

North Coastal Consortium for Special Education

SELPA Local Plan 2016

Approved November 14, 2016



NORTH COASTAL CONSORTIUM
FOR SPECIAL EDUCATION

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NORTH COASTAL CONSORTIUM FOR SPECIAL EDUCATION

Local Plan Stakeholder Review Committee 2016

The North Coastal Consortium of Special Education (NCCSE) Special Education Local Plan Area (SELPA) wishes to acknowledge the 2016 Local Plan Stakeholder Review Committee along with the Board of Governors, Directors' Cabinet, Program-Finance Committee, and Community Advisory Committee for the many hours of time that they each devoted to the careful consideration of this Local Plan document and the resulting revisions to it. The Local Plan Stakeholder Review Committee Members were:

Carmen Blum	Parent and CAC Co-Chairperson
Julie Law Cheeseman	Parent and CAC Executive Board Member
Lori Cummins	Director, Student Services, Bonsall Unified School District
Joseph Gora	Special Education Teacher/CAC Representative, Bonsall Unified School District
Kelly Carr	Speech Language Pathologist, Carlsbad Unified School District
Nicole Michael	Special Education Teacher, Carlsbad Unified School District
Maria Waskin	Director, Pupil Personnel, Encinitas Union School District
Michael Doria	School Psychologist, Fallbrook Union Elementary School District
Charles Bishop	General Education Teacher, Oceanside Unified School District
Monica M. Hans	General Education Teacher/CAC Executive Board Member, Oceanside Unified School District
Stephen Ledesma	General Education Teacher, Oceanside Unified School District
Ameret Reed	Assistant Principal, Oceanside Unified School District
Mark Curtis	Financial Analyst, North Coastal Consortium of Special Education
Julie Hong	Coordinator, North Coastal Consortium of Special Education
Lisa Houghtelin	Parent Liaison/CAC Member, North Coastal Consortium of Special Education
Theresa Kurtz	Executive Director, North Coastal Consortium of Special Education
Jeremy Owen	Director, Special Education, Rancho Santa Fe School District
Charles Adams	Director, Special Education, San Dieguito Union High School District
Julie Goldberg	Teacher on Special Assignment, San Dieguito Union High School District
Carrie Goodwiler	Speech Pathologist and CAC Member, San Marcos Unified School District
Garth Phillips	Teacher on Special Assignment, San Marcos Unified School District
Joe Parsons	School Psychologist, Solana Beach School District
Theresa Wetherhold	Speech Language Pathologist, Solana Beach School District
David Jones	Superintendent, Vallecitos School District



NORTH COASTAL CONSORTIUM FOR SPECIAL EDUCATION

INTRODUCTION

The development of the North Coastal Consortium for Special Education (NCCSE) Local Plan was initiated as a requirement pursuant to Education Code Sections 56195, 56200, 56202, 56205, and the requirements of United States Codes Title 20 USC 1412(a), 20 USC 1413(a)(1), 20 USC 1413, 56203(a)(5) 9.

The development and review of the elements of the Local Plan was completed by a committee of representatives from superintendents, special education Directors, finance administrators, principals, special and general education teachers, related services staff, Trustee Review Committee, the Community Advisory Committee and Program Specialists.

The elements of the Local Plan address state and federally mandated criteria and attempt to describe governance, administration, roles and responsibilities and general provisions for the implementation of the North Coastal Consortium for Special Education. In accordance with California Education Code, the elements of the Local Plan assures access to special education and services for all individuals with exceptional needs residing in the geographic area served by the districts; hereafter known as the North Coastal Consortium for Special Education (NCCSE).

The NCCSE is an agency which is separate from the parties to this Agreement and is responsible for administering the Agreement and the Local Plan. The powers of the NCCSE shall include, but not be limited to:

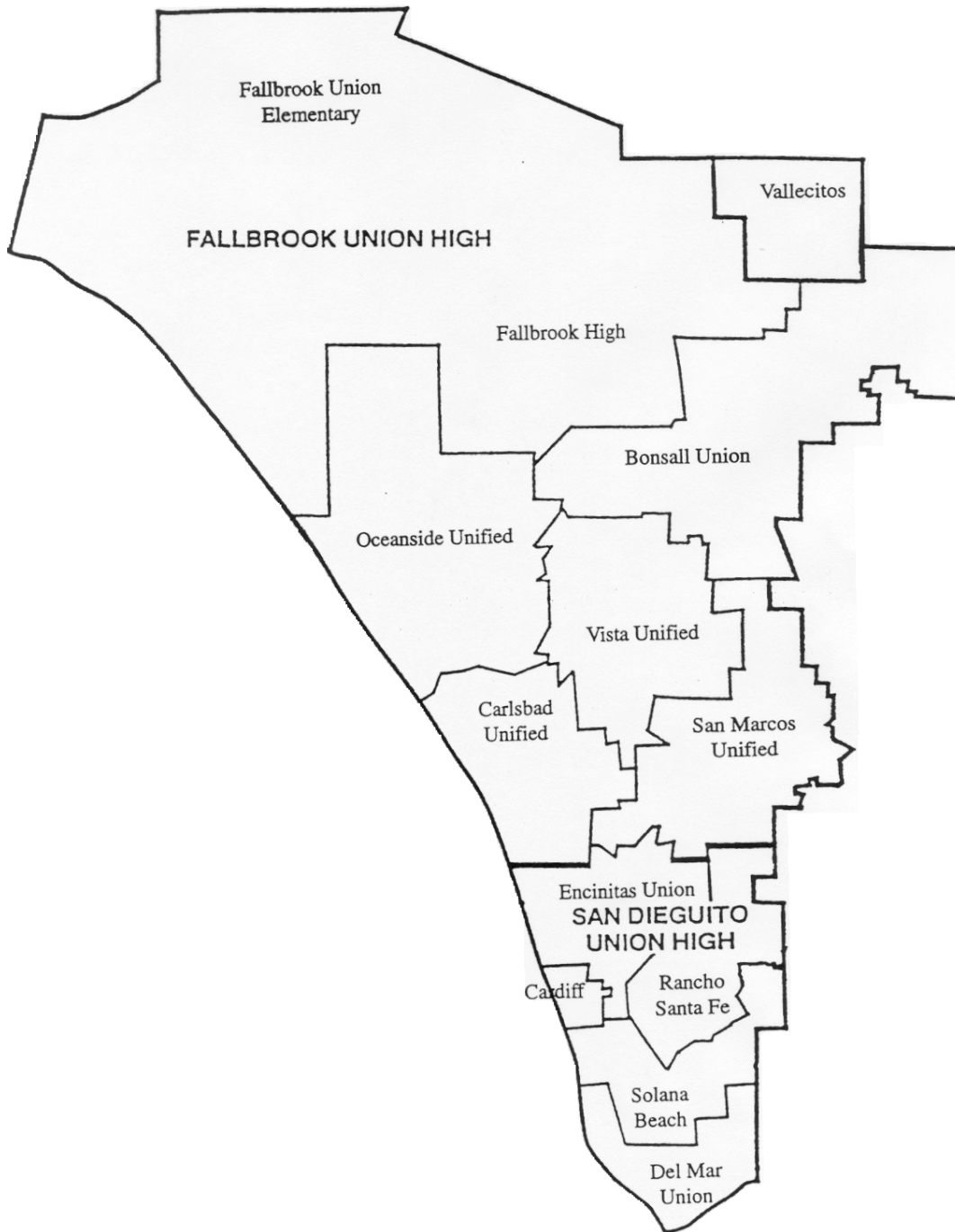
- Making and entering into contracts.
- Utilizing the services of personnel when such services are offered.
- Acquiring, constructing, managing, maintaining or operating buildings.
- Acquiring, holding or disposing of property.
- Applying for, accepting, receiving the disbursing funds and grants from agencies of the United States, State of California or other public agencies.
- Adopting policies governing the operation of the NCCSE as outlined in the Agreement or the Local Plan.
- Coordinating and enforcing all provisions of the Agreement and the Local Plan.

