

LOCAL PLAN
Section B: Governance and Administration
SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education
Special Education Division
January 2020

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 East San Gabriel Valley Special Education Local Plan Area (ESGV SELPA or SELPA) is a multi-district SELPA comprised of Azusa USD, Baldwin Park USD, Bassett USD, Bonita USD, Charter Oak USD, Claremont USD, Covina-Valley USD, Glendora USD, Walnut Valley USD, West Covina USD, California Virtual Academy @ Los Angeles Charter School, iQ Academy Charter School, Opportunities for Learning - Baldwin Park Charter School, Options for Youth - San Bernardino Charter School, and San Jose Charter Academy who joined together to provide for the coordinated delivery of programs and services to students with special needs who reside in the area. ESGV SELPA is located in the eastern section of Los Angeles County, covers 110 square miles, and borders San Bernardino and Orange County.

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:

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. In addition, each LEA shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the local education agency of residence programs. Such cooperation ensures that a range of program options is available throughout the SELPA.

The governance structure of the SELPA is established by agreement among the Superintendents of the member LEAs. The governing body of the ESGV SELPA is the Superintendents' Council. The SELPA Director may convene additional advisory committees as needed. The SELPA Director is responsible for coordination of the SELPA and implementation of the local plan.

The Superintendents' Council is composed of the Superintendents, or Superintendent equivalent, from each of the 15 LEAs within the SELPA. Superintendents may participate via telephone or video conferencing, pursuant to the provisions of the Ralph M. Brown Act, if unable to attend a meeting. A quorum shall consist of one more than half of the voting members in attendance.

A chairperson shall be selected by the Superintendents' Council every two years on a rotational basis. The

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SELPA Director serves as Secretary to the Superintendents' Council. The SELPA Director will consult with the chair in preparation of the agenda for each meeting; the SELPA Director shall provide all support materials. The chair, or the chair's designee in the chair's absence, shall conduct the meeting.

Members of the Superintendents' Council are responsible to the governing boards of their respective LEAs.

The Superintendents' Council meets a minimum of five times per school year. All meetings of the Council shall be noticed and conducted in compliance with the Brown Act and other applicable laws. The notice and minutes of all regular meetings shall be sent to all superintendents of LEAs within the SELPA, and to other persons as requested.

It is the responsibility of the Superintendents' Council to take action to approve or deny amendments to the local plan, approve changes in the SELPA allocation plan, and any other item determined necessary by the Superintendents' Council. The Superintendents' Council evaluates the SELPA Director on an annual basis.

The Superintendents' Council takes action by voting during a duly agendized meeting. Votes of each member shall be weighted based on the average daily attendance (ADA) of each member's LEA for the second reporting period (P2) of the preceding school year. The SELPA Director shall annually provide the Superintendents' Council with the weighted voting formula at the beginning of each school year. Decisions will be made by a majority vote consisting of one more than half of the those voting, except in circumstances where state or federal law requires a unanimous vote.

The East San Gabriel Valley SELPA Community Advisory Committee (CAC) serves in an advisory capacity. CAC membership includes parents of individuals with exceptional needs enrolled in public or private schools, parents of other students enrolled in school, students with disabilities, adults with disabilities, general education teachers, special education teachers, other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs. At least a majority of the CAC shall be composed of parents of students enrolled in schools participating in the local plan and at least a majority of such parents shall be parents of individuals with exceptional needs.

CAC members shall be appointed by LEA governing boards. Selection of members of the Community Advisory Committee will be the responsibility of each administrator of special education acting for the Local Board, and with its approval. The Superintendents' Council will assure that the make-up of the Committee meets the standards as stated in the California Education Code and that annually staggered two-year terms are established so that no more than half of the members serve the first year of a term in any one year. The SELPA Director or designee serves as an ex officio member of the CAC and acts as the liaison between the CAC and the Superintendents' Council.

Amendments to the Local Plan

The SELPA Director shall be responsible for coordinating the development of any proposed amendments to the local plan. Amendments to the permanent portion of the local plan may be considered at any time. The Superintendents' Council may adopt changes to the local plan on an interim basis, not to exceed one school year. Amendments require the approval of each LEA governing board. Following approval by all LEA governing boards, the SELPA will submit the local plan to the California Department of Special

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Education for submission to the State Board of Education.

Joining the SELPA

Any LEA may request to join the SELPA by submitting a letter of request for membership to the SELPA no later than January 15 of any school year for membership in the following fiscal year. LEAs may be required to join a Joint Powers Agreement (JPA) for purposes of membership and funding per action of the Superintendents' Council.

The letter of request for membership must specify: Name of LEA, contact person with contact information; total enrollment (actual or projected); type of special education services currently offered; plan for delivery of special education services; and background information about the LEA.

The Superintendents' Council shall review the membership request letter and supporting documentation. As necessary and appropriate, the Superintendents' Council or its designee may request additional information, including a face-to-face meeting with representatives of the LEA. SELPA staff will conduct a special education review of the LEA, including, as appropriate, review of previous compliance reviews. Results of the review, including the willingness and ability of the LEA to resolve any non-compliance, shall be reported to the Superintendents' Council.

A final decision shall be made by the Superintendents' Council regarding membership and the projected start date.

The Superintendents' Council may approve or deny any request for membership based on a review of fiscal and programmatic issues. Priority for approval shall be for requests where the programmatic issues are compatible with the SELPA Local Plan and fiscal issues are revenue neutral.

New members of the SELPA shall provide:

1. Agreement and adoption of all sections of the Local Plan by the LEA governance body.
2. Agreement of approved actions of the SELPA Superintendents' Council as contained in approved Superintendents' Council minutes.
3. Agreement that the new member LEA/charter maintains responsibility for all aspects of providing special education and related services, including the contracting and cost of any nonpublic school or agency, attorney representation as part of mediation, due process/or compliance processing and other costs associated with the provision of special education and related services.
4. Agreement to participate in the Special Education Information System (SEIS) system by providing hardware and staff consistent with required specifications.
5. As appropriate and voluntary on the part of a LEA or charter, agreement to representation via a SELPA approved Joint Powers Agreement (JPA).

