

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

It shall be the policy of the Capistrano Unified School District Special Education Local Plan Area (CUSD SELPA), that a free appropriate public education (FAPE) is available to all children residing in the SELPA between the ages of three through twenty-one inclusive, including students with disabilities who have been suspended or expelled from school.

Procedure

FAPE (free and appropriate public education) is defined as special education and related services provided at public expense, under public supervision and direction; that meet the standards of the State of California and of federal law. This includes preschool, elementary school, and secondary school education; and is provided in conformity with the Individualized Education Program (IEP).

For students transferring into CUSD from an another Local Education Agency(LEA)/Special Education Local Plan Area (SELPA), the current IEP for that student shall be implemented for a period not to exceed 30 days before a new IEP is developed (unless the parent agrees otherwise.)

In order to ensure that a FAPE is available to all children with disabilities in CUSD, the SELPA shall provide that combination of educational and related services determined through each child's Individualized Education Program (IEP) development and review. The IEP shall be designed in order to address the unique needs of the individual in such a way as to benefit from access to educational opportunities, in order to make progress in light of his/her circumstances, and to prepare him/her for employment and independent living. CUSD provides special education and related services in accordance with the child's IEP. Services are provided by appropriately credentialed or qualified staff.

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

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

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

To determine whether an IEP is reasonably calculated for a student to make progress in light of their circumstances, the questions addressed should be:

1. Is the student's IEP individualized to address the unique needs of the child?
2. Has the student been educated in the environment which is the least restrictive in light of the child's needs?
3. Have the student's educational services been provided in a collaborative and coordinated manner?
4. Has the student demonstrated positive academic and non-academic benefits in light of their identified needs?

The SELPA shall ensure that a student-focused and compliant process to develop IEPs for each child with a disability will be followed based on state and federal law regulations.

The SELPA shall support all sites in their implementation through professional development opportunities, technical assistance, support and monitoring.

The CUSD SELPA Education ensures that a continuum of program options is available to meet the need of students with disabilities. The IEP team's determination of appropriate program placement, related services needed, and curriculum options to be offered is based upon the unique needs of the disabled pupil rather than the label describing the disabling condition of the availability of the program. Programming options may include:

- **General Education Classroom:** Students are educated in age appropriate general education classrooms at their neighborhood schools with the necessary accommodations, supports and services to ensure success and progress toward IEP goals and objectives.
- **Related Services:** Available to students if a supportive service is required for the student to make progress appropriate from special education. Certificated and/or licensed specialists provide these services and may work with students individually, in small groups directly or through collaboration or consultation, in either the general education classroom or other appropriate setting. In some instances, these services are provided by certified nonpublic agencies/providers. Related Services provided might include, but not be limited to: Language and Speech, Adapted Physical Education, Health and Nursing, Assistive Technology Services, Occupational Therapy, Physical Therapy, Individual Counseling, Group Counseling, Parent Counseling, Social Work Services, Psychological Services, Behavioral Intervention Services, Day Treatment Services, Residential Treatment Services, Specialized Services for Low Incidence Disabilities, Specialized Deaf and Hard of Hearing Services, Interpreter Services, Audiological Services, Specialized Vision Services, Orientation and Mobility, Braille Transcription, Transportation, College Awareness/Preparation, Vocational Assessment, Counseling, Guidance and Career Assessment, Work Experience Education, Job Coaching, Mentoring, Agency Linkages (Referral and Placement), and Travel Training
- **Specialized Academic Instruction:** Available at every school site for grades K-12. This program is designed to support the student in the general education program to meet the needs of students who require specialized instruction in specific areas. Services will occur in either individual or small group settings or may include collaborative services within the general

education or limited pull out service in other settings.

- Specialized Academic Instruction in a self-contained class: Programs are designed to provide intensive services for students who require more of their instruction in a highly accommodated setting and/or modified curriculum. This placement occurs only after the IEP team determines that the nature and severity of the student's needs are such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. Self-contained classes are available at various sites within the CUSD SELPA and are integrated on regular school campuses. Students are placed in programs as close to their home district and neighborhood school as possible.

Self-contained classes/Severely Disabled(i.e. Structured Teaching, Educating Prepared Students- STEPS) is a program which focuses on student needs in six major domains: Academics, Daily Living, Vocational, Community, Domestic and Recreation/Leisure. Mainstreaming and inclusion opportunities are individualized in each student's IEP. The overall goal is to increase students' functional skills and independence. This placement is designed for students with severe disabilities that significantly impede the learning process. The classes are designed to support students who require intensive instruction in life skills, vocational and social skills, functional academics, as well as health services. The classes provide an opportunity for students to experience a hands-on learning environment with systematic instruction and support that emphasizes acquisition, maintenance, and generalization of skills. The classes offer planned and organized activities aligned to the Core Curriculum that are functional and developmentally appropriate for each individual student.

Special Day Class/Emotionally Disturbed/Therapeutic Behavior Intervention Programs (TBIC) are available for students whose emotional disabilities significantly interfere with educational progress. Intensive positive behavior interventions are utilized in a supportive environment to assist students in developing more appropriate behaviors, with a goal to transition to a less restrictive setting. These programs are located at select sites around the District.

Structured Autism Specific Classes are designed for preschool to school age children (age 3-11) classified with ASD (Autism Spectrum Disorder) and other secondary disabilities. These classes are located within regular campuses and are specially configured to provide a structured teaching environment. The program is designed to support students who require a highly structured environment, which utilizes visual schedules, visual transition cards, picture icons for communication, and a combination of other evidence based practices. Some of the methodologies include: TEACCH (Treatment and education of Autistic and Communication Handicapped Children), ABA (Applied Behavior Analysis), DTT (Discrete Trial Training), PECS (Picture Exchange Communication System), task analysis, social stories, incidental teaching methods, functional communication and sensory integration.

Preschool Blended Inclusion Model Class is a 50/50 model classroom with up to 20 students; 10 students have an IEP with varying exceptionalities, and 10 students are without an IEP from our California State Preschool Program. The class is co-taught by one preschool general education teacher, one preschool special education teacher, and one special education paraeducator (Para 3). The classroom implements a general education curriculum.