The fourteen member districts adopt the Local Plan and work to insure all of the provisions within the Plan are implemented within their LEA.

Participating Local Educational Agencies

Bonsall Unified School District
Cardiff School District
Carlsbad Unified School District
Del Mar Union School District
Encinitas Union School District
Fallbrook Union Elementary School District
Fallbrook Union High School District
Oceanside Unified School District
Rancho Santa Fe School District
San Dieguito Union High School District
San Marcos Unified School District
Solana Beach School District
Vallecitos School District
Vista Unified School District

North Coastal Consortium for Special Education (NCCSE)





Mission Statement

The North Coastal Consortium for Special Education (NCCSE) is a dynamic, regional, collaborative special education local planning area whose purpose is to support local school districts as they provide for the needs of students with disabilities.

The NCCSE provides and supports districts with:

- Staff Development activities and parent education
- Program Specialist services
- Help when responding to needs of parents of special education students
- Unification of common needs
- Help in identifying unique needs within local school districts
- Legal and technical assistance
- Awareness and dissemination of current best practices
- Creation of forums for problem solving

Governance and Administrative Structure

Governance

56195.1(b)(1), 56195.9, 56200, 56203, 56205(a)(12)(A)

The North Coastal Consortium for Special Education (NCCSE) is a multidistrict Special Education Local Planning Area (SELPA) composed of fourteen school districts that have joined in a cooperative effort to provide a coordinated delivery of programs, services and assurances to eligible individuals with disabilities who reside within the local planning area. Through the Local Plan, the NCCSE participating districts designate the Board of Governors to be the governing body of the organization. The San Diego County Office of Education (SDCOE) is designated as the Administrative Unit (AU) for the NCCSE.

The Board of Governors shall be the policy making body for the NCCSE and its member districts. Policies and procedures adopted by the Board of Governors, under the authority of the adopting district's board, have the same status as other district boards. Policies and procedures are established pursuant to Federal/State code and shall provide direction for all aspects of the NCCSE. The SELPA Administrator and each member district are responsible for implementation of the policies, procedures and decisions of the Board of Governors.

The governance structure of the SELPA is established by agreement among the governing boards of the member Local Education Agencies (LEAs). It consists of the Board of Governors, the Program Director's Cabinet, the Finance Committee, the Combined Program/Finance Committee, and the Community Advisory Committee. The SELPA Administrator may convene additional advisory committees. The SELPA Administrator is responsible for coordination of the SELPA and implementation of the Local Plan.

The following is a description of the governance and administration of the Local Plan, including the responsibility of the governing body and elected officials to whom the governing body is responsible.

Board of Governors

56205(a)(12)(D)(ii)(I)

The Board of Governors of the North Coastal Consortium for Special Education (NCCSE) is composed of the Superintendent of each participating member district, the San Diego County Office of Education Superintendent of Schools, or designee and the NCCSE Director. The Board of Governors shall be the policy making body for the North Coastal Consortium for Special Education (NCCSE).

The primary functions of the Board of Governors shall include, but are not limited to, the following:

- Selecting the Responsible Local Agency, Administrative Unit (AU).
- Approving the NCCSE policies and procedures.
- Establishing procedures for appeals.
- Receiving input submitted by the Community Advisory Committee (CAC) regarding the development, amendment, and review of the Local Plan.
- Approving the Local Plan and its elements and all NCCSE policies.
- Reviewing the annual priorities submitted by the CAC.
- Reviewing complaints, due process hearing results and program noncompliance issues and trends.
- Selecting, supervising, evaluating and disciplining the Director of the NCCSE in collaboration with the SDCOE Assistant Superintendent of Pupil Services.
- Providing an opportunity to hear public comment.
- Approving the NCCSE distribution of special education funds to member districts.

- Approving annual budget and services plans and fiscal reports required of the NCCSE.
- Monitoring use of federal, state and local funds allocated for special education programs and services.
- Reviewing and evaluating the effectiveness of the Local Plan, and approving modifications to the Local Plan.
- Approving agreements including, but not limited to, interagency agreements and facilities.

The Board of Governors shall hold a minimum of four (4) regular meetings annually. The date, time, and place for each regular meeting shall be fixed by resolution of the Board of Governors. All meetings of the Board of Governors shall be called, held, and conducted in accordance with the terms and provisions of the Ralph M. Brown Act. All meetings shall be open to the public. The Board of Governors shall record minutes of its meetings, and provide a copy of the minutes to each member of the Board of Governors, the Community Advisory Committee (CAC), Cabinet and the Trustee Review Committee (TRC).

Each of the Board of Governors shall have one vote, which may be cast only by the representative who is in physical attendance. A designee with voting privilege (other than a NCCSE Program Cabinet representative) may be utilized when a Superintendent is ill or absent from his/her district due to official business. The Superintendent or designee will be responsible for notifying the NCCSE Director of his/her anticipated absence and/or who will be his/her designee. The presence of eight (8) voting members shall constitute a quorum to conduct business. Unless otherwise specified, a majority vote shall be sufficient to constitute action. Neither the NCCSE Director nor the San Diego County Office of Education Superintendent or designee shall have voting privileges. Both shall be members in an advisory capacity.

The chairperson shall see that all orders and resolutions of the Board of Governors are carried into effect and shall be an ex officio member of all committees appointed by the Board of Governors. The chairperson shall perform other duties as may be prescribed from time to time by the Board of Governors. The Board of Governors shall meet annually in January to elect a chairperson and vice-chair. The chairperson will assist the NCCSE Director in setting agendas and calling meetings. The vice-chair will act in the absence of the chairperson. The NCCSE Director shall act as secretary to the Board of Governors.