The SELPA may approve membership of a group of LEAs and/or charter schools that elect to form a Joint Powers Agreement (JPA). Approval shall be based on the same criteria applicable to non-JPA SELPA members. The SELPA may develop a JPA for purposes of addressing small LEA/charter needs as a voluntary option for membership. Such development shall be approved by the Superintendents' Council. The SELPA may elect to allow an existing JPA to join the SELPA up to a total of three total JPAs maximum at one time. It is understood that the JPA shall meet all the same requirements as other LEAs and/or charter schools selected to for a JPA. It is understood that the JPA shall have voting privileges based on the total ADA of all JPA members and is entitled to the same representation as any individual LEA or charter school. The SELPA Director shall be an ex-officio member (non-voting) of this SELPA developed JPA and have access to other member JPAs to address issues consistent with the Local Plan.

Approval for membership into the SELPA shall be by any majority vote of the voting members of the Superintendents' Council. Such membership requires the applicant to agree to the provisions of the current SELPA Local Plan, including policies, agreements, and the fiscal allocation plan approved by the SELPA governance

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structure. Such adoptions of the current Local Plan shall not require reauthorization of the Local Plan by all members. Such membership shall be indicated via the addition of the new member's name on the Local Plan and any agreement without new approvals by other members. In addition, the member must adopt local policies and administrative regulations or procedures sufficient to support the Local Plan and in compliance with state or federal review. Failure to comply with the criteria listed above will result in the withholding of any funding allocations or portions of allocation until compliance of those items is completed.

Program Transfer

A member LEA initiating a transfer of educational programs and services already in operation within the SELPA shall follow appropriate Education Code provisions and adopted SELPA guidelines. In the event an LEA desires to initiate program or services transfers, a transfer planning committee may be designated by the Superintendents' Council, by direction to the SELPA Director, to address, at a minimum, all of the following: pupil needs, the availability of the full continuum of services to affected pupils, the functional continuation of the current IEPs of all affected pupils, the provision of service in the least restrictive environment from which affected pupils can benefit, the maintenance of appropriate support services, the assurance of compliance with federal and state laws and regulations and SELPA policies, and the means through which parents and staff were represented in the planning process.

The transfer of programs will take effect no earlier than the first day of the second fiscal year beginning after the date on which the sending or receiving agency has informed the other agency and the Superintendents' Council, unless the Superintendents' Council unanimously approves the transfer take effect on the first day of the first year following the date of receipt of notification.

The approved SELPA guidelines for program transfer will be followed by SELPA staff as well as all affected agencies. Alternate dispute resolution pursuant to Education Code 56205(d) will be utilized if either sending or receiving agency disagrees with the proposed transfer. All costs associated with due process actions will be paid by the agency initiating the program or service transfer.

Withdrawal from SELPA

A member LEA that desires to withdraw from the SELPA shall notify the California Department of Education, the SELPA, and the participating county office(s) of its intent to withdraw from the SELPA at least one year prior to the proposed effective date of the withdrawal. Any such plan to withdraw from the SELPA will be submitted to the Superintendents' Council for approval. Any LEA initiating a proposal to withdraw from the SELPA shall bear the total cost of consultants retained by the LEA or SELPA to provide a thorough analysis of legal or fiscal implications caused by such proposed action. In addition, any due process costs associated with a withdrawal from SELPA shall be born entirely by the LEA initiating the change.

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 Superintendents' Council is the policy making body and is responsible to the governing boards of their respective LEAs.

Superintendents' Council responsibilities shall include, but not be limited to:

1. Approve amendments to the local plan.

2. Review, approve, and monitor all budgets assigned to the SELPA.
3. Approve revisions to the allocation plan for the distribution of federal, state, and local funds allocated for special education programs.
4. Take action to approve or deny annual service and budget plans and revisions to those plans.
5. Establish and promote a Community Advisory Committee (CAC).
6. Review and consider comments from the CAC.
7. Take action to approve or deny requests for program transfers.
8. Take action to approve or deny SELPA-wide policies, administrative regulations, procedures, resolutions, local interagency agreements and guidelines for the management and implementation of special education programs and services within the SELPA.
9. Select, supervise, discipline, and evaluate the SELPA Director.
10. Provide direction to the SELPA Director for regionalized and program specialist services.

Policies, Procedures, and Local Agreements

SELPA policies, procedures, and local agreements necessary to support the implementation of the local plan, and as required by legal mandates, have been developed and are available upon request. These documents can be requested through the SELPA office.

Annual Budget Plan

The SELPA shall adopt an annual budget plan at a public hearing scheduled at a superintendents' Council meeting in compliance with all legal mandates. A public hearing will be held for which written notice has been provided to members of the staff, parents, and general public by posting said notice at each school located within the local plan area at least 15 days prior to the hearing. The annual budget plan shall identify expected income and expenditures as required by state and federal laws, including describing the distribution of funds for the purpose of providing for ESGV SELPA administrative costs, special education services to students with severe and non-severe disabilities and low incidence disabilities, supplemental aids and services for students with disabilities in general education classrooms and environments, regionalized operations and services including direct instructional support by program specialists, the use of local property taxes to support ESGV SELPA and LEA programs, and the provision of services to all students with disabilities residing within the local plan area between the ages of birth and 21 years, inclusive.

All property taxes for special education purposes may be allocated to the Los Angeles County Office of Education, and used to support the services for the severely disabled. If a time should occur where the revenues exceed the expenditures, or the Los Angeles County Office of Education is no longer used as a service provider for the severely disabled, the revenue will be allocated to the member LEAs for special education services to serve students with disabilities. The annual budget plan may be revised at any time during the fiscal year in a manner consistent with the SELPA policy-making process, the SELPA Service Plan, and then-applicable state and federal statutes and regulations.

Annual Service Plan

The SELPA shall adopt an annual service plan at a public hearing scheduled at a Superintendents' Council meeting in compliance with all legal mandates. Notice of this hearing shall be posted in each district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be

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revised during any fiscal year according to the SELPA policy-making process and consistent with law. The annual service plan shall include a description of services to be provided by each LEA and the county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools operated by districts, community schools operated by county offices, and juvenile court schools, regardless of whether the district or county office is participating in the local plan. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.

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 ESGV SELPA shall submit the Local Plan to the superintendent of the Los Angeles County Office of Education for approval. The Los Angeles County Office of Education may provide services to students with disabilities and support LEAs, as requested.

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

A request by a charter school to participate as an LEA in the SELPA will not be treated differently from a similar request made by a school district. In reviewing and approving such a request, the following requirements shall apply:

1. The SELPA shall comply with Education Code section 56140.
2. The charter school shall participate in state and federal funding for special education and the receive funding in the same manner as other LEAs of the SELPA as specified in the SELPA income distribution model.
3. The charter school shall participate in the governance of the SELPA in the same manner as other LEAs of the SELPA.