Home Base classes are designed to meet the needs of special education students whose behavior and social-emotional needs require a smaller, more structured and individualized environment. In addition to academics, the program focuses on social thinking and the emotional and behavioral needs of the students. Certificated special education teachers, itinerant staff, and trained instructional support staff members provide support for students in this program. The program is designed to meet the individual needs of each student according to their individualized education program (IEP).

Self-contained class/Adult Transition Program (ATP) is offered from age 18 through age 21 to students who earn a Certificate of Completion. The students eligible for ATP have moderate to significant disabilities and require specialized academic instruction and assistance in learning functional skills and applying them in the community. Community based instruction is maximized as well as linking the student and family with the necessary support agencies required when the student exits the program. The program prepares young adults with disabilities for independent living and employment.

Community Day School (Bridges). As a Community Day School, students are required to attend 360 minutes per day as part of a comprehensive academic program. Located off site of a comprehensive high school, Bridges serves as an alternative educational setting for students with IEPs for all the high schools within the CUSD SELPA. Bridges provides a highly structured, specialized therapeutic setting for high school students with emotional disabilities. The program was developed in collaboration with Orange County Mental Health and works with many community support programs.

Continued Learning Adult Special Services (CLASS) is provided for students who have an IEP, have completed 4 years of high school, did not obtain a high school diploma, and who require extra support beyond the fourth year of high school. Typically, students attend for 1 to 3 hours a week through appointments. Students work directly with the CLASS staff individually, or in small group activities. CLASS offers support for Certificate Track and Diploma Track students in the following areas: Earning a high school diploma, career awareness, employment-related social skills, high school equivalency testing, and continued academic support.

Note – If students turn 22 years old January through June, then they age out at the end of the school year. If a student turns 22 years old July through September they are not allowed to start a new Fiscal School year (July 1), so they would also age out in June before they turn 22 years old. If a student turns 22 October –December they age out in December.

Nonpublic, Nonsectarian School Services are available for students who require a full-time setting with a strong behavior management component due to self-injurious behavior, behavior that is harmful to others or emotional disturbance. A few students may require nonpublic school services due to other unique needs. Nonpublic school placements are considered after all programs within the SELPA have been considered and exhausted. Every effort will be made to ensure that nonpublic school students are educated in the least restrictive environment and that return to the public school setting is a focused goal.

State Special Schools such as the California School for the Deaf and Blind, are available to students when appropriate based on the students' unique needs and are recommended by the student's IEP team.

Extended School Year (ESY) services are added to the IEP when the IEP team determines that a student's unique needs require special education and related services in excess of the regular academic year. The IEP team considers and may recommend ESY if there is an indication that the student would regress to such an extent that skills cannot be recouped within a reasonable period of time (based on age, grade, length of break, and nature and severity of disability).

Day Treatment or Residential Settings may offer instruction in settings other than classrooms where specifically designed instruction may occur.

Instruction in the home, hospitals, and in other institutions, may be provided to the extent required by federal law or regulation.

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

Assurance

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

Procedure

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

Children with disabilities are educated with children who are not disabled. Placement in special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The child is not removed from age appropriate, regular classrooms solely because of needed adaptations in general education instruction or curriculum.

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

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

3. **Child Find 20 USC § 1412 (a)(3)**

Assurance

It shall be the policy of the CUSD SELPA that all children with disabilities residing in the state, including children with disabilities who are homeless, or are wards of the state, attending private schools, regardless of the severity of their disability, 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.

The SELPA recognizes the need to actively seek out and evaluate residents from birth to age 21 within the district who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The SELPA shall develop a method to ensure that all children residing within the district are currently receiving needed special education and related services. In addition, the SELPA shall consult with appropriate representatives of private school children with disabilities on how to identify, locate and evaluate these children. (20 USC 1412 (a) (3); 34 CFR300.451)

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

The LEAs within the SELPA shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation and review, including the SELPA's procedures for initiating a referral for assessment to identify individuals who need special education services. (EC 56301)

Procedure

The CUSD SELPA actively seeks out children, ages 0 through 21 years, who may be in need of special education services. Announcements of special education opportunities, such as special flyers, bulletins and newsletters, are sent home to parents of enrolled students and community services providers. Public notices are provided in English and Spanish, and other primary languages of families in the community as appropriate. Parents and service providers are also encouraged to inform their friends and neighbors of the availability of evaluations and special education services.

In addition to the public notice in local newspapers, a notice regarding the process for referring children with suspected disabilities for evaluation is sent to each private school annually. The private schools are encouraged to send this notice to parents of children enrolled in their schools. Parents and/or private school representatives refer children for special education evaluation through their District (LEAs) as appropriate.

In conjunction with Orange County Regional Center, infant education services are well known in the community and Child Find procedures have been developed through active networking with agencies representing education, health (hospitals, public health services, and physicians), developmental services, social services, and parent groups.

School-age students, upon request from parents or district personnel, are provided support and analysis through the LEA Student Success/Study Team (SST) process. Vision and hearing screening activities are completed on all students in accordance with state guidelines. District and statewide testing programs may provide information to assist with the school Child Find process.

Child find procedures are also implemented for students not enrolled in public school programs residing within the district including infants, preschoolers, and private school attendees. This process assures that students who may be in need of special education have been located and identified. Announcements of special education services available in the CUSD SELPA shall be made known to the public through information provided to parents of enrolled students and community service providers. Parents and service providers are also encouraged to inform their friends and neighbors of the availability of assessments and special education services.

In addition to the local newspaper announcement, the CUSD SELPA sends to each private school annually a notice regarding the process for referring children with suspected disabilities for assessment. The private schools are encouraged to send this notice to parents of children enrolled in their schools.

A parent/guardian, teacher, administrator, support personnel, outside agency, or any individual who has knowledge about a student, may initiate a referral for a special education evaluation. Referrals will be processed in a systematic manner, held in strict confidence, and include the written Notice of Procedural Safeguards for parents. If parents believe their child has a disability, which requires special education services, they may submit a written request for evaluation. When a verbal referral is made, staff of the school or district office shall offer assistance to the individual in making a request in writing, and provide assistance if requested. Interpreters are provided to assist parents in the SST and assessment planning process to discuss their concerns, possible interventions, and areas of suspected disability to be considered in developing an assessment plan. Referral procedures are coordinated with school site programs to ensure that students in all regular and supplemental programs have access to needed special education services.

