

Special Education Local Plan Area (SELPA) Local Plan

SELPA

Fiscal Year

LOCAL PLAN

Section A: Contacts and Certifications

SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

January 2020

Section A: Contacts and Certifications

SELPA

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Contact Information and Certification Requirements

From the five choices below, check the box that best represents the Special Education Local Plan Area's (SELPA's) planned submission to the CDE:

- ☐ Initial Local Plan (new SELPAs only) ☒ Amended Governance and Administration
☒ Annual Plan ☐ Amended Annual Plan ☐ Amended Local Educational Agency Membership

Special Education Local Plan Area Contact Information

Include current contact information for the SELPA administrator and the administrative unit and fiscal agency responsible for the implementation of the local plan.

Special Education Local Plan Area Administrator

SELPA administrator position changes do not require amendments to the local plan. However, in such cases, new SELPA administrators assume the responsibility for the contents and implementation of the last submitted and approved local plan filed with the California Department of Education (CDE).

SELPA Contact Information

SELPA Name	<input type="text" value="Modesto City Schools"/>		
SELPA Code	<input type="text" value="5011"/>		
Street Address	<input type="text" value="426 Locust Street"/>	Zip Code	<input type="text" value="95351"/>
City	<input type="text" value="Modesto"/>	County	<input type="text" value="Stanislaus"/>
Administrator First Name	<input type="text" value="Christi"/>		
Administrator Last Name	<input type="text" value="Allan"/>		
Email	<input type="text" value="allan.c@monet.k12.ca.us"/>		
Telephone	<input type="text" value="(209)492-1789"/>	Extension	<input type="text"/>
Contact Title	<input type="text" value="Senior Director, SELPA"/>		
Web Address	<input type="text" value="https://www.mcs4kids.com/parents/academics/spec"/>		

Section A: Contacts and Certifications

SELPA Modesto City Schools

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Responsible Local Agency (RLA)/Administrative Unit (AU) Contact Information

RLA/AU

Modesto City Schools

Street Address

426 Locust Street

Zip Code

95351

City

Modesto

County

Stanislaus

Superintendent First Name

Sara

Last Name

Noguchi

Email

noguchi.s@mcs4kids.com

Telephone

(209) 574-1616

Extension

Web Address

<https://www.mcs4kids.com/district/about/superint>

Special Education Local Plan Agency Review Requirements

Community Advisory Committee

The SELPA must provide the local plan Governance and Administration component (Section B) to the Community Advisory Committee (CAC) for review. The CAC must be provided with at least 30 days to conduct this review.

The local plan was provided to the CAC for review on what date Feb 18, 2020

County Office of Education

(California Education Code (EC) sections 56140, 56195.1(c), and 56205)

Within 45 days, the County Office of Education (COE), or COEs (as applicable) must approve or disapprove any proposed initial local plan submitted by a local educational agency (LEA) or group of LEAs within the county or counties, and any amendment to the Governance and Administration element thereafter.

COE responsible for approving the Local Plan is the

Stanislaus County Office of Education

The local plan was submitted to the COE on what date

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Public Hearing Requirements

Local Educational Agency

Annual Budget and Service Plans (Sections D, E, and Attachments)

LEAs participating in a SELPA's governance structure are not required to convene a separate public hearing for the adoption of the Annual Budget and Service Plans. However, LEAs must post PH notices at each school site with information related to the SELPA's PH for the adoption of the Annual Budget Plan, and/or Annual Service Plan at least 15 days before the hearing. Evidence of the posting should be maintained and made available upon request by the CDE.

Special Education Local Plan Area

Annual Budget and Services Plans (Sections D, E, and Attachments)

A PH notice for the adoption of the Annual Budget and/or Annual Service Plan(s) shall be posted at least 15 days before the hearing.

Annual Budget Plan PH Posting Date

Annual Budget Plan PH Date

Annual Services Plan PH Posting Date

Annual Services Plan PH Date

Submitting the Local Plan to the California Department of Education

STEP 1:

Section A is required when submitting any and all local plan sections to the CDE for approval.

STEP 2:

Select the radio button and check-box that represents whether the SELPA's organization is a single-LEA, or multiple-LEA structure; and the membership participation (including charter schools, COEs, and whether the SELPA meets the criteria for a small and sparse SELPA).

☒ Single-LEA

☐ Multiple-LEAs

☐ Charter Schools Only

☐ LEAs Only (including Charter LEAs)

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☐ COE/LEA

☐ Small and Sparse (EC sections 56211 through 56212)

STEP 3:

Is the local plan component (Governance and Administration, Annual Budget Plan, or Annual Service Plan) an amendment to a previously submitted plan?

☒ Yes ☐ No If "Yes," enter the fiscal year of the previously approved plan

STEP 4:

Include the agency, name, and title of the participants who collaborated in the development of the local plan sections. Select the "Add" button to insert a new row and the "-" button to delete the corresponding row.

Add	Agency	First and Last Name	Title	Section
<input type="checkbox"/>	MCS	Mark Herbst	Administrator	All Sections
<input type="checkbox"/>	MCS	Christina Romero	Administrator	All Sections
<input type="checkbox"/>	MCS	Michelle Price	Finance	Section D
<input type="checkbox"/>	MCS	Nadene Galas	Administrator	All Sections
<input type="checkbox"/>	MCS	James Parker	Administrator	All Sections
<input type="checkbox"/>	MCS	Mark Clements	Special Ed. Teacher	All Sections
<input type="checkbox"/>	MCS	Janna Froehlke	Special Ed. Teacher	All Sections
<input type="checkbox"/>	MCS	Carol Negranza	General Ed. Teacher	All Sections
<input type="checkbox"/>	MCS	Christi Allan	Administrator	All Sections
<input type="checkbox"/>	Parent	Emmanuel Palmore	CAC Member	All Sections

STEP 5:

Select the check box to indicate which of the five certifications are being submitted. Include the total number of each type of certification being submitted.

☒ Certification 1 Number Submitted

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<input checked="" type="checkbox"/> Certification 2	Number Submitted	<input type="text" value="1"/>
<input checked="" type="checkbox"/> Certification 3	Number Submitted	<input type="text" value="1"/>
<input checked="" type="checkbox"/> Certification 4	Number Submitted	<input type="text" value="1"/>
<input checked="" type="checkbox"/> Certification 5	Number Submitted	<input type="text" value="1"/>

STEP 6:

Make sure all applicable certifications are signed electronically and are attached to this pdf.

STEP 7:

Electronically submit the completed section(s) to the CDE at SELPALocalPlan@cde.ca.gov. SELPAs may individually email the corresponding Sections (B, D, E), and the Attachments file to the CDE in the same manner. Or, SELPA may attach all files to a single email.

IMPORTANT: Include the SELPA name, "Local Plan" and the Sections (A, B, D, E, and/or Attachments) being submitted in the "Subject" line of all emails sent to the CDE.

Section A: Contacts and Certifications

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Certification 1: Governance and Administration

Certification 1 is required for an initial Section B submission to the CDE, and each subsequently amended submission.

I certify the attached Governance and Administration local plan section has been adopted at LEA public hearings by the represented local board(s) (LEA/county) and is the basis for the operation and administration of special education programs. I further assure the agency(ies) represented herein will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act (IDEA), Title 20 of *United States Code (USC)* 1400 et seq., implementing regulations under Title 34 *Code of Federal Regulations (34 CFR)* Parts 300 and 303, 29 *USC* 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California *EC* Part 30, and Chapter 3 Division 1 of Title 5 of the *California Code of Regulations (5 CCR)*. Copies of all interagency agreements have been attached to the Governance and Administration section of the local plan.

I further certify written agreements have been developed and entered into by LEAs participating in the local plan. Such agreements include, but are not limited to all provisions pursuant to *EC* Section 56195.7.

Web address where the SELPA local plan, including all sections, is posted.

RLA/AU Authorized Agent

Date

Local Governance Council Chairperson

Date

SELPA Administrator

Date

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Certification 2: Annual Budget Plan and Annual Service Plan

Certification 2 is required for an initial Section D, and/or E submission to the CDE and each subsequent annual revision.

I certify the attached local plan section(s) including, (1) the Annual Budget Plan; and/or (2) the Annual Service Plan has/have was/were adopted at a SELPA public hearing and is/are the basis for the operation and administration of special education programs specified herein. I further assure the agency(ies) represented will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act (IDEA), 20 USC 1400 et seq., and implementing regulations under 34 CFR Parts 300 and 303, 29 USC 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California EC Part 30, and Chapter 3 Division 1 of 5 CCR.

Web address where the SELPA local plan, including all sections, is posted.

RLA/AU Authorized Agent

Date

Local Governance Council Chairperson

Date

SELPA Administrator

Date

Special Education Local Plan Area (SELPA) Local Plan Certification 3

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Certification 3: County Superintendent

I certify the attached local plan section(s) as submitted with this certification are approved by the County Office of Education (COE). I further assure the local plan element(s) being submitted meet(s) all applicable requirements of state and federal laws; policies and procedures including compliance with the Individuals with Disabilities Education Act (IDEA); and is/are included in a coordinated system of all local plans (as applicable) to ensure all students with disabilities residing within the county, including those enrolled in alternative education programs, including, but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by districts, community schools operated by the COE, and juvenile court schools, will have access to appropriate special education programs and related services.

1. The SELPA joined with the COE to submit the local plan.

☐ Yes ☒ No

2. All local educational agencies (LEAs) within the county have elected to participate in this SELPA local plan.

☐ Yes ☒ No

3. The SELPA local plan element(s) as specified herein was approved by the COE.

☒ Yes ☐ No

4. The County Superintendent certifies the SELPA is a

☒ Single-LEA SELPA

☐ Multi-LEA SELPA*

*A written agreement has been entered into between the LEA and SELPA for implementation of provisions, including, but not limited to California *Education Code* Section 56195.7 as applicable. The County Superintendent ensures local plans, including updates or revisions to the plans submitted by SELPAs in the county, upon approval by the COE, are posted on the COE web site, or include links to each local plan.

Web address where the SELPA local plan, including all sections, is posted.

County Superintendent

Date

Special Education Local Plan Area (SELPA) Local Plan Certification 4

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Certification 4: Community Advisory Committee

1. The Community Advisory Committee (CAC), has advised the Special Education Local Plan Area (SELPA) during the development, amendment, and review of the local plan pursuant to California Education Code Section 56194.

☒ Yes ☐ No (If the answer is "NO," please include comments.)

2. The members of the CAC, or parents selected by the CAC, participated in the development and update of the local plan that is being submitted to the California Department of Education (CDE).

☒ Yes ☐ No (If the answer is "NO," please include comments.)

3. The CAC had at least 30 days to conduct a review. This review was completed prior to local plan being submitted to the CDE.

☒ Yes ☐ No (If the answer is "NO," please include comments.)

4. The CAC reviewed revisions made to the local plan as a result of recommendations or requirements from the CDE.

☒ Yes ☐ No (If the answer is "NO," please include comments.)

I certify the information presented herein is an accurate representation of the CAC's involvement in the development and/or amendment of the local plan.

Emmanuel Palmore

CAC Chairperson

5/27/2020

Date

Special Education Local Plan Area (SELPA) Local Plan Certification 5

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Certification 5: Participating Local Educational Agency

The SELPA shall include a signed copy of the following local educational agency (LEA) certification for each participating agency when submitting the original, or revised local plan Governance and Administration (Section B).

LEA

The LEA certifies the SELPA local plan has been adopted by the LEA/county local governing board(s) and is the basis for the operation and administration of special education programs. The LEA will meet all applicable requirements of special education state and federal laws and regulations, and state policies and procedures. Be it further resolved, the LEA superintendent shall administer the local implementation of policies, procedures, and practices in accordance with special education state and federal laws, rules, and regulations, which will ensure full compliance. The Superintendent certifies the LEA is participating in a:

☒ Single LEA SELPA ☐ Multi-LEA SELPA

This Governance and Administration was:

Adopted on the day of ,
Yeas Nays

The superintendent, or chief administrator of the LEA ensures the current local plan: Governance and Administration (Section B), Annual Budget Plan (Section D), and Annual Services Plan (Section E), including updates or revisions to Sections B, D, E, and/or Attachments, is posted on the LEA web site, is on file at each LEA, and is available to any interested party.

Web address where the SELPA local plan, including all sections, is posted.

LEA Superintendent/Chief Administrator

Date



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SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

January 2020

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B. Governance and Administration

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

Participating Local Educational Agencies

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

Special Education Local Plan Area—Local Plan Requirements

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

Modesto City Schools is responsible to assure that a full range of special education programs and services are provided within the SELPA. When an appropriate program for an individual with exceptional needs cannot be provided within the SELPA, outside contracting for these services occurs.

All special education and related services determined by the Individualized Education Program (IEP) team to be necessary for a student to benefit from education are listed on the IEP. MCS SELPA 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 service. When another agency providing a related service fails to provide the service listed on the IEP, the local education agency is responsible and shall provide the service in accordance with an IEP unless otherwise provided by law and without a disruption in service and at no cost to the parent.

When no appropriate public school program is available, nonpublic, nonsectarian schools and state special schools will be provided only upon recommendation of an Individualized Education Program Team, and following a review by the governing board of the Modesto City Schools.

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

A. Responsibilities of the Local Governing Board

The Modesto City Schools (MCS) is comprised of Modesto City Elementary and High School Districts organized under a single Governing Board. The Governing Board of the Modesto City Schools (MCS) Special Education Local Plan Area (SELPA), a single district SELPA, is responsible for the special education programs operated within its jurisdiction and is the sole policy-making entity for the MCS SELPA. [EC 56195.7-10, 56205-8]

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The responsibilities of the Governing Board include:

- (1) Ensuring that comprehensive special education programs and related services are offered and provided within the MCS SELPA.
- (2) Adopting the Local Plan, policies, and procedures for the MCS SELPA for Special Education.
- (3) Adopting the annual budget at a public hearing.
- (4) Adopting an annual service plan at a public hearing.
- (5) Providing a description of programs for early childhood special education from birth through five years of age.
- (6) Providing a description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan may address questions or concerns to the governing body or individual identified in Section 56205 (a) (12) (A).
- (7) Providing a description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the plan.
- (8) Verifying that the plan has been reviewed by the Community Advisory Committee (CAC) and that the (CAC) had at least 30 days to conduct its review prior to submission of the plan to the Superintendent.
- (9) Providing a description of the process being utilized to meet the requirements of Section 56303.
- (10) Providing a local plan, budget plan, and annual service plan that is written in language that is understandable to the general public.
- (11) Employing SELPA personnel.
- (12) Appointing the Community Advisory Committee.
- (13) Adopting policies, agreements, and contracts necessary to implement special education programs that assure equal access and a free and appropriate education in the least restrictive environment.

B. Responsibilities of the Superintendent

The Superintendent is the Chief Executive Officer and is responsible for the implementation of the Local Plan as authorized by the Modesto City Schools Governing Board.

The Responsibilities of the Superintendent include:

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1. Recommending to the Governing Board the approval of the Local Plan for Special Education.
2. Implementing the Local Plan including the continuum of special education programs and services.
3. Recommending to the Governing Board adoption of District policies pertaining to special education.
4. Ensuring that all District policies pertaining to special education operate within the federal and state laws and regulations.
5. Recommending the annual budget plan and service plans to the Governing Board, including Regionalized Services /Program Specialist funds, staffing and grant funding.
6. Submitting required financial reports, including all income and expenditures to the Governing Board for review.
7. Ensuring that the school district maintains an accounting system adequate to provide for federal, state and local reports.
8. Maintaining a Community Advisory Committee, which may include teachers, administrators and other community representatives in accordance with legal requirements.

The Superintendent or a designee ensures the Modesto City Schools compliance with federal and state laws and regulations.

C. Administrative Functions

The Directors of the SELPA K-6 and 7-12 have the responsibility for the administration of the Local Plan and serve as the Directors of Special Education for Modesto City Schools. The Directors, SELPA K-6 and 7-12 are the liaisons with local agencies, other SELPA's and the California Department of Education. [EC 56205]

Responsibilities of the Director, SELPA include:

1. Coordinating special education services to all students with exceptional needs residing in Modesto City Schools.
2. Ensuring that the delivery system of services provides a full range of educational options. Procedures for making any changes in the delivery system of services are coordinated through the Director, SELPA.
3. Coordinating development and implementation of the Local Plan throughout the SELPA. Special education and general education Teachers and administrators selected by their peers and parent members of the CAC shall be consulted through regular consultations regarding SELPA policy and budget development.
4. Ensuring the development and implementation of the Local Plan including:
 - a. Coordinated system of identification and assessment
 - b. Coordinated system of procedural safeguards
 - c. Coordinated system of personnel development and parent education
 - d. Coordinated system of internal program review, evaluation of the effectiveness of the

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- local plan and implementation of a local plan accountability mechanism
- e. Coordinated system of data collection and management
 - f. Coordinated system of curriculum development and alignment with the core curriculum
 - g. Coordination of interagency agreements
 - h. Coordination of services to students with exceptional needs in licensed children's institutions and foster family homes
 - i. Coordination of services to students with exceptional needs in medical facilities.
 - j. Preparation and transmission of SELPA reports
 - k. Fiscal and logistical support of the Community Advisory Committee
 - l. Coordination of transportation services for students with disabilities
 - m. Coordination of career, vocational, and transition services
 - n. Assurance of full educational opportunity
 - o. Implementation of Program Manager services.
 - p. Implementation of regionalized services including: personnel development, evaluation, data collection and management information system, curriculum development and on-going program review, through formal and informal needs assessment process.
 - q. Coordinated performance goals and indicators.
 - r. Participation in state and district-wide assessments.
 - s. Fiscal administration and the allocation of state and federal funds
 - t. Coordination of services to students with exceptional needs placed in juvenile court schools or county community schools pursuant to EC 56150
 - u. Direct program and instructional support provided by program managers
 - v. Direct programmatic support provided by behavior specialists
 - w. Coordination of the distribution and assignment of specialized equipment and services
- 5. Presenting recommended changes in the Local Plan and/or other policy and procedural changes to the Superintendent and governing board for monitoring and review.
 - 6. Coordinating the development and management of all SELPA and special education program budgets and staffing formulas with the superintendent and other appropriate staff.
 - 7. Providing supervision to all special education programs and supervision to classified and certificated staff.
 - 8. Providing of input to the Superintendent regarding the selection and employment of SELPA staff.

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Program Manager Services

1. Program Manager funding is utilized to provide Program Manager Services to special education programs within the MCS

SELPA. The Director, SELPA monitors the selection and hiring process and supervises the Program Managers in accordance with the standards set forth in this Local Plan and as required for Program Specialists in [EC 56368].

Program manager services are assigned based upon pupil and program needs within the SELPA. Assignments are determined by the Directors, SELPA K-6 and 7-12.

2. A Program Manager within the MCS SELPA must hold a valid special education credential. In addition, a Program Manager must have advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in one or more areas of major disabling conditions, in early education of disabled pupils, or career-vocational education.
3. The role and function of the Program Manager is to observe, consult with, and assist resource specialists, designated instruction and services instructors, and special day class teachers. Another role is to plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.
4. The Program Manager may participate in each school's staff development program and monthly special education staff development meetings. He/she also provides coordination, consultation and program development primarily in one specialized area or areas of his/her expertise. In addition, the Program Manager is responsible for ensuring that pupils have full educational opportunity.

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

The Modesto City Schools, as an educational entity with a single governing board, serves as the administrative unit of the SELPA and employs all SELPA staff and follows district-adopted employment and evaluation procedures. The Directors, SELPA K-6 and 7-12 are also the Directors of Special Education and administer all special education programs within the district. The Director, SELPA K-6 and 7-12 provides the District Superintendent or designee with input regarding the selection and employment of all SELPA and special education staff.

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

The Modesto City Schools SELPA ensures that a full continuum of programs options is available and has determined that:

1. Program options, as appropriate to the student's need, are available at local neighborhood schools.
2. The majority of special education programs, to the maximum extent appropriate to the student's needs, are house on regular school campuses and dispersed throughout the SELPA;
3. When scarcity of population or other factors prevent the Modesto City Schools SELPA from directly providing a required services for its students, the service may be provided by the county office, a school in a nearby SELPA or by a provider outlined in the Modesto City Schools SELPA Service Plan.
4. The county provides services to students with Individual Education Plans (IEP) who are enrolled in County Community Day Schools, County Juvenile Schools, and Adult Detention facilities as identified in the Annual Service Plan. In addition, the county provide Differentiated Assistance and certified the Local Plan.

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

Charter School Policy [EC 56195, 56195.1(f), 56207.5]

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

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

Community Advisory Committee (CAC) [EC 56190-56194]

The Modesto City Schools SELPA Community Advisory Committee (CAC) is comprised of parents with persons with disabilities enrolled in public or non-public schools within the Modesto City Schools SELPA and may include pupils and adults with disabilities; general education teachers, special education teachers and providers, and other school personnel within the MCS SELPA; representatives of other public and non-public agencies and persons concerned with the education of persons with disabilities.

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Parents are recruited for the CAC through a CAC informational flyer given at IEPs to parents. The CAC meets on a regular basis during the months of September through June. The schedule of meetings is developed annually. A needs assessment is developed during the first CAC meetings of each school year. Additional suggestions and recommendations for future programs are sought by the CAC. The CAC sponsors parent advocacy training, parent workshops on parent rights and responsibilities, the IEP process and parent professional collaboration. CAC members, act as advocates for individual parents, and actively recruit parents. The Modesto City Schools CAC often participate in joint collaborative meetings with the CAC from Stanislaus SELPA.

CAC trainings/programs are also devoted to various topics related to assisting disabled pupils such as: transition programs, vocational/career education, mental health services, other community resources transportation, and legislation pertaining to persons with disabilities. CAC members contact state and local elected officials to actively support legislation that assists students with disabilities. Literature regarding disabling conditions and community resources to assist the disabled is distributed at CAC meetings.