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

This policy applies to all charter schools chartered by educational entities located within the member districts of the East San Gabriel Valley SELPA or who are chartered by an educational entity outside the SELPA boundaries, but have been approved for membership within the ESGV SELPA for special education purposes. 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 SELPA [EC 47605.5 (k) (1)]. Students enrolled in charter schools are entitled to special education services provided by State and Federal funding. The charter schools will comply with all requirements of state and federal law regarding provision of special education services [EC 56000 et seq., Individuals with Disabilities Education Act (20 U.S.C. Chapter 33)]. Children with disabilities and their parents shall retain all rights under IDEA.

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Special Education and related services shall be provided to all eligible individuals within the jurisdiction of the East San Gabriel Valley SELPA in accordance with this Local Plan. Students enrolled in charter schools chartered by member districts shall receive services in a manner similar to other students. No governing board shall grant a charter unless the charter includes assurances that special education instruction and/or services shall be provided to all eligible disabled students, enrolled in charter school, in accordance with the SELPA Local Plan.

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. Education Code 47613.5 allows a charter school to be deemed a Local Education Agency (LEA) for purposes of special education and to receive direct funding; or continue to be categorized as a public school within a district. All approved charter schools will be deemed public schools within a district unless the charter school meets the same criteria as any other LEA wishing to join the SELPA and as a result, the SELPA Superintendents' Council has deemed the charter school a LEA for purposes of special education funding. If the approval of a charter requires a change to the SELPA allocation plan, such change will be adopted pursuant to the policy making process of the SELPA. Approval of a new charter or LEA by the Superintendents' Council without any other changes to this Local Plan shall not require Local Board action.

1. SELPA Involvement with Approval and Renewal of Charters - Prior to approval of a new charter, or renewal of an existing charter, the superintendent or designee of the chartering entity shall consult with the SELPA Director regarding the provision of special education services to students enrolled by the charter school. The petitioner must provide adequate assurances that all eligible students enrolled in the charter school will receive/ have received appropriate special education services in accordance with the East San Gabriel Valley SELPA Local Plan. The charter must provide assurances that no student will be/has been denied enrollment in the charter school due to a disability or the charter school's inability to serve the student. The SELPA will be available to provide consultation on the potential fiscal impact and benefits that may be associated with granting the requested charter. An approved charter must delineate the entity responsible for providing special education instruction and services as required of all LEAs, any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. These provisions may be included in a Memorandum of Understanding in the event the charter has not developed local policies.

2. Categories of Charter Schools - For the purposes of provision of special education services, charter schools may be deemed either a local Education Agency (LEA) or a public school within the chartering district. A charter school shall be deemed a public school within the chartering district unless the charter school has complied with all provisions of section 2b (below), including ratification by the Superintendents' Council.

a. Public Schools within a District - Charter schools that are deemed public schools within a district will participate in state and federal funding in the same manner as other schools within the chartering district. The chartering district will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instructional services in a manner that is consistent with all applicable provisions of state and federal law. The district will determine the policies and

procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students in the regular program. The charter school, deemed a public school, shall be represented on the SELPA Superintendents' Council by the Superintendent of the district granting the charter.

The chartering district will receive all applicable special education funds, as outlined in the SELPA allocation plan. The chartering district will represent the needs of charter schools, like other schools within the district, in the SELPA governance structure. The chartering district will be responsible for ensuring that all eligible students are appropriately served. The district will be responsible for procuring and funding appropriate special education services, even though the student may live anywhere in the state. The district may contract for these services with public or private educational entities. When a student lives outside the boundaries of the chartering district, the district in which the child lives will have no responsibility to provide services or pay excess costs.

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

b. Charter School as a LEA with the SELPA. - A charter school may apply to become a LEA for the provision of special education services. Application must be made to the SELPA by January 15 of the school year proceeding the school year in which the charter school anticipates operating as a LEA within the SELPA. The Superintendents' Council will make the final determination whether the charter school has the capacity and intent to meet all requirements of a LEA. The application process for a Charter School will be the same as any other LEA wishing to be a member of the SELPA.

Once deemed a LEA for the purposes of special education, the charter school will be responsible for and entitled to the following:

- a. A charter school designed as a LEA for special education shall have voting rights on the Superintendents' Council of the SELPA.
- b. All charter schools are entitled to state and federal funding for special education in the same manner as other districts within the SELPA per the approved allocation plan.
- c. All charter schools are responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints, and attorney fees.
- d. All charter schools must document that all State and Federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state, and local funds apportioned to charter school.

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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 East San Gabriel Valley SELPA Community Advisory Committee (CAC) serves in an advisory capacity and responsibilities include:

1. Advise the policy and administrative entity on the development, amendment, and review of the local plan.
2. Recommend annual priorities to be addressed by the SELPA.
3. Assist in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
4. Encourage community involvement in the development of the local plan.
5. Support activities on behalf of individuals with exceptional needs.
6. Assist in parent awareness of the importance of regular school attendance.

The CAC shall have regularly scheduled meetings not less than four times per year. All meetings of the committee shall be held according to law and the Brown Act. The SELPA Director/designee will present the CAC's input to the Superintendents' Council for consideration.

Announcements of CAC meetings and activities will be distributed to parents of children with special needs in the SELPA. In addition, information will be posted on the SELPA web page and in any other location required by law.

The CAC shall adopt bylaws, subject to approval by the Superintendents' Council, consistent with legal requirements and the advisory role of the CAC.

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 Local Plan will be reviewed and updated cooperatively by a committee of representatives of special and regular teachers and administrators selected by the group they represent and with input from the Community Advisory Committee.

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:

The Covina-Valley Unified School District is the AU for the SELPA. The AU is the SELPA's fiscal agent and is responsible for implementing the following functions:

1. Receipt and distribution of special education funds for the operation of special education programs and services, pursuant to state and federal law.
2. Administrative support, including establishing and maintaining an office for SELPA staff.
3. Serve as the employing agency for SELPA office staff to coordinate implementation of the local plan.

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Each LEA will defend and indemnify the AU against, and will hold and save the AU, its officers, agents, and employees harmless from, any and all actions, claims, damages to persons or property, penalties, obligations, or liabilities that may be asserted or claimed by any person, firm, entity, corporation, political subdivisions, or any other organization arising out of the operation or maintenance or other activities of the LEA or its agents, employees, or independent contractors under this local plan.

