orange County SELPA 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.

Procedure

Students with low incidence disabilities, i.e. deaf, hard of hearing, deaf/blind, visual impairment, and orthopedic impairment, are assessed by trained personnel and identified as eligible for special education services by individualized education program (IEP) teams. Personnel completes a written report that documents the need for specialized services, materials, and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to Education Code Section 56136. The specialized equipment and service needs for each student to achieve the designated goals and objectives and to progress and be involved in the general education curriculum are identified on the IEP document. The students are tracked by the management information system (MIS) of the SELPA.

Students with print disabilities have access to appropriate materials including Braille materials, large print, and recorded media. Materials are transcribed into Braille as required by the needs of each student.

Large print, Braille, and recorded state-adopted textbooks for students in kindergarten through grade eight are available through the Clearinghouse for Specialized Media and Technology.

These materials are at no cost to the SELPA or to the LEA and need not be subject to a request for low incidence funds. Districts with students with print disabilities may obtain these materials by contacting vision teacher(s), the assistive technology consultant, or the program manager responsible for vision services. High school students may receive alternate texts through the High School Reimbursement Program or through the loan of materials from other SELPAs or school districts in California. This process may be initiated in the same manner as other alternates to regular print materials.

Each individual LEA shall maintain a database of materials purchased with low incidence funds. The database shall be updated each summer.

24. Overidentification and Disproportionality 20 USC § 1412 (a) (24)

Assurance

It shall be the policy of the North Orange County SELPA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

Procedure

Collaborative and technical support provided by the SELPA includes, but is not limited to the review and analysis of individual local education agency (LEA) CASEMIS Data, including the collection and examination of data regarding the over/under representation of racially, ethnically, linguistically and culturally diverse students to determine whether an imbalance exists within the LEA.

Correction of these problems may be carried out through, but not limited to the following means:

- Provision of training and technical assistance as necessary to clarify compliant practices with appropriate LEA staff;
- Assistance with correction of non-compliant procedures or practices identified through state and local compliance complaint investigations;
- Regular meeting with district superintendents and special education directors;
- Individual consultation with LEA administrative staff.

In cases where the identified problem persists following implementation of such steps as outlined above, the LEA superintendent and special education director shall be notified regarding the issue.

25. Prohibition on Mandatory Medicine 20 USC § 1412 (a) (25)

Assurance

It shall be the policy of the North Orange County SELPA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Control Substance Act as a condition of attending school or receiving a special education assessment and/or services.

Procedure

Local educational agency (LEA) personnel are prohibited from requiring an individual with exceptional needs to obtain a prescription for medication that is a substance covered by the Controlled Substances Act as a condition of attending school, receiving an assessment, or receiving services.

This does not create a prohibition against teachers and other school personnel that may consult or share classroom-based observations with parents or guardians regarding a pupil's academic and functional performance, his/her behavior in the class or school, and/or the need for assessment for special education and related services.

26. Distribution of Funds 20 USC § 1411 (e), (f) (1-3)
(Federal requirement for State Education Agency only)

Annual Budget and Fiscal Allocation Plan

It shall be the policy of the SELPA to allocate special education funds based on funding for the SELPA as a whole. Per AB 602, funding is calculated for the SELPA as a whole, and it shall be the SELPA's responsibility to allocate funding among its member local educational agencies (LEA) based upon allocation policies and regulations approved the Governing Body.

There shall be a budget review process annually. Should the proposed expenditures result in a deficit spending condition, the Governing Body shall determine if these expenses will be reduced to match the annual income, funded from SELPA reserves, or funded by additional contributions from the SELPA members. The level of reserves shall also be addressed annually, with a method of distribution decided upon, should reserves be determined too excessive.

FISCAL ALLOCATION PLAN

Summary of Funding Components for the SELPA

AB602 SELPA Block Grant Components:

- Cost of Living Adjustment (COLA)
- County Property Taxes
- Equalization
- Federal Local Assistance (IDEA Part B)
- K-12 ADA Growth
- Special Disability Adjustment State Special Education Allocation

Regionalized Operations & Services Funded by the State:

- Program Specialists

- Regionalized Services

Separate State Funding Allocations to SELPA

- LCINonpublic School/Nonpublic Agency
- Low Incidence Equipment and Materials
- NPS Extraordinary Cost Pool
- Alternative Dispute Resolution Grant

Separate Federal Grant Allocations to SELPA

- All Staff Development
- IDEA Part C Infant
- Infant Discretionary
- Preschool Local Assistance IDEA Part C
- Preschool PL 99-457
- Preschool Regionalized Services/Program Specialist

Other Special Education Funds Outside SELPA Block Grant

For further information regarding AB 602 funding, please visit the California Department of Education website: <http://www.cde.ca.gov/fa/aa/sc/ab602apptdata.asp>

27. **Data 20 USC § 1418 (a-d)**

Assurance

It shall be the policy of this LEA to provide data or information to the CDE that may be required by regulations. It is the responsibility of the SELPA Director to gather and forward to the CDE needed data.

