

**SOUTH ORANGE COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA  
ASSURANCES AND PROCEDURES  
APPENDIX A**

1. FREE APPROPRIATE PUBLIC EDUCATION (20 UNITED STATES CODE (USC) SECTION (§) 1412 (A) (1))

Assurance

"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:

Procedures

In order to ensure that a free, appropriate public education is available to all children with disabilities, the SOC SELPA shall provide a combination of educational and related services determined through the development and review of each child's Individualized Education Program (IEP) that meets the unique needs of the individual in such a manner as to benefit from access to educational opportunities and to prepare them for employment and independent living. Free and Appropriate Public Education (FAPE) is defined as special education and related services provided at public expense, under public supervision and direction; that meet the standards of the State of California and federal law. This includes preschool, elementary school, and secondary school education and is provided in conformity with the IEP.

FAPE shall be reasonably calculated to provide educational benefit to the student. It shall be the responsibility of each member District to monitor such benefit for each child with a disability, through both individual review and agency-wide process reviews. Evidence may include passing grades, advancement from grade to grade, academic progress, and progress towards goals and objectives.

To determine whether an IEP is reasonably calculated to provide meaningful benefit, each District should ask:

1. Is the student's IEP individualized to meet the unique needs of the child?
2. Has the student been educated in the Least Restrictive Environment (LRE)?
3. Have the student's educational services been provided in a collaborative and coordinated manner?
4. Has the student demonstrated positive academic and non-academic benefits?

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

The SOC SELPA shall support member Districts and all school sites in their implementation through professional development opportunities, technical assistance, support, and monitoring. 20 USC § 1412, CFR 300.24, 300.300 (a) (3), 300.340-300.351 of Part Regulations 56205 (a), SCCR Chapter 3, Article 1, Section 3001(b)

## 2. FULL EDUCATIONAL OPPORTUNITY (20 USC § 1412 (A) (2))

### Assurance

“It shall be the policy of this SELPA 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:

### Procedures

The SOC SELPA ensures that a continuum of program options is available to meet the unique needs of students with disabilities. The IEP team's determination of appropriate services needed and curriculum options to be offered is based upon the unique needs of each student rather than the label describing the disabling condition or the availability of a specific program.

Program and placement options include but are not limited to:

- General Education Classroom: Students are educated in their school of residence within age-appropriate general education classrooms with the necessary accommodations, support, and services as indicated in their IEP to ensure progress towards goals and objectives.
- Specialized Academic Instruction: Students receive direct and/or indirect specially designed instruction from a credentialed Education Specialist. Delivery models could include but are not limited to push-in services to the general education classroom, pullout services from the general education classroom, consultation and/or collaboration with the general education teacher, co-teaching with both a general and special education teacher, and a variety of self-contained special education classrooms to meet the individual needs of all students with disabilities.
- Nonpublic, Nonsectarian School Services: Students are educated in nonpublic settings based on unique needs that cannot be met within the programs operated and available within the SELPA. Nonpublic school placements are considered only after all programs within the SELPA have been thoroughly considered and exhausted to ensure that students are educated in the least restrictive environment, as appropriate. Nonpublic placements could include but are not limited to, residential settings and day schools.
- Orange County Department of Education Programs: Students are educated in County Programs based on unique needs that cannot be met within the programs operated and available within the SELPA. County placements are considered after all programs within the SELPA have been thoroughly considered and exhausted to ensure that students are educated in the least restrictive environment, as appropriate.
- State Special Schools: Students are educated in State Special Schools (ex. California School for the Deaf and California School for the Blind) based on unique needs that cannot be met within the programs operated and available within the SELPA. State Special School placements are considered after all programs within the SELPA have been thoroughly considered and exhausted to ensure that students are educated in the least restrictive environment, as appropriate.
- Placements within other SELPAs and Districts are considered when the needs of a student cannot be met within the programs operated and available within the SOC

SELPA. Interagency agreements are developed and maintained to facilitate these placements as appropriate.