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:

Children with disabilities are served in their home districts whenever the needs identified on the individualized education program can be met within the home district. However, it is recognized that some students have unique educational needs that cannot be met in their home districts. Based upon unique educational needs, some students receive services from other districts within the SELPA, districts in neighboring SELPAs, non-public schools, or the Los Angeles County Office of Education.

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 of each LEA shall approve its participation in the ESGV SELPA Local Plan for Special Education.

The local governing board responsibilities include, but are not limited to:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the agency.
2. Approval of the local plan.
3. Adoption of policies and procedures for special education programs and services within their districts.
4. LEA compliance with all elements of the local plan.
5. Input on SELPA policies and procedures through the superintendent of the LEA.
6. Appointment of individuals to the CAC.

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

Superintendents, or Superintendent equivalent, of each LEA are responsible to their respective governing boards. Each superintendent shall:

1. Serve as a member of the Superintendents' Council.
2. Assist in the identification of special education program and service needs for the SELPA through participation on the Superintendents' Council.

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3. Communicate SELPA information to their governing boards.

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

LEA special education administrators are responsible for the coordination of special education services and programs within their agencies and for the implementation of the local plan within their LEAs.

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:

The AU is responsible for the recruitment of the SELPA Director. The Superintendents' Council shall make the final selection of a candidate for the position of SELPA Director. The SELPA Director shall be an employee of the AU. The Superintendents' Council conducts the evaluation of the SELPA Director. It is the SELPA Director's responsibility to represent the interests of the SELPA as a whole without promoting any particular local education agency's interest over any other agency.

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

The governing boards of the local education agencies participating in the SELPA have agreed that students with disabilities will be provided with appropriate special education services. The Superintendents' Council has been designated the authority to determine the distribution of all federal and state special education funds in order for local education agencies to carry out their responsibilities. The funding allocation plan is incorporated in this local plan by reference.

The SELPA shall be responsible for the distribution of the funds according to an approved Special Education Funding Allocation Plan. All federal and state special education funds shall be allocated to the SELPA for distribution to local education agencies according to an approved Special Education Funding Allocation Plan. The Superintendents' Council shall make any changes to the allocation of federal and state special education funds. The SELPA Director is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

c. The operation of special education programs: education programs:

The SELPA Director carries out the SELPA's obligation to assure equal access to all programs and services in the SELPA and provides advice to members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, on the availability of established due process and legal service options and procedures. In cooperation with the California

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Department of Education, the SELPA Director provides information to ensure that all special education pupils receive appropriate due process and procedural safeguards as provided by law.

Specific duties of the SELPA Director include, but are not limited to:

1. Coordinate implementation of all components of the local plan.
2. Prepare and submit approved annual budget and service plans.
3. Oversee the recruitment, supervision, and evaluation of SELPA designated staff.
4. Gather input from LEA program and business staff to formulate policy and procedure recommendations for Superintendents' Council action related to the distribution of state and federal funds among the LEAs.
5. Meet with LEA program and business staff regarding special education program needs, policies, procedures, agreements, and forms; and the development and implementation of personnel development programs.
6. Provide LEA program staff with a venue for sharing ideas regarding issues such as IEP development and implementation, curriculum scope and sequence, student performance targets, assessments, instructional best practices, and day-to-day operations.
7. Develop and maintain interagency agreements with appropriate public agencies to ensure a full range of special education programs and services.
8. Ensure appropriate use of federal, state, and local funds allocated for special education.
9. Prepare program and fiscal reports required by the LEAs, SELPA, and California Department of Education.
10. Provide technical assistance and consultation to LEAs in all areas of special education, including complaint and due process procedures.
11. Adopt and implement a management information system.
12. Inform the superintendents of the status of the special education programs.
13. Serve as Secretary to the Superintendents' Council.

In the event the SELPA Director has knowledge of noncompliance and/or concerns regarding compliance trends, he/she shall inform the director of special education or responsible administrator and the LEA superintendent. Such reports may be part of ongoing discussions at Superintendents' Council meetings. After attempts to resolve issues of noncompliance, the SELPA Director may recommend corrective action plans, re-allocation of funds, and other remedies to the Superintendents' Council. Remedies may include the involvement of the California Department of Education.

A duly adopted board policy of each LEA member of the ESGV SELPA shall indicate that the LEA is responsible for educating children with disabilities in the least restrictive environment. Placement in special education programs or services occurs only when the nature or severity of the disability is such that the child's education, even with the use of modifications of the general education program or use of supplementary aids or programs, cannot be achieved satisfactorily in the general education setting.

LEA responsibilities include, but are not limited to:

1. Coordinating and conducting child find activities.
2. Making available a free appropriate public education to all children residing in the LEA between the ages of birth through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

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3. Developing and providing programs and services for all eligible students residing in the district and for students at private schools located in the district.
4. Identifying and serving students in medical, foster or licensed children's institution facilities.
5. Participating in state/district-wide assessments.
6. Operating all special education programs and services in accordance with state and federal laws and regulations.
7. Responding to compliance and due process complaints and implementing the decisions of compliance investigations or due process hearings.
8. Utilizing the same management information system, forms, procedures and guidelines as all other districts within the SELPA.
9. Collecting and completing state and federal report requirements; including California Longitudinal Pupil Achievement Data System (CALPADS) reports, self-reviews, and verification reviews.

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

The SELPA member LEAs acknowledge the obligation to maintain the level of general fund contribution toward the provision of special education services at a level equal to or greater than that of the prior year (aka "Maintenance of Effort" or "MOE"), in compliance with state and federal mandates. Funds received under Part B of the Individuals with Disabilities Education Act (IDEA) shall not be used, except in specified situations, to reduce the level of expenditures for the education of children with disabilities, on an aggregate or per capita basis, made by an LEA from state and local funds below the level of those expenditures for the preceding fiscal year made from the same sources.

The SELPA shall comply with Maintenance of Effort regulations requiring that federal funds be used only 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. (Title 34 Code of Federal Regulations sections 300.203-300.205).

The AU, as the grantee of federal funds from the State Department of Education, shall distribute all or part of the federal funds received to participating LEAs within the SELPA through a sub-granting process and shall annually conduct and report to the State Department of Education the required MOE information. The LEAs within the SELPA shall annually compile and submit to the SELPA budget and expenditure information including SEMA and SEMB comparisons as adopted and defined by the California Department of Education. The two comparison tests are as follows:

- First Comparison - Grant Year Budget versus Prior Actual Expenditures
- Second Comparison - Prior Year Actuals versus Second Prior Year Actuals

For the purpose of Maintenance of Effort, the SELPA AU is the recipient of the federal funds from CDE and is, in turn, a grantor of all, or part, of those funds as sub-grants to participating LEAs.