Families of children under age three with identified or suspected disabilities are referred to Regional Center of Orange County (RCOC) Infant Circle. Initial referrals for preschool children are processed through the CUSD SELPA Preschool Assessment Center. Children under age

three who failed the newborn infant hearing screening are referred directly to the SELPA. Staff obtain information from the child's parent/guardian and, when appropriate, preschool staff. The team meeting provides the opportunity to discuss the child's growth and development relative to expectations, intervention strategies, and the child's potential need for evaluations to determine eligibility for special education. The process for referring school age students (age 5 to 18 years old) for special education services begins at the neighborhood school and/or district.

Referrals from private schools, private preschools, and other agencies are processed in the same manner as referrals from the public schools. School personnel assist in the preparation of referral forms and provide orientation to persons making referrals. Private schools will be asked to show that instructional adaptations have been attempted. Interventions attempted, or adaptations applied, will be verified by evaluation team members through interviews with private school teachers and parents, and review of records/data submitted.

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

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

Note:

An individual with a concern about a student's progress may request consultation with the SST (Student Support/Study Team) at that student's school site of attendance. The SST is a general education function and may be composed of the principal or designee, general education staff member, the student's teacher and other support staff. The team may also include special education staff such as the speech pathologist, special education teacher, and/or psychologist. The SST Chair sends notification of SST meetings to the appropriate participants, including parents, and facilitates the meeting. If the SST finds that the student's needs cannot be appropriately met with interventions and/or adaptations of the general education program, a referral for special education evaluation is considered. At the time of referral, parents are given a copy of the Notice of Procedural Safeguards.

The SST process facilitates implementation of tiered intervention, typically before referring students for a special education evaluation. The SST may recommend additional teaching and/or academic or behavioral intervention strategies, utilize other categorical programs on site, provide

appropriate program adaptations, and follow district procedures for Section 504 of the Rehabilitation Act of 1973 and/or make other recommendations. The SST will consider whether the student's needs can be met with additional intervention or adaptations(s) to the general education instructional program, and will monitor student progress once adaptations and interventions are identified and implemented.

4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP) 20 USC § 1436(d)

Assurance

“It shall be the policy of the CUSD SELPA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) that meets the requirements of U.S.C. § 1436 (d) is developed, implemented, reviewed and revised and implemented 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 the CUSD SELPA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.”

Procedure

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

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

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

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

IEP Timelines

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

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

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

IEP Participants

- a. The parent(s) of the child;
- b. At least one regular education teacher or general education representative of the child (if the child is, or may be, participating in the regular education environment);
- c. At least one special education teacher of the child, or if appropriate, at least one special education service provider of the child;

- d. An administrator or designee of the public agency who is qualified to supervise the provision of programs and services to meet the unique needs of children with disabilities and who is knowledgeable about the availability of resources in the public agency;
- e. An individual who can interpret the instructional implications of assessment results, who may be a member of the team described in a-d;
- f. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- g. The child, if appropriate.

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

As appropriate, representatives of other agencies are invited to participate in IEP meetings that are held to discuss transition services. In addition to written invitations and telephone calls, other efforts are made to encourage their participation. If an agency representative does not attend the IEP meeting where transition services are discussed, a district designee will contact the agency representative if appropriate to coordinate transition services.

Purpose of the IEP Meeting

The IEP team meets when:

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

At the IEP Meeting

To facilitate the meeting, the district may arrange for interpreters for parents who are hearing impaired or whose primary language is not English. The IEP form serves as a record of the persons attending, and the deliberation, planning, and decisions of the IEP team regarding the special education programs and services for each student. Prior IEP goals and objectives are reviewed to determine to what degree they were met. The discussion of present levels of performance includes not only results of standardized achievement test scores, but also classroom performance, observations, and parent and teacher reports. The IEP process enables the team to develop a completed IEP which shows a direct relationship among the levels of performance and the goals and objectives, and to identify the specific services required to enable the child to advance appropriately toward:

- attainment of annual goals

- involvement in, and progressing in, the general curriculum in light of their circumstances
- participation in extracurricular or other nonacademic activities
- participation with children with disabilities and non-disabled children in these activities as appropriate.

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

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

- a. A review of the Notification of Procedural Safeguards; and
- b. The strengths, interests, and learning preferences of the student;
- c. The concerns of the parent relevant to the child's educational progress;
- d. The child's present levels of educational and social functioning, including the results of the initial or most recent assessment of the child and/or the results of the child's performance on any general State or district-wide assessment programs as appropriate;
- e. Annual goals related to meeting the child's needs that result from the disability to enable the child to be involved in and progress in the general curriculum in light of their circumstances [or appropriate activities for preschool children] or to address each of the child's other unique educational needs that result from the disability; (Short term objectives or benchmarks are developed when the student is taking an alternative statewide assessment.)
- f. A description of how the child's disability affects involvement and progress in the general curriculum, or for preschoolers, participation in appropriate activities;
- g. An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and extracurricular activities;
- h. A statement of the supplemental aids and services to be provided to or on behalf of the student;
- i. A statement of program adaptations or supports for school personnel that are required for the child to advance appropriately toward attaining the annual goals specified in the IEP;
- j. A determination of the student's need for assistive technology devices and services or low incidence services, equipment, and materials to meet the educational goals and objectives;
- k. A statement of how the child's progress toward the annual goals will be measured and how the parents will be informed of their child's progress;
- l. If the child is an English Learner (Limited English Proficient), a description of how his or her level of English proficiency, related to the IEP, will be addressed through linguistically appropriate goals, programs, and services. The IEP team must develop goals that are linguistically appropriate to ensure that English learners' language proficiency needs will be integrated in their special education services.
- m. If the child is Deaf or Hard of Hearing, a description of specialized communication strategies, if needed, and opportunities for direct instruction and communication with peers and

- adults in the student's language and mode of communication;
- n. If the child's behavior impedes learning, a description of positive behavior interventions, strategies, and supports to address the behavior, including a Behavior Intervention Plan if required;
 - o. By the time a student reaches the age of 16, a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or needed linkages; an individualized transition plan is developed.
 - p. For students age 17 or older, verification that the student has been apprised of his or her rights at the age of majority;
 - q. A statement of the special education and related services to be provided to the child, including the projected date for beginning the services, anticipated frequency, location, and duration of those services;
 - r. Individual supports and adaptations in the administration of State or district-wide assessments of pupil achievement, or a statement of why that assessment is not appropriate for the child, designating the California Alternate Assessment as the means to measure the student's progress;
 - s. The determination of the need for Extended School Year, participation in Workability, and specialized transportation services;
 - t. Parental consent to all or part of the IEP.

