

LOCAL PLAN

Section B: Governance and Administration

SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

January 2020

SELPA El Dorado County SELPA

Fiscal Year 2021-22

B. Governance and Administration

California *Education Code (EC)* sections 56195 et seq. and 56205

Participating Local Educational Agencies

Participating local educational agencies (LEAs) included in the Special Education Local Plan Area (SELPA) local plan must be identified in Attachment I.

Special Education Local Plan Area—Local Plan Requirements

1. Describe the geographic service area covered by the local plan:

The El Dorado County SELPA is a multi-district SELPA comprised of fourteen local education agencies, and the El Dorado County Office of Education. The LEAs are joined together to provide for the coordinated delivery of programs and services to special needs students. The El Dorado County Office of Education is the designated Responsible Local Agency/Administrative Unit (RLA/AU) for the El Dorado County SELPA. The El Dorado County Office of Education is considered an LEA for all purposes of this agreement except where referred to as the RLA/AU. In adopting the local plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan and to ensure equal access to programs and services to eligible persons requiring special education in the service region.

The following 15 Local Education Agencies (LEAs) comprise the El Dorado County SELPA:

1. Black Oak Mine Unified School District
2. Buckeye Union School District
3. Camino Union School District
4. El Dorado County Office of Education
5. El Dorado Union High School District
6. Gold Oak Union School District
7. Gold Trail Union School District
8. Indian Diggings School District
9. Latrobe School District
10. Mother Lode Union School District
11. Pioneer Union School District
12. Placerville Union School District
13. Pollock Pines School District
14. Rescue Union School District
15. Silver Fork School District

SELPA El Dorado County SELPAFiscal Year 2021-22

2. Describe the SELPA regional governance and administrative structure of the local plan. Clearly define the roles and structure of a multi-LEA governing body, or single LEA administration as applicable:

The governance structure of the SELPA is established by agreement among the governing boards of the member LEAs. It consists of the SELPA Superintendents' Council, the SELPA Executive Committee, and the Community Advisory Committee. The SELPA Administrator may convene additional committees. The SELPA Administrator is responsible for the coordination of the SELPA and the implementation of the local plan.

ADMINISTRATIVE UNIT

Pursuant to the provisions of Education Code Section 56030 et seq., the Administrative Unit (AU) shall receive and distribute regionalized service funds, provide administrative support and coordinate the implementation of the El Dorado County Local Plan for Special Education in all member districts located within the El Dorado County SELPA. The AU shall perform such services and functions required to accomplish the goals set forth in the plan.

California Education Code Section 56200(c)(2) requires that the Local Plan, "specify the responsibilities of each participating county office and district governing board in the policy-making process, the responsibilities of the superintendent 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 plan." In accordance with this provision, the El Dorado County SELPA has developed the following governance structure and policy development and approval process:

RESPONSIBILITIES OF EACH GOVERNING BOARD IN THE POLICY-MAKING PROCESS AND PROCEDURES FOR CARRYING OUT THE RESPONSIBILITY

The governing board for each district and the County Board of Education approves the Agreement for Participation and the Local Plan for Special Education. As described within those documents, the Boards of Education delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the SELPA.

SELPA SUPERINTENDENTS' COUNCIL

The SELPA Superintendents' Council (SSC) is an administrative body that shall consist of a superintendent from each of the participating LEAs and the superintendent of the AU or a designee, each of whom shall provide a liaison function between the LEA governing board and the SSC. LEA superintendents exercise their authority and responsibilities in accordance with policies and procedures of their local governing boards and within the voting procedures of the SSC. The SSC shall consider recommendations submitted by the SELPA and take action as appropriate. The SELPA will serve as staff to the SSC and will have the responsibility for the coordination and implementation of SSC decisions. The SSC shall have final authority to act upon fiscal and policy recommendations. Effective July 1, 2020, each LEA represents one (1) of the fifteen allotted votes on the SELPA Superintendents' Council.

The El Dorado County Office of Education is considered an LEA for all purposes of this agreement except where referred to as the AU.

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Representatives of a majority of member LEAs must be present in order to form a quorum and take action on any item. For instance, to form a quorum requires attendance by fifty percent (50%) plus one of the members (8 LEAs). Approval of any action requires a majority vote of the quorum.

The SCC shall adopt a public meeting schedule annually according to Brown Act requirements to receive and information or take action on SELPA recommendations.

SPECIAL EDUCATION COMMUNITY ADVISORY COMMITTEE - CAC

Each district shall be entitled to appoint one parent representative, approved by the LEA governing board, to participate in the Special Education Community Advisory Committee to serve staggered terms in accordance with E.C. § 56191 for a period of at least two years. Selected parents will be the parent of a child with a disability. This group will advise the SELPA Administrator on the implementation of the El Dorado County Local Plan for Special Education in ("Local Plan").

The Community Advisory Committee shall have the authority and fulfill the responsibilities that as defined in statute and the local plan.

3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan:

The SELPA will ensure that there are opportunities for public participation prior to the adoption of any SELPA policies or procedures. In order to support and encourage public participation, the SELPA will hold public hearings, provide adequate notice of the hearings, and provide opportunities for members of the public, including individuals with disabilities and parents of children with disabilities, to review and comment on any proposed policies, procedures, and/or regulations necessary for compliance with Part B of the IDEA.

Pursuant to the Local Plan, any proposed policies (or amendments to policies) are presented to the SELPA Superintendents' Council for a first reading and then brought back for revision, review and/or adoption at a later meeting.

While under SELPA Superintendents' Council review, the proposed policies are available for review and comment by member districts, the public, parents of children with disabilities, and individuals with disabilities. During this period of review, the Council may decide to request that the proposed policies (or amendments) be reviewed by other ad hoc committees or groups.

SELPA El Dorado County SELPA

Fiscal Year 2021-22

EDCOE SELPA Policy Revision Process

1. The SELPA identifies the need to revise a policy.
2. The SELPA creates a draft policy.
3. The draft policy is presented to the SELPA Executive Committee for input and approval to present to SELPA Superintendents' Council for a first reading.
4. Presented for a first reading to the SELPA Superintendents' Council.
5. Solicit public input (Program Representatives, Community Advisory Committee, EDCOE SELPA website) for no less than twenty (20) days.
6. The SELPA will compile input and consider revisions based on public input.
7. The compiled public input will be presented to the SELPA Executive Committee.
8. The SELPA will provide public notice of the pending adoption at the next SELPA Superintendents' Council meeting.
9. The policy and compiled input will be presented to the SELPA Superintendents' Council for approval.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan:

The El Dorado SELPA has designated the El Dorado County Office of Education as the Responsible Local Agency/Administrative Unit (RLA/AU) and the County Superintendent of Schools as the Superintendent of the RLA/AU. The SELPA administrative unit coordinates and implements the local plan under the supervision of the County Superintendent of Schools.

5. Describe the policies and procedures of the SELPA that allow for the participation of charter schools in the local plan:

It shall be the policy of the El Dorado County SELPA that special education and related services shall be provided to all eligible individuals within the jurisdiction of the El Dorado County SELPA in accordance with the El Dorado County SELPA Local Plan. Students enrolled in charter schools chartered within El Dorado County shall receive services in a manner similar to students enrolled in member districts with the El Dorado County SELPA. Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the status of the individual charter school.

This policy applies to all charter schools that are chartered by educational entities located within the geographic boundaries of the member districts of the El Dorado County SELPA. This policy also applies to any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to a district within the El Dorado County SELPA. As students enrolled in charter schools are entitled to special education services as required by state and federal funding, the charter schools will comply with all requirements of state and federal law regarding

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

provision of special education services. Children with disabilities and their parents shall retain all rights under the IDEA.