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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:

Funds for low incidence equipment, materials, and supplies as well as for low incidence services are restricted to support of students in the following disability categories: hard-of-hearing, deaf, visual disability, severely orthopedically impaired, and deaf-blind. The funds are administered through the SELPA as specified in the *East San Gabriel Valley SELPA Low Incidence Guidelines* and include receipt of funds, expenditure of funds, maintenance of an inventory, development of procedures for exchange of equipment, and reporting to the state.

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:

"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:

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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)**

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 a of 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)

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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 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

SELPA Fiscal Year **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:

"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

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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

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:

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"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 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:

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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:

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:

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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:

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:

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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)

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:

Description:

2. Coordinated system of identification and assessment:

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Reference Number:
Document Title:
Document Location:
Description:

3. Coordinated system of procedural safeguards:

Reference Number:
Document Title:
Document Location:
Description:

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

Reference Number:
Document Title:
Document Location:
Description:

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

Reference Number:
Document Title:
Document Location:
Description:

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

Reference Number:
Document Title:

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Document Location:

Description:

7. Coordinated system of data collection and management:

Reference Number:

Document Title:

Document Location:

Description:

8. Coordination of interagency agreements:

Reference Number:

Document Title:

Document Location:

Description:

9. Coordination of services to medical facilities:

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:
Document Title:
Document Location:
Description:

12. Fiscal and logistical support of the CAC:

Reference Number:
Document Title:
Document Location:
Description:

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

Reference Number:
Document Title:
Document Location:
Description:

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

Reference Number:
Document Title:
Document Location:
Description:

15. Assurance of full educational opportunity:

Reference Number:

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Document Title:
Document Location:
Description:

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:
Document Title:
Document Location:
Description:

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

Reference Number:
Document Title:
Document Location:
Description:

Special Education Local Plan Area Services

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

Reference Number:
Document Title:
Document Location:
Description:

2. A description of the method by which members of the public, including parents or guardians of

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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:

Document Title:

Document Location:

Description:

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:

Document Title:

Document Location:

Description:

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:

Document Title:

Document Location:

Description:

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:

Reference Number:

Document Title:

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Document Location:

Description:

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:

Document Title:

Document Location:

Description:



Comprehensive Local Educational Agency Assurances

East San Gabriel Valley SELPA: SPP 100

The East San Gabriel Valley SELPA ensures conformity with Sections 1412(a) and 1413(a)(1) of Title 20 of the *United States Code* (20 USC), and in accordance with Title 34 *Code of Federal Regulations* (34 CFR) Section 300.201, that the following policies are consistent with state laws, regulations, and policies governing each of the requirements established in *EC 56205 (a)(1-22)*.

- 1. Free Appropriate Public Education (20 United States Code [U.S.C.] § 1412 [a][1])**
It shall be the policy of this local educational agency (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.
- 2. Full Educational Opportunity (20 U.S.C. § 1412 [a][2])**
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.
- 3. Child Find (20 U.S.C. § 1412 [a][3])**
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, and 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.

- 4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP) (20 U.S.C. § 1412 [a][4])**
It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 U.S.C. § 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 U.S.C. § 1414 (d). It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.
- 5. Least Restrictive Environment (20 U.S.C. § 1412 [a][5])**
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.
- 6. Procedural Safeguards (20 U.S.C. § 1412 [a][6])**
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.
- 7. Evaluation (20 U.S.C. § 1412 [a][7])**
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.
- 8. Confidentiality (20 U.S.C. § 1412 [a][8])**
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.
- 9. Part C to Part B Transition (20 U.S.C. § 1412 [a][9])**
It shall be the policy of this LEA that children participating in early intervention programs (Individuals with Disabilities Education Act [IDEA], Part C), and who will participate in preschool programs, experience a smooth and effective transition to those preschool programs in a manner consistent with 20 U.S.C. § 1437 (a)(9). The transition process shall begin prior to the child's third birthday.
- 10. Private Schools (20 U.S.C. § 1412 [a][10])**
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.

- 11. Local Compliance Assurances (20 U.S.C. § 1412 [a][11])**
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 Education Code, Part 30.
- 12. Interagency (20 U.S.C. § 1412 [a][12])** 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.
- 13. Governance (20 U.S.C. § 1412 [a][13])**
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 Educational Agency.
- 14. Personnel Qualifications (20 U.S.C. § 1412 [a][14])** It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately prepared and trained, and that those personnel have the content 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.
- 15. Performance Goals and Indicators (20 U.S.C. § 1412 [a][15])**
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.
- 16. Participation in Assessments (20 U.S.C. § 1412 [a][16])** 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 IEPs.
- 17. Supplementation of State, Local, and Federal Funds (20 U.S.C. § 1412 [a][17])**
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.

- 18. Maintenance of Effort (20 U.S.C. § 1412 [a][18])**
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.
- 19. Public Participation (20 U.S.C. § 1412 [a][19])**
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.
- 20. Suspension and Expulsion (20 U.S.C. § 1412 [a][22])**
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.
- 21. Access to Instructional Materials (20 U.S.C. § 1412 [a][23])**
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.
- 22. Overidentification and Disproportionality (20 U.S.C. § 1412 [a][24])**
It shall be the policy of this LEA to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities.
- 23. Prohibition on Mandatory Medicine (20 U.S.C. § 1412 [a][25])**
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.



Local Plan Section B Governance and Administration: **Administration of Regionalized Operations and Services – SPP200**

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 administrator of the SELPAs, 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:

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support the coordination and implementation of the local plan through their support to regionalized programs and member LEAs, as requested. LEA program specialists support the coordination of the SELPA and the implementation of the local plan through collaboration amongst member LEAs, including the support and operation of regionalized Provider Programs.

Role of the RLA/AU: The AU receives and maintains accountability for fiscal and accounting records in accordance with federal and state requirements and submitting reports to appropriate authorities, as well as distributes funds to member districts in accordance with the ESGV SELPA allocation plan, at the direction of the SELPA office.

Role of the Administrator of the SELPA: The SELPA Administrator will ensure that the local plan is implemented and will make recommendations to the Superintendents' Council when revisions to the local plan are needed. The SELPA Administrator will also facilitate the development and approval of SELPA policies and procedures necessary to implement the local plan.