Procedure

A management information system (MIS), known formally as the Special Education Information System (SEIS), contains current information for all students in North Orange County SELPA being provided special education and/or related services, including the number of enrolled individuals with exceptional needs receiving each type of service provided. Each local educational agency (LEA) will maintain their pupils within the SELPA MIS and the SELPA will oversee global procedures within the MIS, which include but are not limited to:

- IEP forms development and adoption.
- Maintenance of school codes.
- Consult and support with user login and access.
- Advise on data confidentiality.

In addition, the system will maintain the number of students receiving special education services participating in the regular school and district assessments and the number

participating in an alternate assessment process. This information is available to all staff that has access to confidential information.

Each LEA has access to the students residing within their district who receive special education and/or related services. Each case manager has access to the students on his or her caseload.

Information regarding current caseloads and due dates for IEP meetings and triennial evaluations is available at all times through the use of the MIS data program and upon individual request.

The North Orange County SELPA provides ongoing training to staff throughout the SELPA on the use of the data program and on data collection requirements. The data kept by the SELPA MIS program is submitted to the California Special Education Management Information System (CASEMIS) biannually, as required by State Education Code.

28. Reading Literacy (State Board requirement, 2/99)

Assurance

It shall be the policy of this SELPA that in order to improve the educational results for students with disabilities, the local plan shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

State Board Requirement 2/99

Further, all special education students will have full access to all required core curriculums, including state adopted core curriculum textbooks and supplementary text books, as well as instructional materials and support to attain California's state content standards.

Procedure

In order to meet the SELPA policy, participating local educational agencies (LEA) within the SELPA will assure that all special education instructional personnel are provided with opportunities to participate in staff development in all curricular areas, including information about current literacy and learning research, and state adopted standards and frameworks. This will be accomplished by ensuring that all special education staff has access to a "bank" of IEP goals and objectives which are correlated to California's state curricular standards, access to state standards and frameworks, and access to the California Reading Initiative Handbook. Staff development opportunities may include, but are not limited to, training on the following topics:

1. Current literacy and learning research, including
 - a. phoneme awareness;
 - b. systematic, explicit phonics instruction;
 - c. spelling and vocabulary instruction;

- d. diagnosis of reading deficiencies and planning/delivery of appropriate reading instruction based on assessment;
 - e. research on how children learn to read and how proficient readers read;
 - f. the structure of the English language;
 - g. relationships between reading, writing, and spelling;
 - h. improving reading comprehension;
 - i. ensuring students receive direct instruction at their instructional reading level, and
 - j. ensuring students read a variety of books at their independent reading level.
2. State adopted standards, including
- a. participation of students with disabilities in statewide student assessments; and
 - b. research-based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the numbers of children with disabilities who are literate.

Additional support includes the dissemination of information from Orange County Office of Education's Department of Curriculum and Instruction to all districts on topics related to literacy and learning research, curriculum development, and state adopted standards and frameworks. This consists of information on upcoming training related to these topics.

29. Charter Schools EC 56207.5 (a-c)

Assurance

It shall be the policy of this LEA that a request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district.

Procedure

This regulation applies to all charter schools that are chartered by North Orange County Special Education Local Plan Area (SELPA) member districts or the Orange County Department of Education (OCDE), or granted a charter on appeal by the Orange County Board of Education or the State Board of Education in which oversight responsibilities have been assigned to a district within the SELPA. This regulation does not extend to a charter school that was chartered by, or assigned to, an entity that is not a member of the SELPA.

As students enrolled in charter schools are entitled to special education services provided in the same manner to students enrolled in other public schools, charter schools within the SELPA shall comply with all requirements of state and federal law regarding provision of special education services (Education Code § 56000 et seq., Individuals with Disabilities Education Act 20 U.S.C. Chapter 1400). A charter school shall not discriminate against any pupil in its admission criteria on the basis of disability. Students enrolled in charter schools chartered by member entities shall receive the same services as students enrolled in other public schools within the

SELPA. Funding for special education services, participation in governance structures and responsibility for the provision of services shall be based on the categorization of the charter school.

Charter schools must delineate in their petition or a memorandum of understanding (MOU) the entity responsible for providing special education instruction and services. This document must reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits and/or proration factors in funding. This document must affirm, in writing, that the district where the student resides, if different than the chartering entity, is not responsible for providing special education services to students that are enrolled in the charter school. That is, the charter school will acknowledge in its petition or MOU that the district where the student resides is not responsible for special education once the child leaves the district. The written agreement must also state that prior to final approval of a request to be deemed a local educational agency (LEA), the charter school will be deemed a public school within the chartering entity. The charter school is deemed a public school when first granted a petition and cannot be deemed a LEA in this SELPA until the charter school has complied with all procedures outlined in this policy.