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

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

Assurance

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

Procedure

The CUSD SELPA provides a full range of program options to meet student's educational needs in the least restrictive environment. This includes District programs, County programs, regionalized services and programs, state schools, non-public schools, and residential treatment facilities. The determination of the least restrictive environment is based on the IEP team's

consideration of each individual student's unique needs, including present levels of performance, goals and objectives, and the configuration of special education support required to implement the IEP.

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

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

The location of special day classes and other special education support programs will be included in decisions regarding housing and facilities planning and allocation. District commitments to ensure appropriate size, configuration, and location for special classroom space on regular school campuses will continue in order to avoid frequent or disruptive program relocations. Ramps, handrails, and adapted equipment are provided as necessary to ensure access and safety for students with disabilities.

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

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

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

It shall be the policy of the CUSD SELPA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations.

Procedure

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

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

Procedural Safeguards Notice

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

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

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

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

7. Evaluation 20 USC § 1412 (a)(7)

Assurance

It shall be the policy of the CUSD SELPA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate.

Procedure

Annual Reviews

The CUSD SELPA procedures for IEP Parent Notification and Participation ensure that the member Districts completes annual reviews within required timelines. The student's IEP is scheduled for review by the IEP team at least once a year. An IEP progress report is provided as often as non-disabled peers are. In addition, a special review of the student's IEP may be requested at any time by:

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

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

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

The IEP team may:

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

Triennial Assessments

All reevaluations are conducted within three calendar years of the last assessment or more frequently if requested by the student's parent or teacher. The reevaluation determines if the student continues to have a disability and if he/she continues to require special education services. It also determines how he/she is involved in and progressing in the general education curriculum. Assessment and IEP meetings shall be completed within 60 calendar days upon receipt of the signed assessment plan.

The CUSD SELPA utilizes a Management Information System which tracks student IEPs and three year reevaluation due dates. A list is then compiled of students whose three-year reevaluations are due in that school year. A completed three-year reevaluation is recorded in the student MIS file to assure continued monitoring. The term "evaluation" is used synonymously with "assessment" to designate the process for identifying children with disabilities and conducting the triennial evaluations.

Assessment Plan

For all individuals, 3 to 18 years of age, referred for special education services, an initial Assessment Plan is developed within 15 days of referral (not counting days between the

student's regular school sessions or terms or days of school vacation in excess of five school days from the date of receipt of referral). The Assessment Plan is based on intake interview information, Student Success Teams findings and recommendations, or parent request for evaluation. The Notice of Procedural Safeguards is included.

An Assessment Plan is developed for all initial and triennial evaluations or any time an individual (e.g., psycho-educational) assessment is conducted. The Assessment Plan contains the following:

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

The proposed Assessment Plan is provided in the primary language of the parent/guardian, unless to do so is clearly not feasible, and written in language easily understood by the general population. Written consent of the parent or guardian is obtained prior to conducting the assessment.

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

Assessment Process

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

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

Assessment Report

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

- a. Results of test(s) administered in the primary language of the student by qualified personnel;
- b. A statement regarding the validity of the evaluation;
- c. A statement regarding whether the tests are valid for the purpose for which they are used;
- d. Recommendations that support the student's needs in the classroom;
- e. Whether or not the student may need special education and related services;
- f. Relevant behavior noted during the observation of the student in an appropriate setting;
- g. The educationally relevant health, developmental, and medical findings, if any;
- h. A determination of the effects of environmental, cultural, or economic disadvantage;
- i. The need for specialized services, materials, and equipment for students with low incidence disabilities;
- j. Consideration of independent assessments; and
- k. The basis for making the determination of eligibility.

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

- Data obtained from standardized assessment instruments;
- Information provided by the parent;
- Information/data provided by the pupil's present teacher; including any data from targeted, monitored intervention.
- Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
- Consideration of the pupil's age, particularly for young children; and
- Any additional relevant information.
- A severe discrepancy shall not be primarily the result of lack of instruction, limited school experience or poor school attendance.

Independent Educational Evaluations

Definitions:

“*Independent educational Evaluation (IEE)*” means an evaluation conducted by a qualified examiner who is not employed by the District.

“*Public Expense*” means that the District either pays for the full cost of the evaluation or components or ensures that the evaluation or components are otherwise provided at no cost to the parent/guardian.

PARENT REQUESTS FOR AN IEE

A Parent has the right to request an Independent Educational Evaluation (IEE) at public expense when the Parent disagrees with an assessment conducted by the District in the same area. The Parent may request only one IEE for each similar assessment conducted by the District, and the assessment must have been conducted within the preceding two years. The District may either: (a) Fund the IEE or (b) Choose to initiate a due process hearing (DPH) to prove that the District’s evaluation is appropriate. If the District initiates a DPH and prevails, the Parent may still obtain an IEE, but not at public expense.

Upon request for an IEE, the District shall provide information to the Parent regarding where an appropriate IEE may be obtained. The Parent is not required to choose a provider from the list. Federal regulations require that whenever an IEE is at public expense, the independent examiner and the tests to be conducted must meet the same qualifications and criteria as a District provider performing a similar evaluation; therefore, upon request the District provides a non-exclusive list of candidates that meet the requirements

Whether an IEE is funded by Parent or funded by the District, it will be considered by the Individualized Education Program (IEP) team with respect to eligibility and the provision of a free appropriate public education to the Student. An IEE may be presented as evidence at a DPH regarding the Student.

The District does not have an obligation to reimburse a Parent for private evaluations obtained prior to the date that the District’s evaluation is completed and discussed in an IEP team meeting, or prior to the date the Parent has disagreed with District’s assessment and requested an IEE.