The SELPA Administrator is responsible in working with the member LEAs and other agencies to ensure a full continuum of placement and services options are available to students within the SELPA. The SELPA Administrator is responsible for ensuring the direction of the AU in the allocation of funds consistent with the approved allocation plan.

Role of the Individual LEAs: LEAs ensure a full continuum of services are available in order to provide a free and appropriate public education to all students with disabilities for whom they are responsible. LEAs will support the continuum of services that exist within the SELPA through their support of Provider Programs. The individual LEAs, through their Superintendent's participation on the Superintendents' Council, will approve any policies and procedures needed to implement the local plan.

2. Coordinated system of identification and assessment:

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support a coordinated system of identification and assessment, including students enrolled in private schools. LEA program specialists work collaboratively with the SELPA and member districts to support the coordination of identification and assessment.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA Administrator ensures each LEA conducts child find activities. The SELPA Administrator supports child find activities at a regional and county level, including facilitation of public notices. The SELPA will provide technical support to LEAs and guidance to parents, as needed. The SELPA will also participate in child find activities established by the LEAs and ensure appropriate interagency agreements are in place to support activities.

Role of the Individual LEAs: Each LEA is responsible for identifying and assessing all students for whom they are responsible through a coordinated system of child find and related activities. Districts operating Provider Programs in the SELPA will support the coordination of identification and assessment collaboratively with the District of Residence for all students enrolled in the District.

3. Coordinated system of procedural safeguards:

Description:

Direct Instructional support provided by the program specialists: Program specialists support a coordinated system of procedural safeguards/parent rights, including offering to review procedural safeguards and providing information to parents/guardians as needed. The SELPA program specialist(s) work under direction of the SELPA administrator and may provide alternative dispute resolution through contact with parents/guardians. The SELPA programs specialist(s) provide parents/guardians with a copy of their procedural safeguards and upon request will review all procedural safeguards with parents/guardians.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA provides alternate dispute resolution support as requested by member districts and through contact initiated by parents. The SELPA Administrator assists parents, upon request, with filing complaints with the Office of Administrative Hearings when requested. The SELPA Administrator will provide parents/guardians with a copy of their procedural safeguards and upon request will review all procedural safeguards with parents/guardians. The SELPA ensures updated copies of procedural safeguards are available and offered to parents in all member districts and will maintain a copy on the SELPA website.

Role of the Individual LEAs: The LEAs provide procedural safeguards to parents/guardians consistent with the education code, assist parents with understanding their procedural safeguards, and ensures that procedural safeguards are implemented consistently. The LEAs assist parents, upon request, with filing complaints with the Office of Administrative Hearings when requested.

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

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support staff development, as well as parent and guardian education. Program specialists, including LEA program specialists, may provide direct training and support the dissemination and implementation of evidenced-based practices.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: On an annual basis, input is collected from the Special Education Directors from member LEAs to determine the staff development needs that the SELPA is requested to provide. On an annual basis, the Community Advisory Committee will provide input on the parent and guardian education needs. The SELPA will provide needed training and supports as requested, or determined appropriate, for each LEA. The SELPA Administrator will regularly provide information from the state level regarding initiatives, resources, and supports available to the SELPA and member LEAs.

Role of the Individual LEAs: LEAs will determine their staff development and parent/guardian education, based on their local needs. They may seek technical assistance or input from the SELPA. Whenever possible, LEAs will extend appropriate staff development and parent/guardian training opportunities to member districts within the SELPA. LEAs operating regionalized Provider Programs will ensure program staff receive appropriate professional development.

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

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support a coordinated system of curriculum development and alignment with the core curriculum. Program specialists may provide direct training, attend state and regional professional development opportunities, and support the implementation of curriculum across the SELPA, as requested. Program specialists working within Provider Programs support the coordination of curriculum development and alignment with the core curriculum.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA Administrator will provide technical assistance and staff development, as requested or determined appropriate, including

Role of the Individual LEAs: LEAs will determine their needs for curriculum development and alignment with the core curriculum, based on their local needs. Districts operating provider programs are responsible for ensuring curriculum development and alignment with the core curriculum.

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

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support LEAs in activities related to performance, compliance, and accountability. LEA program specialists work collaboratively with the SELPA to address performance, compliance, and accountability issues.

Role of the RLA/AU: The AU will receive and maintain accountability for fiscal and accounting records in accordance with federal and state requirements and will submit reports to appropriate authorities, including support of the submission of SELPA fiscal accountability reports (e.g., Maintenance of Effort).

Role of the Administrator of the SELPA:

The SELPA Administrator is actively involved in compliance and performance of member LEAs within the SELPA. will:

1. Review Annual Performance Reports, California School Dashboard, Local Control Accountability Plans, and other data sources with LEA administrators.
2. Provide technical assistance and support/consultation to member LEAs with Annual Performance Reports, California School Dashboard, Local Control Accountability Plans, and other data sources.
3. Review Annual Budget Plan with Superintendents, CAC and other interested parents, community or educational groups
4. Review Annual Service Plan by Superintendents, CAC and other interested parents, community or educational groups

5. Review of the funding Allocation Plan by the Superintendents to ensure appropriate distribution of funds.

Role of the Individual LEAs. Individual LEAs review and monitor Annual Performance Reports, the California School Dashboard, and other data sources to ensure students with disabilities receive a free and appropriate public education. Individual LEAs also engage in monitoring activities as required by the CDE, with the support of the SELPA as requested. LEAs will review and address performance, compliance, and accountability issues in a timely manner.

7. Coordinated system of data collection and management:

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) and operational staff work under the direction of the SELPA Administrator to support a coordinated system of data collection and management. LEA program specialists work collaboratively with the SELPA to ensure a coordinated system of data collection and management.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA will approve the California Longitudinal Assessment and Pupil Data System (CALPADS) submission and any other required reports of each member LEA, as required by the California Department of Education. The SELPA will provide technical assistance and training to LEAs as requested and/or deemed necessary by the SELPA. The SELPA establishes and maintains the Special Education Data System (i.e. SEIS) for all LEA members to access and use for reporting purposes.

Role of the Individual LEAs: The LEAs are responsible for data entry, quality and integrity. The LEAs will approve the California Longitudinal Assessment and Pupil Data System (CALPADS) submission and any other required reports, as required by the California Department of Education. LEAs members are required to use the Special Education Data System (i.e. SEIS) established by the SELPA.

8. Coordination of interagency agreements:

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support the coordination of interagency agreements. LEA program specialists, including those solely in Provider Programs, will work collaboratively with the SELPA to support the coordination of interagency agreements.