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

6. Identify and describe the representation and participation of the SELPA community advisory committee (CAC) pursuant to EC Section 56190 in the development of the local plan:

The El Dorado County SELPA has established a Community Advisory Committee (CAC) for special education. The El Dorado County's Community Advisory Committee is established pursuant to Education Code 56190-94. The members of this Community Advisory Committee (Education Code Section 56191) shall be appointed by and be responsible to the Governing Board of each participating district. The CAC shall be an advisory entity to the RLA/AU, Governance Structure and the CAC.

The CAC is comprised of parents of students with disabilities enrolled in public or non-public schools within the El Dorado County SELPA boundaries and may include students and adults with disabilities, general education teachers, special education providers and other school personnel within the SELPA, representative of other public or non-public agencies, and persons concerned with the education of persons with disabilities.

The responsibilities of the CAC shall include advisement to the SELPA in the development, amendment, and review of the Local Plan. They shall have no less than 30 days to conduct this review. The SELPA shall review and consider comments from the CAC pursuant to EC section 56205(b)(7).

7. Describe the SELPA's process for regular consultations regarding the plan development with representative of special education and regular education teachers, and administrators selected by the groups they represent and parent members of the CAC:

The El Dorado County SELPA's process for regular consultations regarding the plan development with representatives of special education and regular education teachers and administrators by the groups they represent, and parent members of the CAC shall occur as often as deemed necessary and no less than every three years.

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

The Local Plan is developed and updated cooperatively. The Local Plan shall be reviewed whenever new legislation, regulations and/ or guidelines or major changes in funding or services indicate the need for possible modification of the Local Plan.

Amendments to the Local Plan may be proposed by the SELPA and shall be approved and permanent upon subsequent approval by the local governing board, upon reviews by the County Office and subsequent approval of the State Superintendent. Nothing in the section shall modify the requirements of Education Code section 56205 requiring annual budget and annual service plan.

Changes or amendments to the permanent portion of the Local Plan may be considered during the annual services and budget planning process. Amendments approved in this manner would become permanent upon subsequent approval by the local governing board and the State Board of Education.

Appendices to the Local Plan are part of the permanent portion of the Local Plan and each Appendix may be amended to its own provision(s) for amendment.

8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan:

Each participating agency within the SELPA, through governing board action, has requested the El Dorado County Office of Education be designated the RLA/AU for the SELPA. The Agreement for Participation included within the Local Plan specifies the responsibilities of each participating agency and the County Office as the RLA/AU. As described within the Agreement for Participation, the County Office (RLA/AU) has the responsibility to employ SELPA staff in accordance with the Regionalized Service Budget.

Pursuant to the provision of Education Code Section 56030 et seq., the RLA/AU shall receive and distribute regionalized service funds, provide administrative support, and coordinate the implementation of the El Dorado County Local Plan for Special Education in school districts in the County specified in the Local Plan and approved by the State Board of Education. In addition, the RLA/AU shall perform such services and functions as required to accomplish the goals set forth in the plan. The Agreement for Participation specifies the services to be included. A partial list is provided below.

The Agreement for Participation specified that the RLA/AU shall:

1. Coordinate with the LEA in the development and implementation of a systematic method for referring and placing individuals with exceptional needs who reside in the District, including the methods and procedures for communication with the parents and/or legal guardians of the individuals according to procedures in the Local Plan;
2. Organize and maintain the Special Education Professional Learning Community to monitor the operations of the Local Plan and make recommendations for necessary revisions, including, but not limited to:
 - a. Monitoring the application of eligibility criteria throughout the Local Plan area.
 - b. Coordinating the implementation of the transportation of special education pupils.
 - c. Coordinating the system of data collection, management, and evaluations.

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

- d. Coordinating personnel development and curriculum development for regular and special education educators, to provide a comprehensive program and a full continuum of staff development options.
- e. Coordinating the identification, referral, assessment, instructional planning, and review procedures, including the communication with parents and/or legal guardians regarding rights and responsibilities for special education.
- f. Developing interagency referral and placement procedures.

9. Describe the contractual agreements and the SELPA's system for determining the responsibility of participating agency for the education of each student with special needs residing within the geographical area served by the plan:

Member LEAs may contract with nonpublic, nonsectarian schools (NPS) and nonpublic, nonsectarian agencies (NPA) certified by the CDE, via the appropriate certification process. The SELPA has the authority to visit, observe, monitor and report on the educational program provided by any NPS/NPA under contract with the LEA or involved in a potential placement with the LEA. Any request for waiver shall be considered and approved at the discretion of the SELPA director.

The SELPA shall consider the needs of the individual student and the recommendations of the IEP team when entering into agreements with nonpublic schools or agencies. The IEP team shall remain accountable for monitoring the progress of a student placed in a nonpublic program. The Master Contract used with nonpublic schools and nonpublic agencies is modeled after the State Master Contract and Service Agreement which contains requirements to allow the SELPA to monitor the placement and services of students in certified nonpublic schools. The LEA shall hold at least an annual IEP that will facilitate the evaluation of the placement and services to ensure implementation of the IEP. The Master Contract contains language requiring reporting from the certified nonpublic schools regarding IEP progress as required by the LEA. The annual data provided by the certified nonpublic school shall be authentic curriculum-based measurements, in accordance with the state-adopted grade level standards. Interagency agreements necessary to support the implementation of the Local Plan, and as required by legal mandates, have been developed with the following agencies:

1. Regional Center
2. California Children's Services
3. Head Start

Other interagency agreements will be developed as needed.

The district of accountability shall be responsible for providing special education programs and/or services to each individual with exceptional needs residing within district boundaries. The district of residence may utilize any of the following options, in order to develop or determine an appropriate public education program for a special education pupil and in accordance with the least restrictive environment philosophy.

- A. Remain in regular education program with supportive assistance.

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

- B. Placement in a district-operated special education program and/or service;
- C. Referral and consideration for placement in a County Office of Education program and/or service;
- D. Referral and consideration for placement in another district operated special education program and/or service;
- E. Referral and consideration for placement in a public agency special education program and/or service, other than an educational agency;
- F. Referral and consideration for placement in a nonpublic, nonsectarian school and/or agency for special education program and/or service;
- G. Referral and consideration for diagnostic services and/or placement in a state school.

In accordance with the Agreement for Participation, the SELPA Director may aid the district of residence in the discharge of the responsibility delineated above.

Students enrolled in charter schools are to be considered for special education services in a similar manner to students enrolled in other public schools. Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school. Policies and procedures relating to Charter Schools are to be developed cooperatively with input from charter schools within the SELPA.

The County Office of Education and school districts within the SELPA provide services to all students whose parents and/or legal guardians reside within the geographic boundaries of the SELPA.

10. For multi-LEA local plans, specify:

- a. The responsibilities of each participating COE and LEA governing board in the policymaking process:

The governing board for each school district and the County Board of Education approves the Agreement for Participation and the Local Plan for Special Education. As described within those documents, the Boards of Education delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the SELPA.

- b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan:

Superintendents from each of the participating school districts and the County Office of Education participate in the Superintendents' Council, which takes final action on policies and communicates and presents to their respective governing boards and to all LEAS whom they represent, as described above in Section 3.

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

- c. The responsibilities of each LEA and COE for coordinating the administration of the local plan:

The SELPA in collaboration with the Executive Committee and SELPA Superintendents Committee, shall recommend policy and fiscal changes by voting on proposed amendments and/or additions. The SELPA Director shall be responsible for communicating any of the above matters as well as sending minutes to the Executive Committee and the Community Advisory Committee (CAC).

11. Identify the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA related to:

- a. The hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the local plan:

In accordance with Ed. Code 56205(a)(D)(ii)(I) the RLA/AU is responsible for the hiring, supervision and discipline of the administrator of the Special Education Local Plan Area (SELPA Director) and staff employed by the administrative unit (El Dorado County Superintendent of Schools and the County Office of Education) in support of the Local Plan.