- Instruction in home, hospitals, jails, and other institutions will be provided based on the individual needs of a student and to the extent required by state and federal laws/regulations.
- Extended School Year (ESY): Students are recommended for ESY services when the IEP determines that the student's unique needs require special education and/or related services in excess of the regular academic year in order to prevent regression beyond what could be recouped within a reasonable period at the beginning of the following school year.

The IEP team, could recommend related services based upon the student's unique needs and to ensure progress towards goals and objectives. The related services available within the SELPA are determined annually through the Annual Service Report (see Local Plan Section E). In order to ensure the availability of related services, the SELPA develops and maintains Interagency Agreements with other agencies, as appropriate.

### 3. CHILD FIND (20 USC § 1412 (A) (3))

#### Assurance

"It shall be the policy of this SELPA 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 need 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:

#### Procedures

The SOC SELPA recognizes the need to actively seek out and evaluate residents from birth to age twenty-one who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal laws. In addition, the SOC SELPA shall consult with appropriate representatives of private school children with disabilities on how to identify, locate, and evaluate children attending private schools. (20 USC 1412 (a) (3); 34 CFR300.451)

The SOC SELPA and member Districts shall establish a means whereby parents/guardians, teachers, appropriate professionals, and others may request an assessment for any child they believe to have a disability that significantly interferes with his/her learning. Once a request for assessment/referral for assessment has been made, each District shall engage in a problem-solving process to determine the need for assessment. Each District shall identify a process to determine when an individual's academic, behavioral, and/or other difficulties may be disability related

and shall establish systematic procedures for special education program identification including referral, assessment, planning, program implementation, and ongoing review.

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

Public notices are provided in English, Spanish, and other primary languages of families in the community, as appropriate. Parents and service providers are also encouraged to inform the community of the availability of evaluations and special education services. In addition to the public notice in local newspapers, a notice regarding the process for referring children with suspected disabilities for evaluation is sent to each private school annually. The private schools are encouraged to post and send this notice to parents of children enrolled in their schools. Parents and/or private school representatives may refer children for special education evaluations through their local schools, as appropriate.

In collaboration with Orange County Regional Center, Infant and Child Find procedures have been developed through active networking with agencies representing education, health (hospitals, public health services, and physicians), developmental services, social services, and parent groups. School-age students are referred upon request from parents, staff, or district personnel through the Student Success Team (SST) process. (See p. 5, paragraph 2)

Vision and hearing screening activities are completed on all students within the district in accordance with state guidelines. District and statewide testing programs may provide information to assist with the Child Find process. Intervention procedures are also implemented for students not enrolled in public school programs residing within the district, including infants, preschoolers, and private school attendees. This process assures that students who may need special education are located and identified in a timely manner.

Administrators at the district office and school sites are knowledgeable about the services available within the SELPA. Site administrators are regularly informed of changes in procedures related to special education.

#### *Identification and Referral Procedures*

Referral for evaluations may be initiated by any parent/guardian, teacher, administrator, support personnel, outside agency, or individual who knows that a

student may need special education services. Referrals will be processed systematically, and include the written Notice of Procedural Safeguards for parents. If parents believe their child has a disability that requires special education services, they may submit a written request for evaluation. When a verbal referral is made, the staff of the school, District, SOC SELPA, or the County Office of Education shall offer assistance to the individual in making a request in writing. Interpreters are provided to assist parents in the SST process to discuss their concerns, possible interventions, and areas of suspected disability to be considered in developing an evaluation plan. Families of children under the age of three with identified or suspected disabilities are referred to the Orange County Regional Center.

Initial referrals for preschool children are processed through each member District's Preschool Assessment Team. Assessment team staff collect information from the child's parent/guardian and, when appropriate, preschool staff/teacher. The team meeting provides the opportunity to discuss the child's growth and development relative to expectations, intervention strategies, and the child's potential need for evaluations to determine eligibility for special education.