Role of the RLA/AU: The AU is responsible for executing interagency agreements at the direction of the SELPA. Such agreements may be required to be approved the AU's governing board in the interest of the member districts of the SELPA.

Role of the Administrator of the SELPA: The SELPA Administrator, or designee, will serve on committees as interagency agreements are being reviewed, revised, or developed. The SELPA Administrator will ensure that interagency agreements are in place as required by California Education Code and provide technical assistance and dispute resolution as needed. 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. California Children's Services.
2. San Gabriel - Pomona Regional Center.
3. Administrative Unit ("AU") Agreement - All participating LEAs

Other interagency agreements will be developed as needed. Copies of these documents can be requested through the SELPA office. All interagency agreements entered into by the SELPA shall be incorporated into this local plan as though fully set forth herein.

Role of the Individual LEAs: Through their Superintendent's participation in the Superintendents' Council and/or at the direction of the SELPA, LEAs will approve and implement interagency agreements as appropriate.

9. Coordination of services to medical facilities:

Description:

Direct Instructional support provided by the program specialist: The SELPA program specialist(s) work under the direction of the SELPA Administrator to support LEAs in ensuring students have a full educational opportunity when residing in medical facilities. LEA program specialists work collaboratively with the SELPA and other member districts to ensure a full educational opportunity for students residing in medical facilities.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA will facilitate the coordination of Special Education and Related Services by the designated LEAs.

Role of the Individual LEAs: Individuals with exceptional needs who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are the educational responsibility of the local educational agency in which the hospital or facility is located.

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

Description:

Direct Instructional support provided by the program specialist: The SELPA program specialist(s) and LEA program specialists work collaboratively to ensure students have a full educational opportunity regardless of the district of special education accountability.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA will facilitate the coordination of these services by the designated LEAs.

Role of the individual LEAs: Special education services for students with disabilities residing in foster family homes or licensed children's institutions shall be the responsibility of the district in which the foster family home or the licensed children's institution is located, unless based on education code there is another district of special education accountability which would be responsible.

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

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support the transmission of required SELPA reports. LEA program specialists will work collaboratively with the SELPA to support the completion of required reports.

Role of the RLA/AU: The AU is responsible, in conjunction with and under the direction of the SELPA, for completion of required accountability and fiscal reports on behalf of the SELPA.

Role of the Administrator of the SELPA: The SELPA Administrator will ensure timely transmission of required reports and provide technical assistance to LEAs in completing those reports.

Role of the individual LEAs: Individual LEAs will submit required data and work collaboratively in order for the SELPA to submit timely reports.

12. Fiscal and logistical support of the CAC:

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to provide support to the CAC. LEA program specialists will work collaboratively with the SELPA and CAC to support CAC activities, including but not limited to: parent training, disability awareness, special events, community outreaches, and presentations at CAC meetings.

Role of the RLA/AU: The AU maintains accountability for fiscal and accounting records, including the CAC allotted budget, in accordance with federal and state requirements,

Role of the Administrator of the SELPA: The SELPA Administrator will provide fiscal and logistical support to CAC meetings, events, and trainings as appropriate. The SELPA will monitor the status of the CAC Budget and make annual recommendations to the Superintendents' Council as appropriate. The SELPA Administrator will support identified parent training topics through securing presenters in collaboration with the CAC.

Role of the individual LEAs: The LEAs, through their Superintendent's participation on the Superintendents' Council, will ensure the SELPA has sufficient resources to provide fiscal and logistical support for the CAC. LEA Directors shall facilitate communication between their CAC representative and their LEA and support CAC events and trainings as requested and appropriate.

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

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support a coordinated system

transportation services for students with disabilities. LEA program specialists work collaboratively with the SELPA and member LEAs to ensure a coordinated system of transportation services.

Role of the RLA/AU: At the direction of the SELPA Superintendents' Council, the AU will publish a Request for Bids (RFB) and secure transportation contracts as directed.

Role of the Administrator of the SELPA: The SELPA Administrator supervises the SELPA Transportation Department to ensure effective transportation services and fiscal oversight of the transportation contract. The SELPA office provides regular communication to the member LEAs for their share of the transportation contract and resolves service and safety issues in a timely manner.

Role of the individual LEAs: Each member LEA is responsible for providing transportation for their students with disabilities as determined by their IEP teams. LEAs choosing to access SELPA transportation services are responsible for providing transportation data and working collaboratively with the SELPA office to ensure safe and effective service for all students. Districts operating Provider Programs are responsible for the coordination of transportation services for all students from member LEAs in the program, unless otherwise directed by the District of Residence.

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

Description:

Direct Instructional support provided by the program specialist: SELPA program specialist(s) work under the direction of the SELPA Administrator, support staff development, program development, and evidenced-based practices related to career and vocational/transition services. LEA program specialists work collaboratively to ensure coordination of career/vocational education and transition services.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA Administrator will provide technical assistance and staff development as needed. The SELPA Administrator will ensure appropriate interagency agreements are in place and facilitate connection to agencies, as appropriate, including technical assistance with state and federal grants that support career and vocational education and transition services (e.g., Workability grants).

Role of the individual LEAs: Each LEA will provide appropriate career and vocational education and transition services as required under state and federal law, including providing required elements of state and federal grants as appropriate. LEAs will also coordinate with local agencies (e.g., Regional Center and Department of Rehabilitation).

15. Assurance of full educational opportunity:

Description:

Direct Instructional support provided by the program specialists: SELPA program specialist(s) work under the direction of the SELPA Administrator to support full educational opportunity, including a full continuum of placement and service options. LEA program specialists support full educational opportunity through the support of the Provider Programs and ensuring a full continuum of placement and services options is available for all students residing within the SELPA boundaries.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: Through approval of the Annual Services Plan, the SELPA Administrator will ensure that the full continuum of services is provided, including the coordination of the SELPA's Provider Programs. The SELPA will assist with Inter-SELPA Transfers, as needed. Additionally, professional development and technical assistance is available upon request or as determined to be needed by the SELPA to LEAs and/or nonpublic schools.

Role of the individual LEAs: Each LEA, through the Superintendent's participation on the Superintendents' Council, will determine the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each LEA is responsible for providing a full continuum of services. LEAs operating Provider Programs supporting the SELPA's full continuum of placement and service options.

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.

Description:

Direct Instructional support provided by the program specialist: N/A.