- b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA:

Pursuant to the provision of Education Code Section 56030 et seq., the RLA/AU shall receive and distribute regionalized service funds, provide administrative support, and coordinate the implementation of the El Dorado County Local Plan for Special Education in school districts in the County specified in the Local Plan and approved by the State Board of Education. State and federal funds received by the RLA/AU and the SELPA are allocated and distributed among the local educational agencies in the SELPA, according to the El Dorado County SELPA adopted Allocation Plan.

- c. The operation of special education programs:

The district of residence shall be responsible for providing special education programs and/or services to each individual with exceptional needs residing within district boundaries. The district of residence may utilize any of the following options, in order to develop or determine an appropriate public education program for a special education pupil and in accordance with the least restrictive environment philosophy.

SELPA El Dorado County SELPA

Fiscal Year 2021-22

- A. Remain in regular education program with supportive assistance.
- B. Placement in a district-operated special education program and/or services;
- C. Referral and consideration for placement in a County Office of Education program and/or service;
- D. Referral and consideration for placement in another district operated special education program and/or service;
- E. Referral and consideration for placement in a public agency special education program and/or service, other than an educational agency;
- F. Referral and consideration for placement in a nonpublic, nonsectarian school and/or agency for special education program and/or service;
- G. Referral and consideration for diagnostic services and/or placement in a state school.

In accordance with the Agreement for Participation, the SELPA Director may provide assistance to the district of residence in the discharge of the responsibility delineated above.

Students enrolled in charter schools are to be considered for special education services in a similar manner to students enrolled in other public schools.

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

Policies and procedures relating to Charter Schools are to be developed cooperatively with input from charter schools within the SELPA.

A charter school may purchase special education services from the SELPA, County Office of Education or any other appropriate source in order to provide the full continuum of placement options to students with disabilities.

While the County Office of Education and school districts within the SELPA provide services to all students whose parents and/or legal guardians reside within the geographic boundaries of the SELPA, services to students whose parents and/or legal guardians reside outside the SELPA's geographic area shall be individually negotiated.

The County Office of Education and districts within the SELPA retain the right to bill for services provided to students attending Charter Schools whose parents and/or legal guardians reside outside the SELPA. Charter schools chartered by entities outside of El Dorado County, serving students who reside within the SELPA may not access any program or services without specific written agreement between the Charter school and the entity providing the service.

Such services are not limited to educational services but may include extra-curricular activities and programs.

The RLA and LEAs do not bill back for excess costs of program operations. The only excess cost bill back agreement in place through 2008/09 provides for the RLA to bill LEAs the excess cost of providing transportation services to district students in district programs. Beginning in 2009/10, the County Office of Education may begin to charge a portion of the excess cost for special education transportation services for students being served in El Dorado County Office of Education special education programs.

Section B: Governance and Administration

SELPA

Fiscal Year

- d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs:

The El Dorado County Office of Education is the Responsible Local Agency/Administrative Unit (RLA/AU) for the SELPA. Pursuant to the provisions of Education Code Section 56030 et seq., the RLA/AU shall receive and distribute regionalized service funds, provide administrative support and coordinate the implementation of the El Dorado County Local Plan for Special Education and the SELPA Superintendents' Council approved Allocation Plan. The RLA/AU shall perform such services and functions required to accomplish the goals set forth in the plans, including development of the Annual Service and Budget Plans.

12. Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments:

Specialized equipment and services are provided at the school site associated with the LEA, where the Individualized Education Program (IEP) team has determined is the most appropriate free and appropriate public education in the least restrictive environment.

Policies, Procedures, and Programs

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201 and has in effect policies, procedures, and programs. For each of the following 23 areas, identify whether, or not each of the following provisions of law are adopted as stated. If the policy is not adopted as stated, briefly describe the SELPA's policy for the given area. In all cases, provide the SELPA policy and procedure numbers; the document title; and the physical location where the policy can be found.

1. Free Appropriate Public Education: 20 USC Section 1412(a)(1)

Policy/Procedure Number:

Document Title:

Document Location:

Section B: Governance and Administration

SELPA

Fiscal Year

"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

2. Full Educational Opportunity: 20 USC Section 1412(a)(2)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

3. Child Find: 20 USC Section 1412(a)(3)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

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

Section B: Governance and Administration

SELPA

Fiscal Year

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 *USC* Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 *USC* Section 1414 (d). It shall be the policy of this LEA that an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

5. Least Restrictive Environment: *USC* Section 1412(a)(5)

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

6. Procedural Safeguards: 20 *USC* Section 1412(a)(6)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations." The policy is adopted by

Section B: Governance and Administration

SELPA

Fiscal Year

the SELPA as stated:

☒ Yes ☐ No

7. Evaluation: 20 USC Section 1412(a)(7)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

8. Confidentiality: 20 USC Section 1412(a)(8)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

9. Part C to Part B Transition: 20 USC Section 1412(a)(9)

Policy/Procedure Number:

Document Title:

Document Location:

Section B: Governance and Administration

SELPA

Fiscal Year

"It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday."The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

10. Private Schools: 20 USC Section 1412(a)(10)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents 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 for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

11. Local Compliance Assurances: 20 USC Section 1412(a)(11)

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

SELPA Fiscal Year **12. Interagency: 20 USC Section 1412(a)(12)**Policy/Procedure Number: Document Title: Document Location:

"It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No**13. Governance: 20 USC Section 1412(a)(13)**Policy/Procedure Number: Document Title: Document Location:

"It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Education Agency." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No**14. Personnel Qualifications**Policy/Procedure Number: Document Title: Document Location:

"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content

Section B: Governance and Administration

SELPA

Fiscal Year

knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

15. Performance Goals and Indicators: 20 USC Section 1412(a)(15)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

16. Participation in Assessments: 20 USC Section 1412(a)(16)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

17. Supplementation of State, Local, and Federal Funds: 20 USC Section 1412(a)(17)

Policy/Procedure Number:

Document Title:

Section B: Governance and Administration

SELPA

Fiscal Year

Document Location:

"It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

18. Maintenance of Effort: 20 USC Section 1412(a)(18)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

19. Public Participation: 20 USC Section 1412(a)(19)

Policy/Procedure Number:

Policy/Procedure Title:

Document Location:

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

☒ Yes ☐ No

20. Suspension and Expulsion: 20 USC Section 1412(a)(22)

Policy/Procedure Number:

Section B: Governance and Administration

SELPA

Fiscal Year

Document Title:

Document Location:

"The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

21. Access to Instructional Materials: 20 USC Section 1412(a)(23)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

22. Over-identification and Disproportionality: 20 USC Section 1412(a)(24)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

23. Prohibition on Mandatory Medicine: 20 USC Section 1412(a)(25)

Section B: Governance and Administration

SELPA

Fiscal Year

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

Administration of Regionalized Operations and Services

Pursuant to *EC* sections 56195.7(c), 56205(a)(12)(B), 56368, and 56836.23, describe the regionalized operation and service functions. Descriptions must include an explanation of the direct instructional support provided by program specialists; and the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the reference number, document title, and the location (e.g., SELPA office) for each function:

1. Coordination of the SELPA and the implementation of the local plan:

Reference Number:

Document Title:

Document Location:

The El Dorado County SELPA desires to provide a free and appropriate public education (FAPE) to all school aged K-12 individuals with disabilities, who are enrolled in the member districts, including children who have been suspended or expelled or placed by the member districts in a nonpublic school or agency services. "The governing board for each school district and the County Board of

Education approves the Agreement for Participation and the Local Plan for Special Education. As described within those documents, the Boards of Education delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the SELPA.

Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered,

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Description:

and, where appropriate, utilized. (Education Code 56303)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, each district participates as a member of the El Dorado County Special Education Local Plan Area (SELPA), with the exception of Lake Tahoe Unified School District. That district participates with the Tahoe-Alpine SELPA for purposes of Special Education.