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

The CAC is responsible to provide input on the development, amendment and review of the Local Plan [EC 56194 (a)]. In addition, the CAC will be requested to provide input on other policies and procedures, which pertain to the education of individuals with exceptional needs. The CAC Local Plan review period is a minimum of 30 days. The CAC submits comments and suggestions to the Director, SELPA during the review period. Modesto City Schools SELPA reviews and considers comments from the CAC for the revision of the Plan. Copies of the Local Plan are available at the SELPA office for parents and the general public to review.

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

The Modesto City Schools, as an educational entity with a single governing board, serves as the administrative unit of the SELPA and employs all SELPA staff and follows district-adopted employment and evaluation procedures. The Directors, SELPA K-6 and 7-12 are also the Directors of Special Education and administer all special education programs within the district. The Directors, SELPA K-6 and 7-12 provides the District Superintendent or designee with input regarding the selection and employment of all SELPA and special education staff.

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

Modesto City Schools enters into contracts to ensure delivery of appropriate services to meet the needs specified in Individualized Education Programs IEP's if such services are not available through Modesto City Schools programs or staff.

10. For multi-LEA local plans, specify:

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

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

The Modesto City Schools, as an educational entity with a single governing board, serves as the administrative unit of the SELPA and employs all SELPA staff and follows district-adopted employment and evaluation procedures. The Directors, SELPA K-6 and 7-12 are also the Directors of Special Education and administer all special education programs within the district. The Directors, SELPA K-6 and 7-12 provide the District Superintendent or designee with input regarding the selection

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and employment of all SELPA and special education staff.

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

The Superintendent or designee collaborates with the SELPA director in determining budget and funding priorities for students with disabilities.

These budget priorities align with the district's vision, goals and priorities ratified to improve education outcomes with students who have an IEP.

Based upon these priorities, a budget is developed and included in the proposed budget adopted by the Board of Education each year.

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

The SELPA Directors, Finance Department, CAC and the Superintendent's Cabinet ensure the operation of special education program in accordance with the Local Plan, federal and state guidelines.

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

Both the annual budget and service plan for the District are reviewed, at least annually by the Finance Department, SELPA Directors, CAC, and the Superintendent's Cabinet. All policies implemented in the single district SELPA are developed consistent with the district Administrative Procedures.

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

Low incidence funds provided by the State allow for the purchase of specialized books, materials, and equipment are necessary due to the adverse educational impact of a low incidence disability on access to instruction and learning. Low incidence funding is intended to supplement and not supplant other available funding for books and materials.

"Low incidence disability" means a severe disabling condition with an expected incidence rate of less than one (1) percent of the total statewide enrollment in kindergarten through grade twelve

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(12). For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. The SELPA is responsible for ensuring that each student who has been identified as a student with a "low incidence" disability receives the required instructional support as indicated on the IEP.

The Senior Directors, SELPA K-6 and 7-12 are responsible for ensuring that all eligibility requirements are met prior to approving any expenditure of these funds.

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

Policies, Procedures, and Programs

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

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

Policy/Procedure Number: BP and AR 0430

Document Title: Comprehensive Local Plan for Special Education

The policy is adopted by the SELPA as stated:
The Governing Board desires to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school. Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)
The special education local plan area (SELPA) shall administer a local plan and administer the allocation of funds. (Education Code 56195)
In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district shall serve as a SELPA.
The Superintendent or designee shall develop a local plan for the

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education of individuals with disabilities residing in the district. The plan shall be approved by the Board.

Legal Reference:

EDUCATION CODE

56000-56001 Education for individuals with exceptional needs

56020-56035 Definitions

56040-56046 General provisions

56048-56050 Surrogate parents

56055 Foster parents

56060-56063 Substitute teachers

56170-56177 Children enrolled in private schools

56190-56194 Community advisory committees

56195-56195.10 Local plans

56205-56208 Local plan requirements

56213 Special education local plan areas with small or sparse populations

56240-56245 Staff development

56300-56385 Identification and referral, assessment, instructional planning

56440-56447.1 Programs for individuals between the ages of three and five years

EDUCATION CODE

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral interventions

56600-56606 Evaluation, audits and information

56836-56836.05 Administration of local plan

GOVERNMENT CODE

7579.5 Surrogate parent, appointment, qualifications, liability

95000-95029 California Early Intervention Services Act

WELFARE AND INSTITUTIONS CODE

361 Limitations on parental control

726 Limitations on parental control

CODE OF REGULATIONS, TITLE 5

3000-3089 Regulations governing special education

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

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300.1-300.818 Assistance to states for the education of children with disabilities, including:
300.500-300.520 Due process procedures for parents and children
303.1-303.654 Early intervention program for infants and toddlers with disabilities

ADOPTED: June 25, 2018

MODESTO CITY SCHOOLS

Administrative Regulation

AR 0430

PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLAN

Comprehensive Local Plan for Special Education

Definitions

Free appropriate public education (FAPE) means special education and related

services that are provided at public expense, under public supervision and direction,

and without charge; meet the standards of the California Department of Education,

including the requirements of 34 CFR 300.1-300.818; include

appropriate preschool,

elementary school, or secondary school education for individuals between the ages of

3 and 21; and are provided in conformity with an individualized education program

(IEP) that meets the requirements of 34 CFR 300.320-300.324. (34 CFR 300.17,

300.101, 300.104; Education Code 56040)

FAPE applies to students who are suspended or expelled or placed by the district in

a nonpublic, nonsectarian school. (34 CFR 300.17, 300.101, 300.104)

Least restrictive environment means that, to the maximum extent appropriate,

students with disabilities, including individuals in public or private institutions or

other care facilities, be educated with individuals who are nondisabled, including

the provision of nonacademic and extracurricular services and activities. Special

classes, separate schooling, or other removal of students with disabilities from the

regular educational environment occurs only if the nature or severity of the

disability is such that education in the regular classes with the use of

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Document Location:

supplementary aids and services cannot be achieved satisfactorily. (34 CFR 300.107, 300.114, 300.117; Education Code 56040.1)
Special education means specially designed instruction, provided at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities including a full continuum of program options including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education to meet the educational and service needs in the least restrictive environment. (Education Code 56300, 56031)
Special education may include each of the following if the services otherwise meet the definition in the above paragraph: (Education Code 56031)
1. Speech language pathology services, or any other designated instruction and service or related service, pursuant to Education Code 56363, if the service is considered special education rather than designated instruction and service or related service under state standards
2. Travel training
3. Career technical education
4. Transition services for students with disabilities in accordance with 34 CFR 300.43 if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education
Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students in the district. (34 CFR 300.39)
Surrogate parent means an individual assigned to act as a surrogate for the parent/guardian. The surrogate may represent an individual with

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disabilities in
matters relating to identification, assessment, instructional planning and
development, educational placement, reviewing and revising the IEP,
and in other
matters relating to the provision of FAPE to the individual with disability.
(34 CFR
300.519; Education Code 56050)
Elements of the Local Plan
The local plan developed by the special education local plan area
(SELPA) shall
include, but not be limited to, the following: (Education Code 56205,
56206)
1. Assurances that policies, procedures, and programs, consistent with
state law,
regulation, and policy, are in effect as specified in Education Code
56205(a)(1-
22) and in conformity with 20 USC 1412(a), 20 USC 1413(a)(1), and 34
CFR
300.201
2. An annual budget plan and annual service plan adopted at a public
hearing
held by the SELPA
3. A description of programs for early childhood special education from
birth
through five years of age
4. A description of the method by which members of the public,
including
parents/guardians of individuals with disabilities who are receiving
services
under the plan, may address questions or concerns pursuant to
Education
Code 56205
5. A description of a dispute resolution process
6. Verification that the plan has been reviewed by the community
advisory
committee in accordance with Education Code 56205
7. A description of the process being utilized to refer students for special
education instruction pursuant to Education Code 56303
8. A description of the process being utilized to oversee and evaluate
placements
in nonpublic, nonsectarian schools and the method for ensuring that all
requirements of each student's IEP are being met
9. A description of how specialized equipment and services will be
distributed

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within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment
The local plan, annual budget plan, and annual service plan shall be written in language that is understandable to the general public. (Education Code 56205)
Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code 56195.1 and 56195.7. (Education Code 56195.8)
ADOPTED:
May 14, 2018

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

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Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:
The Governing Board desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education and be placed in the least restrictive environment, which meets their needs to the extent provided by law. The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program (IEP) team, the contents of the IEP, and the development, review and revision of the IEP> Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent/guardian. Education Code 56055 clarifies educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education To the extent permitted by federal

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law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055).

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

Policy/Procedure Number: AR 6159

Document Title: AR 6159

Document Location: Board Policy

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:

The IEP shall include, but not be limited to, all of the following: (Education Code 56043, 56345, 56345.1; 20 USC 1414(d)(1)(A); 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:

a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)

b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities

c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

2. A statement of measurable annual goals, including academic and functional goals, designed to:

a. Meet the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum

b. Meet each of the student's other educational needs that result from his/her disability

3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the

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district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards

4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:

- a. Advance appropriately toward attaining the annual goals
- b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
- c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

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

Policy/Procedure Number: BP 6159.1

Document Title: Instruction: Procedural Safeguards and Complaints for Special Education

Document Location: Board Policy

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated: The Governing Board desires to protect the rights of students with disabilities, the district shall follow all procedural safeguards as set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation. The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Governing Board about the result of the hearing. The

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Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.

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

Policy/Procedure Number: BP 6164.4

Document Title:

Instruction: Identification and Evaluation of Individuals for Special Education

Document Location:

Board Policy

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:

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

The Superintendent or designee shall develop a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, review of the education and related services provided to such individuals. (Education Code 56301) The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular program. (Education Code 56302)

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

Policy/Procedure Number: BP and AR 5022

Document Title:

Student and Family Privacy Rights

Document Location:

Board Policy

"It shall be the policy of this LEA that the confidentiality of personally identifiable data, information,

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

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

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:
In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:
1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist him/her in reaching the goals as stated in Education Code 56345(a)(8), the following individuals shall be invited to attend: (34 CFR 300.321)
a. The student, regardless of his/her age
If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and

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interests are considered.

b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for the transition services

3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414(d)(1)(D); 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.

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

Policy/Procedure Number: **BP and AR 6164.41**

Document Title: **Children with Disabilities Enrolled By Their Parents in Private School**

Document Location: **Board Policy**

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:

The Governing Board recognizes its obligations under federal and state law to identify and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the district.
(cf. 0430 - Comprehensive Local Plan for Special Education)

The Superintendent or designee shall ensure that activities to locate, identify, and evaluate children with disabilities enrolled by their parents/guardians in private schools within the district are comparable to activities undertaken for individuals with disabilities aged three to 22 in public schools within the district.

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(34 CFR 300.131; Education Code 56171)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

The Superintendent or designee shall develop a budget for the provision of services to children with disabilities enrolled by their parents in private school based on the proportionate share of federal funds received and the number of eligible children, including the possibility of mid-year enrollees, and the types of services to be provided.

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Administrative Regulation AR 6164.41

INSTRUCTION: Children with Disabilities Enrolled By Their Parents in Private School
Definitions

Parentally placed private school children with disabilities means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within district boundaries, including children who are attending a private school or facility within district boundaries but who reside in another district or state. (34 CFR 300.130, 300.131)

Private school or facility means a private full-time day school, including a religious school, located within district boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code 33190 and is registered in the California Private School Directory.

Consultation with Private School Representatives

The Superintendent or designee shall consult with all private school representatives and representatives of parents/guardians of parentally placed private school children with disabilities during the design and development of equitable services for the children. In order to ensure a meaningful and timely consultation, the consultation shall include: (20 USC 1412(a)(3); 34 CFR 300.134; Education Code 56301)

1. The child find process and how parentally placed private school children suspected of having a disability can participate equitably
2. How parents/guardians, teachers, and private school officials will be informed of the child find process
3. The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this share is calculated
4. How the consultation process will operate throughout the school year to ensure that identified children can meaningfully participate in equitable service
5. How, where, and by whom equitable services will be provided including a discussion about the types of services, alternate service delivery mechanisms, how services will be apportioned if funds are insufficient to serve all of the identified children, and how and when those decisions will be made
6. In the event that the district and private school disagree on the provision

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of or the types of services, how the district will provide the private school officials with a written explanation of the reasons that the district chose to not provide the services

When meaningful and timely consultation has occurred, the district shall obtain a written affirmation signed by the representatives of participating private schools. If the private school representatives do not provide the affirmation within a reasonable period of time, the district shall forward documentation of the consultation process to the California Department of Education. (34 CFR 300.135; Education Code 56172)

After the consultation has occurred, the district shall ensure an annual count of the number of parentally placed children with disabilities attending private schools located within the district. This count shall be conducted between October 1 and December 1 each year and shall be used to determine the amount the district must spend on providing equitable services to the children in the subsequent fiscal year. (34 CFR 300.133)

Provision of Services

A child with a disability parentally placed in a private school has no individual right to receive some or all of the special education and related services that he/she would receive if enrolled in public school. Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.137, 300.138)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
The district shall evaluate all identified parentally placed private school children with disabilities for purposes of considering them for equitable services. This evaluation shall be conducted in accordance with the timelines and procedures for evaluating public school students with disabilities pursuant to 34 CFR 300.300-300.311, including providing the parent/guardian with a copy of the procedural safeguards notice. (34 CFR 300.131, 300.504)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
In order to ensure that each child entitled to special education and related services from the district receives an offer of a free appropriate public education (FAPE), the district where the child resides shall develop an individualized education program (IEP) for each identified child who attends a private school located in the district and who resides in the district.

However, the district shall not develop an IEP if the parent/guardian makes clear his/her intention to keep the child enrolled in private school. In such situations, the district shall obtain written certification confirming the parent/guardian's intention to keep his/her child enrolled in private school, including the fact that he/she is not interested in the development of an IEP or the district's offer of FAPE. If the parent/guardian does not provide confirmation in writing, the district shall obtain oral confirmation of the parent/guardian's intention and confirm the conversation in writing.

If the child resides in a different district, then this district and the district of residence shall work together to ensure that the parent/guardian receives an

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offer of FAPE in accordance with law.

The district shall develop and implement an individual services plan (ISP) for each identified private school child with a disability that describes the equitable services that the district will provide, as agreed to by the district and private school representatives during the consultation process. (34 CFR 300.138)

The ISP shall be developed, reviewed, and revised consistent with 34 CFR 300.121-300.324. A representative of the private school shall be invited to attend each ISP team meeting. If the representative cannot attend the meeting, the district shall use other methods to ensure the representative's participation, including individual or conference calls. (34 CFR 300.137, 300.138) (cf. 6159 - Individualized Education Program)

The district may provide services on the private school premises, including a religious school, to the extent consistent with law. The services shall be provided by personnel meeting the same standards as personnel providing services in the public school. The personnel shall either be district employees or contractors of the district. (34 CFR 300.138, 300.139)

The district shall offer transportation to the child if services are provided on a site other than the child's school and the ISP team determines that transportation is necessary for the child to benefit from or participate in the services provided in the ISP. Depending on the timing of the services, the district shall provide transportation from the child's school or home to the service site and from the service site to the child's school or home. (34 CFR 300.139)

The district may place equipment and supplies in a private school for the period of time necessary to provide the services pursuant to the ISP. All such equipment shall remain the property of the district and must be able to be removed without causing damage to the private school. The district shall remove the equipment when no longer required by the child, when the child no longer attends the private school, or when removal is necessary to prevent unauthorized use. (34 CFR 300.144)

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

Policy/Procedure Number: SELPA Local Education Agency Assurances

Document Title: Local Compliance Assurances, p. 9

Document Location: SELPA Office

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

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the SELPA as stated:

☒ Yes ☐ No

12. Interagency: 20 USC Section 1412(a)(12)

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

13. Governance: 20 USC Section 1412(a)(13)

Policy/Procedure Number:

Document Title:

Document Location:

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.
(cf. 9000 - Role of the Board) (N/A)

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(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus

2. Value, support and advocate for public education

(cf. 9010 - Public Statements) (N/A)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community

4. Act with dignity, and understand the implications of demeanor and behavior

5. Keep confidential matters confidential

(cf. 9011 - Disclosure of Confidential/Privileged Information) (N/A)

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Training) (N/A)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff

(cf. 2110 - Superintendent Responsibilities and Duties) (N/A)

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Limits of Board Member Authority) (N/A)

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students

2. Communicate a common vision

(cf. 0000 - Vision) (N/A)

(cf. 0100 - Philosophy) (N/A)

(cf. 0200 - Goals for the School District) (N/A)

3. Operate openly, with trust and integrity

4. Govern in a dignified and professional manner, treating everyone with civility and respect

5. Govern within Board-adopted policies and procedures

(cf. 9310 - Board Policies)

6. Take collective responsibility for the Board's performance

7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation) (N/A)

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

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GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54963 The Ralph M. Brown Act

87300-87313 Conflict of interest code

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

WEB SITES

CSBA: [http:// www.csba.org](http://www.csba.org)

ADOPTED: November 13, 2018

14. Personnel Qualifications

Policy/Procedure Number: Board Policy AR 4112.23

Document Title: Personnel: Special Education Staff

Document Location: Board Policy

"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization issued by the Commission on Teacher Credentialing (CTC) that specifically authorizes him/her to teach students with the primary disability within the program placement recommended in the students' individualized education program (IEP). (5 CCR 80046.1-80048.9.4)

The district may employ a person with an appropriate district intern credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district intern program. (Education Code 44325, 44326, 44830.3)

The Superintendent or designee may request that the CTC issue a special education limited

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assignment teaching permit which authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80026, 80027.1)

As needed, the district may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting. (5 CCR 80026)

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5 CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24. (5 CCR 3051; 34 CFR 300.34, 300.156)

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

Whenever a candidate for a clear education specialist credential is employed by the district, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation. (5 CCR 80048.8.1)

Resource Specialists

The duties of resource specialists shall include, but are not limited to: (Education Code 56362; 5 CCR 80070.5)

1. Providing instruction and services for students with disabilities whose needs have been identified in an IEP
2. Conducting educational assessments
3. Providing information and assistance for students with disabilities and their parents/guardians
4. Providing consultation, resource information, and material regarding students with disabilities to staff members in the regular education program and the students' parents/guardians
5. Coordinating special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team
7. Providing services for secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life

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Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day. (Education Code 56362; 5 CCR 80070.5)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362.

Caseloads

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases, unless the SELPA plan specifies a higher average caseload and states the reasons for the higher average caseload. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 years shall not exceed 40. (Education Code 56363.3, 56441.7)

Legal References:

EDUCATION CODE

8264.8 Staffing ratios

44250-44279 Credentials, especially:

44256 Credential types, specialist instruction

44258.9 Assignment monitoring

44265-44265.9 Special education credential

44325-44328 District interns

44830.3 District interns, supervision and professional development

56000-56865 Special education, especially:

56195.8 Adoption of policies

56361 Program options

56362-56362.5 Resource specialist program

56363.3 Maximum caseload; language, speech, and hearing specialists

56440-56441.7 Programs for individuals between the ages of three and five years; caseloads

CODE OF REGULATIONS, TITLE 5

3051.1-3051.24 Staff qualifications to provide related services to students with disabilities

3100 Waivers of maximum caseload for resource specialists

80021 Short-term staff permit

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80021.1 Provisional internship permit
80023.2 Emergency permits
80025.4 Substitute teaching, special education
80026 Declaration of need for fully qualified educators
80027.1 Special education limited assignment teaching permit
80046.1 Adapted physical education specialist
80046.5 Credential holders authorized to serve students with disabilities
80047-80047.9 Credentials to provide instructional services to students with disabilities
80048-80048.9.4 Credential requirements and authorizations
80070.1-80070.6 Resource specialists
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
CODE OF FEDERAL REGULATIONS, TITLE 34
300.8 Definition of autism
300.34 Related services
300.156 Special education personnel requirements
ADOPTED: May 14, 2018

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

Policy/Procedure Number: BP 0500

Document Title: PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS: Accountability

Document Location: Board Policy

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

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:
The Governing Board recognizes its responsibility to ensure accountability to the public for the performance of the district and each district school. The Board shall regularly review the effectiveness of district programs, personnel, and fiscal operations, with a focus on the capacity to improve student achievement. The Board shall establish appropriate processes and measures to monitor results and to evaluate progress toward accomplishing the district's vision and goals set forth in the local control and accountability plan (LCAP).
(cf. 0000 – Vision) (N/A)

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- (cf. 0200 – Goals for the School District) (N/A)
- (cf. 0460 – Local Control and Accountability Plan) (N/A)
- (cf. 2140 – Evaluation of the Superintendent) (N/A)
- (cf. 3460 – Financial Reports and Accountability) (N/A)
- (cf. 4115 – Evaluation/Supervision) (N/A)
- (cf. 4215 – Evaluation/Supervision) (N/A)
- (cf. 4315 – Evaluation/Supervision) (N/A)
- (cf. 6011 – Academic Standards) (N/A)
- (cf. 6141 – Curriculum Development and Evaluation) (N/A)
- (cf. 6190 – Evaluation of the Instructional Program) (N/A)
- (cf. 9400 – Board Self-Evaluation) (N/A)

District and school performance shall be annually evaluated based on multiple measures specified in the California Accountability and Continuous Improvement System as reported on the California School Dashboard.