The Board of Governors shall be responsible for approving the staff required to support the functioning of the NCCSE. In reviewing and approving the NCCSE budgets on an annual basis, the Board of Governors agree to the employment of staff for the NCCSE office upon recommendation of Cabinet.

Trustee Review Committee (TRC)

56200, 56205

The Trustee Review Committee (TRC) shall be composed of one (1) representative from each member district's governing board, the chairperson of the Board of Governors and the North Coastal Consortium for Special Education (NCCSE) Director. The TRC shall annually elect a chairperson and a vice-chairperson. The chairperson will assist the NCCSE Director in setting agendas, in calling meetings, and in appointing the Appeals Board. The vice-chairperson will act in the absence of the chairperson. The NCCSE Director shall act as secretary to the TRC. The TRC shall meet 1-2 times yearly, and may meet more often as necessary. All meetings of the TRC shall be called, held, and conducted in accordance with the terms and provisions of the Ralph M. Brown Act. All meetings of the TRC shall be open to the public. The TRC shall keep minutes of its meetings, and distribute them to the Board of Governors, Cabinet, and the Executive Committee of the CAC.

The TRC reviews areas that may include, but are not limited to: staff development activities, new and/or revised laws, budgets, and reports concerning program compliance/noncompliance and results of due process proceedings.

Special meetings may be called to consider appeals or other matters within the functions of the TRC (dispute resolution, distribution of funds) by the chairperson of the TRC. The chairperson of the TRC will appoint a panel of five (5) members of the TRC, on an ad hoc basis, to act as an Appeals Board on appeals concerning decisions or actions of the Board of Governors. The review process requires that:

- Requests for review of a Board of Governors' decision or action shall be made through a member district's Superintendent to the Board of Governors.
- Upon notification of the intent to appeal a Board of Governors' decision or action, the chairperson of the Board of Governors shall transmit the request to the chairperson of the TRC.
- No member may serve on the Appeals Board if the appeal in question has direct impact on his/her district. Members may be renamed to subsequent Appeals Boards so long as these conditions are met.
- The TRC Appeals Board shall meet to consider the requested appeal.
- In formulating its decision on the appeal, the TRC Appeals Board may, by majority vote, grant, deny, or modify the decision or action of the Board of Governors under consideration.
- The Appeals Board shall complete its deliberations within thirty (30) calendar days of the date of receipt of request for appeal.
- The TRC shall provide its decision in writing to the chairperson of the Board of Governors.
- The decision of the TRC Appeals Board shall be binding.
- The chairperson of the Board of Governors shall forward the decision of the TRC Appeals Board to each representative on the Board of Governors.

Program Cabinet

56200, 56205

Each school district shall appoint one representative to the Cabinet. An alternate or designee shall be sent in the absence of the representative. Whenever possible, the representative and/or alternate shall have management status within the district. Typically, Cabinet members are personnel who have administrative and/or coordinating responsibilities for special education within their district. Meetings shall be held at least monthly and will be scheduled in May for the following year. The Cabinet representative is the liaison to his/her district and Superintendent. The North Coastal Consortium for Special Education (NCCSE) Director chairs the Cabinet meetings. Action items on the Cabinet agenda will be approved by a majority vote of those in attendance. The Cabinet assists the NCCSE Director in advancing the goals, recommending policy and developing procedures for the NCCSE. The Cabinet makes recommendations to the Board of Governors, through the NCCSE Director, regarding policies, procedures, budgets, personnel, operation and evaluation of the Local Plan. Recommended changes of governance may be made by the Cabinet, and submitted to the Board of Governors for inclusion in the Local Plan. The Board of Governors may ratify the Cabinet's recommendations by a majority vote or refer the issue back to Cabinet with input to assist them in developing an alternate recommendation. Each District (or Charter if so designated) will have one vote on Cabinet matters or recommendations to the Board of Governors. The District Director may assign his or her vote to a designee only if that designee is employed by that district. The following is a non-exhaustive list of the primary responsibilities of the Program Cabinet:

- Develop policy and procedures for the implementation, operation and evaluation of services in the NCCSE.
- Establish working committees to recommend policies and procedures to the Cabinet and policies to the Board of Governors.
- Provide all the necessary data for the completion of reports to the NCCSE office.
- Coordinate the implementation of all NCCSE adopted policies and procedures at the local level.

Finance Committee

The Finance Committee shall be composed of one chief business officer or designee from each member local education agency (LEA) within the North Coastal Consortium for Special Education (NCCSE). It shall also include the NCCSE Director, two Cabinet members and a NCCSE appointed financial officer. This committee shall advise the NCCSE Director, Cabinet and CAC on all special education budgets and special education fiscal policies, procedures and allocation of funds. All LEA business officers will follow NCCSE approved policies and procedures for reporting special education income and expenditures provided within the LEA. The Finance Committee shall review and recommend approval of the Annual NCCSE Budget as proposed by the Program/Finance Work Group for review and approval by Cabinet and the Board of Governors. A majority vote of those present at pre-established meeting dates shall constitute a recommendation from the committee. All meeting dates for the future year shall be established no later than June of the preceding year.

Program/Finance Work Group

The Program/Finance Work Group is comprised of 14 members, one from each LEA member district. The composition of the Work Group will be 7 Program Administrators and 7 Finance Administrators (Finance Administrators can be the CBO or his or her designee; the Program Administrator must be a District Director). Each member district will be represented by one member to the Program/Finance Work Group. This will insure that each LEA is represented on the Work Group. This Work Group will convene in October each year to start the process of developing the NCCSE budget for the next year. The Work Group will review the current budget cost centers and determine what, if any, changes need to occur moving ahead to the next year. Program representatives will have the opportunity to discuss additional services needed by the member districts or services which could be reduced. Finance representatives will have the opportunity to identify areas where cost savings or reductions in the budget could occur. The recommendations from this Work Group are brought to the Program Cabinet to provide the foundation for the Cabinet to develop and approve the NCCSE budget which will be ultimately brought to the Board of Governors for Approval. The Program/Finance Work Group can convene additional meetings to create recommendations for the Program Cabinet regarding new programs, NCCSE funding models or matters requiring consensus between the Finance and Program Directors. These additional meetings can be requested by the Finance Committee, the Program Cabinet or the Board of Governors. The NCCSE Director will facilitate these meetings.

Community Advisory Committee (CAC)

56190, 56205(a)(12)(c)

There shall be a Community Advisory Committee known as CAC. It will have representation and carry out functions as specified in their bylaws. The CAC role is established in Ed. Code. The NCCSE's CAC includes representatives from all of the member districts and/or communities from within the NCCSE. The CAC strives to involve parents, students, teachers and community members in the educational programs for students with disabilities.