The Superintendent or designee of each district shall extend each district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations to all participating districts.

The special education local plan area shall administer a local plan and administer the allocation of funds. (Education Code 56195)

2. Coordinated system of identification and assessment:

Reference Number:

Administrative Regulation 2

Document Title:

Identification and Evaluation of Individuals for Special Education

Document Location:

<http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Ed. Code § 56303.) The LEA Superintendent or designee shall follow SELPA procedures providing that parents/guardians, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Ed. Code § 56302).

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

A district shall not determine that a student is eligible for special education if the dominant factor for finding eligibility is lack of appropriate instruction in

SELPA El Dorado County SELPA

Fiscal Year 2021-22

reading, lack of instruction in mathematics, or limited English proficiency. (20 U.S.C. § 1414(b)(5); Ed. Code, § 56329, subd. (a)(2).)

All referrals for special education and related services from school staff shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student, and their effect. (5 CCR § 3021.)

Within 15 days of a referral for initial assessment, the district shall provide student's parent/guardian with a notice of procedural safeguards and a written proposed assessment plan. The 15-day period may be extended if the parent/guardian agrees in writing to an extension. If a district chooses to agree to an extension it should be known that they may be found in Data Identified Non-Compliance (DINC) with the California Department of Education. The 15-day period does not include days between the student's regular school session or term, or days of school vacation in excess of five school days from the date of receipt of the referral.

The proposed assessment plan shall meet all of the following requirements: (Education Code 56321). When assessing students, staff shall use appropriate tests to identify specific information about the individual student's abilities. (Ed. Code § 56320.)

1. Be in a language easily understood by the general public
2. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible
3. Explain the types of assessment to be conducted
4. State that no individualized education program (IEP) will result from the assessment without parent/guardian consent

Upon receiving the proposed assessment plan, the parent/guardian shall have 15 days to decide whether or not to consent to the initial assessment. The assessment may begin as soon as informed parental consent is received by the respective district. The member districts shall not interpret parent/guardian consent for initial assessment as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.505)

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to the request to provide consent, the member district may pursue an evaluation by utilizing the mediation and due process procedures found at 20 USC § 1415 and in accordance with Education Code, sections 56501, subd. (a) (3), and 56506, subd. (e). (See BP/AR 6159.1 - Procedural Safeguards and Complaints for Special Education.) In the event that authorized parent does not consent to an initial evaluation, the member districts shall not provide special education services and shall not be considered in violation of the requirement to provide FAPE. In addition, the district is not required to convene an IEP team meeting or to develop an IEP for that child. (20 USC § 1414(a)(1).)

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Description:

Informed parental consent means that the parent/guardian:

1. Has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication;
2. Understands and agrees, in writing, to the assessment;
3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time.

(34 CFR § 300.500)

If the student is a ward of the state and is not residing with his/her parents/guardians, the district shall make reasonable efforts to obtain informed consent from the parent/guardian as defined in 20 USC, section 1401 for an initial evaluation to determine whether the student is a student with a disability. (20 USC § 1414(a)(1).)

The district shall not be required to obtain informed consent from the parent/guardian of a student for an initial evaluation to determine whether the student is a student with a disability if any of the following situations exists:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent/guardian of the student.
2. The rights of the parent/guardian of the student have been terminated in accordance with California law.

The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

(Education Code 56301; 20 USC 1414(a)(1))

1. As part of the assessment plan, the parent/guardian shall receive written notice that: (Upon completion of the administration of tests and other assessment materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code, section 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities as defined in Education Code, section, 56026 and shall discuss the assessment, the educational recommendations, and the reasons for these recommendations. A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent/guardian.
2. If the parent/guardian disagrees with an assessment obtained by the district the parent/guardian has the right to obtain, at public expense, one independent educational evaluation of the student from qualified specialists, in accordance with 34 CFR § 300.502.

SELPA

El Dorado County SELPA

Fiscal Year

2021-22

If the district observed the student in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to the independent educational evaluation. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement and setting, regardless of whether the independent educational evaluation is initiated before or after the filing of a due process hearing proceeding.

3. The district may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent/guardian maintains the right for an independent educational assessment but not at public expense.

If the parent/guardian obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the district with respect to the provision of a free appropriate public education to the student, and may be presented as evidence at a due process hearing regarding the student.

4. If a parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by the parent/guardian, the district shall have the opportunity to observe the student in the proposed placement. Any such observation shall only be of the student who is the subject of the observation and may not include the observation or assessment of any other student in the proposed placement unless that student's parent/guardian consents to the observation or assessment. The results of any observation or assessment of another student in violation of Education Code, section 56329(d) shall be inadmissible in any due process or judicial proceeding regarding the free appropriate public education of that other student.

(Ed. Code § 56329; 34 CFR § 300.502)

An IEP required as a result of an assessment shall be developed within a total time not to exceed 60 days from the date of the receipt of the parent/guardian's consent for assessment, unless the parent/guardian agrees to an extension in writing. Should a district and parent make an agreement to extend a time line, it should be known that not meeting the 60 day time line will put the district at risk of Data Informed Noncompliance (DINC) with the California Department

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

of Education. Should a district be found in DINC, there could be correlated corrective actions as deemed by the California Department of Education. The 60-day period does not include any days between the student's regular school sessions/terms, or days of school vacation in excess of five school days, (Ed. Code § 56043)

However, when a referral is made within 30 days of the end of the regular school year, an IEP required as a result of an assessment shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each district's school calendar. In the case of school vacations, the 60-day time shall recommence on the date that school reconvenes. (Ed. Code § 56344 (a).)

A meeting to develop an initial IEP for the pupil shall be conducted within 30 days of a determination that the pupil needs special education and related services. (Ed. Code §§ 56043(f)(2); 56344 (a).)

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

3. Coordinated system of procedural safeguards:

Reference Number: Administrative Regulation 4

Document Title: Procedural Safeguards and Complaints for Special Education

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Under California law, due process hearings pursuant to the IDEA (20 USC 1400 et seq.) are held only at the state level. Rights and procedures for due process are set forth in Education Code §§ 56501 et. seq. and 5 CCR §§ 3080 et. seq.. When California law provides greater protection to students and parents, it supersedes federal law.

Due process hearing rights extend to the student only if he/she is an emancipated student or a ward or dependent of the court with no available parent or surrogate parent. (Ed. Code § 56501; see AR 6159.3 - Appointment of

SELPA

El Dorado County SELPA

Fiscal Year

2021-22

Surrogate Parent for Special Education Students.)

Informal Resolution Process/Pre-Hearing Mediation Conference

Before requesting a due process hearing, the LEA Superintendent or designee and a parent/guardian may agree to meet informally to resolve any dispute relating to the identification, assessment or education and placement of a student with disabilities. The LEA Superintendent or designee shall have the authority to resolve the dispute through an informal alternative dispute resolution ("ADR") process. (Ed. Code § 56502)

In addition, either party may file a request with the Superintendent of Public Instruction for a Pre-hearing Mediation Conference (commonly referred to as "mediation only") to be conducted by a person designated by the California Department of Education. Based on the Pre-Hearing Mediation Conference, the LEA Superintendent or designee may resolve the issue(s) in any manner that is consistent with state and federal law and is to the satisfaction of both parties.
(Education Code 56500.3)

It is recommended that attorneys do not attend the informal resolution session or the Pre-Hearing Mediation Conference. Attorneys may attend, or otherwise participate in, only those mediation conferences that are scheduled pursuant to a request for a due process hearing. (Ed. Code §§ 56500.3, 56501)

If the parties do not resolve their dispute through informal resolution session and/or a Pre-Hearing Mediation Conference, either party may file a request for a due process hearing.