- (cf. 6162.5 – Student Assessment) (N/A)
- (cf. 6162.51 – State Academic Achievement Tests) (N/A)

The district's alternative schools serving high-risk student populations, including continuation high schools, opportunity schools, community day schools, and nonpublic, nonsectarian schools pursuant to Education Code 56366, shall be subject to an alternative accountability system established by the Superintendent of Public Instruction. (Education Code 52052, 56366)

- (cf. 6159.2 – Nonpublic, Nonsectarian School and Agency Services for Special Education)
- (cf. 6184 – Continuation Education)
- (cf. 6185 – Community Day School) (N/A)

The district and each district school shall demonstrate comparable improvement in academic achievement for all numerically significant student subgroups.

Numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when the subgroup consists of at least 30 students with a valid test score or 15 foster youth or homeless students. (Education Code 52052)

The Superintendent shall provide regular reports to the Board and the public regarding district and school performance. Opportunities for feedback from students, parents/guardians, staff, and community members shall be made available as part of any review and evaluation of district programs and operations and as part of the development or annual update of the LCAP.

- (cf. 0510 – School Accountability Report Card) (N/A)
- (cf. 1100 – Communication with the Public) (N/A)
- (cf. 1112 – Media Relations) (N/A)
- (cf. 1113 – District and School Web Sites)
- (cf. 1220 – Citizen Advisory Committees)
- (cf. 6020 – Parent Involvement)

Evaluation results may be used as a basis for revising district or school goals, updating the LCAP or other comprehensive plans, identifying and developing strategies to address disparities in achievement among student subgroups,

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implementing programmatic changes, determining the need for additional support and assistance, awarding incentives or rewards, and establishing other performance-based consequences.

(cf. 0400 – Comprehensive Plans) (N/A)

(cf. 0420 – School Plans/Site Councils)

(cf. 4141/4241 – Collective Bargaining Agreement) (N/A)

Legal References:

EDUCATION CODE

33127-33129 Standards and criteria for fiscal accountability

33400-33407 California Department of Education evaluation of district programs

44660-44665 Evaluation of certificated employees

51041 Evaluation of the educational program

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

56366 Nonpublic, nonsectarian schools

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

1068-1074 Alternative schools accountability model, assessments

15440-15464 Standards and criteria for fiscal accountability

UNITED STATES CODE, TITLE 20

6311 Accountability, state plan

6312 Local educational agency plan

CODE OF FEDERAL REGULATIONS, TITLE 34

200.12-200.24 State accountability system

200.30-200.48 State and LEA report cards and plans

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Accountability: <http://www.cde.ca.gov/ta/ac>

California School Dashboard: <http://www.caschooldashboard.org>

U.S. Department of Education: <http://www.ed.gov>

ADOPTED: January 21, 2020

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

Policy/Procedure Number: AR 6162.51

Document Title: Instruction

Document Location: Board Policy

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a

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student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.." The policy is adopted by the SELPA as stated:

☐ Yes ☒ No

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:

Students with disabilities who are unable to participate in the English language arts and mathematics assessments, even with the resources described in the section "Testing Variations" below, shall be provided an alternate test when designated in their individualized education program (IEP), as provided in item #3 below.

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

2. Science assessments at grades 5, 8, and 10

However, students with disabilities who are unable to participate in the science assessments, even with the resources described in the "Testing Variations" section below, shall be provided an alternate test when designated in their IEP, as provided in item #3 below.

(cf. 6142.93 - Science Instruction)

3. For students with disabilities who are unable to take the tests specified in items #1-2 above, even with appropriate accommodations or other testing resources, and who have an IEP that designates the use of alternate tests at the applicable grade levels:

a. California Alternate Assessment in English language arts and mathematics for students with significant cognitive disabilities

b. For the science assessment, either the California Modified Assessment or, for students with significant cognitive disabilities, the California Alternate Performance Assessment Testing Variations

CAASPP achievement tests and the primary language test shall be administered in accordance with the manuals or other instructions provided by the test contractor or CDE except that, as appropriate, the following testing variations may be used: (5 CCR 850, 853-853.8)

1. Universal tools specified in 5 CCR 853.5 may be used with any student.

2. Designated supports specified in 5 CCR 853.5 and, if an English learner, in 5 CCR 853.7, may be used with a student for whom the need has been indicated by an educator or team of educators, with parent/guardian and student input as appropriate, or for whom the need is specified in the student's IEP or Section 504 plan.

3. Accommodations specified in 5 CCR 853.5 may be used with a student with disabilities when included in the student's IEP or Section 504 plan as resources that are regularly used in the classroom for the student's instruction and/or assessment(s). Such accommodations shall be either utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment.

4. An unlisted resource that has not been specifically identified as an approved universal tool, designated support, or accommodation may be used with a student who has an IEP or Section 504 plan provided that the resource is one that is regularly used in the classroom for

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instruction and/or assessment and the CDE has approved its use. At least 10 business days prior to the student's first day of CAASPP testing, the district or school site test coordinator may electronically submit a request to the CDE for approval to use that unlisted resource during that year. If the CDE determines that the unlisted resource changes the construct being measured, the unlisted resource may nevertheless be used with the student in order to generate an individual score report even though the student shall not be counted in the participation rate for accountability measures. (5 CCR 853.8)
In the administration of the CAA to a student with significant cognitive disabilities, the student may have all instructional supports that may be used in daily instruction or assessment, including language and physical supports, with the exception of any inappropriate test practices listed in test administration manuals. (5 CCR 850, 853.6)

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

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Policy/Procedure Number:

Policy/Procedure Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☐ Yes ☒ No

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If "NO," provide a brief description of the SELPA's policy related to the provision of law:

The policy is adopted by the SELPA as stated:

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, medical condition, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 1240 - Volunteer Assistance) (N/A)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation) (N/A)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment) (N/A)

(cf. 4119.13/4219.13/4319.13 - Sexual Harassment)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave) (N/A)

(cf. 5131.2 - Bullying) (N/A)

(cf. 5145.3 - Nondiscrimination/Harassment) (N/A)

(cf. 5145.3 - Nondiscrimination in District Programs and Activities)

(cf. 5145.7 - Sexual Harassment) (N/A)

(cf. 5145.7 - Student Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior) (N/A)

(cf. 5146 - Married/Pregnant/Parenting Students) (N/A)

(cf. 5146.1 - Married Students)

(cf. 5146.2 - Pregnant Students)

(cf. 6145 - Extracurricular and Cocurricular Activities) (N/A)

(cf. 6145 - Extracurricular Activities 7-12)

(cf. 6145.2 - Athletic Competition) (N/A)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504) (N/A)

(cf. 6164.6 - Identification, Evaluation and Education of Students Who are Qualified Disabled Persons as Defined in Section 504 of the Rehabilitation Act of 1973)

(cf. 6178 - Career Technical Education) (N/A)

(cf. 6200 - Adult Education)

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or

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any other category identified above.

(cf. 3540 - Transportation) (N/A)

(cf. 3541.1 - Transportation Home to School)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 3541.3 - Transportation - - Student Activities)

(cf. 3553 - Free and Reduced Price Meals) (N/A)

(cf. 3553 - Free and Reduced Lunch Program)

(cf. 5145.13 - Response to Immigration Enforcement) (N/A)

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities) (N/A)

(cf. 1330 - Use of School Facilities)

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web site and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

(cf. 1113 - District and School Web Sites) (N/A)

(cf. 1113 - District, School, Staff and Student Websites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications) (N/A)

(cf. 5145.6 - Parental Notifications) (N/A)

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall

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be translated into that other language.

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 - Animals at School) (N/A)

(cf. 7110 - Facilities Master Plan) (N/A)

(cf. 7111 - Evaluating Existing Buildings) (N/A)

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, note-takers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent/designee or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

(cf. 6020 - Parent Involvement)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The individual identified below is hereby designated as the district's ADA coordinator. He/she shall receive, investigate, and resolve complaints from persons with disabilities and/or needs for Special Education services, regarding their access to district programs, services, activities, or facilities:

Mr. Mark Herbst

Associate Superintendent,

Student Support Services:

Modesto City Schools District Office

426 Locust Street

Modesto, CA 95351

Phone: (209) 492-5113

Email: Herbst.M@monet.k12.ca.us

Legal References:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48980 Parental notifications

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

8310.3 California Religious Freedom Act

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

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12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with Americans with Disabilities Act
PENAL CODE
422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
UNITED STATES CODE, TITLE 20 (cont.)
2301-2414 Strengthening Career and Technical Education for the 21st Century Act
6311 State plans
6312 Local education agency plans
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act
Legal References (cont.):
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy
Management Resources:
CSBA PUBLICATIONS
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students
Against Sex Discrimination, July 2016
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to
Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Examples of Policies and Emerging Practices for Supporting Transgender Students, May
2016
Dear Colleague Letter: Title IX Coordinators, April 2015

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Dear Colleague Letter, May 26, 2011
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, Fact Sheet, August 2010
Dear Colleague Letter: Electronic Book Readers, June 29, 2010
Nondiscrimination in Employment Practices in Education, August 1991
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
2010 ADA Standards for Accessible Design, September 2010
Accessibility of State and Local Government Websites to People with Disabilities, June 2003
WORLD WIDE WEB CONSORTIUM PUBLICATIONS
Web Content Accessibility Guidelines, December 2008
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>
California Office of the Attorney General: <http://oag.ca.gov>
Safe Schools Coalition: <http://www.casafeschools.org>
Pacific ADA Center: <http://www.adapacific.org>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>
U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>
World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>
ADOPTED: November 4, 2019

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

Policy/Procedure Number: CHAPTER 1; DISTRICT OVERVIEW AND GENERAL GUIDELINES
P. 8

Document Title: SELPA Handbook

Document Location: SELPA Office

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

☒ Yes ☐ No

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

Policy/Procedure Number: SELPA Local Education Agency Assurances

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Document Title:

Document Location:

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

☒ Yes ☐ No

Administration of Regionalized Operations and Services

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

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

Reference Number:

Document Title:

Document Location:

The policy is adopted by the SELPA as stated:

The Governing Board desires to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school. Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)
The special education local plan area (SELPA) shall administer a local plan and administer the allocation of funds. (Education Code 56195)
In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district shall serve as a SELPA.

The Superintendent or designee shall develop a local plan for the education of individuals with disabilities residing in the district. The plan shall be approved by the Board.

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MODESTO CITY SCHOOLS

Administrative Regulation

AR 0430

PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLAN

Comprehensive Local Plan for Special Education

Definitions

Free appropriate public education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education, including the requirements of 34 CFR 300.1-300.818; include appropriate preschool, elementary school, or secondary school education for individuals between the ages of 3 and 21; and are provided in conformity with an individualized education program (IEP) that meets the requirements of 34 CFR 300.320-300.324. (34 CFR 300.17, 300.101, 300.104; Education Code 56040) FAPE applies to students who are suspended or expelled or placed by the district in a nonpublic, nonsectarian school. (34 CFR 300.17, 300.101, 300.104) Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, be educated with individuals who are nondisabled, including the provision of nonacademic and extracurricular services and activities. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR 300.107, 300.114, 300.117; Education Code 56040.1) Special education means specially designed instruction, provided at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities including a full continuum of program options including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education to meet the educational and service needs in the least restrictive environment. (Education Code 56300, 56031) Special education may include each of the following if the services otherwise meet the definition in the above paragraph: (Education Code 56031)

1. Speech language pathology services, or any other designated instruction and service or related service, pursuant to Education Code 56363, if the service is considered special education rather than designated instruction and service or related service under state standards
2. Travel training
3. Career technical education

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4. Transition services for students with disabilities in accordance with 34 CFR 300.43 if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education. Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students in the district. (34 CFR 300.39) Surrogate parent means an individual assigned to act as a surrogate for the parent/guardian. The surrogate may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability. (34 CFR 300.519; Education Code 56050)

Elements of the Local Plan

The local plan developed by the special education local plan area (SELPA) shall include, but not be limited to, the following: (Education Code 56205, 56206)

1. Assurances that policies, procedures, and programs, consistent with state law, regulation, and policy, are in effect as specified in Education Code 56205(a)(1-22) and in conformity with 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201
 2. An annual budget plan and annual service plan adopted at a public hearing held by the SELPA
 3. A description of programs for early childhood special education from birth through five years of age
 4. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to Education Code 56205
 5. A description of a dispute resolution process
 6. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205
 7. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303
 8. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met
 9. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment
- The local plan, annual budget plan, and annual service plan shall be

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Description:

written in language that is understandable to the general public.
(Education Code 56205)

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code 56195.1 and 56195.7. (Education Code 56195.8)

ADOPTED:

May 14, 2018

Governance and Administration of the Local Plan
A. Responsibilities of the Local Governing Board

The Modesto City Schools (MCS) is comprised of Modesto City Elementary and High School Districts organized under a single Governing Board. The Governing Board of the Modesto City Schools (MCS) Special Education Local Plan Area (SELPA), a single district SELPA, is responsible for the special education programs operated within its jurisdiction and is the sole policy-making entity for the MCS SELPA. [EC 56195.7-10, 56205-8]

The responsibilities of the Governing Board include:

- (1) Ensuring that comprehensive special education programs and related services are offered and provided within the MCS SELPA.
- (2) Adopting the Local Plan, policies, and procedures for the MCS SELPA for Special Education.
- (3) Adopting the annual budget at a public hearing.
- (4) Adopting an annual service plan at a public hearing.
- (5) Providing a description of programs for early childhood special education from birth through five years of age.
- (6) Providing a description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan may address questions or concerns to the governing body or individual identified in Section 56205 (a) (12) (A).
- (7) Providing a description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the plan.
- (8) Verifying that the plan has been reviewed by the Community Advisory Committee (CAC) and that the (CAC) had at least 30 days to conduct its review prior to submission of the plan to the Superintendent.
- (9) Providing a description of the process being utilized to meet the requirements of Section 56303.
- (10) Providing a local plan, budget plan, and annual service plan that is written in language that is understandable to the general public.

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- (11) Employing SELPA personnel.
 - (12) Appointing the Community Advisory Committee.
 - (13) Adopting policies, agreements and contracts necessary to implement special education programs that assure equal access and a free and appropriate education in the least restrictive environment.
- B. Responsibilities of the Superintendent

The Superintendent is the chief executive officer and is responsible for the implementation of the Local Plan as authorized by the Modesto City Schools Governing Board.

The responsibilities of the Superintendent include:

1. Recommending to the Governing Board the approval of the Local Plan for Special Education.
2. Implementing the Local Plan including the continuum of special education programs and services.
3. Recommending to the Governing Board adoption of District policies pertaining to special education.
4. Ensuring that all District policies pertaining to special education operate within the federal and state laws and regulations.
5. Recommending the annual budget plan and service plans to the Governing Board, including Regionalized Services /Program Specialist funds, staffing and grant funding.
6. Submitting required financial reports, including all income and expenditures to the Governing Board for review.
7. Ensuring that the school district maintains an accounting system adequate to provide for federal, state and local reports.
8. Maintaining a Community Advisory Committee, which may include teachers, administrators and other community representatives in accordance with legal requirements.

The Superintendent or a designee ensures the Modesto City Schools compliance with federal and state laws and regulations.

C. Administrative Functions

The Directors of the SELPA K-6 and 7-12 (Directors, SELPA) have the responsibility for the administration of the Local Plan and serve as the Directors of Special Education for Modesto City Schools. The Directors, SELPA K-6 and 7-12 are the liaisons with local agencies, other SELPA's and the California Department of Education. [EC 56205]

Responsibilities of the Director, SELPA include:

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1. Coordinating special education services to all students with exceptional needs residing in Modesto City Schools.
2. Ensuring that the delivery system of services provides a full range of educational options. Procedures for making any changes in the delivery system of services are coordinated through the Director, SELPA.
3. Coordinating development and implementation of the Local Plan throughout the SELPA. Special education and general education Teachers and administrators selected by their peers and parent members of the CAC shall be consulted through regular consultations regarding SELPA policy and budget development.
4. Ensuring the development and implementation of the Local Plan including:
 - a. Coordinated system of identification and assessment
 - b. Coordinated system of procedural safeguards
 - c. Coordinated system of personnel development and parent education
 - d. Coordinated system of internal program review, evaluation of the effectiveness of the local plan and implementation of a local plan accountability mechanism
 - e. Coordinated system of data collection and management
 - f. Coordinated system of curriculum development and alignment with the core curriculum
 - g. Coordination of interagency agreements
 - h. Coordination of services to students with exceptional needs in licensed children's institutions and foster family homes
 - i. Coordination of services to students with exceptional needs in medical facilities.
 - j. Preparation and transmission of SELPA reports
 - k. Fiscal and logistical support of the Community Advisory Committee
 - l. Coordination of transportation services for students with disabilities
 - m. Coordination of career, vocational, and transition services
 - n. Assurance of full educational opportunity
 - o. Implementation of Program Manager services.
 - p. Implementation of regionalized services including: personnel development, evaluation, data collection and management information system, curriculum development and on-going program review, through formal and informal needs assessment process.
 - q. Coordinated performance goals and indicators.
 - r. Participation in state and districtwide assessments.
 - s. Fiscal administration and the allocation of state and federal funds
 - t. Coordination of services to students with exceptional needs placed in juvenile court schools or county community schools pursuant to EC 56150
 - u. Direct program and instructional support provided by program

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managers

v. Direct programmatic support provided by behavior specialists

w. Coordination of the distribution and assignment of specialized equipment and services

5. Presenting recommended changes in the Local Plan and/or other policy and procedural changes to the Superintendent and governing board for monitoring and review.

6. Coordinating the development and management of all SELPA and special education program budgets and staffing formulas with the superintendent and other appropriate staff.

7. Providing supervision to all special education programs and supervision to classified and certificated staff.

8. Providing of input to the Superintendent regarding the selection and employment of SELPA staff.

Program Manager Services

1. Program Manager funding is utilized to provide Program Manager Services to special education programs within the MCS SELPA. The Director, SELPA monitors the selection and hiring process and supervises the Program Managers in accordance with the standards set forth in this Local Plan and as required for Program Specialists in [EC 56368).

Program manager services are assigned based upon pupil and program needs within the SELPA. Assignments are determined by the Directors, SELPA K-6 and 7-12.

2. A Program Manager within the MCS SELPA must hold a valid special education credential. In addition, a Program Manager must have advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in one or more areas of major disabling conditions, in early education of disabled pupils, or career-vocational education.

3. The role and function of the Program Manager is to observe, consult with, and assist resource specialists, designated instruction and services instructors, and special day class teachers. Another role is to plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.

4. The Program Manager may participate in each school's staff development program and monthly special education staff development meetings. He/she also provides coordination, consultation and program development primarily in one specialized area or areas of his/her expertise. In addition, the Program Manager is responsible for ensuring that pupils have full educational opportunity.

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2. Coordinated system of identification and assessment:

Reference Number: BP and AR 6164.4

Document Title: Instruction: Identification of Individuals For Special Education

Document Location: Board Policy

The policy is adopted by the SELPA as stated:
The Governing Board recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School) (N/A)
(cf. 6164.6 - Identification and Education Under Section 504)
The Superintendent or designee shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)
The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)
The Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the Superintendent or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4112.23 - Special Education Staff)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (N/A)
(cf. 5145.6 - Parental Notifications) (N/A)
(cf. 6159 - Individualized Education Program)

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(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education) (N/A)
(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
(cf. 6162.51 - State Academic Achievement Tests) (N/A)
Legal Reference:
EDUCATION CODE
44265.5 Professional preparation for teachers of impaired students
56000-56885 Special education programs, especially:
56195.8 Adoption of policies
56300-56304 Identification of individuals with disabilities
56320-56331 Assessment
56333-56338 Eligibility criteria for specific learning disabilities
56340-56347 Instructional planning and individualized education program
56381 Reassessment of students
56425-56432 Early education for individuals with disabilities
56441.11 Eligibility criteria, children ages 3-5
56445 Transition to grade school; reassessment
56500-56509 Procedural safeguards
GOVERNMENT CODE
95000-95029.5 California Early Intervention Services Act
CODE OF REGULATIONS, TITLE 5
3021-3029 Identification, referral and assessment
3030-3031 Eligibility criteria
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1412 State eligibility
1415 Procedural safeguards
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.818 Individuals with Disabilities Education Act, especially:
300.301-300.306 Evaluations and reevaluations
COURT DECISIONS
Hood v. Encinitas Union School District, (2007) 486 F.3d 1099
Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education: <http://>

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www.cde.ca.gov/sp/se

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osep>

ADOPTED: October 22, 2018

MODESTO CITY SCHOOLS

Administrative Regulation AR 6164.4

INSTRUCTION Identification and Evaluation of Individuals for Special Education

Referrals for Special Education Services

A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303) All referrals from school staff for special education and related services shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student and their effect. (5 CCR 3021) Initial Evaluation for Special Education Services Before the initial provision of special education and related services to a student with a disability, the district shall conduct a full and individual initial evaluation of the student. (Education Code 56320; 34 CFR 300.301) Upon receipt of a referral of any student for special education and related services, a proposed evaluation plan shall be developed within 15 days, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension. If the referral is made within 10 days or less prior to the end of the student's regular school year or term, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term. (Education Code 56043, 56321) The proposed evaluation plan shall meet all of the following requirements: (Education Code 56321) 1. Be in a language easily understood by the general public. 2. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible. 3. Explain the types of evaluation to be conducted. 4. State that no individualized education program (IEP) will result from the evaluation without parent/guardian consent. (cf. 6159 - Individualized Education Program) Before conducting an initial evaluation, the district shall provide the parent/guardian with prior written notice in accordance with 34 CFR 300.503. In addition, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information: (Education Code 56329; 34 CFR 300.304, 300.504) 1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled

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pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities, as defined in Education Code 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations. 2. When making a determination of eligibility for special education, the district shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368, lack of appropriate instruction in mathematics, or limited English proficiency. 3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian. 4. If the parent/guardian disagrees with an evaluation obtained by the district, he/she has the right to obtain, at public expense, an independent educational evaluation (IEE) of the student from qualified specialists, in accordance with 34 CFR 300.502. The parent/guardian is entitled to only one such evaluation at public expense each time the district conducts an assessment with which the parent/guardian disagrees. If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of the student, an equivalent opportunity shall apply to the IEE. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement and setting, if any, regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding. 5. The district may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its evaluation is appropriate. If the final decision resulting from the due process hearing is that the evaluation is appropriate, the parent/guardian maintains the right for an IEE, but not at public expense. If the parent/guardian obtains an IEE at private expense, the results of the IEE shall be considered by the district with respect to the provision of a free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student. If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an IEE of the student in the student's current educational placement and setting and in any educational placement and setting proposed by the district, regardless of whether the IEE is initiated before or after the filing of a due process hearing. 6. If the parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by his/her parent/guardian, the student in that proposed placement. Any

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Description:

such observation shall only be of the student who is the subject of the observation and shall not include the observation or evaluation of any other student in the proposed placement unless that other student's parent/guardian consents to the observation or evaluation. The results of any observation or evaluation of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding FAPE of that other student. (cf. 5145.6 - Parental Notifications) (N/A) (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education) (cf. 6164.41 - Children with Disabilities Enrolled by their Parents in Private School) (N/A)

Parent/Guardian Consent for Evaluations Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. The district shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.300) Informed parental consent means that the parent/guardian: (Education Code 56021.1; 34 CFR 300.9) 1. Has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought. 2. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom. 3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time. 4. Understands that if he/she revokes consent, that revocation is not retroactive. (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked) The district shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The district shall maintain a record of its attempts to obtain consent, including: (Education Code 56321, 56341.5; 34 CFR 300.300, 300.322) 1. Detailed records of telephone calls made or attempted and the results of those calls. 2. Copies of correspondence sent to the parent/guardian and any responses received. 3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits. (cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the district may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures pursuant to 20 USC 1415 and 34 CFR 300.506-300.516. (Education Code 56321; 34 CFR 300.300) For a student who is a ward of the state and not residing with his/her parent/guardian, the district may conduct an initial

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evaluation without obtaining informed consent if any of the following situations exists: (Education Code 56321.1; 20 USC 1414; 34 CFR 300.300) 1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent/guardian of the student. 2. The rights of the parent/guardian of the student have been terminated in accordance with California law. 3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student. The district need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students, unless consent is required from the parents/guardians of all students. (Education Code 56321; 34 CFR 300.300) Conduct of the Evaluation The district shall complete the determination as to whether the student is a student with a disability, conduct the initial evaluation to determine his/her educational needs, and develop an IEP within 60 days of receiving informed parent/guardian consent for the evaluation. (Education Code 56344; 34 CFR 300.300, 300.301) The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by the district. (Education Code 56320, 56322)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (34 CFR 300.302) In conducting the evaluation, the district shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The district shall also use any information provided by the parent/guardian that may assist the district in making the determination as to whether the student is a student with a disability and, if so, the necessary components of his/her IEP when the IEP is developed, including information related to enabling the student to be involved in and to progress in the general education curriculum. (34 CFR 300.304) The district's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors. (34 CFR 300.304) The district shall also ensure that assessments and other evaluation materials provide relevant information that assists in determining the student's educational needs and are: (Education Code 56320; 34 CFR 300.304) 1. Selected and administered so as not to be discriminatory on a racial, cultural, or

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sexual basis. 2. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. 3. Used for the purposes for which the assessments or measures are valid and reliable. 4. Administered by trained and knowledgeable personnel. AR 6164.4 (f) 5. Administered in accordance with any instructions provided by the producer of the assessments. 6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient. 7. If administered to a student with impaired sensory, manual, or speaking skills, selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure. Students shall be assessed in all areas related to the suspected disability, including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. When appropriate, a developmental history shall be obtained. The district shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified. (Education Code 56320; 34 CFR 300.304) As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and information provided by the parents/guardians, current classroom-based local or state assessments and classroom-based observations, and observations by teachers and related services providers. On the basis of that review and input from the student's parent/guardian, the team shall identify what additional data, if any, are needed to determine: (Education Code 56381; 34 CFR 300.305) 1. Whether the student is a student with a disability, or in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student. 2. The present levels of academic achievement and related developmental needs of the student. AR 6164.4 (g) 3. Whether the student needs, or continues to need, special education and related services. 4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum. If a student has transferred from another district in the same school year or leaves this district, the district shall coordinate with the student's prior or subsequent district as necessary and as

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expeditiously as possible to ensure prompt completion of full evaluations. (34 CFR 300.304) Eligibility Determination Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the student is a student with a disability and, if so, his/her educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered. (34 CFR 300.306) The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following: (Education Code 56327) 1. Whether the student may need special education and related services. 2. The basis for making the determination. 3. The relevant behavior noted during the observation of the student in an appropriate setting. 4. The relationship of that behavior to the student's academic and social functioning. AR 6164.4 (h) 5. The educationally relevant health, developmental, and medical findings, if any. 6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services. 7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate. 8. The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with Education Code 56136. When making a determination of eligibility for special education and related services, the district shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (Education Code 56329; 34 CFR 300.306) If a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed within a total time not to exceed 60 days, 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 the receipt of the parent/guardian's consent for evaluation, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56043; 34 CFR 300.306) Independent Educational Evaluation The parents/guardians of a student with a disability have the right to obtain an IEE at public expense under the same criteria that the district uses for a districtinitiated evaluation. An independent educational

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evaluation is an evaluation conducted by a qualified examiner who is not employed by the district. Public expense means the district either pays for the full cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. (Education Code 56329; 34 CFR 300.502)

The parent/guardian is entitled to only one IEE at public expense each time the district conducts an evaluation with which the parent/guardian disagrees. (Education Code 56329; 34 CFR 300.502) If a parent/guardian has requested an IEE, the district may ask for the reason that he/she objects to the district's evaluation. However, the parent/guardian is not required to provide the reason to the district. (34 CFR 300.502)

Upon receiving the request for an IEE, the district shall, without unnecessary delay, either: (34 CFR 300.502) 1. File a due process complaint to request a hearing to show that its evaluation is appropriate. 2. Ensure that an IEE is provided at public expense, unless the district can later demonstrate at a hearing that the evaluation obtained by the parent/guardian did not satisfy the district's criteria. If a due process hearing decision determines that the district's evaluation is appropriate, then the parent/guardian may obtain an IEE but not at public expense. (34 CFR 300.502)

In any decision made with respect to providing FAPE to a student with a disability, the result of any IEE obtained by the student's parent/guardian shall be considered by the district if it meets district criteria. Any such result also may be presented as evidence at a hearing on a due process complaint. (34 CFR 300.502) Reevaluation A reevaluation shall be conducted when the district determines that the educational or related service needs of the student, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent/guardian or teacher requests reevaluation. Such reevaluations shall occur every three years, unless the parent/guardian and district agree in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year, unless the parent/guardian and the district agree otherwise. (Education Code 56043, 56381; 34 CFR 300.303)

The district shall ensure that any reevaluations of the student are conducted in accordance with the evaluation procedures pursuant to 34 CFR 300.304-300.311. (34 CFR 300.303) Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reevaluated to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these children. (Education Code 56445) (cf. 5148.3 - Preschool/Early Childhood Education) (N/A)

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ADOPTED: October 1, 2018

3. Coordinated system of procedural safeguards:

Reference Number: BP 6159.1

Document Title: Procedural Safeguards and Complaints for Special Education

Document Location: Board Policy

Description:

The policy is adopted by the SELPA as stated:
The Governing Board desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.
The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.
The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.
Legal References:
EDUCATION CODE
56000 Education for individuals with disabilities
56001 Provision of the special education programs
56020-56035 Definitions
56195.7 Written agreements
56195.8 Adoption of policies for programs and services
56300-56385 Identification and referral, assessment
56440-56447.1 Programs for individuals between the ages of three and five years
56500-56509 Procedural safeguards, including due process rights
56600-56606 Evaluation, audits and information
CODE OF REGULATIONS, TITLE 5
3000-3100 Regulations governing special education
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act
UNITED STATES CODE, TITLE 42
11434 Homeless assistance
CODE OF FEDERAL REGULATIONS, TITLE 34

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99.10-99.22 Inspection, review and procedures for amending education records
104.36 Procedural safeguards
300.1-300.818 Assistance to states for the education of students with disabilities, especially:
300.500-300.520 Procedural safeguards and due process for parents and students
COURT DECISIONS
Winkelman v. Parma City School District, (2007) 550 U.S. 516
Management Resources:
FEDERAL REGISTER
Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029
WEB SITES
California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>
U.S. Department of Education, Office of Special Education Programs: <http://www.ed.gov/about/offices/list/osep>
ADOPTED:
June 25, 2018

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

Reference Number: **BP and AR 6164.4**

Document Title: **Identification and Evaluation of Individuals for Special Education**

Document Location: **Board Policy**

The policy is adopted by the SELPA as stated:
The Governing Board recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School) (N/A)
(cf. 6164.6 - Identification and Education Under Section 504)
The Superintendent or designee shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

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The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the Superintendent or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (N/A)

(cf. 5145.6 - Parental Notifications) (N/A)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education) (N/A)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

(cf. 6162.51 - State Academic Achievement Tests) (N/A)

Legal Reference:

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56331 Assessment

56333-56338 Eligibility criteria for specific learning disabilities

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56432 Early education for individuals with disabilities

56441.11 Eligibility criteria, children ages 3-5

56445 Transition to grade school; reassessment

56500-56509 Procedural safeguards

GOVERNMENT CODE

95000-95029.5 California Early Intervention Services Act

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CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.301-300.306 Evaluations and reevaluations

COURT DECISIONS

Hood v. Encinitas Union School District, (2007) 486 F.3d 1099

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs: <http://www.ed.gov/about/offices/list/osep>

ADOPTED: October 22, 2018

MODESTO CITY SCHOOLS

Administrative Regulation AR 6164.4

INSTRUCTION Identification and Evaluation of Individuals for Special Education

Referrals for Special Education Services

A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303) All referrals from school staff for special education and related services shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student and their effect. (5 CCR 3021) Initial Evaluation for Special Education Services Before the initial provision of special education and related services to a student with a disability, the district shall conduct a full and individual initial evaluation of the student. (Education Code 56320; 34 CFR 300.301) Upon receipt of a referral of any student for special education and related services, a proposed evaluation plan shall be developed within 15 days, not counting days between the student's

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regular school sessions or terms or days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension. If the referral is made within 10 days or less prior to the end of the student's regular school year or term, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term. (Education Code 56043, 56321) The proposed evaluation plan shall meet all of the following requirements: (Education Code 56321) 1. Be in a language easily understood by the general public. 2. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible. 3. Explain the types of evaluation to be conducted. 4. State that no individualized education program (IEP) will result from the evaluation without parent/guardian consent. (cf. 6159 - Individualized Education Program) Before conducting an initial evaluation, the district shall provide the parent/guardian with prior written notice in accordance with 34 CFR 300.503. In addition, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information: (Education Code 56329; 34 CFR 300.304, 300.504) 1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities, as defined in Education Code 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations. 2. When making a determination of eligibility for special education, the district shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368, lack of appropriate instruction in mathematics, or limited English proficiency. 3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian. 4. If the parent/guardian disagrees with an evaluation obtained by the district, he/she has the right to obtain, at public expense, an independent educational evaluation (IEE) of the student from qualified specialists, in accordance with 34 CFR 300.502. The parent/guardian is entitled to only one such evaluation at public expense each time the district conducts an assessment with which the parent/guardian disagrees. If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of the student, an equivalent opportunity shall apply to the IEE. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement

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and setting, if any, regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding. 5. The district may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its evaluation is appropriate. If the final decision resulting from the due process hearing is that the evaluation is appropriate, the parent/guardian maintains the right for an IEE, but not at public expense. If the parent/guardian obtains an IEE at private expense, the results of the IEE shall be considered by the district with respect to the provision of a free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student. If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an IEE of the student in the student's current educational placement and setting and in any educational placement and setting proposed by the district, regardless of whether the IEE is initiated before or after the filing of a due process hearing. 6. If the parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by his/her parent/guardian, the student in that proposed placement. Any such observation shall only be of the student who is the subject of the observation and shall not include the observation or evaluation of any other student in the proposed placement unless that other student's parent/guardian consents to the observation or evaluation. The results of any observation or evaluation of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding FAPE of that other student. (cf. 5145.6 - Parental Notifications) (N/A) (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education) (cf. 6164.41 - Children with Disabilities Enrolled by their Parents in Private School) (N/A) Parent/Guardian Consent for Evaluations Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. The district shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.300) Informed parental consent means that the parent/guardian: (Education Code 56021.1; 34 CFR 300.9) 1. Has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought. 2. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom. 3. Understands that the granting of consent is

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voluntary on his/her part and may be revoked at any time. 4. Understands that if he/she revokes consent, that revocation is not retroactive. (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked) The district shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The district shall maintain a record of its attempts to obtain consent, including: (Education Code 56321, 56341.5; 34 CFR 300.300, 300.322) 1. Detailed records of telephone calls made or attempted and the results of those calls. 2. Copies of correspondence sent to the parent/guardian and any responses received. 3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits. (cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the district may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures pursuant to 20 USC 1415 and 34 CFR 300.506-300.516. (Education Code 56321; 34 CFR 300.300) For a student who is a ward of the state and not residing with his/her parent/guardian, the district may conduct an initial evaluation without obtaining informed consent if any of the following situations exists: (Education Code 56321.1; 20 USC 1414; 34 CFR 300.300) 1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent/guardian of the student. 2. The rights of the parent/guardian of the student have been terminated in accordance with California law. 3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student. The district need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students, unless consent is required from the parents/guardians of all students. (Education Code 56321; 34 CFR 300.300) Conduct of the Evaluation The district shall complete the determination as to whether the student is a student with a disability, conduct the initial evaluation to determine his/her educational needs, and develop an IEP within 60 days of receiving informed parent/guardian consent for the evaluation. (Education Code 56344; 34 CFR 300.300, 300.301) The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by the district. (Education Code 56320, 56322)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall

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not be considered to be an evaluation for eligibility for special education and related services. (34 CFR 300.302) In conducting the evaluation, the district shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The district shall also use any information provided by the parent/guardian that may assist the district in making the determination as to whether the student is a student with a disability and, if so, the necessary components of his/her IEP when the IEP is developed, including information related to enabling the student to be involved in and to progress in the general education curriculum. (34 CFR 300.304) The district's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors. (34 CFR 300.304) The district shall also ensure that assessments and other evaluation materials provide relevant information that assists in determining the student's educational needs and are: (Education Code 56320; 34 CFR 300.304) 1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis. 2. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. 3. Used for the purposes for which the assessments or measures are valid and reliable. 4. Administered by trained and knowledgeable personnel. 5. Administered in accordance with any instructions provided by the producer of the assessments. 6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient. 7. If administered to a student with impaired sensory, manual, or speaking skills, selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure. Students shall be assessed in all areas related to the suspected disability, including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. When appropriate, a developmental history shall be obtained. The district shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified. (Education Code

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56320; 34 CFR 300.304) As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and information provided by the parents/guardians, current classroom-based local or state assessments and classroom-based observations, and observations by teachers and related services providers. On the basis of that review and input from the student's parent/guardian, the team shall identify what additional data, if any, are needed to determine: (Education Code 56381; 34 CFR 300.305) 1. Whether the student is a student with a disability, or in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student. 2. The present levels of academic achievement and related developmental needs of the student. 3. Whether the student needs, or continues to need, special education and related services. 4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum. If a student has transferred from another district in the same school year or leaves this district, the district shall coordinate with the student's prior or subsequent district as necessary and as expeditiously as possible to ensure prompt completion of full evaluations. (34 CFR 300.304) Eligibility Determination Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the student is a student with a disability and, if so, his/her educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered. (34 CFR 300.306) The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following: (Education Code 56327) 1. Whether the student may need special education and related services. 2. The basis for making the determination. 3. The relevant behavior noted during the observation of the student in an appropriate setting. 4. The relationship of that behavior to the student's academic and social functioning. AR 6164.4 (h) 5. The educationally relevant health, developmental, and medical findings, if any. 6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services. 7. A determination concerning the

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effects of environmental, cultural, or economic disadvantage, where appropriate. 8. The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with Education Code 56136. When making a determination of eligibility for special education and related services, the district shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (Education Code 56329; 34 CFR 300.306) If a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed within a total time not to exceed 60 days, 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 the receipt of the parent/guardian's consent for evaluation, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56043; 34 CFR 300.306) Independent Educational Evaluation The parents/guardians of a student with a disability have the right to obtain an IEE at public expense under the same criteria that the district uses for a district-initiated evaluation. An independent educational evaluation is an evaluation conducted by a qualified examiner who is not employed by the district. Public expense means the district either pays for the full cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. (Education Code 56329; 34 CFR 300.502)

The parent/guardian is entitled to only one IEE at public expense each time the district conducts an evaluation with which the parent/guardian disagrees. (Education Code 56329; 34 CFR 300.502) If a parent/guardian has requested an IEE, the district may ask for the reason that he/she objects to the district's evaluation. However, the parent/guardian is not required to provide the reason to the district. (34 CFR 300.502) Upon receiving the request for an IEE, the district shall, without unnecessary delay, either: (34 CFR 300.502) 1. File a due process complaint to request a hearing to show that its evaluation is appropriate. 2. Ensure that an IEE is provided at public expense, unless the district can later demonstrate at a hearing that the evaluation obtained by the parent/guardian did not satisfy the district's criteria. If a due process hearing decision determines that the district's evaluation is appropriate, then the parent/guardian may obtain an IEE but not at public expense. (34 CFR 300.502) In any decision made with respect to providing FAPE to a student with a disability, the result of any IEE obtained by the student's parent/guardian shall be considered by the district if it meets district criteria. Any such result also may be presented as evidence at a

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hearing on a due process complaint. (34 CFR 300.502) Reevaluation A reevaluation shall be conducted when the district determines that the educational or related service needs of the student, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent/guardian or teacher requests reevaluation. Such reevaluations shall occur every three years, unless the parent/guardian and district agree in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year, unless the parent/guardian and the district agree otherwise. (Education Code 56043, 56381; 34 CFR 300.303)

The district shall ensure that any reevaluations of the student are conducted in accordance with the evaluation procedures pursuant to 34 CFR 300.304-300.311. (34 CFR 300.303) Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reevaluated to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these children. (Education Code 56445) (cf. 5148.3 - Preschool/Early Childhood Education) (N/A)

ADOPTED: October 1, 2018

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

Reference Number: Chapter 1

Document Title: SELPA Handbook

Document Location: SELPA Office

Description:

The Governing Board accepts responsibility for establishing what students should learn in accordance with standards and standards of proficiency. The Board shall adopt a district curriculum that reflects district philosophy, responds to student needs and abilities, and is consistent with the requirements of law. Insofar as possible, this curriculum shall also reflect the desires of the community and the needs of society as a whole.

The Board considers curriculum improvement to be a top priority for the district. Curriculum development and evaluation will therefore be an ongoing process in the district, routinely supported by planned allocations of resources and staff time.

The Superintendent or designee shall establish procedures that ensure the curriculum development and evaluation process includes input from

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teachers, administrators, students and parents/guardians from all grade levels, disciplines, schools, special programs and categories of students. The selection and evaluation of instructional materials shall be coordinated with the curriculum development and evaluation process. The Superintendent or designee shall keep the Board informed about student achievement in each area of the curriculum.

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

Reference Number: BP 0500

Document Title: Philosophy-Goals-Objectives and Comprehensive Plan: Accountability

Document Location: Board Policy

Description:

The Superintendent/Designee of the school district shall review proposed policies, review the efficiency and effectiveness of resource allocations such as personnel, facilities, and equipment, ensure compliance with state and federal requirements, review planning documents and annual reports related to present and future services and programs of the Local Plan.

7. Coordinated system of data collection and management:

Reference Number: BP 0500

Document Title: Philosophy-Goals-Objectives and Accountability Plan: Accountability

Document Location: Board Policy

Description:

SELPA Director shall coordinate with District Departments regarding the district system of data collection and management to review and analyze data to improve student outcomes.

8. Coordination of interagency agreements:

Reference Number: Chapter 1; Page 8

Document Title: SELPA Handbook

Document Location: SELPA Office

Description:

The SELPA Director will serve as the liaison to the Regional Center, California Children's Services and other private and public agencies to

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coordinate services for students with disabilities

9. Coordination of services to medical facilities:

Reference Number: Chapter 1; Page 8

Document Title: SELPA Handbook

Document Location: SELPA Office

Description: Individuals with exceptional needs who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are the educational responsibility of the district if located within the boundaries of the school district in which the hospital or facility is.