Parents of students with disabilities who are enrolled in public or private schools shall constitute a majority of the CAC membership. The remaining members shall be parents of other pupils enrolled in school, special education and general education classroom teachers, other direct service personnel, representatives from public or private agencies, and members of the community at large.

The selection of the CAC district representative(s) is overseen by district administrators of special education and approved by the local governing board. Community agency representatives are solicited and accepted by the current CAC executive board.

CAC members are appointed for a two-year term. Length of membership is staggered to ensure that no more than one half of the membership serves the first year of their term in any one year. Members in good standing may be appointed for multiple two-year terms upon request and selection by their local governing boards.

The Community Advisory Committee shall have the authority and fulfill the responsibilities that are delineated in the Local Plan. The responsibilities shall include, but need not be limited to the following:

- Review of the Local Plan (CAC members will have at least 30 days to review the Local Plan prior to its submission to the State Department of Education).
- Advise the policy and administrative entity of member districts, the NCCSE or the Board of Governors, regarding the development, amendment and review of the Local Plan.
- Recommend annual priorities to the Board of Governors.
- Assist in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Local Plan.
- Encourage community involvement in the development and review of the Local Plan.
- Support activities on behalf of students with disabilities.

- Assist parents to become aware of the importance of regular school attendance.

The Board of Governors will create a liaison with the CAC, by exchanging minutes and inviting a CAC representative to present a report at each Board of Governor's meeting.

The NCCSE personnel will provide and assist the CAC with clerical and administrative support. The NCCSE staff in attendance at each CAC meeting will be in an advisory/non-voting capacity.

Members of the CAC will participate in continual development and review of the Local Plan.

The CAC will conduct ongoing training for its representatives regarding the Local Plan, CAC roles and functions, as well as specific topics requested by members. The CAC will assist in publicizing specific activities supporting students with disabilities during public comment time at monthly meetings (see CAC bylaws on file locally).

Program Specialists

56195.7(1-6), 56205(a)(12)(B), 56368, 56836.23

The Program Specialists are employed by the San Diego County Office of Education (SDCOE) and are subject to the responsible local agency (RLA) policies and procedures, but receive directions from and are responsible to the North Coastal Consortium for Special Education (NCCSE) Director in collaboration with the Local District Special Education Director.

The NCCSE member districts understand and rely upon the employment of Program Specialists to provide unique and necessary services to the LEA and to pupils in the NCCSE. The NCCSE will have in place a Memorandum of Understanding (MOU) with each district for any/all Program Specialists assigned to that district. The number of days served by the Program Specialist will be determined by the LEA.

A Program Specialist is an employee possessing one of the following credentials: special education, clinical services, health services, speech and language pathology, school psychology, or administrative. He/she shall also have an in-depth knowledge of specific areas of disabilities, advanced training and related experience in education of students with disabilities, and/or a specialized, in-depth knowledge in a specific content area (i.e.: preschool programming, transition services, student behavior).

Program Specialist services shall be available to students with disabilities, their families and district staff. These services may include, but are not limited to:

- Observe, consult with, and assist SAI instructors and related services staff in effective methods and strategies to educate students with disabilities.
- Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for students with disabilities under the direction of the District Director and NCCSE Director.
- Participate in each school's staff development, program development, and innovation of special methods and approaches.
- Facilitate and serve as administrative designees in IEP meetings.

NCCSE Director

56200, 56205(a)(12)(D)(ii) and (I) (II)(III)(IV)(V)

The fundamental role of the North Coastal Consortium for Special Education (NCCSE) Director is to provide leadership and to facilitate the decision making process. The NCCSE Director's role includes dissemination of information, providing services identified by the Board of Governors, technical assistance, leadership and arbitration. It is the NCCSE Director's responsibility to represent the interests of the special education local planning area (SELPA) as a whole without promoting any particular local education agency's interest over the interest of any other agencies. In the event there are differences of opinions and/or positions on issues related to regional programs and/or services, it is the SELPA Directors' responsibility to attempt to mediate a reasonable resolution of the issue(s).

The NCCSE Director is an employee of the responsible local agency (RLA) and is subject to the RLA policies and procedures for day to day operations, but receives direction from, and is responsible to, the Board of Governors. The NCCSE Director is evaluated by the RLA Superintendent (or designee) with input from the Board of Governors.

In addition, the duties of the NCCSE Director shall include, but not be limited to:

- Coordinate the development, implementation, revision, maintenance and administration of the Local Plan.
- Chair the Cabinet meetings.
- Assure the development and implementation of the NCCSE policies and Operational Guidance.
- Be responsible for coordinating business services with the Responsible Local Agency (RLA).
- Assure that there is a comprehensive program of personnel development activities.
- Supervise, evaluate and discipline personnel who are responsible to the Director and/or the NCCSE and its member districts and who are employees of the RLA.
- Assist the Community Advisory Committee and act as a resource so that it can fulfill its responsibilities under the Education Code.
- Maintain familiarity with federal and state laws, and local policies relating to special education.
- Disseminate information pertaining to laws and regulations.
- Initiate and press for needed legislation through all available channels.
- Coordinate with educational agencies, public agencies, private providers of services, and other community groups involved in the provision of service for individuals with exceptional needs, including medical facilities, licensed children's institutions, and foster homes.
- Monitor Federal and State special education laws, regulations, guidelines and local policies relating to special education, disseminate information pertaining to these laws, regulations and guidelines to all LEA members, facilitate adherence to such by making recommendations for compliance to the Cabinet and to the Board of Governors, assist with identifying non-compliance and developing and monitoring of any California Department of Education/LEA approved and agreed upon Action Plan(s) to bring the LEA into compliance.
- Address with the Cabinet and Board of Governors any systemic non-compliance SELPA-wide issues.
- Monitor allocation from the state of federal and state funds to the special education local plan area RLA or to the member LEAs.
- Monitor the appropriate use of the federal, state and local funds allocated for special education programs.
- Provide information on program compliance, evaluation, and due process to the Board of Governors, Trustee Review Committee (TRC), Cabinet and Community Advisory Committee.
- Act as secretary to the Board of Governors and TRC.
- Establish meeting times and agendas for Board of Governors, Cabinet, TRC, Finance Committee and Program/Finance Work Group.
- Prepare program and fiscal reports as required by the state.
- Negotiate with Nonpublic School/Agency (NPS/A) interagency agreements and cost of services by committee participation.
- Develop NCCSE Annual Budget Plan and the Annual Service Plan.
- Maintain a Management Information System for purposes of state report requirements.

General Responsibilities and Administration of Regionalized Operation and Services

56195.7(1-6), 56205(a)(12)(B), 56836.23

Coordination and administration of the Local Plan is the responsibility of the North Coastal Consortium for Special Education (NCCSE) Director. Under his/her guidance, the NCCSE member districts shall participate in a coordinated management information system in order to gather pupil count information and State and/or Federal required data.