Steps to Follow When Requesting an IEE

1. Parent requests an IEE *in writing* by contacting the Principal or the Student’s case carrier. The school staff may ask for Parent’s reason for disagreement with the District’s assessment, but cannot require a Parent to explain their reasons as a condition for funding an IEE at public expense.
2. The District will provide a copy of this document, the “Procedures and Criteria for Obtaining an Independent Educational Evaluation” to the requesting Parent.
3. Within a reasonable time (30 days), the District will provide a Prior Written Notice letter to the Parent stating whether the District will agree to fund the IEE requested.
4. If the District agrees to fund the IEE:

- a. Parent must provide the name of the examiner. If the District does not currently have a contract with the examiner, Parent must provide the examiner’s resume so the District may verify qualifications, apply the criteria, and if approved, negotiate a contract.
 - b. Parent will be provided with a Release of Information form to sign, and then Parent’s contact information, along with the student’s current IEP and most recent assessment, will be forwarded to the examiner. Parent will be responsible for working directly with the examiner to schedule all required appointments. The Student’s case carrier will schedule an IEP team meeting following completion of the IEE.
5. If the District declines to fund the IEE because it believes its assessment to be legally sufficient, the District is required to file for DPH. The District will file for DPH within a reasonable amount of time of the request for an IEE.

Criteria for Obtaining an IEE at Public Expense

Minimum Qualifications for Evaluators and Reasonable Rates:

Evaluations must be conducted by an examiner who holds equivalent certifications, licensure or other qualifications that would be required of District staff providing similar evaluations (34 CFR Section 300.502(e)). Assessments must be conducted in accordance with requirements of federal and state law, including, but not limited to, observing the Student in the appropriate setting per EC § 56327, and conducting evaluations in accordance with EC § 56320. Evaluators must agree to release their assessment information, protocols, and written report to the District prior to receipt of payment for services. Reports must be provided in advance of the IEP meeting and at the same time as provided to Parents. Further, assessments must be completed by Independent Evaluators who are neither employed by the District nor have a conflict of interest in completing the assessment for the student (e.g. do not currently provide service to the student, do not recommend their own service in the assessment, do not seek to gain service from the student through the assessment). The results of the IEE will be considered in regard to eligibility discussions, program decisions, and placement of the Student. Evaluations will be funded to the extent they fall within the reasonable rate for an evaluation in the selected area.

The District has determined minimum qualifications required to conduct IEEs (EC § 56322). Evaluators with credentials other than those listed will not be approved unless the Parent can demonstrate the appropriateness of using an evaluator meeting other qualifications. Evaluators charging more than the reasonable rate range for an evaluation will not be approved and evaluations costing more than the approved range will not be funded unless the Parent can demonstrate there is an exceptional need for the assessment falling outside the reasonable range. To demonstrate this need, Parents should contact the District’s Student Support Services Department at 949-234-9270.

<u>Type of Assessment</u>	<u>Qualifications</u>	<u>Reasonable Rate</u>
<u>Academic</u>	Credentialed Special Education Teacher	

	Credentialed School Psychologist	\$500-850
	Licensed School Psychologist	
<u>Assistive Technology or Augmentative Alternative Communication</u>	Certified Assistive Technology Specialist	\$500-1375
	Credentialed Special Education Teacher	
	Credentialed or Licensed Speech/Language Specialist	
	Licensed Occupational Therapist	
<u>Auditory Processing</u>	Licensed or Certificated Audiologist	\$485-2050
	Credentialed School Psychologist	
	Licensed Educational or Clinical Psychologist	
	Credentialed or Licensed Speech/Language Specialist	
<u>Behavioral/Functional Behavior</u>	Credentialed School Psychologist	\$1500- 4000
	Licensed Educational or Clinical Psychologist	
	Behavior Intervention Case Manager (BICM)	
	Credentialed Special Education Teacher	
<u>Mental Health</u>	Licensed Clinical Social Worker	\$1500-2500
	Licensed Marriage Family Therapist	
	Licensed Clinical Psychologist	
<u>Motor (Occupational Therapy or Physical Therapy)</u>	Credentialed Adaptive Physical Education Specialist	\$570-1600
	Licensed Occupational Therapist	
	Licensed Physical Therapist	
<u>Psycho-Education (Academic, Adaptive, Cognitive, Social Emotional, Behavior)</u>	Credentialed School Psychologist	\$2000-4500
	Licensed Educational or Clinical Psychologist	
	Credentialed Special Education Teacher	

<u>Speech and Language</u>	Credentialed or Licensed Speech/Language Specialist	\$600-1800
<u>Transition</u>	Credentialed Special Education Teacher Credential School Counselor Credentialed School Psychologist	\$500-1500
<u>Vision</u>	Credentialed Orientation and Mobility Instructor Credentialed Teacher of the Visually Impaired Credentialed School Nurse Vision Specialist Ophthalmologist/Licensed Optometrist	\$200-1575

Location Limitations for Evaluators

Evaluators should be located within the Greater Orange County area – this includes south Los Angeles County and north San Diego County. Evaluators outside of this area will be approved only on an exceptional basis if the Parent can demonstrate the necessity of using personnel outside the specified area. Parents are responsible for all personal costs associated with the IEE (i.e., food, lodging, transportation, travel costs, etc.), if the assessor is selected outside the area and there is no exceptional need demonstrated.

Cost Limitations

As noted above, the District will pay a fee that is routine and reasonable for the IEE, similar to the fee for evaluations performed by qualified professionals in the Orange County geographic area. The cost of a publicly funded IEE should reflect comparable industry rates within the area of expertise. Included in the total cost of the evaluation are: classroom observation, record review, administration and scoring of tests, report writing, and attendance in person or by phone at **one IEP team meeting** for a reasonable length of time to review the assessment results.

This IEE policy document includes routine and reasonable rates for assessment within Orange County. Costs above this maximum amount in the ranges listed in this policy will only be approved if Parent can demonstrate factors that make the extraordinary costs necessary. A Parent may elect to use an assessor costing more than the approved amount without demonstrating these extraordinary factors, but Parent will be required to fund the remaining excess cost on his/her own. When insurance will cover all or part of the costs of the IEE, the District will request that Parent

voluntarily have their insurance pay those covered costs. However, Parent will not be asked to have insurance cover the IEE cost if it would result in any of the following:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment for a deductible amount.