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

Reference Number: AR 6173.1

Document Title: Administrative Regulation: Education for Foster Youth

Document Location: Board Policy

Foster youth means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the subject of a petition filed under Welfare and Institutions Code 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602 or is a nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01. (Education Code 42238.01, 48853.5)
Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726. School of origin means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is another school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine which school is the school of origin. This determination shall be made in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, and shall be based on

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the best interests of the foster youth. (Education Code 48853.5)
Best interest means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853;20 USC 6311)
District Liaison
The Superintendent designates the following position as the district's liaison for foster youth: (Education Code 48853.5) Senior Director, Student Support Services 426 Locust Street Modesto, Ca 95351 209.574.1600
Hinkle.d@monet.k12.ca.us
(cf. 6173 - Education for Homeless Children)
The liaison for foster youth shall:
1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5) When a student in foster care is enrolling in a district school, the liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5) (cf. 5125 - Student Records) (cf. 6146.3 - Reciprocity of Academic Credit)
3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination prior to a change in the foster youth's placement when he/she is a student with a disability. (Education Code 48853.5, 48911, 48915.5, 48918.1) (cf. 5144.1 - Suspension and Expulsion/Due Process) (N/A) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (N/A) (cf. 6159.4 - Behavioral Interventions for Special Education Students) (N/A)
4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services

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under Section 504 of the federal Rehabilitation Act of 1973 (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education) (cf. 6164.6 - Identification and Education Under Section 504)

5. As needed, ensure that students in foster care receive appropriate schoolbased services, such as counseling and health services, supplemental instruction, and after-school services (cf. 5141.6 - School Health Services) (N/A) (cf. 5148.2 - Before/After School Programs) (cf. 6164.2 - Guidance/Counseling Services) (cf. 6172 - Gifted and Talented Student Program) (N/A) (cf. 6174 - Education for English Learners) (N/A) (cf. 6177 - Summer Learning Programs) (N/A) (cf. 6179 - Supplemental Instruction)

6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth (cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

7. Collaborate with the county office of education, county placing agency, county child welfare agency, county probation department, juvenile court, and other appropriate agencies to help coordinate services for the district's foster youth (cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (N/A) (cf. 5113.1 - Chronic Absence and Truancy) (N/A)

8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the district's local control and accountability plan (cf. 0460 - Local Control and Accountability Plan) (N/A)

The Superintendent or designee shall regularly monitor the caseload of the liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available to meet the needs of foster youth in the district.

Enrollment

A student placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency. (cf. 6159 - Individualized Education Program) (cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another education program and submits a written statement to the district indicating that determination

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and that he/she is aware of the following:

- a. The student has a right to attend a regular public school in the least restrictive environment.
- b. The alternate education program is a special education program, if applicable.
- c. The decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district.
- d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.

- a. The student may continue in the school of origin for the duration of the court's jurisdiction.
- b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her school of origin for the remainder of the school year.
- c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.
- d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the

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Description:

recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5) If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The foster youth shall be immediately enrolled even if he/she: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended (cf. 5125.2 - Withholding Grades, Diploma or Transcripts) (N/A)
2. Does not have clothing normally required by the school, such as school uniforms (cf. 5132 - Dress and Grooming) (N/A)
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation (cf. 5111.1 - District Residency) (cf. 5141.26 - Tuberculosis Testing) (N/A) (cf. 5141.31 - Immunizations)(cf. 5141.32 - Health Screening for School Entry) (N/A) If the foster youth or a person holding the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal to the Associate Superintendent, Student Support Services. The Associate Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Associate Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Associate Superintendent, Student Support Services' decision shall be final.(cf. 9320 - Meetings and Notices) If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5) Transportation

The Superintendent or designee shall collaborate with the local child welfare agency to determine how transportation will be provided, arranged, and funded in a cost effective manner to enable foster youth to remain in their school of origin, for the duration of their time in foster care, when it is in their best interest to do so. Such transportation costs may be paid by either the child welfare agency or the district, or shared by both. (20 USC 6312) (cf. 3540 - Transportation) (N/A) (cf. 3541 - Transportation Routes and Services) (N/A)

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Effect of Absences on Grades

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades shall be calculated as of the date he/she left school
2. A verified court appearance or related court-ordered activity (cf. 5121 - Grades/Evaluation of Student Achievement) (N/A)

Transfer of Coursework and Credits

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2) If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended, per subject, in which the student is receiving a passing grade. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5. In no event shall the district prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

To obtain a high school diploma, a foster youth shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Board. (cf. 6146.1 - High School Graduation Requirements) However, when a foster youth who has completed his/her second year of high school transfers into the district from another school district or transfers between high schools

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within the district, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for him/her, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer a foster youth. (Education Code 51225.1) To determine whether a foster youth is in his/her third or fourth year of high school, the district shall use either the number of credits the foster youth has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1) The Superintendent or designee shall notify any foster youth who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the foster youth's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1) The district shall not require or request a foster youth to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a foster youth or any person acting on behalf of a foster youth. (Education Code 51225.1) If a foster youth is exempted from local graduation requirements, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while he/she is still enrolled in school or if he/she transfers to another school or school district. (Education Code 51225.1) Upon making a finding that a foster youth is reasonably able to complete district graduation requirements within his/her fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1) 1. Inform the foster youth and the person holding the right to make educational decisions for him/her of the foster youth's option to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the foster youth about transfer opportunities available through the California Community Colleges
3. Upon agreement with the foster youth or, if he/she is under 18 years of age, the person holding the right to make educational decisions for him/her, permit the foster youth to stay in school for a fifth year to

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complete the district's graduation requirements Eligibility for Extracurricular Activities
A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850) (cf. 6145 - Extracurricular and Cocurricular Activities) (cf. 6145.2 - Athletic Competition) (N/A)
Notification and Complaints
Information regarding the educational rights of foster youth shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2) (cf. 5145.6 - Parental Notifications) (N/A) Any complaint alleging that the district has not complied with requirements regarding the education of foster youth may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. If the district finds merit in a complaint, the district shall provide a remedy to the affected student. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2) (cf. 1312.3 - Uniform Complaint Procedures)
ADOPTED: January 11, 2020

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

Reference Number: AR 0430

Document Title: Comprehensive Local Plan for Special Education

Document Location: Board Policy

The Governing Board desires to provide a free and appropriate public education to all individuals with disabilities, birth to 22 years (including the early childhood programming and the 18-22 year olds in the Transition group), who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic school or agency services.
Students shall be referred for special education instruction and services only after the resources of the regular education program have been

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Description:

considered, and where appropriate, utilized. (Education Code 56303)
In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the Board shall approve a plan to meet the needs of individuals with disabilities residing in the district. The goals for children in the special education program are incorporated into the district goals for student achievement, equity, safety, accountability and community engagement.
The special education local plan area shall administer a local plan and administer the allocation of funds. (Education Code 56195)
The SELPA Directors will ensure timely transmission of required reports and provide technical assistance to staff in completing those reports.

12. Fiscal and logistical support of the CAC:

Reference Number:

Chapter 1; Page 9/Local Plan: Governances and Administration

Document Title:

SELPA Handbook; Local Plan Section B: CAC #6, P. B-7

Document Location:

SELPA Office

Description:

Within the Special Education Department, an on-going review is conducted by the Special Education Administration and by the MCS Community Advisory Committee (CAC), comprised primarily of the parents of students currently receiving special education and related services from MCS. This committee meets monthly to review current practices and procedures, and to receive updates on matters that pertain to special education. All special education personnel are welcome to attend the monthly meetings. In addition, special education personnel, including Program Managers, routinely attend to share information regarding special education programs, services, and supports within the SELPA.

The CAC participates in a yearly update and review of the MCS Local Plan for Special Education and Related Services. This includes the Annual Service Plan and Budget Plan, as well as any changes that may be needed in the local plan itself. Parents provide input from their observations and experiences, sharing successes, concerns, and recommendations for improvements. Parents are encouraged to provide input on their satisfaction or dissatisfaction with programs and services to assist the SELPA in our continued improvement.

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

Reference Number:

BP 3541.2

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Document Title:

Business and Non-Instructional Operations: Transportation for Students with Disabilities

Document Location:

Board Policy

The policy is adopted by the SELPA as stated:

The Governing Board desires to meet the transportation needs of students with disabilities to enable them to benefit from special education and related services. The district shall provide appropriate transportation services for a student with disabilities when the district is the student's district of residence and the transportation services are required by his/her individualized education program (IEP) or Section 504 accommodation plan. The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan.

The Superintendent or designee shall provide IEP teams with information about district transportation services in order to assist them in making decisions as to the mode, schedule, and location of transportation services that may be available to each student with disabilities. The IEP team may communicate with district transportation staff and/or invite transportation staff to attend IEP team meetings where the student's transportation needs will be discussed.

Transportation services specified in a student's IEP or Section 504 plan shall be provided at no cost to the student or his/her parent/guardian.

If a student whose IEP or accommodation plan specifies transportation needs is excluded from school bus transportation for any reason, such as suspension, expulsion, or other reason, the district shall provide alternative transportation at no cost to the student or parent/guardian.

(Education Code 48915.5)

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis. The Superintendent or designee shall ensure that any mobile seating devices used on district

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Description:

buses are compatible with bus securement systems required by 49 CFR 571.222. (Education Code 56195.8) As necessary, a student with disabilities may be accompanied on school transportation by a service animal, as defined in 28 CFR 35.104, including a specially trained guide dog, signal dog, or service dog. (Education Code 39839; Civil Code 54.1-54.2; 28 CFR 35.136) When transportation is not specifically required by the IEP or Section 504 plan of a student with disabilities, the student shall be subject to the rules and policies regarding regular transportation offerings within the district.

Legal References:

EDUCATION CODE

39807.5 Payment of transportation cost

39839 Guide dogs, signal dogs, and service dogs on bus

41850-41854 Allowances for transportation

48300-48315 Alternative interdistrict attendance program

48915.5 Expulsion of students with exceptional needs

56040 No cost for special education and related services

56195.8 Adoption of policies

56327 Assessment for special education and related services

56345 Individualized education program

56365-56366.1 Nonpublic nonsectarian schools or agencies

BP 3541.2 (b)

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Transportation for Students with Disabilities

CIVIL CODE

54.1-54.2 Service animals

CODE OF REGULATIONS, TITLE 5

15243 Physically handicapped minors

15271 Exclusion from report

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions

35.136 Service animals

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.34 Transportation defined as related service

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

Management Resources:

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CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Special Education Transportation Guidelines
Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory
12-02, April 24, 2013
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Protecting Students with Disabilities: Frequently Asked Questions about
Section 504 and the
Education of Children with Disabilities, 2009
Questions and Answers on Serving Children with Disabilities Eligible for
Transportation, 2009
WEB SITES
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education: <http://www.ed.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>
ADOPTED:
June 25, 2018

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

Reference Number:

Chapter 7: Transition; Transition Services Must be In Effect and On the IEP by Age 16 and Each IEP Thereafter, P. 87

Document Title:

SELPA Handbook

Document Location:

SELPA Office

Description:

Transition services are a coordinated set of activities for students with special needs that are addressed on the IEP document and:

1. Are designed within a results-oriented process that is focused on improving the academic and functional achievement of the individual with exceptional needs to facilitate the movement of the pupil from school to post-school activities, including postsecondary education, vocational education, integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation.
2. Includes measurable post-secondary goals that are based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil, and when appropriate, age-appropriate transitional assessments related to training, education, employment, and independent living skills.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and

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provision of a functional vocational evaluation.

4. Transition services for students with special needs may be special education, if provided as specially designed instruction, or a designated instruction and service, if required to assist a pupil to benefit from special education. Is based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil.

5. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

15. Assurance of full educational opportunity:

Reference Number: Chapter 1; Page 8

Document Title: SELPA Handbook

Document Location: SELPA Office

Description:

It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children.

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

Reference Number: Local Plan, Section B #2; Governance and Administration

Document Title: Local Plan, Section B; Governance and Administration P. B-3-4

Document Location: SELPA Office

The Director of the SELPA K-6 and 7-12 (Director, SELPA) have the responsibility for the administration of the Local Plan and serve as the Directors of Special Education for Modesto City Schools. The Director, SELPA K-6 and 7-12 are the liaisons with local agencies, other SELPA's and the California Department of Education. [EC 56205]

Responsibilities of the Director, SELPA include:

1. Coordinating special education services to all students with exceptional needs residing in Modesto City Schools.
2. Ensuring that the delivery system of services provides a full range of

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Description:

educational options. Procedures for making any changes in the delivery system of services are coordinated through the Director, SELPA.

3. Coordinating development and implementation of the Local Plan throughout the SELPA. Special education and general education Teachers and administrators selected by their peers and parent members of the CAC shall be consulted through regular consultations regarding SELPA policy and budget development.

4. Ensuring the development and implementation of the Local Plan including:

- a. Coordinated system of identification and assessment
- b. Coordinated system of procedural safeguards
- c. Coordinated system of personnel development and parent education
- d. Coordinated system of internal program review, evaluation of the effectiveness of the local plan and implementation of a local plan accountability mechanism
- e. Coordinated system of data collection and management
- f. Coordinated system of curriculum development and alignment with the core curriculum
- g. Coordination of interagency agreements
- h. Coordination of services to students with exceptional needs in licensed children's institutions and foster family homes
- i. Coordination of services to students with exceptional needs in medical facilities.
- j. Preparation and transmission of SELPA reports
- k. Fiscal and logistical support of the Community Advisory Committee
- l. Coordination of transportation services for students with disabilities
- m. Coordination of career, vocational, and transition services
- n. Assurance of full educational opportunity
- o. Implementation of Program Manager services.
- p. Implementation of regionalized services including: personnel development, evaluation, data collection and management information system, curriculum development and on-going program review, through formal and informal needs assessment process.
- q. Coordinated performance goals and indicators.
- r. Participation in state and districtwide assessments.
- s. Fiscal administration and the allocation of state and federal funds
- t. Coordination of services to students with exceptional needs placed in juvenile court schools or county community schools pursuant to EC 56150
- u. Direct program and instructional support provided by program managers
- v. Direct programmatic support provided by behavior specialists
- w. Coordination of the distribution and assignment of specialized equipment and services

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5. Presenting recommended changes in the Local Plan and/or other policy and procedural changes to the Superintendent and governing board for monitoring and review.
6. Coordinating the development and management of all SELPA and special education program budgets and staffing formulas with the superintendent and other appropriate staff.
7. Providing supervision to all special education programs and supervision to classified and certificated staff.
8. Providing of input to the Superintendent regarding the selection and employment of SELPA staff.

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

Reference Number: Local Plan, Section B #2; Governance and Administration

Document Title: Local Plan, Section B #2; Governance and Administration; Pg. B-4

Document Location: SELPA Office

Description:

Program Manager Services

1. Program Manager funding is utilized to provide Program Manager Services to special education programs within the MCS SELPA. The Director, SELPA monitors the selection and hiring process and supervises the Program Managers in accordance with the standards set forth in this Local Plan and as required for Program Specialists in [EC 56368).

Program manager services are assigned based upon pupil and program needs within the SELPA. Assignments are determined by the Directors, SELPA K-6 and 7-12.

2. A Program Manager within the MCS SELPA must hold a valid special education credential. In addition, a Program Manager must have advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in one or more areas of major disabling conditions, in early education of disabled pupils, or career-vocational education.

3. The role and function of the Program Manager is to observe, consult with, and assist resource specialists, designated instruction and services instructors, and special day class teachers. Another role is to plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.

4. The Program Manager may participate in each school's staff development program and monthly special education staff development meetings. He/she also provides coordination, consultation and program

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development primarily in one specialized area or areas of his/her expertise. In addition, the Program Manager is responsible for ensuring that pupils have full educational opportunity.

Special Education Local Plan Area Services

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

Reference Number: Chapter 4; Early Childhood Education

Document Title: SELPA Handbook; Page 41-46

Document Location: SELPA Office

Procedures for Working with Infants and Toddlers

The procedures for working with Infants and Toddlers is described in detail in the agreement between Valley Mountain Regional Center and Modesto City Schools SELPA.

This agreement describes how the assignment of service coordinators takes place, as well as describing the procedures used to develop services to infants, toddlers, and their families. A signed (by all participants), dated copy of the agreement is maintained in the Modesto City Schools Special Education Office.

This interagency agreement can also be located in the Modesto City Schools SELPA Local Plan for Special Education. Special Education personnel wishing to learn these procedures may look at the agreement maintained in the Special Education office and, if necessary, obtain a copy.

The following procedures are those agreed upon by Modesto City Schools SELPA and Valley Mountain Regional Center.

Referral Procedures

The Modesto City Schools SELPA, Stanislaus County SELPA, and Valley Mountain Regional Center work cooperatively to meet the needs of all children eligible for services under Early Start Part C of the Individuals with Disabilities Education Act (IDEA).

Valley Mountain Regional Center Eligibility

To be found eligible, infants and toddlers from birth to two years of age, for whom a need for early intervention services as specified in IDEA and applicable regulations, is documented by means of assessment and

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evaluation as required by law. Infants and toddlers must meet one of the following criteria for eligibility:

1. Infants and toddlers with a developmental delay in one or more of five areas:

- a. Cognitive development;
- b. Physical and motor development, including vision and hearing;
- c. Communication development;
- d. Social or emotional development; or
- e. Adaptive development.

Developmentally delayed infants and toddlers are those who are determined to have a significant difference between the expected level of development for their age and their current level of function.

Qualified personnel who are recognized by or are part of a multidisciplinary team, including the parents, will make this determination. A significant difference is defined as a 33 percent delay in one or more developmental areas.

2. Infants and toddlers with established risk conditions, and infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences. The conditions shall be diagnosed by qualified personnel recognized by or as part of a multidisciplinary team, including the parents. The condition shall be certified as having a high probability of leading to developmental delay even if the delay is not evident at the time of diagnosis.

3. Infants and toddlers who are at high risk of having substantial developmental disability due to a combination of biomedical risk factors, the presence of which are diagnosed by qualified personnel recognized by, or part of, a multidisciplinary team, including the parents.

Local Education Agency (LEA) Referral Procedures and Eligibility Criteria

Under California Education Code 56424, LEAs are responsible for providing Early Start Part C services to infants and toddlers with Solely Low Incidence (SLI) Disabilities. These are disabilities defined as severely disabling conditions including hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof.

Based on the above criteria, the Valley Mountain Regional Center Interagency Agreement specifies which agency is to perform which functions. For the purpose of the Modesto City Schools SELPA Procedures Manual, the following procedures and responsibilities are to be carried out by the LEA herein referred to as the District:

1. Local agencies, including medical practitioners, will complete the

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referral of infants/toddlers to Valley Mountain Regional Center. VMRC is responsible for evaluating and determining eligibility.

2. If a toddler is two years and ten months of age or more at the time of initial referral to VMRC, the District will accept the referral for educational assessment with parent consent.
3. The District will identify an individual who will act as infant contact for all children birth to three years of age referred to VMRC.
4. All children currently receiving infant services through the District, and served by the District regardless of the suspected disabling condition, will continue to receive services, provided the District does not exceed its 1980-81 mandate and its funded capacity per current fiscal year related to Maintenance of Effort (see the Modesto City Schools SELPA Local Annual Service and Budget Plan). The SELPA shall notify VMRC when it reaches its funded capacity and when openings for services occur. The District and the VMRC shall determine a mutually agreeable method in which these notifications will occur.
5. The District is responsible for providing services and service coordination to infants and toddlers with a Solely Low Incidence (SLI) birth to 36 months of age. The District accepts referrals from VMRC for a child who has an SLI disability and assumes responsibility for assessment and the determination of eligibility for the child.
6. VMRC accepts referrals of children with hearing impairments from the California Department of Education Newborn Hearing Screen Program. Upon receipt of the referral, VMRC will contact the child's family to initiate the evaluation and assessment process.
7. Within 45 days of referral, VMRC will complete the evaluation and assessment process for all children referred and suspected of having a SLI disability. The District will provide staff for assessment support at the Station. If the child is found eligible, VMRC will develop an IFSP with the family. The IFSP will then be provided to the district for implementation and VMRC will close the case.
8. When a child enters the District for Part C services, such early intervention services shall be child and family directed as agreed upon by the family.
9. The District accepts direct referrals for educational evaluation, assessment and recommendations for Part B of IDEA, regardless of disabling condition and with parent/guardian consent for a child who is two years and 10 months of age or more. State and federal laws apply.

Description:

Individualized Family Service Plan (IFSP)
Each child eligible for services under Part C must have an Individualized Family Service Plan (IFSP). The evaluation, assessment, and meeting to develop the IFSP must be held within 45 calendar days from the date of referral. All IFSP meetings shall be in the native language of the

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family, and the IFSP shall be provided in the family's native language unless it is not feasible to do so.

The District is responsible for the following:

1. The development of the IFSP for children with SLI disabilities;
2. The IFSP team, which includes representation from all agencies that provide necessary services to the infant and/or family;
3. The IFSP document, written and implemented in accordance with state and federal regulations;
4. Appointing a service coordinator who meets with the family and conducts a six-month and an annual review of the IFSP.

Transition

All children receiving Early Start services are potentially eligible for the District special education and related services at age three. The VMRC service coordinator must notify the District of all potentially eligible toddlers and the need to establish a transition plan in the IFSP conference not more than nine months, and not fewer than 90 days, prior to the toddler's third birthday. The transition process begins planning for service options to the child as he/she approaches age three but no later than 36 months of age. The child who is served either by VMRC or the District shall have the benefit of transition planning from Part C infant services to educational services under Part B of IDEA and provided by the District. The District will:

1. Confirm receipt of the invitation to attend the transition planning conference and IFSP meeting for a child between the ages of 2.6-2.9 years but not fewer than 90 days prior to the child's third birthday. During Extended School Year (ESY), the District will identify a representative to be available to attend the IFSP Transition Planning Conference.
2. During the IFSP Transition Planning Conference, the District will participate in the discussion of the transition steps as part of the IFSP, including:
 - a. The Assessment process;
 - b. Timelines;
 - c. Eligibility criteria;
 - d. A review of possible preschool program and service options;
 - e. Suggest a notification/referral date at least 90 days prior to the third birthday;
 - f. Identify additional information to be included;
 - g. Provide the parent/guardian a copy of the Parent's Due Process rights;
 - h. If appropriate to the timeline, complete the Referral for Assessment

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for Special Education and Related Services document, and generate an Assessment Plan.

3. When the IFSP Transition Conference is held with the District and the toddler is between the ages of 2.6 through 2.8 years of age, the IFSP team will determine the date the official notification and referral to the District will be made. The notification/referral cannot be fewer than 90 days prior to the toddler's third birthday. Upon receipt of the notification/referral, the District will respond in accordance to state and federal regulations.