The process for referring school-age students for special education services begins at the child's school of residence. An individual with a concern about a student's progress may request a meeting with the SST. Forms to request an SST meeting are available at each school site. The SST is a general education function and may be composed of the principal or designee, general education staff member, the student's teacher, and other categorical staff. The team may also include special education staff such as the school psychologist, speech pathologist, and/or education specialist. The SST Chair sends notification of SST meetings to the appropriate participants, including parents, and facilitates the meeting. If the SST finds that the student's needs cannot be appropriately met with modifications of the general program, a referral for special education evaluation is considered. At the time of referral, parents are given a copy of the Notice of Procedural Safeguards.

Referral procedures are coordinated with other school site programs to ensure that students in all regular and supplemental programs have access to needed special education services. Referrals from private schools, private preschools, and other agencies are processed in the same manner as referrals from public schools. School personnel assist in the preparation of referral forms and provide orientation to persons making referrals. Private schools must show that accommodations of their programs have been attempted and the results of those accommodations. The modifications attempted may be verified by assessment team members through personal interviews with private school teachers and parents.

A completed referral form includes information regarding the reasons for the referral, the results of modifications of the student's general school program, a review of academic performance, an indication of health status, and a checklist of student behaviors, which provide the basis for the referral.

The data reported at the time of referral by the person(s) making the referral indicates the suspected areas of disability to be considered by the assessment team and are considered in developing the evaluation plan. Referrals are processed for all potential special education students in accordance with state-mandated procedures and timelines.

#### *Utilization of General Education*

The Student Success Team (SST) process is a general education function. The SST may recommend the implementation of accommodations of the general education program before referring students for a special education evaluation. The SST may recommend additional instruction and/or behavioral intervention strategies, utilization of other categorical programs, provide various interventions based on need, recommend assessment, refer to Section 504 of the Rehabilitation Act of 1973, and/or make other recommendations.

The SST must consider if the student's needs can be met with accommodation(s) to the general education instructional program. A student may be referred for special education instruction and services only after the resources of the general education program have been considered and utilized, as appropriate.

If there is a suspected area of disability, a proposed assessment plan is developed and shared with parents, and assessments/evaluations are conducted only after the parent has signed the assessment plan. Students in need of accommodations in the general education classroom under Section 504 of the Rehabilitation Act of 1973 may be recommended for assessment to determine the need for an accommodation plan and its protections. Students needing additional evaluation may be referred for an appropriate multi-disciplinary assessment to be conducted by special education staff.

20 USC § 1412 (a) (3) (A-B), 34 CFR Sections 300.125 56205 (a)

#### 4. INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) (20 USC § 1412 (A) (4))

##### Assurance

"It shall be the policy of the SOC SELPA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) that meets the requirements of 20 USC § 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 § 1414 (d). It shall be the policy of this SELPA that a review of an IEP will

be conducted on at least an annual basis to review a student's progress and make appropriate revisions." The policy is adopted by the SELPA as stated:

#### Procedures

The SOC SELPA provides a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) to all students residing within the SELPA. The SELPA provides a full range of special education programs to facilitate services for students with disabilities in a supportive, cooperative, and mutually respectful environment. The appropriate special education placement in the LRE, for each child with a disability, is determined by the IEP team. The IEP team is comprised of the child's parents, school staff, and other professionals with knowledge or expertise regarding the child.

The IEP team shall consider the educational and nonacademic benefits of placing the student in a regular class and shall determine what support services would be needed in order to support this placement. All placement decisions should promote maximum interaction between students with disabilities and their typically developing peers, in a manner that is appropriate to the needs of both. Special education services shall be provided when the IEP team determines that the student's individual needs cannot be appropriately met in the general education setting without support.

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

#### *Individualized Educational Program (IEP) Procedures*

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

#### *IEP Timelines*

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

- a. An IEP required as a result of initial assessment shall be developed within 60 calendar days of receipt of the parent's signed consent for assessment [not including days between school sessions or terms, or vacation days in excess of five consecutive days].
- b. An IEP shall be developed within 30 days of the beginning of the subsequent school year for each student for whom written consent for assessment is received within 30 days prior to the end of the school year.