If the District observed the Student in conducting the evaluation with which Parent disagrees, or if its assessment procedures allow in-class observations, the independent examiner, whether publicly or privately obtained, will be provided with an equivalent opportunity to observe the Student in the current educational setting and to observe the District's proposed setting, if any. To prevent unnecessary disruption in the classroom and to protect the privacy interests of other Students, but provide an independent examiner an equivalent opportunity to observe the Student, observations are subject to reasonable restrictions outlined in the District Board Policy and Regulation. Reasonable restrictions include, but are not limited to, the following: (1) scheduling the observation at least 48 hours in advance; (2) identifying reasonable time limitations; (3) identifying District personnel to accompany the independent evaluator during the observation; and (4) outlining reasonable restrictions on interacting with the Student and teacher during classroom instruction.

Conflict of Interest

To ensure the independence of the evaluation and any recommendations therein, the District will not contract with an independent evaluator who is providing current ongoing services to the Student or who is seeking to provide future services to the Student. Likewise, if the independent evaluator recommends a particular service, the District, in its discretion, may not fund the service through the independent evaluator.

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

Assurance

It shall be the policy of the CUSD SELPA that the confidentiality of personally identifiable data, information, and records maintained by the LEA/SELPA relating to children with disabilities and their families shall be protected pursuant to the Family Education Rights and Privacy Act, non-academic programs, and services available to non-disabled children.”

Procedure

Confidentiality

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

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

Release of Information

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

Special Education Records

All students with an IEP should have a complete confidential file. These records shall contain assessment and progress reports, IEPs, as well as any other appropriate confidential information. Only persons with official business may enter into a student's confidential file. Any other person or agency requesting access to a student's confidential record must have written permission from the parent/guardian.

California's Education Code conforms to the provisions of Public Law 93-380, the Family Education Rights and Privacy Act (FERPA) regarding parental access to, and the confidentiality of, a child's records.

- California regulations define three categories of pupils' records;
- Mandatory permanent records (name, phone, grades, attendance, and transcripts) kept in perpetuity;
- Mandatory interim records (including special education and placement records), which may be destroyed 3 years after the student has left the district or 3 years after their usefulness has ceased; and
- Permitted records (disciplinary), which may be disposed of after six months following completion or withdrawal from the educational program.

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

Assurance

It shall be the policy of the CUSD SELPA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, and if appropriate, result in an effective transition to preschool programs in a manner consistent with 20 USD Section 1437(a)(9). The transition process shall begin prior to the child's third birthday.

Procedure

For children participating in early intervention programs under the Individuals with Disabilities in Education Act (IDEA, Part C), a transition conference is held when the child is between two years and six months and two years and nine months of age.

At the transition conference, the team will discuss the child's present levels of development and possible options for the child when s/he turns three years of age. The options would be based on the child's present developmental levels, needs of the family during the six-month transition period, assessment of the child during the 6-month transition phase, and equipment/program needs the child may have at three years of age.

At the transition conference, the district representative, with the input from the parents and the Individual Family Service Plan (IFSP) transition team, will highlight the needed areas of assessment and the areas of suspected disability, and an assessment plan will be developed.

When the child turns two years and ten months, the district assessment team will contact the parents to have the assessment plan signed and to begin the assessment.

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

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

Assurance

“It shall be the policy of the CUSD SELPA 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”

Procedure

The CUSD SELPA ensures the location, identification and evaluation of children who may be eligible for special education and related services. Child-find activities for parentally placed private school children are similar to those activities undertaken for pupils in public schools.

IDEA 2004 provides that the District where the private school is located is responsible for conducting child-find activities for children enrolled by their parents in private schools.

However, all school districts in Orange County have signed a written agreement that states that the District of Residence (if within the County of Orange) of the private school student will be responsible for the evaluation and determination of eligibility for special education services.

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

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

Assurance

It shall be the policy of the CUSD SELPA that the local plan shall be adopted by the appropriate local board(s) (district) 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 Individuals with Disabilities Education Act, the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

Procedure

The CUSD SELPA administrator provides an advisory role to ensure that the CUSD SELPA will meet all applicable requirements of state and federal laws and regulations. This might include, but is not limited to:

- Advising the Superintendent and Cabinet regarding the status of special education as it relates to the State's Quality Assurance Process
- Advising changes to the SELPA Local Plan, procedures, or best practices
- Providing input and advise in the development of the district's annual plan for staff development, including training and technical assistance to assure compliant practices
- Provide advice in problem resolutions related to operational procedures and best practice for instruction.

12. Interagency 20 USC § 1412 (a)(12)

Assurance

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

Procedure

Process for Coordinating with other Agencies

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

Determination of Eligibility or Provision of Services from Other Agencies

A determination that a student is in need of a service shall be based on appropriate educational assessment(s). The district is solely responsible for obtaining all services and service providers needed to implement the IEP. The district shall monitor the statutory timelines to ensure that services are provided without delay and in compliance with IEP service recommendations.

The CUSD SELPA shall maintain the following interagency agreements on file:

California Children Services
Regional Center of Orange County
Department of Rehabilitation
Head Start

13. Governance 20 USC § 1412 (a)(13)

Assurance

It shall be the policy of the CUSD SELPA support, comply with the provisions of the CUSD Board of Trustees, and provide any necessary administrative support to implement the SELPA Local Plan.

Procedure

Membership

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

Governance and Administrative Structure

Governing Body

The governing body of the CUSD SELPA is the Capistrano Unified School District Board of Trustees, made up of

The Board of Trustees Responsibilities shall include:

- Taking action on proposed amendments to the local plan.
- Taking action on proposed revisions to the income distribution agreement for federal, state and local funds allocated for special education programs.
- Taking action to approve or deny annual service and budget plans and revisions to those plans.
- Taking action to approve or deny resolutions, local interagency agreements and guidelines for the management and implementation of special education programs and services within the SELPA.

And, through the Superintendent:

- Supervising the recruitment and selection process for the SELPA Director.
- Providing direction to the SELPA Director for regionalized services.
- Directing that data can be gathered, interpreted, and reported regarding the implementation, administration and operation of the local plan.
- Monitoring planned and actual accomplishments of special education programs.