4. If the IFSP Transition Conference is held between the ages of 2.8 and 2.9 years of age, the District may present the Assessment Plan or Prior Written Notice along with the Parent Rights and Procedural Safeguards to the parent/guardian during the meeting.

5. The District will schedule an IEP meeting, which will include the parent/guardian and all other appropriate District personnel. The IEP will be developed and implemented upon written parent/guardian approval sent by the child's third birthday. The family will be responsible for inviting their VMRC Service Coordinator.

Service Coordination

Service Coordination is an early intervention service and must be provided under public supervision. The role of the Service Coordinator is to facilitate implementation of the IFSP and to coordinate services with other agencies and persons. The Service Coordinator must be knowledgeable about eligible infant and toddler programs, Part C law and regulations, and the nature and scope of services under Part C of IDEA.

The District and VMRC shall both do the following:

1. Appoint a Service Coordinator that meets the Part C standards;
2. The Service Coordinator serves as the primary point of contact for eligible children and their families;
3. The Service Coordinator is responsible for coordinating with other agencies and persons providing services to the family.

Service Coordination activities include the following:

1. Coordinating evaluations and assessments;
2. Facilitating and participating in the development, review, and evaluation of IFSPs;
3. Assisting families in identifying service providers and informing families about additional non-required services;
4. Coordinating and monitoring the delivery of services outlined on the IFSP;
5. Informing families of Early Start their Parental Rights and Procedural

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Safeguards;

6. Facilitating the development of a transition plan from Part C of IDEA to Part B of IDEA preschool service, as appropriate, and/or other community resources.

The Provision of Services

All services must be provided and monitored by the appropriate qualified personnel. Services to families are to provide the "supports and services necessary to enhance the capacity of the family to meet the developmental needs of the child". It is understood that the level, type, frequency, and provider of services may change upon the transfer of a case between agencies.

The District shall:

1. Provide services to all children with SLI;
 2. Shall continue to serve non-categorical infants at their previously mandated 1980-81 mandated funded capacity numbers;
- Parents of infants and toddlers are entitled to a copy of their parental rights as specified under the Procedural Safeguards. District personnel are to follow District guidelines regarding the provision of the safeguards to children in the Early Start Program.

2. A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Reference Number: 20 USC 1412 9 (a)(6)

Document Title: Procedural Safeguards

Document Location: Assurances and Policies, P. 18

Description:

It shall be the policy of Modesto City Schools SELPA that children with disabilities and their parents shall be afforded all the procedural safeguards throughout the provision of a free appropriate public education, including identification, evaluation and placement process.

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

Reference Number: BP 6159

Document Title: Procedural Safeguards and Complaints for Special Education

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Document Location: Board Policy

Description:

It shall be the policy of Modesto City Schools SELPA that in order to protect the rights of students with disabilities, the District shall follow all procedural safeguards as set forth in law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students shall inform the Governing Board about the result of hearing.

Complaints for Special Education
Complaints concerning compliance with state of federal law regarding special education shall be addressed in accordance with the district's uniform complaint procedure.

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

Reference Number: Chapter 5; Identification, Referral and Assessment; Page 51

Document Title: SELPA Handbook

Document Location: SELPA Office

It shall be the policy of Modesto City Schools SELPA that referrals should only be made after other interventions have been attempted via the Student Success Team.

There are, of course, exceptions. Students who are already in special education may be identified through the IEP process as requiring additional assessments. Students also may move into the Modesto City Schools attendance area with existing IEPs, but upon work with the child the staff may feel there is insufficient assessment information and the student therefore needs to be reassessed. Other exceptions might be a person with special needs moving here from a foreign country, or a student who has suffered a sudden trauma resulting in a change in their status.

The referral for assessment document, on SEIS, captures information required to begin the referral process. It acts as a document for those modifications that have already been attempted in general education. It provides a clear statement of the areas of concern.

When a referral, whether written or oral, has been made for an

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Description:

assessment for special education and related services, the Special Education timeline has begun. When the request has been made the following must immediately occur:

1. If oral request, assistance to document the request in written format.
2. The parent/guardian is provided with an Assessment Plan within 15 days of the referral for any proposed evaluation.
3. The Assessment Plan must be provided in the primary language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
4. The Assessment Plan must be written in language easily understood by the general public, (See MCS Assessment Plan).
5. The Assessment Plan must include the list of the proposed evaluations, and the reason and purpose for each evaluation, (See MCS Assessment Plan).
6. It is recommended the Case Manager review the Assessment Plan with the parent/guardian and answer any concerns or questions regarding it.
7. Assessment procedures, as required by law, ensure that IQ tests are not administered to African-American students (Larry P.)
8. Prior Written Notice must be provided to the parent as required by law (See MCS Prior Written Notice Form).

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the District shall offer assistance to the individual in making a request in writing and shall assist the individual if the individual requests such assistance.

All school staff referrals shall be written and include:

1. A brief reason for the referral.
2. Documentation of the resources of the regular education program that have been considered modified, and when appropriate, the results of intervention. This documentation shall not delay timelines for completing the assessment plan or assessment. (C.C.R., Title 5, Sec. 3021)

School staff is encouraged to initiate the assessment process for students suspected to have disabilities, including but not limited to, students with various chronic or acute health conditions, such as diabetes, that adversely affects a student's educational performance.

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

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Reference Number: BP and AR 6159.2

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

Document Location: Board Policy

The Governing Board recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency to meet the students' needs. (cf. 0430 - Comprehensive Local Plan for Special Education) (cf. 1312.3 - Uniform Complaint Procedures) (cf. 3541.2 - Transportation for Students with Disabilities)(cf. 4112.23 - Special Education Staff) (cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)(N/A) In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation. Prior to entering into a contract to place any student in a nonpublic, nonsectarian school or agency, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities in accordance with Education Code 56366. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any nonpublic, nonsectarian school with which the district has a contract to ensure that the school or agency's certification has not expired. No district student shall be placed in a nonpublic, nonsectarian school or agency unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the nonpublic, nonsectarian school or agency placement is appropriate for the student. In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP. (Education Code 56195.8, 56342.1)(cf. 6159 - Individualized Education Program) (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education) During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility

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for monitoring the student's progress towards meeting the goals identified in his/her IEP. The Superintendent or designee shall notify the Board prior to approving an out-of state placement for any district student. In accordance with Education Code 56366.2, the Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6. (cf. 1431 - Waivers)

Legal Reference:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

56042 Placement not to be recommended by attorney with conflict of interest

56101 Waivers

56163 Certification

56168 Responsibility for education of student in hospital or health facility school

56195.8 Adoption of policies

56342.1 Individualized education program; placement

56360-56369 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

FAMILY CODE

7911-7912 Interstate compact on placement of children

GOVERNMENT CODE

7570-7587 Interagency responsibilities for providing services to children with disabilities,

especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3060-3070 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

Description:

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Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education and Rehabilitative

Services: <http://www.ed.gov/about/offices/list/osers>

ADOPTED: December 10, 2018

Every master contract with a nonpublic, nonsectarian school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including student-teacher ratios, as well as transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include procedures for recordkeeping and documentation, and the maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)(cf. 3541.2 - Transportation for Students with Disabilities) (cf. 3580 - District Records)(cf. 5125 - Student Records)(cf. 6146.1 - High School Graduation Requirements) The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress. (Education Code 56366) With mutual agreement of the district and a nonpublic, nonsectarian school or agency, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in his/her individual services agreement. (Education Code 56366)

Placement and Services

The Superintendent or designee shall develop an individual services agreement for each student to be placed in a nonpublic, nonsectarian school or agency based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the nonpublic, nonsectarian school services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's

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IEP. (Education Code 56366) (cf. 6159 - Individualized Education Program) The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069) When a special education student meets the district requirements for completion of prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070) (cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

Out-of-State Placements

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall document the district's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Education Code 56365) Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California. (Education Code 56365) If the district decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

ADOPTED: December 10, 2018

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

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

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

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DOR is based on the residence of the conservator. (EC Section 56041)

Reference Number:

Document Title:

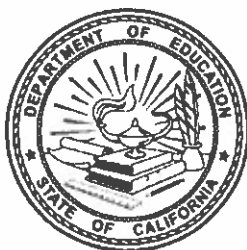
Document Location:

Description:



Section D—Annual Budget Plan

LOCAL PLAN
Annual Budget Plan
SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education
Special Education Division
July 2019

Section D—Annual Budget Plan

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D. Budget Plan

Each special education local plan area (SELPA) must have a responsible local agency (RLA) or an Administrative Unit (AU), which is the legal entity that receives funds and is responsible for seeing that every eligible child receives appropriate services.

Public Hearing Notice Posting Date: 06/08/2020

The Budget Plan was adopted at a SELPA public hearing on (date): 06/08/2020

Projected special education budget funding, revenues, and expenditures by local educational agency (LEA), including supplemental aids and services to meet the needs of students with special needs as defined by the Individuals with Disabilities Education Act (IDEA) placed in regular education classrooms and environments and special education services to students with low incidence disabilities are specified in **Attachments II–V**. Enter the following information:

SELPA Name Modesto City Schools SELPA

RLA or AU Name Modesto City Schools

Number of LEAs 2

Section D—Annual Budget Plan

SELPA Mission Statement—(this field is optional)

SELPA Beliefs—(this field is optional)

Modesto City Schools Special Education Department/Special Education Local Plan Area (SELPA) ensures that appropriate programs and services are available for all

SELPA Support Provided to Local Educational Agencies

As the SELPA associated with two LEAs with one governing Board. We coordinate and provide all services, staffing, support and professional development for the

Special Education Revenue by Source

Using the fields below, identify the special education revenues by funding source. The total revenue and the percent of total funding by source is automatically calculated.

Assembly Bill (AB) 602 State Aid	\$ 12,700,000	49.58%
AB 602 Property Taxes	\$ 4,300,000	16.79%
Federal IDEA Part B	\$ 5,555,749	21.69%
Federal IDEA Part C	\$ 91,745	0.36%
State Infant/Toddler	\$ 0	0.00%
Preschool	\$ 0	0.00%
State Mental Health	\$ 1,750,000	6.83%
Federal Mental Health	\$ 320,000	1.25%
Other: Tuition - Fee for Service	\$ 300,000	1.17%
Other: Apportionment Transfer from COE	\$ 600,000	2.34%
Total Revenue:	\$ 25,617,494	100.00%

Using the form templates provided in **Attachment II**, complete a distribution of revenues to all LEAs participating in the SELPA by funding source.

Section D—Annual Budget Plan

Total Budget by Object Codes

Using the fields below, identify the total projected expenditures by object code, description, amount, and percent of total expenditures.

Object Code 1000—Certificated Salaries:	\$ 27,604,808	40.83%
Object Code 2000—Classified Salaries:	\$ 11,679,947	17.28%
Object Code 3000—Employee Benefits:	\$ 13,938,376	20.62%
Object Code 4000—Supplies:	\$ 452,700	0.67%
Object Code 5000—Services and Operations:	\$ 10,020,983	14.82%
Object Code 6000—Capital Outlay:	\$ 0	0.00%
Object Code 7000—Other Outgo and Financing:	\$ 3,904,302	5.78%
Total Expenditures:	\$ 67,601,116	100.00%

Using the templates provided in **Attachment III**, complete a distribution of projected expenditures by LEAs participating in the SELPA by object code.

Federal and State Revenue Summary

Using the fields below, identify the funding by revenue jurisdiction and percent of total budget.

State Special Education Revenues	\$ 14,450,000	21.38%
Federal Revenues	\$ 5,967,494	8.83%
Local Contribution	\$ 47,183,622	69.80%
Total Revenue Summary:	\$ 67,601,116	100.00%

Section D—Annual Budget Plan

Using the form template provided in **Attachment IV**, complete a distribution of revenues to all LEAs participating in the SELPA by federal and state funding source.

Special Education Local Plan Area Allocation Plan

Describe the basic premise of the SELPA Allocation Plan for distributing dollars as closely as possible to how they are earned.

Modesto City Schools is a single district SELPA (two districts, one governing board). All special education revenue is put back in to support the needs of all

Describe how the SELPA distributes IDEA revenues to the LEAs, including the models used to provide services to member LEAs:

The Modesto City Schools SELPA is a single-district SELPA and as such utilizes all revenues to support the needs of our Elementary and High School Districts.

Special Education Local Plan Area Operating Expenditures

Using the fields below, identify the total projected SELPA operating expenditures by SELPA accounting codes, the amount, and the percent of total expenses.

Certificated Salaries Code:	1000	Amount:	\$ 27,604,808	40.83%
Classified Salaries Code:	2000	Amount:	\$ 11,679,947	17.28%
Employee Benefits Code:	3000	Amount:	\$ 13,938,376	20.62%
Supplies Code:	4000	Amount:	\$ 452,700	0.67%
Services and Operations Code:	5000	Amount:	\$ 10,020,983	14.82%
Capital Outlay Code:	6000	Amount:	\$ 0	0.00%
Other Outgo/Financing Code:	7000	Amount:	\$ 3,904,302	5.78%
Total Operating Expenditures:			\$ 67,601,116	100.00%

Section D—Annual Budget Plan

Include a description of the expenditures identified under object code 7000:

State Special Schools tuition, Fee for Service to COE and Indirect costs in federal grant awards.

Projected Expenditures for Supplemental Aids and Services in the Regular Classroom for Students with Low Incidence Disabilities

Enter the total revenue expenditures for supplemental aids and services for students with disabilities who are placed in the regular education classroom and for those who are identified with low incidence disabilities.

Total Federal and State Revenue Expenditures for Supplemental Aids and Services in the Regular Classroom Setting	\$ 360,877
--	------------

Percent of Total LEA Federal and State Revenue Expenditures for Supplemental Aids and Services in the Regular Classroom Setting	0.53%
---	-------

Total Projected Expenditures for Students with Low Incidence Disabilities	\$ 129,000
---	------------

Percent of Total LEA Federal and State Revenue Expenditures for Students with Low Incidence Disabilities	0.19%
--	-------

Special Education Local Plan Area (SELPA) Local Plan

SELPA

Fiscal Year

LOCAL PLAN

Section E: Annual Service Plan

SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

January 2020

Section E: Annual Service Plan

SELPA: Modesto City Schools

Fiscal Year: 2020-21

E. Annual Service Plan

California *Education Code* (EC) sections 56205(b)(2) and (d); 56001; and 56195.9

The annual service plan shall be adopted at a public hearing held by the Special Education Local Plan Area (SELPA). Notice of this hearing shall be posted in each school in the SELPA at least 15 days before the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process as established and specified in the local plan consistent with EC sections 56001(f) and 56195.9. The annual service plan shall include a description of services to be provided by each local educational agency (LEA), including the nature of the services and the physical location at which the services will be provided, regardless of whether the LEA is participating in the local plan.

Services Included in the Local Plan: Annual Service Plan

All entities and individuals providing related services shall meet the qualifications found in Title 34 of the *Code of Federal Regulations* (34 CFR) Section 300.156(b), Title 5 of the *California Code of Regulations* (5 CCR) 3001(r) and the applicable portions 3051 et. seq.; and shall be either employees of an LEA or county office of education (COE), employed under contract pursuant to EC sections 56365-56366, or employees, vendors or contractors of the State Departments of Health Care Services or State Hospitals, or any designated local public health or mental health agency. Services provided by individual LEAs are listed in **Attachments VI**. Services provided by school sites are listed in **Attachment VII**.

Include a description of the service provided and the physical location where the service is delivered:

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 330—Specialized Academic Instruction

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Adapting as appropriate to the needs of the child with a disability, the content, methodology, or delivery of instruction to ensure access of the child to the general education environment and curriculum.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input checked="" type="checkbox"/> Nonpublic schools (NPSs) | <input type="checkbox"/> Other <input type="text"/> |

☒ 210—Family Training, Counseling, Home Visits (Ages 0-2 only)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Services provided by qualified personnel to assist the family in understanding the special needs of their child.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Nonpublic agencies (NPAs) | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPSs | |

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☐ 230—Nutrition (Ages 0-2 only)

☒ *Service is Not Currently Provided*

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

☒ 240—Service Coordination (Ages 0-2 only)

☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA: **Modesto City Schools**

Fiscal Year: **2020-21**

☒ **250—Special Instruction (Ages 0-2 only)**

☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

the design of learning environments and activities that promote the child's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction; curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the child's individualized family service plan (IFSP); providing families with information, skills, and support related to enhancing the skill development of the child; and working with the child to enhance the child's development.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

☐ Other

☐ **260—Special Education Aide (Ages 0-2 only)**

☒ *Service is Not Currently Provided*

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

Modesto City Schools will provide the full continuum of services to students based on the identified services listed on the IEP. At this time, there are no students projected to receive this service at this time.

☐ **270—Respite Care (Ages 0-2 only)**

☒ *Service is Not Currently Provided*

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

Modesto City Schools will provide the full continuum of services to students based on the identified services listed on the IEP. At this time, there are no students projected to receive this service at this time.

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 340—Intensive Individual Instruction

☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

IEP Team determination that student requires additional support for all or part of the day to meet his or her IEP goals.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☒ NPSs

☐ 350—Individual and Small Group Instruction

☒ *Service is Not Currently Provided*

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

Modesto City Schools will provide the full continuum of services to students based on the identified services listed on the IEP. At this time, there are no students projected to receive this service at this time.

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 415—Speech and Language (5 CCR 3051.1) ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Language and speech services provide remedial intervention for eligible individuals with difficulty understanding or using spoken language. The difficulty may result from problems with articulation (excluding abnormal swallowing patterns, if that is the sole assessed disability); abnormal voice quality, pitch, or loudness; fluency; hearing loss; or the acquisition, comprehension, or expression of spoken language. Language deficits or speech patterns resulting from unfamiliarity with the English language and from environmental, economic or cultural factors are not included. Services include specialized instruction and services: monitoring, reviewing, and consultation, and may be direct or indirect, including the use of a speech consultant.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☒ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☒ NPSs

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 425—Adapted Physical Education
(5 CCR 3051.5)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Direct physical education services provided by an adapted physical education specialist to pupils who have needs that cannot be adequately satisfied in other physical education programs as indicated by assessment and evaluation of motor skills performance and other areas of need. It may include individually designed developmental activities, games, sports, and rhythms, for strength development and fitness suited to the capabilities, limitations, and interests of individual students with disabilities who may not safely, successfully, or meaningfully engage in unrestricted participation in the vigorous activities of the general or modified physical education program.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA: **Modesto City Schools**

Fiscal Year: **2020-21**

- ☒ **435—Health and Nursing: Special Physical Health Care (5 CCR 3051.12)**

☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Specialized physical health care services means those health services prescribed by the child's licensed physician and surgeon, requiring medically related training of the individual who performs the services and which are necessary during the school day to enable the child to attend school (5 CCR Section 3051.12[b]). Specialized physical health care services include but are not limited to suctioning, oxygen administration, catheterization, nebulizer treatments, insulin administration, and glucose testing.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

☐ Other

Section E: Annual Service Plan

SELPA:

Fiscal Year:

- ☒ 436—Health and Nursing: Other Services
(5 CCR 3051.12)
- ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

This includes services that are provided to individuals with exceptional needs by a qualified individual pursuant to an IEP when a student has health problems which require nursing intervention beyond basic school health services. Services include managing the health problem, consulting with staff, group and individual counseling, making appropriate referrals, and maintaining communication with agencies and health care providers. These services do not include any physician supervised or specialized health care service. IEP required health and nursing services are expected to supplement the regular health services program.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPAs | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPSs | <input type="checkbox"/> Other <input type="text"/> |

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 445—Assistive Technology Services
(5 CCR 3051.19)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Any specialized training or technical support for the incorporation of assistive devices, adapted computer technology, or specialized media with the educational programs to improve access for students. The term includes a functional analysis of the student's needs for assistive technology; selecting, designing, fitting, customizing, or repairing appropriate devices; coordinating services with assistive technology devices; training or technical assistance for students with a disability, the student's family, individuals providing education or rehabilitation services, and employers.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 450—Occupational Therapy (5 CCR 3051.6) ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Occupational Therapy (OT) includes services to improve student's educational performance, postural stability, self-help abilities, sensory processing and organization, environmental adaptation and use of assistive devices, motor planning and coordination, visual perception and integration, social and play abilities, and fine motor abilities. Both direct and indirect services may be provided within the classroom, other educational settings, or the home, in groups or individually, and may include therapeutic techniques to develop abilities, adaptations to the student's environment or curriculum, and consultation and collaboration with other staff and parents. Services are provided, pursuant to an IEP, by a qualified occupational therapist registered with the American Occupational Therapy Certification Board.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 460—Physical Therapy (5 CCR 3051.6)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

These services are provided, pursuant to an IEP, by a registered physical therapist, or physical therapist assistant, when assessment shows a discrepancy between gross motor performance and other educational skills. Physical therapy includes, but is not limited to, motor control and coordination, posture and balance, self-help, functional mobility, accessibility and use of assistive devices. Services may be provided within the classroom, other educational settings or in the home, and may occur in groups or individually. These services may include adaptations to the student's environment and curriculum, selected therapeutic techniques and activities, and consultation and collaborative interventions with staff and parents.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 510—Individual Counseling (5 CCR 3051.9) ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

One-to-one counseling, provided by a qualified individual pursuant to an IEP. Counseling may focus on such student aspects as education, career, personal, or be with parents or staff members on learning problems or guidance programs for students. Individual counseling is expected to supplement the regular guidance and counseling program.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPAs | <input type="checkbox"/> Other <input type="text"/> |
| <input checked="" type="checkbox"/> NPSs | |

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 515—Counseling and Guidance
(5 CCR 3051.9)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Counseling in a group setting, provided by a qualified individual pursuant to an IEP. Group counseling is typically social skills development, but may focus on such student aspects as education, career, personal, or be with parents or staff members on learning problems or guidance programs for students. IEP required group counseling is expected to supplement the regular guidance and counseling program. Guidance services include interpersonal, intrapersonal, or family interventions, performed in an individual or group setting by a qualified individual pursuant to an IEP. Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students supervised by staff credentialed to serve special education students. These services are expected to supplement the regular guidance and counseling program.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPAs | <input type="checkbox"/> Other <input type="text"/> |
| <input checked="" type="checkbox"/> NPSs | |

Section E: Annual Service Plan

SELPA:

Fiscal Year:

- ☒ 520—Parent Counseling (5 CCR 3051.9) ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parent(s) of special education students in better understanding and meeting their child's needs and may include parenting skills or other pertinent issues. IEP required parent counseling is expected to supplement the regular guidance and counseling program.