Due Process Complaint Notice and Hearing Procedures

Due process hearing procedures may be initiated by a parent/guardian, the LEA, and/or a student who is emancipated or a ward or dependent of the court. under the following circumstances:

1. There is a proposal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student;
2. There is a refusal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student;
3. The parent/guardian refuses to consent to an assessment of his/her child; and/or
There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility.

(20 USC § 1415(b); Education Code 56501)

SELPA

El Dorado County SELPA

Fiscal Year

2021-22

Prior to initiating a due process hearing, the party requesting the hearing, or the party's attorney, must provide the opposing party a confidential due process complaint notice specifying:

1. The student's name;
2. The student's address or, in the case of a student identified as homeless pursuant to the McKinney-Vento Homeless Assistance Act (42 USC 11434a(2)), any available contact information for that student;
3. The name of the school the student attends;
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem;
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time.

(20 USC § 1415(b); 34 CFR § 300.508 (b).)

Resolution Session

When a parent seeks to initiate a request for due process, before their request is filed, they must provide the district with the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC § 1415[f][1][B]; 34 CFR § 300.510)

The district has fifteen (15) days from the date it received the parents' due process hearing request to convene the resolution session. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC § 1415[f][1][B]; 34 CFR § 300.51)

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

Response to the Due Process Hearing Request

If the district has not sent a prior written notice to the parent/guardian regarding

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Description:

the subject matter contained in the parent/guardian's due process complaint notice, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint specifying:

1. An explanation of why the district proposed or refused to take the action raised in the complaint
2. A description of other options that the individualized education program (IEP) team considered and the reasons that those options were rejected
3. A description of each evaluation procedure, assessment, record, or report the district used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the district's proposal or refusal.

(20 USC 1415(c)(1))

If the district sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district may, within 10 days of receipt, send a response specifically addressing the issues in the complaint. (20 USC § 1415(c)(1))

Parties requesting a due process hearing shall file their request with the Superintendent of Public Instruction or designated contracted agency and give a copy of the request, at the same time, to the other party. (Ed. Code §56502)

Prior Written Notice

The LEA Superintendent or designee shall send to parents/guardians of any student with a disability a prior written notice within a reasonable time before:

1. The district initially refers the student for assessment
2. The district proposes to initiate or change the student's identification, evaluation, educational placement or the provision of a free, appropriate public education
3. The district refuses to initiate or change the identification, evaluation or educational placement of the student or the provision of a free and appropriate public education
4. The student graduates from high school with a regular diploma

(Ed. Code §§ 56500.4, 56500.5; 20 USC § 1415(c); 34 CFR § 300.503)

The prior written notice shall include:

1. A description of the action proposed or refused by the district;
2. An explanation as to why the district proposes or refuses to take the action;
3. A description of any other options that the IEP team considered

SELPA El Dorado County SELPA

Fiscal Year 2021-22

and why those options were rejected;

4. A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action;
5. A description of any other factors relevant to the district's proposal or refusal;
6. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of procedural safeguards can be obtained; and
7. Any resources for parents/guardians to obtain assistance in understanding these provisions

(20 USC § 1415(c); 34 CFR § 300.503)

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 set forth in Education Code, section 56341. (Ed. Code §§ 56341, 56506; 34 CFR § 300.503)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that:

1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication
2. The parent/guardian understands the contents of the notice
3. There is written evidence that items #1 and #2 have been satisfied

(34 CFR § 300.503)

Notice of Procedural Safeguards

A notice of procedural safeguards shall be made available to parents/guardians of students with a disability once a year and upon:

1. Initial referral for evaluation
2. Each notification of an IEP meeting
3. Reevaluation of the student
4. Registration of a complaint
5. Filing for a pre-hearing mediation conference or a due process hearing

(Ed. Code § 56301; 20 USC 1415(d)(1))

The notice of procedural safeguards shall include information on the

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

procedures for requesting an informal meeting, pre-hearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341. A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (20 USC 1415(d)(2); Ed. Code §§ 56321, 56321.5)

In addition, the notice of procedural safeguards shall include a full explanation of the procedural safeguards relating to independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints to initiate due process hearings; 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. (20 USC 1415(d)(2); 34 CFR 300.504)

4. Coordinated system of staff development and parent and guardian education:

Reference Number: Board Policy 21

Document Title: Literacy

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

A. RATIONALE

The California Reading Initiative is intended for all students. Reading proficiency is an important goal for virtually all students who receive special education services. It is basic to ongoing school success and essential for successful participation in society. Without reading proficiency, students are excluded from full participation and opportunity to achieve academic success in school.

B. POLICY STATEMENT

In order to improve the educational results for students with disabilities, the member districts in the El Dorado County SELPA ensure that all students who require special education will participate in the California Reading Initiative, just as do all other students in the El Dorado County districts. The SELPA and member districts will follow the Core Messages developed by

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Description:

the *California Special Education Reading Task Force. In order to facilitate that effort, the member districts assure that special education instructional personnel will participate in staff development inservice opportunities in the area of literacy, including:

- a. information about current literacy and learning research;
- b. state-adopted student content standards and frameworks;
- c. research-based instructional strategies for teaching reading to a wide range of diverse learners; and
- d. the California Reading Initiative and Special Education Reading Task Force Core Messages.

Each of the districts will include special education staff in their curriculum materials selection process, in order to support alignment with State standards. Each will also include special education staff as appropriate in all staff development on phonemics and phonics, as well as in any additional state or regional training based on new legislation, e.g., the California Reading and Literature Subject Matter Project, the rollouts on the frameworks, and AB466 training. The goals of the districts are to increase the participation of students with disabilities in statewide student assessments, to increase the percentage of children with disabilities who are literate, and to assure that students with disabilities attain higher standards in reading.

In order to reach these goals, we assure that students with disabilities will have full access to:

1. all required core curriculum including state-adopted core curriculum textbooks and supplementary textbooks; and
2. instructional materials and support.

*California Reading Initiative and Special Education in California <http://www.calstat.org/readingmessages.html>

5. Coordinated system of curriculum development and alignment with the core curriculum:

Reference Number:

Board Policy 21 and EDCOE SELPA Procedural Guide

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Document Title: Literacy and Curriculum Adaptations

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description: Curriculum adaptations include accommodations, modifications, and supports that allow a child with a disability access to the general curriculum and assessments. LEAs/districts are responsible for ensuring that each teacher and provider is informed of his or her specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP (34CFR 300.342 (b)(3)).

6. Coordinated system internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system:

Reference Number: Provision for Ongoing Review of Programs

Document Title: El Dorado Consortium

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description: The State has in place a system for review of the special education programs in the districts. It is the responsibility of the SELPA to support the delivery of effective programs and services in its districts, to support a continuum of appropriate service options, to improve the quality of the programs offered, and to monitor them and participate in review processes, including the Quality Assurance Process, the Procedural Safeguards and Complaints processes and mediation and due process procedures. The El Dorado County SELPA endeavors first to provide adequate information, resources and support to all its member districts, so that they may deliver compliant, quality services. Further, SELPA staff will, under the direction of the Executive Committee and Superintendent's Council, and in conjunction with CAC, participate in all State review processes and any local review processes to ensure that appropriate and necessary services are offered for all children with disabilities and to support continuous improvement of those services. The SELPA will ensure that adequate information related to all areas of compliance is available to all the member LEAs. The SELPA will ensure the availability of a full continuum of options, supplemental aids and services, and regionalized programs, for all children with disabilities, severe low incidence, non-severe and early childhood.