Role of the RLA/AU: The AU and SELPA will work collaboratively on the reporting and accounting of special education funding and distributes funds to districts based on the SELPA allocation model.

Role of the Administrator of the SELPA: The SELPA Administrator will facilitate the distribution of funds in accordance with the funding allocation plan approved by the Superintendents' Council. The SELPA Administrator will also facilitate the Annual Budget Plan.

Role of the individual LEAs: Each LEA, through the Superintendent's participation on the Superintendents' Council, determine and approve the allocation of funds to the member LEAs and the Annual Budget Plan. The LEAs will also submit required fiscal reports as required by state and federal laws.

17. Direct instructional program support that may be provided by program specialists in accordance with EC Section 56836.01:

Description:

Direct Instructional support provided by the program specialist: Under the direction of the SELPA Administrator, direct instructional program support that may be provided by SELPA program specialist(s) shall include, but are not limited to:

- Conduct observations consult with and assist special and general education staff, administrators, and parents regarding appropriate placement and services for students.
- Participate in program development, including the development and support of regionalized programs.
- Coordinate curricular resources and take leadership in ensuring the use of appropriate instructional methods, strategies, interventions and resources.
- Facilitate the development and implementation of staff development and parent education activities.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA administrator supervises and evaluates designated SELPA program specialist(s) and provides training and guidance to the program specialist(s) as needed

Role of the individual LEAs: LEAs, including LEA program specialists, are responsible to provide direct instructional support to programs in order to ensure students have access to a full continuum of Special Education and Related Services.



Local Plan Section B Governance and Administration: **Special Education Local Plan Area Services SPP300**

1. Programs for Early Childhood / Part C Early Intervention Special Education

Designated districts provide Early Start services on a regional basis. Those designated districts are Azusa USD and Covina-Valley USD. These districts serve all solely low incidence (visual impairments, hearing impairments, and orthopedic impairments) identified infants with funding through federal resources and funding from the district of residence.

Additionally, some infants residing in the SELPA may be "*dually served*" with Regional Center, and neighboring SELPAs/LEAs with different funding models and Memorandum of Understandings (MOUs) with Regional Center than the MOU with the ESGV SELPA. The Regional Center remains payer of last resort for those children who are "dually served."

Necessary Early Start services are provided in the natural environment, to include home, group and community settings. School districts are responsible for needed transportation to special education and related services noted on the IFSP. For solely low incidence children, the designated school district provides service coordination, special education and related services.

The ESGV SELPA is committed to providing all of the procedural safeguards to families of infants and toddlers with disabilities as mandated by state and federal law. Parent rights are given to all families upon initial IFSP meeting.

For children with an intake at the Regional Center prior to 2 years, 10.5 months old, the school districts in the ESGV SELPA are committed to working with the Regional Center to assure the completion of an IEP by the child's third birthday.

Referrals for students ages 3, 4, and 5 who are not in kindergarten are made to the child's school district of residence. Referrals for assessment may be received from parents, pediatricians, social workers or other community members. Parents will receive either an Assessment Plan or Prior Written Notice to Parent of Action within 15 days of the referral. If an Assessment Plan is signed by the parent/guardian, the assessment will be completed within 60 days of receipt by the district.

Preschool special education services are provided to students with IEPs in a variety of ways according to district procedures. Some districts offer individual and small group instruction in special education class settings. Trans-disciplinary teams share their expertise, working with parents, in addressing the needs of children. Districts may collaborate with other districts within the SELPA, in neighboring SELPAs, or the county office of education to offer special education preschool classes. Some 3, 4 and 5 year olds with disabilities are enrolled in state preschool programs or Head Start as part of their IEP and receive special education and related services to support progress in that setting. The IEP team may determine that some special education eligible 3, 4, and 5 year olds do not require individual and small group instruction to address their special education needs. These children may receive speech/language services and any other necessary related services in community settings or at the local school site. Transportation will be provided if necessary for the child to access special education services.

All children who received special education preschool services will be reevaluated before entering kindergarten to determine whether or not they are a child with a disability requiring ongoing special education services

See *Memorandum of Understanding between ESGV SELPA and San Gabriel Pomona Regional Center* in the *Exhibits* section related to services for children aged birth to three years. For a listing of programs for early childhood special education programs and services for children aged three through five years of age, see the *Annual Service Plan*. The documents referenced in this paragraph are incorporated by such reference in their entirety.

2. Public Addressing the Governing Body

Members of the public, including parents or guardians of students with disabilities, may address questions or concerns to the governing boards of each LEA, the Superintendents' Council, the LEA Special Education Director, The SELPA Director, and/or the CAC.

3. Dispute Resolution

In the event of a disagreement between LEAs, LEAs and the AU, LEAs and/or the AU and the SELPA regarding the distribution of funding, responsibility for service provision and any other governance activities specified in the local plan, the dispute resolution process included in the *ESGV SELPA Procedural Handbook* will be followed. This procedure is intended to resolve disagreements in a mutually satisfactory manner and at the lowest level possible in the governance structure outlined in the Local Plan without undermining local authority. The *ESGV SELPA Procedural Handbook* is incorporated by this reference in its entirety.

4. Utilization of General Education Resources

Each LEA shall ensure that a pupil is referred for special educational instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized. Such resources may include, but not be limited to, response to intervention models, student success teams, early literacy programs, and remedial programs.

5. Nonpublic School Placements

Each LEA that contracts with a nonpublic, nonsectarian school shall evaluate the placement of its pupil(s) in such schools on at least an annual basis as part of the annual IEP review. The LEA representative shall also review the master contract, the individual services agreement, and the IEP to ensure that all services agreed upon and specified in the IEP are provided.

Each LEA shall ensure the Evaluation of the educational progress of each pupil placed in a nonpublic, nonsectarian school, including all state assessments required.

Each LEA shall, at least annually, consider whether or not the needs of the pupil continue to be best met at the nonpublic, nonsectarian school and whether changes to the individualized education program of the pupil are necessary, including whether the pupil may be transitioned to a public school setting.

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)

The LEAs of the SELPA shall:

1. Seek out eligible adults residing within its boundaries
2. Review and revise IEPs as necessary, including conducting annual reviews
3. Determine whether the qualified individual wishes to receive FAPE and if so ensure FAPE is provided with consent

The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

- Eligible individuals are exempt from
 - State and LEA-wide assessment programs
 - Transition Planning and transition services
 - IEP team may modify the individual's IEP or placement notwithstanding the least restrictive environment requirement if there is a security or compelling penological interest that cannot otherwise be accommodated.