Physical location(s) where the service is provided:

- | | |
|--|--|
| <input type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPAs | <input type="checkbox"/> Other <input type="text"/> |
| <input checked="" type="checkbox"/> NPSs | |

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 525--Social Worker (5 CCR 3051.13)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Social work services, provided by a qualified individual pursuant to an IEP, include, but are not limited to, preparing a social or developmental history of a child with a disability, group and individual counseling with the child and family, working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school, and mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program. Social work services are expected to supplement the regular guidance and counseling program.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☒ NPSs

☐ 530--Psychological Services (5 CCR 3051.10)

☒ Service is Not Currently Provided

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

Modesto City Schools will provide the full continuum of services to students based on the identified services listed on the IEP. At this time, there are no students projected to receive this service at this time.

Section E: Annual Service Plan

SELPA:

Fiscal Year:

- ☒ 535—Behavior Intervention (5 CCR 3051.23) ☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior resulting in greater access to a variety of community settings, social contacts, public events, and placement in the least restrictive environment.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPAs | <input type="checkbox"/> Other <input type="text"/> |
| <input checked="" type="checkbox"/> NPSs | |

- ☐ 540—Day Treatment ☒ *Service is Not Currently Provided*

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

Modesto City Schools will provide the full continuum of services to students based on the identified services listed on the IEP. At this time, there are no students projected to receive this service at this time.

Section E: Annual Service Plan

SELPA: **Modesto City Schools**

Fiscal Year: **2020-21**

☒ **545—Residential Treatment**

☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

A 24-hour, out-of-home placement that provides intensive therapeutic services to support the educational program.

Physical location(s) where the service is provided:

☐ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☒ NPSs

☒ **610—Specialized Service for Low Incidence Disabilities (5 CCR 3051.16)**

☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Low incidence services are defined as those provided to the student population who have orthopedic impairment (OI), visual impairment (VI), who are deaf, hard of hearing (HH), or deaf-blind (DB). Typically, services are provided in education settings by an itinerant teacher or an itinerant teacher/specialist. Consultation is provided to the teacher, staff, and parents as needed. These services must be clearly written in the student's IEP, including frequency and duration of the services to the student.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 710—Specialized Deaf and Hard of Hearing
(5 CCR 3051.18)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

These services include speech therapy, speech reading, auditory training, and/or instruction in the student's mode of communication. Rehabilitative and educational services; adapting curricula, methods, and the learning environment; and special consultation to students, parents, teachers, and other school personnel.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☒ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☒ NPSs

☐ 720—Audiological (5 CCR 3051.2)

☒ Service is Not Currently Provided

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

Modesto City Schools will provide the full continuum of services to students based on the identified services listed on the IEP. At this time, there are no students projected to receive this service at this time.

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 725--Specialized Vision (5 CCR 3051.7)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

This is a broad category of services provided to students with visual impairments. It includes assessment of functional vision; curriculum modifications necessary to meet the student's educational needs including Braille, large type, and aural media; instruction in areas of need; concept development and academic skills; communication skills including alternative modes of reading and writing; and social, emotional, career, vocational, and independent living skills. It may include coordination of other personnel providing services to the students such as transcribers, readers, counselors, orientation and mobility specialists, career/vocational staff, and others, and collaboration with the student's classroom teacher.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☒ NPSs

☐ Other

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 730—Orientation and Mobility (5 CCR 3051.3) ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Students with identified visual impairments are trained in body awareness and to understand how to move. Students are trained to develop skills to enable them to travel safely and independently around the school and in the community. It may include consultation services to parents regarding their children requiring such services according to an IEP.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

☒ 735—Braille Transcription (5 CCR 3051.22) ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Any transcription services to convert materials from print to Braille. It may include textbooks, tests, worksheets, or anything necessary for instruction. The transcriber should be qualified in English Braille as well as Nemeth Code (mathematics) and be certified by appropriate agency.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA:

Fiscal Year:

- ☒ 740—Specialized Orthopedic Service (5 CCR 3030(e) and 3051.16) ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPAs | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPSs | <input type="checkbox"/> Other <input type="text"/> |

- ☐ 745—Reading Service (5 CCR 3051.16) ☒ Service is Not Currently Provided

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

- ☐ 750—Note Taking Service (5 CCR 3051.16) ☒ Service is Not Currently Provided

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

Section E: Annual Service Plan

SELPA:

Fiscal Year:

- ☒ 755—Transcription Service (5 CCR 3051.16) ☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Any transcription service to convert materials from print to a mode of communication suitable for the student. This may also include dictation services as it may pertain to textbooks, tests, worksheets, or anything necessary for instruction.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

- ☐ 760—Recreation Service, Including
Therapeutic Recreation (5 CCR 3051.15)

☒ Service is Not Currently Provided

Include an explanation as to why the service option is not included as part of the SELPA's continuum of services available to students with disabilities.

Modesto City Schools will provide the full continuum of services to students based on the identified services listed on the IEP. At this time, there are no students projected to receive this service at this time.

Section E: Annual Service Plan

SELPA:

Fiscal Year:

- ☒ 820--College Awareness
(34 CFR 300.39 and 300.43)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

College awareness is the result of acts that promote and increase student learning about higher education opportunities, information, and options that are available including, but not limited to, career planning, course prerequisites, admission eligibility, and financial aid.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPAs | <input type="checkbox"/> Other <input type="text"/> |
| <input checked="" type="checkbox"/> NPSs | |

- ☒ 830--Vocational Assessment, Counseling,
Guidance, and Career Assessment
(5 CCR 3051.14)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, and may include provision for work experience, job coaching, development and/or placement, and situational assessment. This includes career counseling to assist a student in assessing his/her aptitudes, abilities, and interests in order to make realistic career decisions.

Physical location(s) where the service is provided:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schools operated by the LEA | <input type="checkbox"/> Opportunity schools and classes |
| <input type="checkbox"/> Alternative schools | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community schools—COE | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Community day schools—LEA | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> NPAs | <input type="checkbox"/> Other <input type="text"/> |
| <input checked="" type="checkbox"/> NPSs | |

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 840—Career Awareness (5 CCR 3051.14)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Transition services include a provision for self-advocacy, career planning, and career guidance. This also emphasizes the need for coordination between these provisions and the Perkins Act to ensure that students with disabilities in middle schools will be able to access vocational education funds.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☒ NPSs

☒ 850—Work Experience Education
(5 CCR 3051.14)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Work experience education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☒ NPSs

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 855—Job Coaching (5 CCR 3051.14)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Job coaching is a service that provides assistance and guidance to an employee who may be experiencing difficulty with one or more aspects of the daily job tasks and functions. The service is provided by a job coach who is highly successful, skilled and trained on the job who can determine how the employee that is experiencing difficulty learns best and formulate a training plan to improve job performance.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

☐ Other

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 860—Mentoring (5 CCR 3051.14)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

Mentoring is a sustained coaching relationship between a student and teacher through ongoing involvement. The mentor offers support, guidance, encouragement and assistance as the learner encounters challenges with respect to a particular area such as acquisition of job skills. Mentoring can be either formal, as in planned, structured instruction, or informal that occurs naturally through friendship, counseling, and collegiality in a casual, unplanned way.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA: **Modesto City Schools**

Fiscal Year: **2020-21**

- ☒ **865—Agency Linkages, Referral and Placement (30 EC Section 56341.5)**

☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Service coordination and case management that facilitates the linkage of individualized education programs under this part and individualized family service plans under part C with individualized service plans under multiple Federal and State programs, such as title I of the Rehabilitation Act of 1973 (vocational rehabilitation), title XIX of the Social Security Act (Medicaid), and title XVI of the Social Security Act (supplemental security income).

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

☐ Other

- ☒ **870—Travel Training, Including Mobility Training (5 CCR 3051.3)**

☐ *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Providing instruction, as appropriate, to students with significant cognitive disabilities to increase awareness and understanding of mobility options.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

☐ Other

Section E: Annual Service Plan

SELPA:

Fiscal Year:

☒ 890—Other Transition Services
(5 CCR 3051 and 3051.24)

☐ Service is Not Currently Provided

Provide a detailed description of the services to be provided under this code.

These services may include program coordination, case management and meetings, and crafting linkages between schools and between schools and postsecondary agencies.

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

Section E: Annual Service Plan

SELPA:

Fiscal Year:

- ☒ 900—Other Related Service
(5 CCR 3051 and 3051.24)

Qualified Service

Physical location(s) where the service is provided:

☒ Schools operated by the LEA

☐ Opportunity schools and classes

☐ Alternative schools

☐ Other

☐ Community schools—COE

☐ Other

☐ Community day schools—LEA

☐ Other

☐ NPAs

☐ Other

☐ NPSs

☐ Other

Use of Code 900 requires further explanation. Related services may be provided throughout the full continuum of educational settings when needed as determined by the IEP team. All entities and individuals providing related services shall meet the qualifications found in 34 *CFR* sections 300.156(b) and 3001(r) and the applicable portions of section 3051 et seq. Provide a description of staff qualifications for each of the Code 900 services identified herein.

the Inclusion Specialist, Special Education will collaborate with teachers, paraprofessionals, administrators, support staff and parents to design, implement, and evaluate appropriate inclusion supports for identified students with autism and other challenging, complex behaviors; will support and coordinate various

- ☐ 900—Other Related Service
(5 CCR 3051 and 3051.24)

Qualified Service

- ☐ 900—Other Related Service
(5 CCR 3051 and 3051.24)

Qualified Service

- ☐ 900—Other Related Service
(5 CCR 3051 and 3051.24)

Qualified Service

Special Education Local Plan Area (SELPA) Local Plan

SELPA **MODESTO CITY SCHOOLS**

Fiscal Year **2020-21**

LOCAL PLAN
Attachments
SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

January 2020

Attachment I

SELPA: **MODESTO CITY SCHOOLS**

Fiscal Year: **2020-21**

Attachment I—Local Educational Agency Listing

Participating Local Educational Agency Identification

Enter the California Department of Education (CDE) issued county/district/school code (CDS) and the full name for each local educational agency (LEA) participating in the local plan. The LEA names will automatically populate the remaining attachments. Pursuant to California *Education Code (EC)* sections 56205(a)(12)(D)(iii) and 56195.1(b) and (c). Special Education Local Plan Areas (SELPAs) with one or more LEAs, or those who join with the county office of education (COE) to submit a local plan to the CDE for consideration of approval must include copies of joint powers agreements or contractual agreements, as appropriate.

Users may remove all entries in each Attachment template (I through VI) by selecting the "Reset" button below. Similarly, users may add, or remove table rows by selecting the "plus" or "minus" buttons bellow. Actions taken here will be automatically repeated for each table included herein.

Add or Delete Row	List Number	CDS CODE	LEA
+ -	1	5011	MODESTO CITY SCHOOLS

Attachment II

SELPA: MODESTO CITY SCHOOLS

Fiscal Year: 2020-21

Attachment II—Projected Special Education Revenue by Local Educational Agency

For each local educational agency (LEA) participating in the local plan, enter the projected special education revenue funding sources allowed by the Individuals with Disabilities Education Act (IDEA). Information included in this table must be consistent with revenues identified in Section D, Table 1.

LEA	Assembly Bill (AB) 602 State Aid	AB 602 Property Tax	Federal IDEA Part C	Federal IDEA Part B	State Infant/ Toddler	State Preschool	State Mental Health	Federal Mental Health	Subtotal
MODESTO CITY SCHOOLS	12,700,000	\$4,300,000	\$91,745	\$5,555,749	\$0	\$0	\$1,750,000	\$320,000	24,717,494
Totals:	12,700,000	\$4,300,000	\$91,745	\$5,555,749	\$0	\$0	\$1,750,000	\$320,000	24,717,494

Attachment III

SELPA: **MODESTO CITY SCHOOLS**Fiscal Year: **2020-21****Attachment III—Projected Expenditures by Object Code by Local Educational Agency**

For each local educational agency (LEA) participating in the local plan, enter the projected special education expenditures by LEA and object code as allowed by the IDEA. Information included in this table must be consistent with expenditures identified in Section D, Tables 2.

LEA	1000 Certificated Salaries	2000 Classified Salaries	3000 Employee Benefits	4000 Supplies	5000 Services and Operations	6000 Capital Outlay	7000 Other Outgo and Financing	Subtotal
MODESTO CITY SCHOOLS	27,604,808	11,679,947	13,938,376	\$452,700	10,020,983	\$0	\$3,904,302	67,601,116
Totals:	27,604,808	11,679,947	13,938,376	\$452,700	10,020,983	\$0	\$3,904,302	67,601,116

Attachment IV

SELPA: **MODESTO CITY SCHOOLS**Fiscal Year: **2020-21****Attachment IV—Projected Revenue by Federal, State, and Local Funding Source by Local Educational Agency**

For each local educational agency (LEA) participating in the local plan, enter the projected special education expenditures allowed by each funding source. Information included in this table must be consistent with revenues identified in Section D, Table 3.

LEA	Federal Revenue	Percent of Total Federal Revenue	State Revenue	Percent of Total State Revenue	Local Revenue	Total Federal and State Fundings
MODESTO CITY SCHOOLS	\$5,967,494	100.00%	14,450,000	100.00%	47,183,622	20,417,494
Totals:	\$5,967,494	100.00%	14,450,000	100.00%	47,183,622	20,417,494

Attachment V

SELPA: **MODESTO CITY SCHOOLS**Fiscal Year: **2020-21****Attachment V—Projected Expenditures by Local Educational Agency for Supplemental Aids and Services in the Regular Classroom for Students with Disabilities and Those Identified with Low Incidence Disabilities**

Enter the revenue allocated to each LEA for supplemental aids and services (SAS) for those students with disabilities placed in the regular classroom setting and those who are identified with low incidence (LI) disabilities. Information included in this table must be consistent with revenues identified in Section D, Table 5.

LEA	Total Federal and State Revenue	Total Revenue Allocated to SAS in Regular Classroom	Percent of Total LEA Federal and State Revenue SAS	Total Revenue Allocated to Students with LI Disabilities	Percent of Total LEA Federal and State Revenue Low Incidence	Total Percent of Projected Total Revenue by LEA for SAS and LI
MODESTO CITY SCHOOLS	20,417,494	\$360,877	2%	\$129,000	1%	2.40%
Totals:	20,417,494	\$360,877	<i>Not Applicable</i>	\$129,000	<i>Not Applicable</i>	<i>Not Applicable</i>

Attachment VI

SELPA: **MODESTO CITY SCHOOLS**

Fiscal Year: **2020-21**

Attachment VI—Specialized Academic Instruction and Related Services by Local Educational Agency, Service Codes 210–900

LEA	<p>1. Enter the names of all LEAs, vendors or contractors of the State Departments of Health Care Services, State Hospitals, and any designated local public health or mental health agency participating in the local plan. Select the California Longitudinal Pupil Achievement Data System (CALPADs) School Owner Code from the drop-down menu.</p> <p>2. Check the box for each service provided by the corresponding LEA. If a service is not provided by a provider, leave the box "blank." Service codes are defined in Section E of the local plan.</p>																																																			
	MODESTO CITY SCHOOLS	<input checked="" type="checkbox"/> 330	<input checked="" type="checkbox"/> 425	<input checked="" type="checkbox"/> 545	<input checked="" type="checkbox"/> 820	<input checked="" type="checkbox"/> 210	<input checked="" type="checkbox"/> 435	<input checked="" type="checkbox"/> 610	<input checked="" type="checkbox"/> 830	<input type="checkbox"/> 220	<input checked="" type="checkbox"/> 436	<input checked="" type="checkbox"/> 710	<input checked="" type="checkbox"/> 840	<input type="checkbox"/> 230	<input checked="" type="checkbox"/> 445	<input checked="" type="checkbox"/> 715	<input checked="" type="checkbox"/> 850	<input type="checkbox"/> 240	<input checked="" type="checkbox"/> 450	<input type="checkbox"/> 720	<input checked="" type="checkbox"/> 855	<input checked="" type="checkbox"/> 250	<input checked="" type="checkbox"/> 460	<input checked="" type="checkbox"/> 725	<input checked="" type="checkbox"/> 860	<input type="checkbox"/> 260	<input checked="" type="checkbox"/> 510	<input checked="" type="checkbox"/> 730	<input checked="" type="checkbox"/> 865	<input type="checkbox"/> 270	<input checked="" type="checkbox"/> 515	<input checked="" type="checkbox"/> 735	<input checked="" type="checkbox"/> 870	<input type="checkbox"/> 340	<input checked="" type="checkbox"/> 520	<input checked="" type="checkbox"/> 740	<input checked="" type="checkbox"/> 890	<input checked="" type="checkbox"/> 350	<input checked="" type="checkbox"/> 525	<input checked="" type="checkbox"/> 745	<input checked="" type="checkbox"/> 900	<input type="checkbox"/> 360	<input checked="" type="checkbox"/> 530	<input type="checkbox"/> 750	<input checked="" type="checkbox"/> 900	<input type="checkbox"/> 370	<input checked="" type="checkbox"/> 535	<input checked="" type="checkbox"/> 755	<input type="checkbox"/> 900	<input type="checkbox"/> 415	<input type="checkbox"/> 540	<input type="checkbox"/> 760

Fiscal Year: 2020-2021

Superintendent: Sara Noguchi Phone Number: (209) 547-1616 Email: noguchi.s@mcskids.com
Special Education Director: Christina Romero Phone Number: (209) 492-1789 Email: romero.c@mcskids.com

Related Services Currently Provided by the School Site:

[illegible]

[illegible]

SELPA: 5011 Modesto City Schools SELPA

LEA: Modesto High School District

Fiscal Year: 2020-2021

Superintendent Sara Noguchi Phone Number: (209) 574-1616 Email: noguchi.s@mcskids.com
Special Education Director: Christi Allan Phone Number: (209) 492-1789 Email: allan.c@mcskids.com

Related Services Currently Provided by the School Site:

[illegible]

**Interagency Agreement for
Children from Birth to Thirty Six (36) Months of Age
Eligible for Services Under Part C of the Individuals with Disabilities
Education Act (I.D.E.A.)
Modesto City Schools (SELPA)
And
Valley Mountain Regional Center (VMRC)
2020-2021**

**Interagency Agreement between
SELPA
And
VMRC
For Children Birth to Thirty Six Months of Age
Eligible for Services Under Part C of the Individuals with Disabilities Education Act
(I.D.E.A.)**

A. REFERRAL PROCEDURES: The SELPA and the Regional Center shall work cooperatively to meet the needs of all children eligible for services under Early Start Part C of the Individuals with Disabilities Education Act (I.D.E.A.). The term, "eligible infant or toddler" means an infants or toddler from birth to 36 months who demonstrate through documented evaluation(s) and assessment(s) meet one of the following criteria: (1) have a developmental delay in either cognitive, communication, social or emotional, adaptive, or physical and motor development including vision and hearing who exhibit a 33% delay in one or more areas of development or, (2) have an established risk condition of known etiology, with a high probability of resulting in delayed development. (California Government Code, Section 95014(a). Once the infant or toddler meets Part C eligibility criteria, the infant or toddler is required to meet the SELPA's educational criteria: (1) have a developmental delay in either cognitive, communication, social or emotional, adaptive, or physical and motor development including vision and hearing and are under 24 months of age at the time of referral, with a 33% delay in one or more areas of development or, (2) 24 months of age or older at the time of referral, with a 50% delay in one area of development or a 33% delay in two or more areas of development to be dually serviced by both Regional Center and SELPA (Education Code Section 56026 (c) (1) (2). Regional Center will serve High Risk infants and toddlers who meet the State of California's high risk criteria.

Special Education Local Plan Area (SELPA)	Regional Center/VMRC
1.0 The SELPA will refer all infants and toddlers suspected of being eligible for services under Part C to the jointly administered Early Start Evaluation Station (ESES) within seven (7) days of identification (34 CFR, Part 303.303). The parties agree to use the ESES at Regional Center as the central referral point for all infants in the target population.	1.0 Regional Center will notify the SELPA of all infants and toddlers that may be potentially eligible for SELPA services, under Part C for solely low incidence disability conditions within seven (7) days of identification (34 CFR, Part 303.303). The SELPA is responsible to determine eligibility for all solely low incidence disabilities. The parties agree to use the ESES at Regional Center as the central referral/evaluation point for all infants in the target population.
2.0 The SELPA is responsible for providing Part C services to children determined to have a solely low incidence disability to thirty six months of age. Low incidence disabilities are defined as severe disabling conditions that include hearing impairments, vision impairments, and severe orthopedic	2.0 If the ESES at Regional Center conducts an assessment, as soon as "solely low incidence" eligibility is determined, the Regional Center shall make a referral to the SELPA within seven (7) days (34 CFR, Part 303.303).

impairments, or any combination thereof.
(E.C. 56425)

3.0 SELPA will identify an individual that will act as the infant contact for all children birth to three years of age referred to the SELPA.