Section B: Governance and Administration

SELPA

Fiscal Year

7. Coordinated system of data collection and management:

Reference Number:	<input type="text" value="Board Policy 20"/>
Document Title:	<input type="text" value="Data"/>
Document Location:	<input type="text" value="http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies"/>
Description:	<input type="text" value="The El Dorado County SELPA and its member districts shall provide data or information to the California Department of Education if required by regulations."/>

8. Coordination of interagency agreements:

Reference Number:	<input type="text" value="Administrative Regulation 25"/>
Document Title:	<input type="text" value="Interagency"/>
Document Location:	<input type="text" value="http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies"/>
Description:	<input type="text" value="Pursuant to Title 17 of the California Code of Regulations (17 CCR) Section 52140, LEAs must develop and maintain local interagency agreements with Regional Centers. Agreements must include:
1. The responsibilities of each LEA and Regional Center in meeting the terms of the agreement;
2. Procedures for coordination of child find activities with local public agencies and Regional Centers to identify infants and toddlers who may be eligible for early intervention services;
3. Specific procedures for coordination of referrals for evaluation and assessment;
4. Procedures for the assignment of a service coordinator;
5. Interagency procedures for identifying the responsibilities of the regional center and LEA for completing the evaluation and assessment and determining eligibility within the time requirements contained in Section 52086 of these regulations, when an infant or toddler may receive services from both the Regional Center and LEA;
6. Procedures for the timely exchange of information between Regional Centers and LEAs;
7. Mechanisms for ensuring the availability of contacts at Regional Centers and LEAs at all times during the year;
8. Procedures for interagency individualized family service plan (IFSP) development when infants and toddlers may be eligible for early intervention services from the Regional Center and the LEA or other state or local programs or services."/>

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

9. Procedures to ensure the provision of services during periods of school vacations when services are required on the IFSP;
10. Transition planning procedures which begin at least six months prior to a toddler's third birthday pursuant to EC Section 52112 of these regulations;
11. Procedures for resolving disputes between regional centers and LEAs;
12. Procedures for the training and assignment of surrogate parents; and
13. Procedures for accepting transfers of infants or toddlers with existing IFSPs.

Local interagency agreements must be dated and signed by representatives of the Regional Center and LEA. Interagency agreements must be reviewed by both parties annually, revised as necessary, dated, and signed by both parties as needed.

9. Coordination of services to medical facilities:

Reference Number: Administrative Regulation 1

Document Title: Comprehensive Local Plan for Special Education

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description: **Special education** means specially designed instruction, at no cost to the parent/guardians, to meet the unique needs of individuals with disabilities, whose educational needs cannot be met with modification of the regular instruction program. It also includes related services, provided at no cost to the parent/guardian that may be needed to assist these individuals to benefit from specially designed instruction. Special education provides a full continuum of program options, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education, to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment. (Education Code 56031)

10. Coordination of services to licensed children's institutions and foster family homes:

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Reference Number: Board Policy 2

Document Title: Identification and Evaluations of Individuals for Special Education

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description: Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district must conduct an annual evaluation, as specified below. In addition, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

If a student with disabilities residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the district shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

11. Preparation and transmission of required special education local plan area reports:

Reference Number: Board Policy 14

Document Title: Maintenance of Effort

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Compliance

The El Dorado County SELPA (SELPA) shall meet federal MOE regulations that require the use of federal funds to pay the excess costs of providing special education and related services to children with disabilities and to supplement and not supplant state and local funds for special education (34 CFR 300.202-300.205). The SELPA Administrative Unit (AU), as the grantee of federal funds from the California Department of Education (CDE), shall distribute all or part of the federal funds received to participating eligible local education agencies (LEAs) within the SELPA through a sub-granting process.

LEAs will annually compile, and submit to the SELPA, budget and expenditure information required to conduct the federally-required calculations and compliance testing, determining the status of MOE compliance for the SELPA as a whole and for each LEA.

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Description:

Eligibility

The state has directed the SELPA, as the conduit for IDEA Part B grant funds, to be responsible for determining eligibility of an LEA to retain funds received and to receive future funds.

To fulfill these requirements, IDEA establishes four annual compliance tests on two different data sets.

The two data sets are:

1. Comparison of the grant year budget to preceding year actual expenditures.
2. Comparison of Prior Year actuals to second prior year actuals, pursuant to the subsequent year rule.

Subsequent Year Rule

When an LEA fails to meet any of the four required MOE tests on either of the two data sets in a year, the LEA is required in subsequent fiscal years to maintain effort at the level prior to the failure. Thus, the LEA must calculate its level of effort based on the most recent fiscal year in which the MOE test was passed. MOE standards and test procedures are provided by the CDE based on federal requirements and are included as an AR to this policy.

12. Fiscal and logistical support of the CAC:

Reference Number:

Administrative Regulation 9 and CAC Bylaws

Document Title:

Governance

Document Location:

<http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Each district shall be entitled to appoint one parent representative, approved by the LEA governing board, to participate in the Special Education Community Advisory Committee to serve staggered terms in accordance with E.C. § 56191 for a period of at least two years. Selected parents will be the parent of a child with a disability. This does not prohibit additional parents from participating in CAC meetings or activities. This group will advise the SELPA Administrator on the implementation of the El Dorado County Local Plan for Special Education in ("Local Plan").

The Community Advisory Committee shall have the authority and fulfill the responsibilities that are defined for it in the local plan. The responsibilities shall include, but need not be limited to, all the following:

- (a) Advising the policy and administrative entity of the special education local plan area regarding the development, amendment, and review of the local plan. The entity shall review and consider comments from the Community Advisory Committee.

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Description:

- (b) Recommending annual priorities to be addressed by the plan.
- (c) Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- (d) Encouraging community involvement in the development and review of the local plan.
- (e) Supporting activities on behalf of individuals with exceptional needs.
- (f) Assisting in parent awareness of the importance of regular school attendance.
- (g) Supporting community involvement in the parent advisory committee. Established pursuant to Section 52063 to encourage the inclusion of parents of individuals with exceptional needs to the extent these pupils also fall within one or more of the definitions in Section 42238.01.

13. Coordination of transportation services for individuals with exceptional needs:

Reference Number: El Dorado County SELPA Procedural Guide

Document Title: Special Education Transportation

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/selpa-procedural-guide>

Description:

Legal Requirements Regarding Special Education Transportation Education Code Section 56040(a) states: "Every individual with exceptional needs, who is eligible to receive special education instruction and related services under this part, shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her." Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education [34 CFR 300.34(a)]. Transportation as a related service includes travel to and from school and between schools, travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability [34 CFR 300.34(c)(16i iii)]. LEAs/districts should not automatically assign students to transportation based on the students' disability without considering the students individual needs and the continuum of placements [Hopkinton (MA) Pub. Schs., 108 LRP 41626 (OCR 2007)]. For students with medical needs, 34 CFR 300.34 (a)(ii) limits the responsibility or a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including

Section B: Governance and Administration

SELPA

Fiscal Year

breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school.

14. Coordination of career and vocational education and transition services:

Reference Number:

Document Title:

Document Location:

Description:

Full educational opportunities means that students with disabilities have the right to full educational opportunities to meet their unique needs, including access to a variety of educational programs and services available to non-disabled students. The State must have in effect policies and procedures to demonstrate that the State has established a goal of providing full educational opportunity to all children with disabilities, aged birth through 21, and a detailed timetable for accomplishing that goal. (34 CFR § 300.109.)

15. Assurance of full educational opportunity:

Reference Number:

Document Title:

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Document Location:

<http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description:

Full educational opportunities means that students with disabilities have the right to full educational opportunities to meet their unique needs, including access to a variety of educational programs and services available to non-disabled students. The State must have in effect policies and procedures to demonstrate that the State has established a goal of providing full educational opportunity to all children with disabilities, aged birth through 21, and a detailed timetable for accomplishing that goal. (34 CFR § 300.109.)

16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The SELPA Administrator's responsibility for the fiscal administration of the annual budget plan; the allocation of state and federal funds; and the reporting and accounting of special education funding.