The NCCSE regional services shall provide a coordinated effort to identify, evaluate, and serve students with disabilities within its member districts. The NCCSE shall also be actively involved in ongoing dialogue and negotiations of agreements with agencies to ensure that all students with disabilities have equal access to programs and services. Among those agencies are:

- California Children's Services
- Children's Mental Health
- San Diego Regional Center for the Developmentally Disabled

The NCCSE Director will assist districts within the NCCSE to implement program review and evaluation activities. The NCCSE Director will assist in the development of a mechanism for correcting any identified problems. The NCCSE Director will also assist districts in collecting data and reporting information to the State Department of Education by:

- Providing notification to the districts of required evaluation data, procedures and timelines.
- Suggesting data sources and procedures.
- Developing agreed-upon evaluation procedures and outcome measures.
- Providing data collected on the Management Information System to districts for inclusion in their reports.
- Providing technical assistance to the LEAs to improve compliance and performance outcomes as determined by CDE.

Additional regionalized services of the NCCSE, delivered and coordinated by the Director/designee, may include:

- Coordinating the services provided by NCCSE and the implementation of the Local Plan.
- Coordinating a system of curriculum development for students accessing the California Alternative Assessment aligned with the Common Core State Standards.
- Working with LEAs in the coordination of services for students with exceptional needs in public hospitals, proprietary hospitals, and residential medical facilities.
- Working with LEAs in the coordination of services for students with exceptional needs in licensed children's institutions and foster family homes.
- Working with LEAs and SDCOE in the coordination of services for students with exceptional needs placed in juvenile court schools.
- Providing technical assistance to complete all required state and federal reports (program and finance reports). Preparing and transmitting all required state and federal reports.
- Developing policies, procedures, manuals, brochures, handbooks, and forms to be utilized by the member districts. These shall be developed with input and approval of the Cabinet, and when appropriate the Community Advisory Committee (CAC). All policies and procedures will be approved by the Board of Governors. All brochures and forms will be approved by the Cabinet.
- Updating and distribution of the Procedural Safeguards, including translated versions as needed.
- Gathering input and coordinating parent education and training for CAC.
- Coordinating a program review and evaluation process to include:

- Review of the Annual NCCSE Budget by the Board of Governors, Cabinet, Finance Committee, and CAC
- Review of the Annual Budget and Services Plan by the Board of Governors, Cabinet, Finance Committee, and CAC
- Review of the Fund Distribution Plan by the Board of Governors, Cabinet, Finance Committee, and CAC
- Review of the SELPA member districts' Performance Indicators by the Board of Governors, Cabinet, Program Committee, and CAC
- Review of the SELPA member districts' Staff Development Needs Survey and the CAC priorities by the Board of Governors, Cabinet, Program Committee, and CAC
- Review of the pertinent California Special Education Management Information System data and reports by the Board of Governors, Cabinet, and CAC
- Providing fiscal and logistical support to the CAC.
- Coordinating the fiscal administration and allocation of State and Federal funds.
- Participating in nonpublic school/agency development of master contracts including rate setting on behalf of member districts and uniform procedures for individual service contracts.
- Participating in the onsite reviews of County-wide NPS sites in collaboration with CDE.
- Coordinating regionalized personnel development programs.

Roles and Responsibilities of Participating Entities

Responsibilities of Local Governing Boards of Education

56195.5(a) & (b), 56200, 56205(a)(12)(D)(i)

The governing board of each Local Education Agency (LEA) shall approve its participation in the North Coastal Consortium for Special Education.

Each LEA's governing board responsibilities include, but are not limited to:

- Authority over the programs of the district.
- Approval of the Local Plan and revisions.
- LEA compliance with all elements of the Local Plan.
- Responsibility for the quality of the special education programs and facilities in the district.
- Input on SELPA policies and procedures through the Superintendent of the LEA.
- Approval of the selected representatives to the Community Advisory Committee (CAC).
- Selection of a board member to serve on the NCCSE Trustee Review Committee (TRC).
- Approval of Policies and Operational Guidelines as they relate to the LEA and are developed by NCCSE.
- Authority to provide education and services for a student with special needs who resides in a neighboring district and authority to have a student with special needs residing within its boundaries receive special education and related services by a neighboring district.
- Appointment of the LEA Superintendent to the NCCSE Board of Governors.
- Authority over the special education programs and services it directly provides, consistent with the Local Plan.

District governing boards are the policy-making bodies for implementation of the plan. They must approve the governance structure of the plan and provide the necessary administrative support to implement the plan. Boards may request reports from administrators regarding programs and plans for special education and approve local program plans and annual budgets. Local boards rely upon the Board of Governors to develop policies for their consideration and approval for implementation of the plan throughout the region.

Responsibilities of LEA Superintendents of Education

56205(a)(12)(D)(i), 56195.1(3)(c)

Each LEA's superintendent, in collaboration with the local district director, monitors the implementation of the local plan and special education program operation in the district. All superintendents are members of the Board of Governors. Superintendents of each LEA are responsible to their respective governing boards. In addition, district superintendents:

- Serve as a member of the Board of Governors.
- Assist in the identification of special education program and service needs for the NCCSE through participation on the Board of Governors.
- Communicate SELPA information to their governing boards.
- Implement district policies and procedures which specifically address general and special education, and the NCCSE programs in accordance with the NCCSE policies and procedures.

Responsibilities of Local Education Agency (LEA)

56195.1(b)(2), 56195.1(c)(1), 56195.1(c)(2)(f), 56195.5(b), 56203(c), 56205(a)(12)(D)(i)

Each participating LEA and any charter school which might be accepted as an LEA in the North Coastal Consortium for Special Education (NCCSE), is responsible for implementing programs and services assigned to the local agency and shall provide them through its own facilities and staff. However, when the LEA is unable to provide an appropriate program and/or service(s) for an individual with exceptional needs, that LEA shall, in cooperation with another NCCSE member district, arrange for an appropriate placement through the Individualized Education Program (IEP). If such a placement or service(s) is not possible, the LEA will look outside of the NCCSE.

Each member district, including a charter school, should one be accepted as an LEA within the NCCSE, assures that all individuals with disabilities (birth through 21 years) shall have equal access to instruction and services appropriate to meet their needs, as specified in their Individualized Education Program (IEP). Each LEA within the NCCSE, including a charter school, should one be accepted as a LEA, can choose to operate or not to operate local and/or a regional special education program(s) and service(s).