Responsible Local Agency/Administrative Unit

As a single district SELPA, Capistrano Unified School District is the Administrative Unit for the SELPA

- Receiving and distributing regionalized services funds and other funds as may be designated by the CUSD Board of Trustees
- Monitoring appropriate use of funds
- Providing administrative support from all departments and divisions for the SELPA
- Providing programs and services

CUSD SELPA Leadership Team

The SELPA Director meets regularly with members of the SELPA Leadership team in order to ensure application and coordination of SELPA business. These meetings shall be held as often as deemed necessary by the SELPA Director.

CUSD SELPA Director

The CUSD SELPA Director assumes overall management and leadership responsibility of the Local Plan, and reports to the Superintendent's Cabinet. The responsibilities of the CUSD SELPA Director shall include:

- Coordination and implementation of the local plan.
- Oversight of development, implementation, supervision, and evaluation of programs and services.
- Oversight, recruitment, supervision, and evaluation of SELPA staff.
- Development and maintenance of interagency agreements with appropriate public agencies to ensure a full range of special education programs and services.
- Development of the annual service and budget plan.

- Collaborating in the allocation of and the use of state, federal, and local funds for special education programs.
- Developing policies, procedures, and local agreements for the implementation of state and federal statute special education requirements.
- Serving as a liaison to the Community Advisory Council.
- Monitoring compliance with state and federal laws.
- Ensuring preparation of program and fiscal reports required by the district and California Department of Education.
- Collaborating in development and implementation of a plan for professional development.
- Providing oversight technical assistance and consultation to staff in all areas of special education, including program development, staffing with highly qualified personnel, budget and spending, dispute resolution, complaint, and due process procedures.
- Establishing and maintaining a positive relationship with all departments and divisions within the district

SELPA Personnel

It shall be the provision of the Board of Trustees of the Capistrano Unified School district that the CUSD SELPA shall employ any necessary administrative support to implement the plan.

Under the supervision of the SELPA administrator, the duties of the CUSD SELPA Leadership Team shall include:

- Review and recommend program development and changes in order to assure the availability of appropriate special education services to all eligible students with disabilities.
- Regularly (at least annually), review policy and procedure in order to update as necessary.
- Review and recommend needed modification to the Local Plan with input from the CAC.
- Review needs for professional development and work with staff to coordinate as appropriate.
- Assist in hiring, supervising, and evaluating highly qualified staff.
- Assist in monitoring data relative to student outcome.
- Collaborate with other departments to provide for needs of students and staff (curriculum, technology, transportation, facilities, professional development, fiscal, etc.)
- Assist with interagency collaborative efforts
- Assist in monitoring fiscal allocation, budget, and expenditures

Community Advisory Committee (CAC)

There shall be a Community Advisory Committee (CAC). The SELPA shall be responsible for establishing and maintaining a Community Advisory Committee in accordance with Article 7 (commencing with Section 56190) of Chapter 2 of Part 30 of the California Education Code, the

Local Plan and the Bylaws of the Community Advisory Committee. The SELPA authorizes the Community Advisory Committee to fulfill the responsibilities that are defined for it in Article 7, the Local Plan and the Bylaws of the Community Advisory Committee. (See Appendix A, Community Advisory Committee Bylaws)

Amendments and Review

The process used to develop the Local Plan will include the cooperative involvement by a committee of representatives of special and regular education teachers and administrators selected by the groups they represent, and with participation by parent members of the Community Advisory Committee, or parents selected by the Community Advisory Committee, to ensure adequate and effective participation and communication.

This Local Plan shall be reviewed whenever new legislation, regulations, and/or guidelines, or major changes in funding or services indicate the need for possible modification of the plan. Amendments to the Local Plan may be proposed by the SELPA and shall be approved and implemented upon subsequent approval by the CUSD Board of Trustees upon review by the Superintendent's Cabinet and subsequent approval of the State Superintendent. Nothing in this section shall modify the requirements of Education Code 56836 requiring an annual budget and service plan. Changes or amendments to the permanent portion of the Local Plan may be considered during the annual service and budget plan process. Amendments approved in this manner would become permanent upon subsequent approval by the CUSD Board of Trustees and the State Board of Education.

Suspension of Policies and Assurances:

Policies require frequent updating. The CUSD Board of Trustees should not be forced into a position of strict adherence to policies and assurances that need revision or are out of compliance. By allowing the suspension of policy on the rare occasions when necessary, this policy ensures that the Board's capacity to govern will not be limited by out-of-date policies. The suspension is a temporary measure to give the Board of Trustees adequate time to study changing legislation or changing circumstances within the community.

Adopted Policies and Assurances shall be subject to suspension for a specified purpose and limited time by majority vote of all members of the Board of Trustees.

The SELPA Director may recommend suspension of all or part of any policy or administrative regulation when it conflicts with state or federal law or regulations. The SELPA Director shall report the conflict to the Board of Trustees. Subsequent approved suspension shall be valid until the policy or administrative regulation is rescinded, amended or reaffirmed.

Public Meetings:

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

Closed Sessions:

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

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

Budget

See Appendix D

Annual Budget Plan

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

Assurance

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

The Commission on Teacher Credentialing (CTC) adopted a credentialing structure for special education credentials in California. All prior issued credentials continue in force as they work to update the special education credential teacher preparation and program requirements.

Candidates are required to obtain one or more of the following Education Specialist credentials:

- Mild to Moderate Support Needs (MMSN)

- Extensive Support Needs (ESN)
- Deaf and Hard of Hearing (DHH)
- Physical and Health Impairments
- Visual Impairments
- Early Childhood Special Education

Although an elementary or secondary teaching credential is not required, general education knowledge, skill, and field experience are embedded in the special education standards. Many credential-granting institutions have established a blended or joint general education/special education credential program. Several programs have been developed to support teacher candidates in beginning their careers through internships and mentoring programs. Teachers in nonpublic schools must meet the same credentialing standards.

Regulations include specifications for bridge added authorizations, which are available to existing Education Specialist Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education (or their equivalent authorizations) credential holders who may want to earn equivalent authorization to the new credential.

Procedure

The CUSD SELPA, in collaboration with the CUSD Human Resource Services Department, shall take steps to ensure that there is an adequate supply of qualified and adequately prepared special education, general education, and related services personnel.