Reference Number:

Administrative Regulation 9

Document Title:

Governance

Document Location:

<http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

The El Dorado County SELPA is a multi-district SELPA comprised of fourteen local education agencies, and the El Dorado County Office of Education. The LEAs are joined together to provide for the coordinated delivery of programs and services to special needs students. The El Dorado County Office of Education is the designated Responsible Local Agency (RLA) for the El Dorado County SELPA. The El Dorado County Office of Education is considered an LEA for all purposes of this agreement except where referred to as the RLA. In adopting the local plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan and to ensure equal access to programs and services to eligible persons requiring special education in the service region.

The governance structure of the SELPA is established by agreement among the governing boards of the member LEAs. It consists of the SELPA Superintendents' Council, the SELPA Executive Committee, and the Community Advisory Committee. The SELPA Administrator may convene additional committees. The SELPA Administrator is responsible for the coordination of the SELPA and the implementation of the local plan.

SELPA El Dorado County SELPAFiscal Year 2021-22**ADMINISTRATIVE UNIT**

Pursuant to the provisions of Education Code Section 56030 et seq., the Administrative Unit (AU) shall receive and distribute regionalized service funds, provide administrative support and coordinate the implementation of the El Dorado County Local Plan for Special Education in all member districts located within the El Dorado County SELPA. The AU shall perform such services and functions required to accomplish the goals set forth in the plan.

California Education Code Section 56200(c)(2) requires that the Local Plan, "specify the responsibilities of each participating county office and district governing board in the policy-making process, the responsibilities of the superintendent 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 plan." In accordance with this provision, the El Dorado County SELPA has developed the following governance structure and policy development and approval process:

RESPONSIBILITIES OF EACH GOVERNING BOARD IN THE POLICY-MAKING PROCESS AND PROCEDURES FOR CARRYING OUT THE RESPONSIBILITY

The governing board for each district and the County Board of Education approves the Agreement for Participation and the Local Plan for Special Education. As described within those documents, the Boards of Education delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the SELPA.

SELPA SUPERINTENDENTS' COUNCIL

The SELPA Superintendents' Council (SSC) is an administrative body that shall consist of a superintendent from each of the participating LEAs and the superintendent of the AU or a designee, each of whom shall provide a liaison function between the LEA governing board and the SSC. LEA superintendents exercise their authority and responsibilities in accordance with policies and procedures of their local governing boards and within the voting procedures of the SSC. The SSC shall consider recommendations submitted by the SELPA Administrator and take action as appropriate. The SELPA will serve as staff to the SSC and will have the responsibility for the coordination and implementation of SSC decisions. The SSC shall have final authority to act upon fiscal and policy recommendations.

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Description:

Effective July 1, 2020, the allotted votes on the SELPA Superintendents' Council shall be as follows:

District Name	Votes
Black Oak Mine Unified	1
Buckeye Union	1
Camino Union	1
El Dorado Union High School District	1
El Dorado County Office of Education	1
Gold Oak Union	1
Gold Trail Union	1
Indian Diggings	1
Latrobe	1
Mother Lode Union	1
Pioneer Union	1
Placerville Union	1
Pollock Pines	1
Rescue Union	1
Silver Fork	1
Total	15

The El Dorado County Office of Education is considered an LEA for all purposes of this agreement except where referred to as the AU.

Representatives of a majority of member LEAs must be present in order to form a quorum and take action on any item. For instance, to form a quorum requires attendance by fifty percent (50%) plus one of the members (8 LEAs). Approval of any action requires a majority vote of the quorum.

The SCC shall adopt a public meeting schedule annually according to Brown Act requirements to receive and take action on information or SELPA recommendations.

SELPA Executive Committee

The SELPA Executive Committee serves as an informal advisory body to the SELPA Administration. The Committee considers and advises the SELPA administration on matters including, but not limited to, program operations, shared risk pool request, strategic planning, procedural matters, and fiscal considerations. The Committee shall have no continuing subject matter jurisdiction.

The Committee shall be comprised of superintendents representing one (1) High School District, one (1) Unified District, three (3) elementary districts and the County Office of Education. Superintendents on the committee serve as a representative for Local Education Agencies of similar size, and with like interests, in considering and advising matters pertaining to the SELPA.

SELPA El Dorado County SELPAFiscal Year 2021-22

However, at no time shall an Executive Committee meeting be conducted with a majority of SELPA members. Summaries of the Executive Committee meetings shall be transmitted to the full membership of the SSC.

SPECIAL EDUCATION COMMUNITY ADVISORY COMMITTEE - CAC

Each district shall be entitled to appoint one parent representative, approved by the LEA governing board, to participate in the Special Education Community Advisory Committee to serve staggered terms in accordance with E.C. § 56191 for a period of at least two years. Selected parents will be the parent of a child with a disability. This does not prohibit additional parents from participating in CAC meetings or activities. This group will advise the SELPA Administrator on the implementation of the El Dorado County Local Plan for Special Education ("Local Plan").

The Community Advisory Committee shall have the authority and fulfill the responsibilities that are defined for it in the local plan. The responsibilities shall include, but need not be limited to, all of the following:

- (a) Advising the policy and administrative entity of the special education local plan area regarding the development, amendment, and review of the local plan. The entity shall review and consider comments from the Community Advisory Committee.
- (b) Recommending annual priorities to be addressed by the plan.
- (c) Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- (d) Encouraging community involvement in the development and review of the local plan.
- (e) Supporting activities on behalf of individuals with exceptional needs.
- (f) Assisting in parent awareness of the importance of regular school attendance.
- (g) Supporting community involvement in the parent advisory committee established pursuant to Section 52063 to encourage the inclusion of parents of individuals with exceptional needs to the extent these pupils also fall within one or more of the definitions in Section 42238.01.

17. Direct instructional program support that maybe provided by program specialists in accordance with *EC* Section 56368:

Reference Number:

Process for Allocating Program Specialist Services Throughout the Region

Document Title:

Process for Allocating Program Specialist Services Throughout the Region

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Document Location:

<http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description:

The SELPA does currently employ program specialist(s). In addition, in accordance with Education Code 56780, all coordination responsibilities for program specialist services as outlined are fully supported through the governance structure of the SELPA. This includes the administrative staff, program specialist services, Program Representatives, Executive Committee, and SELPA Superintendents' Council. The Program Specialist position was advertised, and the selection process was consistent with County Office hiring practices. The interview panel included representatives of the SELPA. Duties of program specialists are those specified in Education Code '56368 and the Local Plan:

- A. Assist Resource Specialists, Designated Instruction and Service instructors, and Special Class Teacher in the planning and implementation of individual education programs for children whose disability is in the area of expertise of the Program Specialist.
- B. Coordinate curricular resources in a manner to make them available and effective for personnel who are in need of the resources.
- C. In conjunction with the SELPA Director, assess program effectiveness to promote the program for individuals with exceptional needs.
- D. Participate in school staff development, research, program development, and innovation or special methods and approaches.
- E. Provide coordination, consultation, and program development in areas to which the program specialist is assigned.
- F. Under the direction of the SELPA Director, assure the pupils have full educational opportunity, regardless of the district of residence in the Special Education Local Plan Area.
- G. Participate in IEPs at request of Local Education Agency or parent.
- H. Assist Local Education Agencies with non-public, non-sectarian and state school placements when requested.

Safeguards for the assurance of appropriate use of regionalized funds are the responsibility of the SELPA Director and as approved by the governance structure. Program Specialist(s) are employed by the RLA and supervised by the SELPA Director.

Special Education Local Plan Area Services

1. A description of programs for early childhood special education from birth through five years of age:

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Reference Number: Administrative Regulation 6

Document Title: Part C Transition

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description:

Alta California Regional Center (ACRC) is the local regional center and the agency referred to when regional center is noted within the regulation. IDP is the El Dorado County Office of Education Infant Development Program. IDP provides early start/Early Intervention services to children birth to three in the El Dorado County SELPA on behalf of the LEAs in El Dorado County. Part C (formerly known as Part H) governs the federal "early intervention" program for infants and toddlers, aged birth through two years.