In addition, the LEA, including a charter school should one be accepted as a LEA, has the following responsibilities:

- Involve special and general education teachers selected by their peers and parents selected by their peers in an active role towards developing the Local Plan.
- Participate with the NCCSE in providing a coordinated system of staff development and parent education activities as required to implement a successful program/ service.
- Provide program, employee, student, and fiscal information as needed by the NCCSE to facilitate program coordination, fiscal accountability, budget preparation, and state, federal, and local reports.
- Adopt a special education budget plan process and to assure audits of the LEA's budget.
- Make available, upon request, information about free or low cost legal services, the phone numbers and/or addresses of an agency designated by the State Department of Education.
- Annually notify in writing its students, employees, and parents/guardians about the procedures for filing a complaint and the uniform complaint procedures. The LEA notification includes the name of the person responsible for special education complaints, the notice of the opportunity to appeal a local decision to the California Department of Education (CDE), any civil law remedies that may be available, and the procedures the CDE will use in investigating the alleged complaints.
- Provide a coordinated system of identification, referral, evaluation, and placement of individuals with disabilities (Child Find).

- Provide a coordinated system of curriculum development, aligned with core curriculum, and assure full educational opportunity to all special education students residing in the district.
- Approve its portion of the Annual Services and Budget Plans.
- Utilize the NCCSE-wide management information system to record, document and report suspension/expulsion, disability codes, and all other information required by the NCCSE, State, or Federal reports.
- Provide parents/guardians/surrogates/students procedural safeguards in accordance with State and Federal laws and regulations.
- Follow Interagency Agreements developed between the NCCSE and other public agencies.
- Ensure that the NCCSE employees will have access to special education students, staff, and records.
- Participate in review, implementation, accountability and evaluation of the Local Plan.
- Ensure services to students residing in licensed children's facilities, foster family homes, and medical facilities located within the boundaries of the LEA.
- Provide and coordinate transportation for a student with disabilities to a local/regional program and/or service as indicated on the student's Individualized Education Program.
- Provide coordination of career and vocational transition services.
- Cooperate with the San Diego County Office of Education, member school districts, the NCCSE, and the State and notify each of its intent to elect an alternate option to its membership in the NCCSE at least one year prior to the proposed implementation.
- Agree to indemnify and hold harmless each of the other LEAs within NCCSE and the San Diego County Office of Education.
- Provide parents and/or legal guardians all rights and due process procedures throughout the identification, referral, evaluation, program planning, and placement process. It shall be the philosophy and practice of all member LEAs that any concerns over procedural safeguards be addressed at the local level in a non-adversarial manner. When a parent wishes to file for due process, the district of residence shall provide the phone number and/or address of the agency designated by the State Department of Special Education.
- Address all due process and complaint requests. The NCCSE Director may provide technical assistance and participate in proceedings at the request of the LEA. At such time that a due process or complaint is filed, district staff and NCCSE personnel may work jointly to gather information concerning the issues, and meet with designated compliance, mediation, or hearing officers or local school boards to review the case.
- Accept the transfer of responsibility for a student identified with special needs between an elementary and high school district, which shall occur on September 1, unless otherwise accomplished through graduation from the 6th or 8th grade or IEP Team decision. The fiscal, case management, and transportation responsibilities for the identified student also transfers to the high school district when the identified student transfers.
- Adopt NCCSE policies for the programs and services it operates and to adopt local policies and procedures to insure compliance with both state and federal regulations.
- Request from the state a waiver should the caseload(s) exceed state guidelines or proposed regulations for a particular program.
- Operate all special education programs and services in accordance with state and federal laws and regulations.
- Cooperate with the county office and other school districts in the geographic area in planning its options under EC 56195.1, and each fiscal year, notify the California Department of Education, impacted special education local plan areas, and participating county offices of its intent to withdraw from the

SELPA at least one year prior to the proposed effective date of the implementation to the alternative plan (Education Code 56195.3(b)).

- Any such plan will be submitted to the county office for review.
- Any district 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 or program transfer within the SELPA shall be borne entirely by the district initiating the change.
- Receive and distribute special education funds (generated from all Federal, State, and property tax sources) for the operation of special education programs and services, pursuant to state and federal law.
- Prepare and submit all required program and fiscal State and Federal reports.

Responsibilities of the LEA Administrators of Special Education

56200, 56205(a)(12)(D)(i)

The responsibilities of the district administrator of special education and the administrator of a charter school, should one be accepted into North Coastal Consortium for Special Education (NCCSE) as an LEA, include:

- Developing and implementing district special education policies and procedures in accordance with the NCCSE policies and procedures, state and federal law.
- Representing the district on the NCCSE Cabinet.
- Establishing local district procedures for the nomination and selection of district representatives to the CAC.
- Acting in the capacity of administrator at local district IEP meetings.
- Participating on NCCSE committees as a Cabinet representative.

Responsibilities of the San Diego County Office of Education [Responsible Local Agency (RLA)]

56195.1(b)(3), 56195.1(c)(2), 56195.5(a)(b), 56205(a)(12)(D)(i) & (ii), 56205(a)(12)(D)(ii)(iv), 56205(a)(12)(D)(ii)(v)

The RLA shall be designated by the positive vote from eight (8) members of the Board of Governors and the consent of the governing board of the RLA. The San Diego County Office of Education (SDCOE) is currently designated by the Board of Governors as the RLA for the North Coastal Consortium for Special Education (NCCSE).

The Superintendent of Schools, SDCOE, or designee, shall attend the NCCSE Board of Governors meetings and serve in an advisory capacity, without voting privileges. It will be the role of the RLA to carry out the functions described in the Local Plan and/or any contract developed between the NCCSE and the RLA. The RLA is a “flow-through” position and not one of policy or decision-making. Responsibilities include:

- Acting as the entity for receipt, disbursement and monitoring of federal and state funds in accordance with law and the decisions of the Board of Governors. The RLA shall provide regular information on receipts and disbursements of funds, prepare fiscal reports, and respond to audits as necessary. The RLA will consult with and advise the NCCSE Director in the preparation of program and fiscal reports required by the state. The RLA will follow the AB 1200 oversight process, assist LEA’s with audits, and provide the NCCSE with fiscal analyst/budget management.
- Acting as the official employer of the NCCSE personnel in accordance with law and the decisions of the Board of Governors, the RLA will provide for recruitment, employment, evaluation, attendance, and leave in accordance with procedures established by the San Diego County Office of Education. Such

employment functions shall be solely for the convenience of the NCCSE and shall place no long-term obligations on the RLA should funding for the NCCSE positions cease or decrease.

- Providing for facilities, staff, and equipment approved by the Board of Governors, through rental and/or contractual agreements.
- Providing for such services as duplicating, printing, data processing, etc., on a fee basis equivalent to other users and approved by the Board of Governors.
- Acquiring, inventorying, and disposing of fixed assets for the purpose of carrying out the mission of the NCCSE, subject to the consent of the Board of Governors.
- Receiving gifts, contributions, and services for the use of the NCCSE, subject to the approval of the Board of Governors.
- Providing services and relevant provisions of contracts between the RLA/NCCSE and its employees governing wages, hours, and working conditions.