Such steps shall include, but not be limited to, the following:

1. Widespread recruitment of teachers and support personnel;
2. Collaboration with surrounding colleges, in their teacher education programs, design and supervision of student teachers/interns;
3. Ongoing professional development activities for special education administrators, teachers, and support staff; and
4. Ongoing professional development activities for general education administrators, teachers, and support staff.

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

Assurance

It shall be the policy of the CUSD SELPA and the member districts to comply with the requirements of the performance goals and indicators developed by the state and provide data as required by the state. A review of the district performance goals and indicators is made on at least an annual basis to determine priorities for program improvement.

Procedure

The CUSD SELPA believes that all students need to meet high standards of academic knowledge and skills. In addition, they must have the ability to apply their skills to the workplace, where

they will be required to adapt to emerging technologies and changing societal needs. The SELPA recognizes that content and performance standards are necessary to clarify for students, parents/guardians, and staff what students are expected to know and be able to do at each grade level and in each area of study. Student goals and objectives on their individual IEPs shall be based on the state content standards whenever appropriate.

The CUSD SELPA regularly updates the California Department of Education (CDE) with data through the California Longitudinal Pupil Achievement Data System (CALPADS) reporting program. Departments in the district work together to address the performance of children with disabilities related to the key performance indicators.

Among activities related to State Performance Plan are ongoing review of programs and data monitoring. These include, but are not limited to:

- Review and analysis of CALPADS data
- Participation in the state's Quality Assurance Process, Compliance and Improved Monitoring (CIM). *The California Department of Education's monitoring framework uses a tiered system that differentiates the level of monitoring and technical assistance supports for each local educational agency (LEA) based on data analyses and that LEA's need. At the core of the monitoring framework is the Compliance and Improvement Monitoring (CIM) process. LEAs in targeted or intensive monitoring for performance are required to participate in and complete the CIM process as part of their ongoing, annual monitoring activity. The CIM process is a series of steps and activities aimed at the state identifying and assisting LEAs to identify areas for correction and improvement and developing an integrated plan to address them. This process is built to ensure that LEAs, with differentiated levels of involvement and review, examine a wide-range of both compliance and performance data and identify the root causes of areas of concern so that an effective improvement plan can be developed and implemented.*

The CIM is a multi-year process and recognizes that meaningful improvement likely does not occur in a short period of time and requires sustained focus on the areas in need of improvement to effect positive outcomes for students with disabilities (SWDs).

- Provision of ongoing training and technical assistance regarding compliant special education procedures
- Collection and examination of data regarding the over/under representation of racially, ethnically, linguistically and culturally diverse students in order to determine whether an imbalance exists
- Collection and examination of data regarding IEP and assessment timelines
- Student outcome data relative to State Testing

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

It shall be the policy of the CUSD SELPA that students with disabilities are included in general State and district-wide assessment programs describe in 20 USC Subsection 6311. The IEP team

determines and documents how a student will access assessments with or without accommodations, or if they will need to access alternate assessments where necessary.

Procedure

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

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

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

Assurance

It shall be the policy of the CUSD SELPA to provide assurances that funds received from Part B and Part C of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds.

Section 613(f)(1) of the IDEA permits LEAs to use up to 15% of federal IDEA funds for Coordinated Early Intervening Services (CEIS) for students in kindergarten through 12th grade (with a particular emphasis on students in kindergarten through third grade) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. See also 34 CFR §300.226 (a).

Procedure

The CUSD SELPA will submit an annual budget plan per CDE Regulations.

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

Assurance

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

Procedure

The state is the "grantor" of federal funds and the CUSD SELPA is the recipient of the grants. MOE on the part of the SELPA is monitored by the California Department of Education (CDE), aka The State. The expenditure data of the SELPA will be analyzed to determine if the SELPA has met the MOE requirements.

If the CUSD SELPA does not pass the budget-to-actual test, it will not be eligible to receive Part B funding.

Three Part MOE Test Process:

Test 1:

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

Test 2:

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

Test 3:

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

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

1. Voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel, who are replaced by qualified, lower-salaried staff.
2. A decrease in the enrollment of children with disabilities
3. The termination of the obligation of the agency to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the CDE, because the child
 - Has left the jurisdiction of the agency;
 - Has reached the age at which the obligation of the agency to provide free, appropriate public education (FAPE); or,
 - No longer needs the program of special education

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

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

Assurance

It shall be the policy of the CUSD SELPA to resolve all issues at the site level as promptly as possible. Public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities, are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

Procedure

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

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

Assurance

It shall be the policy of the CUSD SELPA that data on suspension and expulsion rates will be provided in a manner prescribed by the California Department of Education.

Procedure

California has extensive law with regard to suspension and expulsion. Educational opportunities are provided to all expelled students. The principal of each school is responsible for keeping detailed records and reporting each incident to the district and board of education. The district in turn, is responsible to report annually to the Department of Education data on the numbers of students recommended for expulsion, the grounds for the recommendation, the action taken, the type of referral for education, and the disposition of the pupil at the end of the expulsion period. The Department of Education analyzes the data to determine if an LEA has a significant discrepancy from state averages. Failure to submit a timely report requires the state superintendent to withhold further apportionment of funds to the LEA. The California Code of Regulations requires LEAs to report annually to the Department all events requiring an “emergency behavioral report” indicating a student with a disability has had an event of serious behavior, the nature of which could be grounds for suspension or expulsion. The Department is required annually to provide the data from these reports to the Commission on Special Education.

The Special Education Division of the California Department of Education is organized into geographic regions for providing focused monitoring and technical assistance and for the purpose of maintaining a close relationship with the LEAs and the performance of their students with disabilities. A database of key performance indicators (KPI) is kept and analysis is made on an ongoing basis to provide assistance whenever KPIs indicate a potential problem. In this mode, excessive suspension and expulsion rates will trigger an action for Department and LEA/District

staff to work to determine the basis for and a resolution to the problem. Such an indicator may also target the LEA for an on-site review if a timely and satisfactory resolution has not been implemented.

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

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

Assurance

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

Procedure

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

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

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

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

school districts in California. This process may be initiated in the same manner as other alternates to regular print materials.

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

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

Assurance

It shall be the policy of the CUSD SELPA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of students with disabilities.

Procedure

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

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

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

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

Assurance

It shall be the policy of the CUSD SELPA 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.

2022-23 Local Plan Committee

Committee Leaders

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