The California Early Intervention Services Act is designed "to provide a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, interagency programs, responsible for providing appropriate early intervention services and support to all eligible infants and toddlers and their families." [California Government Code (Cal. Gov. Code) Sec. 95002.] All school districts (in El Dorado County IDP) and regional centers in California are responsible for providing early intervention and education services to eligible infants and toddlers younger than 3. The DDS has been designated as lead agency responsible for the administration and coordination of the statewide service delivery system. [Cal. Gov. Code Secs. 95006 & 95007.]

The California Department of Education is responsible for administering services and providing educational programs for infants who meet the following criteria:

- (1) Have solely "low incidence" disabilities -- conditions occurring in less than 1% of the school population which are solely visual, hearing, or severe orthopedic impairments, or any combination of those conditions;
- (2) Require intensive special education and services.

The local regional center is responsible for providing early intervention services to all other eligible infants, including children who have developmental delays or are at risk of delay. [Cal. Ed. Code Secs. 56026 & 56026.5; Cal. Gov. Code Sec. 95008; Cal. Welfare & Institutions (Welf. & Inst.) Code Sec. 4435; 5 California Code of Regulations (C.C.R.) Sec. 3031.] Having said that, some counties, including El Dorado County are required to operate their programs for infants and toddlers at the same level they did during the 1980 - 81 fiscal year. [Cal. Ed. Code Sec. 56425; Cal. Gov. Code Sec. 95014(c).] This requirement is sometimes referred to as the district's (IDP's) "maintenance of effort" or in SEIS this is noted in services as LEA funded.

Funded Capacity means the number of eligible infants, between 12 and 16 students per instructional unit, that the California Department of Education requires LEAs to serve to maintain funding for their classes/programs/services in a given year pursuant to Education Code section 56728.8 as it read on November 1, 1993.

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

For infants and toddlers who are eligible to receive services from both a regional center (ACRC) and a local school district (IDP), the regional center is responsible for providing or purchasing appropriate Early Start services that are beyond the responsibilities of the district --but only to the extent these services are required by the federal early intervention law. [Cal. Gov. Code Sec. 95014(c).]

Payor of last resort means the regional center or LEA (IDP) that is required to pay for early intervention services listed on the IFSP when third party payers or other agencies do not have an obligation to pay as required by 34 CFR 303.527.

For services to infants and toddlers who may be eligible for services from both the regional center and school district (IDP). The regional center is the "payer of last resort" and, therefore, ultimately responsible for providing and/or paying [Cal. Gov. Code Sec. 95014(c).]

Preschool Assessment Team (PAT) - The program that completes the Part C to Part B assessments for children in El Dorado County SELPA on behalf of LEAs who have received Early Intervention services on behalf of the child's district of residence.

2. 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 local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Reference Number: Board Policy 15

Document Title: Public Participation

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description:

It shall be the policy of this SELPA 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.

Per the Local Plan, policies are available for review and comment by the public, parents of children with disabilities, or individuals with disabilities. The policies are reviewed by the Executive Committee and recommendations are presented to the Superintendents' Council. (It is the practice that policies are presented for a first read and then brought back for revision, review and/or adoption at a second read.) As adequate time occurs between the first and second readings, the SELPA school districts will have the policies available for review and comment by the public, parents of children with disabilities, or individuals with disabilities. After ratification by the Superintendents' Council, the policies are approved by the County Board.

Section B: Governance and Administration

SELPA

Fiscal Year

3. A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan:

Reference Number:

Administrative Regulation 4 and Procedural Guide

Document Title:

Procedural Safeguards

Document Location:

<http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description:

Before requesting a due process hearing, the LEA Superintendent or designee and a parent/guardian may agree to meet informally to resolve any issue(s) relating to the identification, assessment or education and placement of a student with disabilities. The LEA Superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. Based on the mediation conference, the LEA Superintendent or designee may resolve the issue(s) in a manner that is consistent with state and federal law and is to the satisfaction of both parties. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

If either of these processes fails to resolve the issue(s), either party may file for a state-level due process hearing.

4. A description of the process being used to ensure a student is referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized:

Reference Number:

Board Policy 2 and Procedural Guide

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Document Title: Identification and Evaluations of Individuals for Special Education

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description:

It shall be the policy of each member LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

Each LEA Superintendent or designee shall follow SELPA procedures to determine when an individual is eligible for special education services and shall implement the SELPA procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment. (Education Code § 56301) The district's process shall prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

Any procedures for the identification, evaluation, assessment, and instructional planning for children younger than age three will meet the requirements of Education Code, sections 56425 through 56432 and the California Early Intervention Services Act (Gov. Code §§ 95000-95029). The California Department of Education and local education agencies are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairment. The Department of Developmental Services and its regional centers must provide services to all other eligible children in this age group. The law also requires regional centers and local education agencies to coordinate family service plans for infants and toddlers and their families. Education Code, section 56441.11 sets forth eligibility criteria for preschool children ages three to five.

5. A description of the process being used to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each student's individualized education program are being met. The description shall include a method for evaluating whether the student is making appropriate educational progress:

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

Reference Number: Administrative Regulation 24 and Procedural Guide

Document Title: Nonpublic, Nonsectarian School and Agency Services for Special Services

Document Location: <http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description:

Contracts with an NPS or NPA shall include an individual services agreement ("ISA") negotiated for each student. ISAs shall be for the length of time for which NPS and/or NPA services are specified in the student's individualized education program ("IEP"), but not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student's IEP. (Ed. Code § 56366.)

The master contract shall specify the general administrative and financial agreements between the NPS or NPA and the member district to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the master contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the contracting district to ensure that the NPS provides appropriate high school graduation credit to the student. The master contract may allow for partial or full-time attendance at the NPS. (Ed. Code § 56366.)

In order for a member district to contract with an NPS or NPA, the NPS and NPA must be certified as meeting state standards. (Ed. Code § 56366.) A master contract may be terminated for cause with 20-days' notice. However, the availability of a public education program initiated during the period of the master contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the public program.

The master contract shall include a description of the process being utilized by the member district to oversee and evaluate placements in the NPS. This description shall include a method for evaluating whether the student is making appropriate educational progress. (Ed. Code 56366.)

The LEA Superintendent or designee of an elementary district shall notify a high school district of all students placed in NPS or NPA programs prior to the annual review of the IEP for each student who may transfer to the high school district. (5 CCR § 3069.)

When a special education student meets the district requirements for

Section B: Governance and Administration

SELPA El Dorado County SELPA

Fiscal Year 2021-22

completion of prescribed course of study as designated in the student's IEP, the district which developed the IEP shall award the diploma. (5 CCR § 3070.)

6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in *EC 56026(c)(4)*) who has been incarcerated in a county jail and remains eligible for special education services:

The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (*EC Section 56040*)

It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (*EC Section 56041*)

Reference Number:

Board Policy 1

Document Title:

Comprehensive Local Plan for Special Education

Document Location:

<http://edcoe.org/educational-services/selpa-special-education-local-plan-area/el-dorado-county-selpa-local-plan-and-policies>

Description:

The El Dorado County SELPA desires to provide a free and appropriate public education (FAPE) to all school aged K-12 individuals with disabilities, who are enrolled in the member districts, including children who have been suspended or expelled or placed by the member districts in a nonpublic school or agency services. The SELPA will provide technical support to any LEA identified as the DOR for students age 18 to 21 who are incarcerated in a county jail and remain eligible for special education to assist in meeting their obligation. The SELPA may facilitate collaboration with the jails as requested.