The NCCSE will submit their Local Plan to the RLA for review and will cooperate with the RLA to assure that its Local Plan is compatible with other Local Plans within the San Diego County.

The NCCSE and its member districts will communicate with the RLA if planning to elect an alternative administrative entity and/or will notify the RLA and the state department if the special education local plan area is impacted and wishes to elect an alternative option from those specified in Section 56195.1 at least one year prior to the proposed effective day of implementation.

Through a Memorandum of Understanding (MOU), the NCCSE and the RLA ensure students attending school in the county's Juvenile Court and Community Schools (JCCS) have access to special education services while they are detained in programs operated by the County Board of Supervisors and the County's Summit Schools and Community Home Education Programs (see Memorandum of Understanding on file locally).

The RLA shall actively be involved with the NCCSE in developing and revising the Agreement for Nonpublic, Nonsectarian School Services and Agency Services Master Contract. In addition, the RLA will assist the NCCSE in negotiating costs for NPS/NPA.

The Administrative Unit (AU) is responsible for implementing the following functions:

- Administrative and Business support, including establishing and maintaining an office for SELPA staff.
- Employment of SELPA staff to coordinate implementation of the local plan.
- Approval of the Annual Budget and Services Plan upon the recommendation of the Board of Governors.
- Hearing appeals of unresolved issues brought before it by districts, Board of Governors, or the Trustee Review Committee. Decisions of the County Board upon such appeals will be implemented.

Additional Elements of the Local Plan

Income Distribution Agreement and Maintenance of Effort

An income distribution agreement has been adopted by the SELPA and shall be reviewed and revised on a regular schedule. The model distributes all funds pursuant to applicable state and federal regulations. Districts and the SDCOE acknowledge the obligation to maintain the level of general fund contribution towards the provision of special education services at a level equal to or greater than that of the prior year (Maintenance of Effort), in compliance with state and federal mandates.

Annual Budget Plan

The SELPA shall adopt an annual budget plan at a public hearing scheduled at a Board of Governors' meeting in compliance with all legal mandates. The annual budget plan shall identify expected income and expenditures as required by state and federal laws.

Annual Service Plan

The SELPA shall adopt an annual services plan at a public hearing scheduled at Board of Governors' meeting in compliance with all legal mandates. The services plan provides an overview of the programs and services available within the SELPA.

State and Federal Fund Allocation

The North Coastal Consortium for Special Education (NCCSE) Director will utilize The CDE Special Education Exhibit, average daily attendance (ADA) information, input from the Finance Committee, Cabinet, Program/Finance Work Group, CAC, other sources of information and data collected to formulate a yearly recommendation for the distribution of state and federal funds to the local education agencies (LEA) within the NCCSE and to a Charter School should they be accepted as a LEA. This will be the Fund Distribution Plan for the upcoming fiscal year.

Each year after the P2 Data is available, the NCCSE Director, based on the NCCSE Fund Distribution Plan, will recommend a proposed distribution of state and federal funds to the Finance Committee for the following year. The Finance Committee will recommend approval of this Fund Distribution Plan to the Board of Governors for approval. The San Diego County Office of Education (RLA) will distribute state and federal funds for the following year to each member LEA, based upon the Fund Distribution Plan approved by the Board of Governors. Monitoring appropriate use of federal, state and local funds allocated for special education programs and preparation of program and fiscal reports requested by the state are initiated by the NCCSE. They shall be completed and audited by the local LEA and finalized by the RLA AB 1200 oversight process.

Operation of Special Education Programs

Each member district of the North Coastal Consortium for Special Education (NCCSE), including any charter school which might be accepted as a local education agency (LEA), assures that all individuals with disabilities (birth through 21 years) shall have equal access to instruction and services as specified in the Individualized Education Program (IEP) in the student's least restrictive environment. Each LEA within the NCCSE, including a Charter School should they be accepted as a LEA, can choose to provide a full continuum of services within their district or not.

In the event that a NCCSE member district is unable to provide the specialized program(s), services, and supports required in the student's IEP, the LEA may enter into an agreement with a NCCSE member district who will provide those services. Each year, no later than May, the Program Cabinet will approve a master list of the classes which will be available for other NCCSE member districts to access in order to provide services they are unable to provide. Each LEA Director will identify existing classes, classes which have moved location, and new classes

available as part of the yearly update. This yearly “Tuition Classes Available” list will be approved at the subsequent Board of Governors meeting.

The NCCSE Director will work with the NCCSE Program Business Specialist to create an Intra-SELPA Calculator which will be used by all NCCSE member districts to calculate the cost of these Tuition Classes. This calculator will be reviewed yearly by the Program Cabinet to insure that all of the class types and services are included. The Board of Governors approves this calculator yearly as well as the list of available classes.

Programs for Early Childhood Special Education

See Interagency Agreement between San Diego Regional Center for the Developmentally Disabled and San Diego County Special Education Local Plan Areas and Local Education Agencies and Superintendent of Schools San Diego County Office of Education for California Early Start Program (Part C of IDEA) 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.

Services in Alternative Educational Settings

It shall be the policy of this SELPA that children with disabilities residing in hospitals, licensed children’s institutions (LCIs), foster homes, juvenile court schools, and county community schools shall be provided with special education and related services as appropriate to their IEPs. Any student residing within the SELPA, including within any of these settings, may be referred for special education services.

Hospitalized Students

Each LEA shall be responsible for the provision of special education and related services to students with special needs residing in hospitals and other residential facilities located within the geographical area of the districts. Each LEA shall first consider services operated by the LEA and by the other LEAs within the SELPA, and/or by the County Office of Education. If the special education services available within these entities are not appropriate, the LEA shall contract with an appropriate service provider for implementation of the student’s IEP.

State Hospital Programs

No state hospital programs are located within the NCCSE. The education code provides that the county wherein the hospital is located shall provide special education services. The LEA is to receive prior notice regarding the return of a student to the district within the SELPA from any state hospital program. If the district of residence does not receive prior notification, the district will attempt to obtain the current educational records and SELPA agrees to provide appropriate technical assistance to the district of residence in order to facilitate a timely and appropriate placement into an educational setting.

Licensed Children’s Institutions (LCI) and Foster Homes

Each LEA shall be responsible for the provision of special education and related services to individuals with exceptional needs residing in LCIs and foster homes located within the geographical area of the LEA. Each LEA shall first consider services operated by the LEA, other LEAs within the SELPA, and/or by the County Office of Education. If the special education services available within these entities are not appropriate, the LEA shall contract with an appropriate service provider for implementation of the student’s IEP.

Juvenile Court and Community Schools

Students with exceptional needs who have been placed in a juvenile court or community school will be provided services as appropriate to their IEP. As identified in the Education Code, procedures for identification, referral,

program planning, and review shall be followed. The policy for providing services in the least restrictive environment may be interpreted in relation to the amount of segregation being utilized in the institution.