4.0 The SELPA serving infants prior to October 1, 1993, will continue to serve non- categorical infants at their 1980-81 approved funded capacity. (22)

4.1 The SELPA is under no obligation to continue the Regional Center provided services prior to the SELPA referral. When a child with a solely low incidence disability is referred to the SELPA, the SELPA must complete an assessment and IFSP within 45 days.

5.0 The SELPA assumes responsibility to arrange the IFSP meeting for all children found eligible for Part C service under a solely low incidence eligibility by the SELPA.

5.1 The SELPA assumes responsibility to arrange the IFSP meeting for all children dually served at mutually agreeable times for both SELPA and VMRC staff.

6.1 Entering the SELPA system for Part C services shall be family directed and voluntary on the part of the family.

3.0 The Regional Center will identify an individual who will act as the infant contact for all children birth to three years of age referred to the Regional Center.

4.0 The Regional Center will provide services for all dually eligible infants that are beyond the funded capacity of SELPA.

5.0 The Regional Center assumes the responsibility to set up the IFSP meeting for all children found eligible for Part C services served by the Regional Center.

5.1 The Regional Center will assist to set up the IFSP meeting for all dually eligible children at mutually agreeable times if SELPA is not able to schedule this.

6.0 Within 45 days of the initial referral for all children suspected of being eligible for services under Part C, the ESES at Regional Center will complete the evaluation and assessment process and have an IFSP meeting completed.

6.1 Entering the Regional Center system for Part C services shall be family directed and voluntary on the part of the family.

6.2 If assessment cannot be completed within 45 days due to exceptional family circumstances, an interim IFSP may be written. Documentation of family status with proposed follow-up by the Regional Center will be made in the child's file.

B. EVALUATION AND ASSESMENT PROCEDURES: Evaluation means procedures used by qualified personnel to determine a child's present level of development to determine eligibility for the Early Start program. Evaluation to determine eligibility shall be based on informed clinical opinion, review of pertinent records related to the child's health status, information obtained from parent observation and report, and evaluation by qualified personnel. A multidisciplinary team means two or more individuals of various disciplines or professions, and the parent, who participate in the provisions of integrated and coordinated services, including evaluation, assessment and IFSP development. Assessment means the ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility to identify the child's unique strengths and needs in five developmental areas consisting of: 1) cognitive development, 2) physical and motor development including vision and hearing, 3) communication development, 4) social or emotional development, and 5) adaptive development. Assessment and the sharing of results shall be completed within the 45-day timeline. All children referred for assessment and/or services are afforded individual rights and protections as required by federal and state statutes from the time referral is made. (CCR 17 Sec. 52082)

SELPA

Regional Center

- | | |
|---|--|
| 1.0 Upon notification of a child suspected of being eligible for services under Part C, the SELPA will refer the family directly to the jointly administered ESES at Regional Center. | 1.0 The ESES at Regional Center in collaboration with SELPA partners will evaluate all children suspected of being eligible for services under Part C. |
| 2.0 The SELPA will accept referrals from the Regional Center for a child with a potentially solely low incidence disability and the SELPA will participate in the assessment and assume responsibility for determination of solely low incidence eligibility. | 2.0 If a child is suspected of having a solely low incidence condition, ESES at Regional Center will notify the SELPA to assure SELPA participation in the evaluation. |
| 3.0 The SELPA will provide all service coordination to infants and toddlers determined to have a solely low incidence disability. | 3.0 The Regional Center will provide all service coordination to infants and toddlers eligible for Part C services excluding children diagnosed with a solely low incidence disability. The Regional Center will serve as service coordinating agency for dually eligible infants and toddlers with the SELPA. |

C. INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP): Each child eligible for services under Part C must have an Individualized Family Service Plan (IFSP). The evaluation, assessment, and meeting to develop the IFSP must be held within 45 calendar days from the initial referral date. All IFSP meetings shall be conducted in settings and at times or by means that are reasonably convenient to the parent and in the language of parent's choice until it is clearly not feasible to do so. The IFSP shall be a written document developed in coordination with the family.

SELPA

1.0 The SELPA is responsible for developing the IFSP for children with a solely low incidence disability.

1.1 The IFSP team will include representatives from all agencies that have been identified to meet the needs of the child and family. Conference by telephone or by written report can be used if IFSP attendance is not possible.

2.0 The IFSP document will be written and implemented in accordance with state and federal regulations.

Regional Center

1.0 The Regional Center is responsible for developing the IFSP for all children eligible for Part C excluding children with a solely low incidence disability.

1.1 The IFSP team will include representatives from all agencies that have been identified to meet the needs of the child and family. Conference by telephone or by written report can be used if IFSP attendance is not possible.

2.0 The IFSP document will be written and implemented in accordance with state and federal regulations.

D. TRANSITION: All children receiving Early Start services are potentially eligible for special education and related services at age three and will be referred to their Local Education Agency (LEA). The purpose of transition is to begin planning for service options as the individual with exceptional needs approaches age 3. The child who is served by either SELPA or Regional Center shall have the benefit of transition planning from the infant services program to the preschool services operated by an LEA under Part B of the Individuals with Disabilities Education Act. The service coordinator shall notify the LEA where the toddler resides that there will be a transition planning conference/IFSP (TPC/IFSP), requiring the attendance of an LEA representative to establish a transition plan in the IFSP not fewer than 90 days and not more than 9 months before the toddler's third birthday in accordance with 34 CFR 303.209 and 303.344. All IFSP meetings shall be conducted in settings and at times or by means that are reasonably convenient to the parent and in the language of the parent's choice unless it is clearly not feasible to do so. (CCR 17, 52102 (g)).

SELPA

- 1.0 The SELPA/LEA shall confirm receipt of invitation and attend the transition planning conference IFSP between 2 years 3 months and 90 days prior to the child's third birthday.
- 2.0 During the TPC/IFSP, the SELPA/LEA shall participate in the discussion of the transition steps as part of the IFSP including:
- assessment process,
 - timelines
 - eligibility criteria for Part B
 - IEP meeting process
 - review possible preschool program and services options
 - suggest a notification/referral date at least 90 days prior to the third birthday

Regional Center

- 1.0 The service coordinator shall identify mutually agreeable dates, times, and locations at least 2 weeks in advance and send the invitation to the LEA and parent for the transition planning conference IFSP between 2 years 3 months and 90 days prior to the child's third birthday, for children who are in Early Start. For children who enter Early Start at the age of transition, 1 week advance notice will be given to SELPA/LEA re: transition planning conference.
- 2.0 During the TPC/IFSP, VMRC shall facilitate discussion of the transition process as part of the IFSP. Service Coordinator will update and document:
- present levels of development,
 - resources, priorities, and concerns
 - review of progress on outcomes and continuing services
 - transition services and activities the IFSP team identifies as needed

- 2.1 Identify additional information to be included with the notification/referral, including release of information forms for medical information as needed.
 - notification referral date of at least 90 days prior to the third birthday
 - obtain written parental consent for additional information to be sent to the SELPA/LEA at the time of referral beyond name, birth date, and parent contact information
 - to provide a copy of the TPC/IFSP to the SELPA/LEA

- 3.0 The SELPA/LEA will notify VMRC of the date the notification/ referral is received. Mode of communication as mutually agreed upon. (Electronic submission and confirmation is acceptable)
 - 3.0 VMRC will send the notification/referral as discussed at the TPC/IFSP and no later than 90 days prior to the third birthday to the SELPA/LEA, which will include:
 - name, date of birth, and parent contact information
 - referral may include other information with parent consent.
 - Mode of communication as mutually agreed upon (Electronic submission and confirmation is acceptable)

- 4.0 Upon receipt of the notification/referral the LEA will contact the parent within 15 days.
 - 4.0 The VMRC will notify current program(s) service providers of referral to the LEA.

- 5.0 The LEA will schedule an initial IEP team meeting to include parent/guardian, the Regional Center Service Coordinator, with parent permission, and all other appropriate personnel. The IEP team will determine eligibility for Part B. The IEP will be developed and implemented by the student's third birthday.
 - 5.0 The Regional Center Service Coordinator may attend the IEP meeting, with parent/guardian consent.
 - 5.1 The final IFSP may be held concurrently with the initial IEP team meeting. As an exception, the VMRC may continue providing or purchasing services

for a preschooler who has been determined eligible for services under the Lanterman Act, until the beginning of the next school term after the child's third birthday during a period when the LEA special education preschool is not in session. If the following have been met.

1. IEP must be in place by the child's third birthday.
2. If eligible, IEP must indicate when Part B services will begin.
3. Extended year services considered by IEP and not available.
4. If Lanterman eligible, IFSP team may consider exception process to continue services only until LEA term session begins.

6.0 If a child is referred to Early Start 45 days or less from their third birthday, an assessment to determine eligibility for Early Start services will not occur. Parents will be directed to have child assessed for Part B services at age 3

6.0 If a child is referred to Early Start 45 days or less from their third birthday, an assessment to determine eligibility for Early Start services will not occur. Parents will be offered an assessment for Lanterman services, if child has a suspicion of a developmental disability

7.0 Each LEA will identify an individual that will act as infant contact for all children birth to 36 months of age referred to the SELPA/LEA. A contact will be available year round.

7.0 The Regional Center will identify an individual who will act as infant contact for all children birth to 36 months of age referred to the SELPA/LEA. A contact will be available year round.

E. SERVICE COORDINATION: Service Coordination is an early intervention service and must be provided under public supervision. The role of the Service Coordinator is to facilitate implementation of the IFSP and to coordinate services with other agencies and persons. The Service Coordinator must be knowledgeable about eligible infant and toddler programs, Part C law and regulations, nature and scope of services under Part C of I.D.E.A.

The following applies to both the SELPA and the REGIONAL CENTER

- 1.0 The SELPA/Regional Center will appoint a service coordinator that meets the standards under Part C.
- 2.0 The service coordinator will serve as the primary point of contact for eligible children and families.
- 3.0 The service coordinator shall be responsible for coordinating with other agencies and persons providing services.
- 4.0 Service coordination activities.
 - Coordinating evaluations and assessments.
 - Facilitating and participating in the development, review, and evaluation of the IFSP.
 - Assisting families in identifying service providers and informing families about additional non-required services.
 - Coordinating and monitoring the delivery of services outlined on the IFSP.
 - Informing families of Early Start Parent Rights and procedural safeguards.
 - Facilitating the development of a transition plan from Part C to Part B preschool service (as appropriate) and/or other community resources.

F. PROVISION OF SERVICES: All services must be provided and monitored by appropriate qualified personnel. Services to families are to provide the "...supports and services necessary to enhance the capacity of the family to meet the developmental needs of the child." It is understood that the level, type, frequency, and provider of services may change upon transfer of a case between agencies.

SELPA

Regional Center

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| 1.0 The SELPA shall provide services to all children with a solely low incidence disability pursuant to E.C. Chapter 4.4, Section 56026.5 | 1.0 Regional Center shall coordinate and/or provide services pursuant to Part C, IDEA (34 CFR Part 303) listed on the IFSP, as payor of last resort. |
| 2.0 The SELPA serving infants prior to October 1, 1993, shall continue to serve non-categorical infants at their 1980-81 mandated numbers. | 2.0 If a child is diagnosed with a solely low incidence disability while the Regional Center is serving the child, the Regional Center shall refer the child to the SELPA to determine solely low incidence eligibility. |
| 2.1 The SELPA shall consider the Regional Center's recommendations, but is not obligated to implement such services provided by Regional Center. | 2.1 With parent consent, the Regional Center personnel shall provide records regarding services provided by the Regional Center prior to children transitioning to the SELPA for service delivery. |
| 3.0 If a child diagnosed with a solely low condition is considered possibly dually eligible, the SELPA will refer the child back to Regional Center for consideration of dual eligibility status. | 3.0 If a child is referred back to Regional Center for consideration of dual eligibility status Regional Center will consider and determine dual eligibility status. |
| 4.0 If a child who has been served due to a solely low incidence condition but is determined to no longer have the identified condition, the SELPA shall discharge child in accordance with standard practice and applicable regulations. | 4.0 If a child is determined to be no longer eligible for Part C, Regional Center shall discharge child in accordance with standard practice and applicable regulations. |

G. PAYOR OF LAST RESORT: The Regional Center or the SELPA is ultimately responsible to arrange, provide, or pay for appropriate Early Intervention Services as defined in Federal Regulations 34 CFR, Part 303 as listed on an IFSP as required, after all other providers or payors have been fulfilled under state or federal law. Other providers or payors shall include insurance, community resources and other agencies.

SELPA

Regional Center

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| <p>1.0 The SELPAs are payor of last resort for infants and toddlers who meet the solely low incidence eligibility criteria: vision, hearing or severe orthopedic impairment, or any combination thereof.</p> | <p>1.0 The Regional Center is the payor of last resort for all children eligible for Early Start excluding children who meet the solely low incidence criteria. In compliance with federal and state law and regulation, other than for evaluation and assessment, families are required to use their private insurance or health care service plan for medical services identified in the IFSP.</p> |
| <p>2.0 For children eligible for both the SELPA and the Regional Center services, the SELPA must provide services up to their 1980-81 mandated numbers. (85)</p> | <p>2.0 For children eligible for services through both the Regional Center and the SELPA, the Regional Center shall fund services that are beyond the SELPA's 1980-81 mandated numbers.</p> |
| <p>3.0 Any review or referral to other providers or payors shall not delay the provision of early intervention services specified on the IFSP and shall begin as soon as possible.</p> | <p>3.0 Any review or referral to other providers or payors shall not delay the provision of early intervention services specified on the IFSP. Services shall begin as soon as possible, but no later than 45 days after the signed IFSP.</p> |

H. PROCEDURAL SAFEGUARDS AND SURROGATE PARENT(S)/HOLDER OF EDUCATIONAL RIGHTS: The SELPA and/or Regional Center's IFSP process assures a timely, comprehensive, multi-disciplinary evaluation for each infant/toddler from birth to 36 months of age and their family. If eligible, the infant/toddler and family have the right to appropriate Early Intervention Services.

PROCEDURAL SAFEGUARDS SUMMARY

The following applies to the SELPA and Regional Center's Early Start Program

- 1.0 Written parental consent must be obtained prior to conducting evaluations, assessments, and beginning of Early Intervention Services.
 - 1.1 The SELPA or the Regional Center shall make reasonable efforts to ensure that the family is aware of the nature of the evaluation, assessment, and or services available.
 - 1.2 Parents will be informed that they have a right to decline any or all of these services. The SELPA or the Regional Center shall document decline in agency records.
- 2.0 Parents are to be notified, in their native language, of meetings when issues of eligibility and services are discussed. This includes identification, beginning or modifying services, and denial of evaluation, services, or placement.
 - 2.1 Meetings shall be held at times mutually convenient to families, unless it is clearly not feasible.
- 3.0 Parents have the right to confidentiality of personally identifiable information.
- 4.0 Parents have the right to invite anyone of their choosing to assist them in the IFSP process.
- 5.0 Parents have the right to utilize administrative process to resolve complaints. Procedures for complaints and due process hearings shall be available to parents.
- 6.0 Parents have the right to be informed of the location of records, and the policies and procedures regarding the maintenance of records. Parents have the right to access the child's Early Intervention records.

SURROGATE PARENT

The following applies to the SELPA and Regional Center's Early Start Program

7.0 A surrogate parent shall be designated in accordance with Federal Regulations (34 CFR 303.422). This section does not apply to infants and toddlers who are dependents of the juvenile court, refer to section Holder of Educational Rights. Within 30 days after the lead agency determines that the child needs a surrogate parent, each lead agency must ensure that the rights of a child are protected by designating or assigning an individual to act as a surrogate parent when:

- No parent can be identified.
- The lead agency or other public agency, after reasonable efforts, cannot locate a parent.

7.1 Each lead agency must ensure that a person selected as a surrogate parent:

- Is not an employee of the lead agency or any other public agency or EIS provider that provides early intervention services, education, care, or other services to the child or any family member of the child;
- Has no personal or professional interest that conflicts with the interest of the child he or she represents; and
- Has knowledge and skills that ensure adequate representation of the child.

7.2 The surrogate parent has the same rights as a parent for all purposes under this part.

HOLDER OF EDUCATIONAL RIGHTS

The following applies to the SELPA and Regional Center's Early Start Program

In accordance with 34 CFR, 303.422(c), in the case of a child who is a ward of the State, the surrogate parent, instead of being appointed by the lead agency, may be appointed by the judge overseeing the infant or toddler's case provided that the surrogate parent meet the requirements as outlined in the above section, Surrogate Parent. County Superior Court will appoint a Holder of Educational Rights (Surrogate Parent). The holder of educational rights will have the ability and right to make educational decisions and provide consent for educational services.

8.0 For solely low incidence eligible infants and toddlers, the SELPA will work with Child Welfare to secure Holder of Educational Rights only when the infant or toddler is a dependent of the juvenile court and "no parent can be located" and /or parent is unavailable, unable or unwilling to provide written consent to evaluate, assess and /or consent to early intervention services identified in the IFSP.

8.1 The holder of educational rights has the same rights as a parent for all purposes under this part.

8.2 The holder of educational rights has the ability and right to make educational decisions and provide consent for educational services.

9.0 Holder of Educational Rights will be identified and available at the time of the IFSP meeting(s) and Transition Plan Conference to sign all required SELPA consents.

8.0 Regional Center, as the lead agency, will work with Child Welfare to secure Holder of Educational Rights for dually eligible infants and toddlers only when the infant or toddler is a dependent of the juvenile court and "no parent can be located" and/or or the parent is unavailable, unable or unwilling to provide written consent to evaluate, assess and or consent to early intervention services identified in the IFSP.

8.1 The holder of educational rights has the same rights as a parent for all purposes under this part.

8.2 The holder of educational rights has the ability and right to make educational decisions and provide consent for educational services.

9.0 Holder of Educational Rights will be identified and available at the time of the IFSP meeting(s), and Transition Plan Conference.

- I. DISPUTE RESOLUTION:** It is the intent of the SELPA and the Regional Center to resolve all disputes at the lowest administrative level possible. Dispute resolution for issues between Regional Center and the SELPA will be resolved at the earliest opportunity.

SELPA

Regional Center

Step 1: The SELPA staff is encouraged to resolve disagreements at their lowest administrative level whenever possible. If agreement cannot be reached, the dispute will proceed to Step 2.

Step 2: The SELPA staff will refer the dispute to an SELPA designee for resolution. If agreement cannot be reached at this level, the dispute resolution will proceed to Step 3.

Step 3: The SELPA designee will meet with the Regional Center designee to resolve the dispute.

Step 4: If the dispute can not be resolved, assistance may be requested from CDE, DDS or another Regional Center.

Step 1: The Regional Center staff is encouraged to resolve disagreements at their lowest administrative level whenever possible. If agreement cannot be reached, the dispute will proceed to Step 2.

Step 2: The Regional Center staff will refer the dispute to the Regional Center Supervisor/ Manager for resolution. If agreement cannot be reached at this level, the dispute resolution will proceed to Step 3.

Step 3: The Regional Center designee will meet with the SELPA designee to resolve the dispute.

Step 4: If the dispute can not be resolved, assistance may be requested from CDE, DDS or another Regional Center.

J. Additional Components

Joint Training

Both agencies agree to participate in the joint training of staff regarding the ongoing implementation of Early Start within the county. Two such opportunities include the Early Start Coordinating committee and the annual Early Start Symposium. Staff will be informed of the contents of this Agreement. Future joint training may be held if new procedures are developed or this Agreement is substantially modified. Both agencies agree to notify the other party of any conferences or workshops pertinent to the implementation of Early Start.

Data Management for Service Providers

VMRC maintains a database of all referrals to the Early Start Program which includes information about educational placement, other service providers, location of infants and other data necessary to the smoother interagency operation of Early Start referrals to VMRC or to the LEA depending upon funded capacity.

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- K. ANNUAL REVIEW:** The Interagency Agreement for Children Birth to Three Years of Age Under Part C of the Individuals with Disabilities Education Act (IDEA), Between the SELPA and VMRC agree to meet and review annually for renewal of the terms and conditions or to make recommendations for changes.
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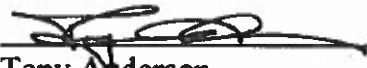
The Interagency Agreement between SELPA and VMRC will be scheduled for annual review by January 31st of each calendar year.

**Confirmation of Annual Review of the Interagency Agreement Between
The SELPA and VMRC
for Children Birth to Thirty Six Months of Age Under Part C
of the Individuals with Disabilities Education Act (IDEA),**

TERMS OF AGREEMENT

The Early Start Committee has reviewed and revised the *Interagency Agreement for Children Birth to Thirty Six Months of Age Under Part C of the Individuals with Disabilities Education Act (IDEA), Between the SELPA and VMRC*. The terms of this agreement shall take effect immediately upon receipt of the parties' signatures. The provisions of this agreement would then replace the provisions of prior agreements between the parties regarding Early Start services to infants and toddlers and their families.


- 1.0 The SELPA (Special Education Local Plan Area) and Valley Mountain Regional Center shall designate staff to meet annually and review the current IA.
- 2.0 If by mutual agreement, staff recommends the same terms and conditions for one (1) additional year, then a Letter of Review will be signed and submitted.
- 3.0 If by mutual agreement, staff recommends changes to the current IA, then the staff will forward their recommendations to their supervisors for full review and authorization.



Tony Anderson
Executive Director,
Valley Mountain Regional Center

4/29/2020

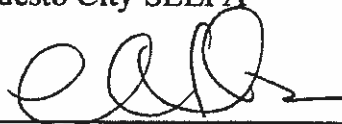
Date



Tim Zearly
Chief Business Official,
Modesto City SELPA

5/1/2020

Date



Christina Romero
Senior Director,
Modesto City SELPA

04.29.2020

Date