- c. A meeting of the IEP team shall be held within 30 days of a parent's written request, not including days between school sessions or terms, or vacation days in excess of five consecutive days.
- d. The IEP meeting will always include a parent (or surrogate parent) unless the parent is unwilling/unable to attend and the district has maintained a record of attempts to include the parent at a mutually agreeable time and location. Additionally, an IEP team meeting can be convened if the parent agrees for the meeting to be convened without their attendance.
- e. The district encourages meaningful participation of parents at IEP meetings by scheduling meetings at times convenient for parents within reason, providing interpreters for parents who are non-English speaking or deaf/hard of hearing, encouraging parents to send a representative in their absence, conducting teleconferences when appropriate, etc.

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

*Required IEP Participants*

- a. The parent(s) of the child;
- b. At least one regular education teacher or general education representative of the child (if the child is, or maybe, participating in the regular education environment);
- c. At least one special education teacher of the child, or if appropriate, at least one special education service provider of the child;
- d. A representative of the public agency who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities and who is knowledgeable about the availability of resources in the public agency;
- e. An individual who can interpret the instructional implications of assessment results, who may be a member of the team described in a-d;
- f. At the discretion of the parent or the agency, other individuals who have the knowledge or special expertise regarding the child, including related services personnel as appropriate;
- g. The child, if appropriate.

*Excusal of IEP Participants*

An IEP team member could be excused from a meeting only when mutually agreeable and with the written consent of the parent. The excused IEP team member will provide prior written input to the parent prior to the IEP meeting if his/her area of expertise is to be discussed.



IDEA 2004 allows for amendments to the IEP, which may be made with a District Administrative representative and the parent, so long as all members of the IEP team are notified of any change(s).

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

#### *Purpose of the IEP Meeting*

The IEP team meets when:

- a. The student has received an assessment for special education;
- b. The student's special education placement is to be initiated, changed, or discontinued;
- c. The student's progress is less than anticipated;
- d. A parent or teacher requests a meeting to develop, review, or revise the IEP;
- e. It has been one year since the previous IEP was developed. The purpose of the annual meeting is to review the student's annual achievement, the appropriateness of the designated services, and to determine ongoing needs and supports.

#### *At the IEP Meeting*

To facilitate the meeting, districts may arrange for interpreters for parents who are hearing impaired or whose primary language is not English. Prior IEP goals and objectives are reviewed to determine to what degree they were met. The discussion of present levels of performance includes not only progress on goals but can also include results of standardized achievement test scores, classroom performance, observations, and parent and teacher reports. The IEP process enables the team to develop a completed IEP which shows a direct relationship among the levels of performance and the goals and objectives, and to identify the specific services required to enable the student to advance appropriately toward attaining the annual goals, to what extent the student should be involved and progress in the general curriculum, to participate in extracurricular or other nonacademic activities, and to be educated and participate with children with disabilities and children without disabilities in these activities, as appropriate.

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

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

- a. The strengths, interests, and learning preferences of the student;
- b. The child's present levels of educational and social functioning, including the results of the initial or most recent assessment of the child and/or the results of the child's performance on any general State or district-wide assessment programs as appropriate;
- c. Annual goals and when appropriate, short-term objectives or benchmarks related to meeting the child's needs that result from the disability to enable the child to be involved in and progress in the general curriculum or to meet each of the child's other educational needs that result from the disability;
- d. The concerns of the parent relevant to the child's educational progress;
- e. A description of how the child's disability affects involvement and progress in the general curriculum
- f. An explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and extracurricular activities;
- g. A statement of the supplemental aids and services to be provided to or on behalf of the student;
- h. A statement of program accommodations, modifications, or supports for school personnel that are required for the child to advance appropriately toward attaining the annual goals specified in the IEP;
- i. A determination of the student's need for assistive technology devices and services or low incidence services, equipment, and materials to meet the educational goals and objectives;
- j. A statement of how the child's progress toward the annual goals will be measured and how the parents will be informed of their child's progress;
- k. If the child is Limited English Proficient, a description of how his or her level of English proficiency, related to the IEP, will be addressed;
- l. If the child is deaf or hard of hearing, a description of specialized communication strategies if needed, and opportunities for direct instruction and communication with peers and adults in the student's language and mode of communication;
- m. If the child's behavior impedes learning, a description of positive behavior interventions, strategies, and supports to address the behavior, including a Behavior Intervention Plan, if required;
- n. By the time a student reaches the age of 16, a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or needed linkages;
- o. For students age 17 or older, verification that the student has been apprised of his or her rights at the age of majority;
- p. A statement of the special education and related services to be provided to the child, including the projected date for beginning the services and modifications, anticipated frequency, location, and duration of those services and modifications;