Oversight of 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 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.

Nonpublic, nonsectarian schools are required by the master contract and the IEP to annually evaluate the pupil to determine if they are making appropriate educational progress. The LEA representative shall collaboratively review with the nonpublic, nonsectarian school the evaluations conducted by the nonpublic, nonsectarian school to ensure that they were appropriate and valid for measuring pupil progress. The LEA may choose to administer additional assessments as necessary, with parent consent where required, to determine whether the pupil is making adequate educational progress.

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.

Reading Criteria

Each LEA shall ensure that all eligible children with disabilities will participate in the California Reading Initiative in order to improve their educational results. Special education instructional personnel will participate in staff development in-service opportunities in the area of literacy that includes:

1. Information about current literacy and learning research.
2. State adopted standards and frameworks.
3. Increased participation of students with disabilities in statewide student assessments.
4. Research-based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate.

Access to Core Curriculum

Each LEA shall ensure that students with disabilities will have access to:

1. All required core curriculum including state adopted core curriculum and supplementary materials.
2. Instructional materials and support.

Low Incidence Funds

Funds for low incidence equipment, materials, and supplies as well as for low incidence services are restricted to support students in the following disability categories: hard-of-hearing, deaf, visual disability, severely orthopedically impaired, and deaf-blind. The funds are distributed to each LEA by the number of resident students with low incidence disabilities reported by CDE. District are required to follow all applicable laws and regulations related to low incidence funding to include receipt of funds, expenditure of funds, maintenance of an inventory, exchange of equipment, and reporting to the state.

Request for SELPA Membership by a Charter School

A request by a charter school to participate as an LEA in the North Coastal Consortium for Special Education 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 charter school shall participate in State and Federal funding for special education and receive funding in the same manner as other LEAs of the SELPA as specified in the SELPA income distribution model.
2. The charter school shall participate in the governance of the SELPA in the same manner as other LEAs of the SELPA.
3. The addition of new members to the NCCSE, as approved by the Board of Governors, shall be followed by an amendment to the local plan.

Policies, Operational Guidelines and Local Agreements

SELPA Policies, Operational Guidelines 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.

All policies and procedures adopted by the Board of Governors shall have the same status as other local education agency board policies. Policies governing NCCSE and its member districts shall be adopted by the Board of Governors and implemented the following calendar year beginning July 1, unless noted differently in the approved action. The Cabinet will review, make the required changes and approved the Policies with a recommendation to be approved by the Board of Governors. The SELPA policies shall be reviewed on a schedule of no less than every 4 years.

Operational Guidelines will be approved by either the Program Cabinet or the Finance Committee or both, depending upon the content.

Interagency Agreements

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. Head Start San Diego County Office of Education
3. San Diego Regional Center

Other interagency agreements will be developed as needed. Copies of these documents can be requested through the SELPA office.

Amendments to the Local Plan

The SELPA Administrator shall be responsible for the coordination of 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 Executive Committee may adopt changes to the local plan on an interim basis, not to exceed one school year. To formally adopt proposed and interim amendments the following procedure shall be followed:

1. A committee comprised of special and regular education teachers and administrators as well as CAC representatives shall be convened to provide input and make recommendations regarding the proposed or interim amendments to the local plan.

2. The CAC and other advisory groups as determined appropriate by the SELPA Administrator will review the recommended amendments to the local plan, as presented by the committee, and provide additional input and revision, if needed.
3. The Program Cabinet will review the recommended amendments, propose any final revisions, and submit the final draft to the Board of Governors for approval.
4. The Board of Governors will review and approve the final draft amendments of the local plan and submit to the LEA governing boards for approval.
5. LEA governing boards will review and take action on the recommended amendments to the local plan within 60 days of submission from the Board of Governors.
6. Amendments require the approval of each LEA governing board.
7. Following approval by all LEA governing boards, the SELPA will submit the local plan to the California Department of Special Education for submission to the State Board of Education.

Public Participation

Members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the Local Plan, may address their questions or comments to the Community Advisory Committee (CAC) or the Board of Governors on a particular agenda item, policy, procedure, or Local Plan during the designed public comment time established in each of their agendas. Time for public comment is on every agenda which affords individuals the opportunity to make comment prior to the adoption of policies, procedures, the Annual Budget or Service Plan, Local Plan, or revisions to the CAC bylaws.

Dispute Resolution

In the event of a disagreement among local education agencies within the North Coastal Consortium for Special Education (NCCSE), a district and NCCSE, or the NCCSE and the Responsible Local Agency (RLA), a dispute resolution process shall be in place. It is the intent of the Board of Governors that issues be resolved at the lowest level possible. If any party involved in a disagreement is a voting member on the Board of Governors, the alternate for that district/office will replace the voting member during the resolution of the dispute. This policy is intended to resolve disagreements within a period of 45 days.

If a local education agency (LEA) disagrees with a decision or practice of another LEA, NCCSE, or the RLA, that local education agency or NCCSE has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the assistance of the NCCSE Director or the Chair of the Board of Governors. If this process fails, the parties may pursue a hearing on the issues and resolution with the Board of Governors.

If either party disagrees with the recommendation of the Board of Governors, and the dispute relates to the distribution of funding, the responsibility for service provision, or other governance activities specified within Local Plan, the dispute shall be submitted to the Trustee Review Committee (TRC) Appeals Board whose decision shall be a final binding arbitration.

Legal References

Federal Requirements: *20 USC Chapter 33 Subchapter II & III*

State Requirements: *Education Code 47640-47647, 56001, 56190-56194, 56195, 56195.1 , 56195.3, 56195.5, 56195.7, 567195.8, 56195.9, 56195.10, 56205, 56206, 56207, 56207.5, 56208, 56240, 56241, 56301, 56368, 56475, 56836.03, 56836.23, 56842, and California Code of Regulations 3052*



**SPECIAL EDUCATION LOCAL PLAN AREA
LOCAL EDUCATION AGENCY ASSURANCES**

California Department of Education
Form SED-LP-5 (Revised 3/2016)

Special Education Division

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 meet the highly qualified requirements as defined under federal law, 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. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

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. Rule of construction (20 U.S.C. § 1412 [a][20])

(Federal requirement for state educational agency only)

21. State advisory panel (20 U.S.C. § 1412 [a][21])

(Federal requirement for state educational agency only)

22. 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.

23. 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.

24. 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.

25. 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.

26. Distribution of funds (20 U.S.C. § 1411 [e] and [f][1–3])

(Federal requirement for state educational agency only)

27. Data (20 U.S.C. § 1418 [a–d])

It shall be the policy of this LEA to provide data or information to the CDE that may be required by regulations.

28. Charter schools (California Education Code 56207.5 [a–c])

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