SELPA Involvement with Approval & Renewal of Charters:

Prior to approval of a new charter school, or renewal of an existing charter school, the petitioner shall consult with both the superintendent or designee of the chartering entity and the SELPA Director to ensure that the charter school responds to the district and SELPA guidelines and timelines as they relate to special education. The petition presented must provide assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with state and federal law and the SELPA Local Plan for Special

Education (Local Plan). The petition shall provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services. The petitioner must confirm in writing that they will not discriminate due to disability. Each charter petition must contain a reasonably comprehensive description of the charter school's educational program, as it relates to the provision of special education services, including the following:

- The specialized instruction and services available at the charter school;
- The procedures for ensuring that students are referred, assessed and served in a timely manner;
- Assurances that staff members providing special education services and appropriately credentialed;
- Assurances that the facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program; affirming charter school

responsibilities under Section 504 of the Rehabilitation Act of 1973 (34 CFR 104) hereinafter "504."

- Disenrollment, suspension and expulsion policies and procedures must ensure that the protections of federal and state law are afforded to special education and 504 eligible students; and
- Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.

Categories of Charter Schools:

For the purposes of the provision of special education services, charter schools shall be deemed either a public school within the chartering district or a LEA that receives funds and provides services independent of the chartering entity. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed a LEA following this policy and decision-making process outlined in the Governance of the Local Plan. The categorization as a separate LEA will become effective on the first day of the fiscal year (July 1), following final approval by the SELPA Governing Body known as the North Orange County Superintendents Cabinet (NOCSC).

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

The chartering entity will:

- Receive all applicable special education funds as specified in the SELPA
- Assembly Bill (AB) 602 Funding Allocation Plan. If chartered by a district, the allocation for the charter school will be based on the MOU and will be no less than that received by schools and programs within the chartering entity. If the chartering entity is OCDE, the allocation for the official ADA count in the charter school will be equal to the average allocation per ADA of member districts within the SELPA. For example, a Charter distance learning center may receive an adjusted ADA for funding, which is not its actual ADA.
- Represent the needs of the charter school in the SELPA governance structure;
- Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner, no

- matter where the child may live;
- Be responsible for procuring and funding appropriate special education services, where ever the student may reside; and
- Provide necessary special education services or contract for these services with public or private educational agencies.

The chartering entity and the charter school may enter into business agreements or contracts whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs. When the chartering entity is a district, the charter school will 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 contributing an equitable share of its charter school block grant funding. The district may waive this charge but will document such waiver with a memorandum of understanding between the district and the charter school.

B. Charter School as A LEA Within The SELPA:

A charter school that was chartered by or assigned to a SELPA member (district) may apply to the Governance Body of the SELPA to become a LEA for the provision of special education services. The application must be made to the SELPA on or before February 1 of the school year preceding the school year in which the charter school anticipates operating as a LEA within the SELPA. LEA status will not become effective prior to July 1 of the year in which final approval was granted. Once granted LEA status, a charter school will participate on an equal basis with other members in the governance of the SELPA.

The LEA charter school will choose a representative to the NOCSC and a representative to the North Orange County Directors Council (NOCDC). The representative to the Governing Body must be the chief executive officer pursuant to the governance bylaws. The representative to the NOCDC must be an administrator or other assigned individual that is responsible for special education representation pursuant to the SELPA Bylaws. Both of these individuals must be employees of the charter school.

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

- Provide assurances that all individuals with exceptional needs (ages birth to 22) shall have access to appropriate special education programs and services;
- Provide assurances that each certificated employee is appropriately credentialed to serve in his/her assignment;
- Provide necessary staff as required to meet federal and state mandates;

- Follow all SELPA policies and procedures;
- Utilize SELPA approved forms;
- Place special education students in programs administered by other SELPA members only with the expressed consent of the receiving entity and reimburse the LEA for cost of services to the same extent that the receiving entity might charge another district;
- Provide for transportation as indicated on the student's IEP; and
- Indemnify and hold harmless each of the member entities

Once deemed a LEA, the charter school shall:

- Participate in governance of the SELPA by naming one representative to the NOCSC and a representative to the NOCDC;
- Contribute to, participate in, and receive the benefits of reimbursement from the SELPA Extraordinary Costs Pool in the same manner as other members, and for the same costs as may be agreed to by the Governing Body.
- Receive state and federal funding for special education in accordance with the SELPA AB 602 Funding Allocation Plan. The LEA charter school will be entitled to special education allocations that are based on the school's ADA at the average rate received by member districts.
- Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, services, transportation, nonpublic school/agency placements, inter/intra-SELPA placements, due process proceedings, complaints and attorney fees;
- Document that all State and Federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities; and

Special education apportionment must be used solely for the purpose of providing special education instruction and/or services to identified students with disabilities. Any apportionment not used for provision of special education will be reviewed by the Governing Body for potential recapture and/or reallocation of funds.