- q. Individual accommodations and/or embedded supports in the administration of State or district-wide assessments of pupil achievement, or a statement of why that assessment is not appropriate for the child, designating an alternate assessment as the means to measure the student's progress;
- r. The determination of the need for Extended School Year services, participation in Workability, and specialized transportation services;
- s. A review of the Notification of Procedural Safeguards; and
- t. Parental consent to all or part of the IEP.

A copy of the completed IEP is provided to the parent(s). Upon request, the IEP will be translated into the primary language of the parent, unless it is not feasible to do so. Case managers are responsible for informing all appropriate IEP team members of the IEP components and their respective roles immediately following parent consent to the IEP. Service providers from other agencies who provide instruction or a related service will be provided a copy of the IEP. IEPs are maintained in accordance with state and federal pupil record confidentiality laws.

20 USC §1412 (a) (4), 1414(d), 1436(d), CFR 300.344 (c) (1) (ii), 300.345 (a) 56205(a), 56195.7(a), 56195.8(a) (3)

## 5. LEAST RESTRICTIVE ENVIRONMENT (20 USC § 1412 (A) (5))

### Assurance

"It shall be the policy of the SOC SELPA 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 a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in regular classes with the use of supplemental aids and services cannot be achieved satisfactorily." The policy is adopted by the SELPA as stated:

### Procedures

It is the intent of the SOC SELPA to serve students with disabilities in the least restrictive environment consistent with their academic and non-academic needs. Students with disabilities shall receive their education in chronologically age-appropriate general education classrooms at neighborhood school sites unless there is a compelling educational reason why this cannot be accomplished. Close cooperation of all school personnel is encouraged by district and site administrators to facilitate opportunities for social interaction between individuals with and without disabilities.

The SOC SELPA provides a full range of program options to meet students' educational needs in the least restrictive environment. This includes District programs, County programs, regionalized services, state schools, and non-public schools. The determination of the least restrictive environment is based on the IEP team's consideration of each student's unique needs, including present levels of

performance, goals and objectives, and the configuration of special education support required to implement the IEP.

Removal of students from regular classes occurs only when the nature of the student's disability is such that education in a regular class with the use of supplementary aides and services cannot be achieved satisfactorily. To the maximum extent appropriate, individuals with exceptional needs are educated and participate with, students without disabilities in academic, non-academic, and extracurricular activities. Students attend their school of residence unless their IEP requires other arrangements. If other arrangements are determined necessary, students are served in the appropriate school based upon the District developed feeder pattern.

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

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

Continuity in the assignment of appropriate classroom space for the provision of special education services allows students with disabilities the opportunity to develop relationships with typically developing peers, and timely access to general education programs will be prioritized for all students.

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

6. PROCEDURAL SAFEGUARDS (20 USC § 1412 (A) (6))

Assurance

“It shall be the policy of the SOC SELPA 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:

Procedures

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

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

*Procedural Safeguards Notice*

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

1. Initial referral for evaluation,
2. Reevaluation of the student, and
3. Registration of a complaint.

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

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

(20 USC § 1415 (d); 34 CFR 300.504)

(See Special Education Rights of Parents and Children–October 2000) CDE

Publication 20 USC § 1412 (a) (6) 20 USC § 1415 56205 (a), 56195.7 (a), 56195.8 (a)

(3)

7. INITIAL AND SUBSEQUENT TRIENNIAL EVALUATIONS (20 USC § 1412 (A) (7))

Assurance

“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:

Procedures

*Annual Assessments*

The SOC SELPA procedures for IEP Parent Notification and Participation ensure that initial and subsequent triennial evaluations are completed within required timelines. The student’s IEP is scheduled for review by the IEP team at least once a year. IEP meetings to review assessment will take place within 60 calendar days of receipt of the signed assessment plan, not including official school breaks exceeding 5 days. In addition, a special review of the placement may be requested at any time by:

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

Upon receipt of a written request, for an IEP meeting, the administrative designee or case carrier shall schedule a review meeting within 30 calendar days, not exceeding official school breaks of more than 5 days.

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

- Review student progress on goals and objectives.
- Modify the IEP by recommending a more intensive program, less intensive program, or by adding or discontinuing specialized services.
- Recommend the continuation of the current program.

*Triennial Assessments*

All reevaluations are conducted within three calendar years of the last assessment or more frequently if requested by the student’s parent or teacher. The reevaluation determines if the student continues to have a disability and if he/she continues to require special education services. It also determines how he/she is involved in and is progressing in the general education curriculum. Assessment and IEP meetings shall be completed within 60 calendar days upon receipt of the signed assessment plan, not including official school breaks in excess of 5 days.

The SELPA utilizes a Management Information System, which tracks student IEPs and the due dates for annual and triennial reviews to ensure that timelines are met.

### *Assessment Plan*

For all individuals referred for special education services with an area of suspected disability, an initial Assessment Plan is developed within 15 days of receipt of the referral. If the referral is received with 10 days or fewer to the end of the school year, the assessment plan will be due to the parent within the first 10 days of the next school year. The assessment plan is based upon the intake interview information referral question, Student Success Team findings/recommendations, and consideration of the parent's request for evaluation. The Notice of Procedural Safeguards is included. An Assessment Plan is developed for all initial and triennial evaluations or any time an individual assessment is conducted. The Assessment Plan contains the following:

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

The proposed Assessment Plan is provided in the primary language of the parent/guardian unless to do so is not feasible to do so and written in language easily understood by the general population. The parents have 15 days from receipt of the proposed Assessment Plan to arrive at a decision. Written consent of the parent or guardian is obtained prior to conducting the assessment.

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

### *Assessment Process*

Evaluations are conducted by qualified multi-disciplinary team members, including at least one teacher or specialist knowledgeable in the area of the suspected disability. Attention is given to the student's need for specialized services, materials, and equipment when the low incidence disabilities of visual impairment, deafness, hard of hearing, deaf-blindness, or orthopedic impairment are suspected. Students assessed for initial and three-year evaluations have a vision and hearing screening unless parental permission is denied.



Assessment personnel are qualified and appropriately trained to administer and interpret test results and, when necessary, are knowledgeable and understanding of cultural and ethnic backgrounds and competent in both the oral and written skills of English Language Learners. When appropriate, an interpreter is used and reported in the evaluation.

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

#### *Assessment Report*

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

- a. Whether the pupil may need special education and related services.
- b. The basis for making the determination.
- c. The relevant behavior noted during the observation of the pupil in an appropriate setting.
- d. The relationship of that behavior to the pupil's academic and social functioning.
- e. The educationally relevant health and development, and medical findings if any.
- f. For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.
- g. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
- h. The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.

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

#### *Independent Educational Evaluations*

If a parent disagrees with an evaluation conducted by the District, the parent may inform the District in writing of the disagreement and request an independent educational evaluation. Upon receipt of a parent request for an independent educational evaluation (IEE), the district must either initiate a due process hearing to show that its evaluation is appropriate or provide the parents with information about

how an IEE may be obtained at public expense and the applicable criteria for the evaluation. An evaluator must not be a regular employee of the district responsible for the education of the child, must conduct evaluations in accordance with all requirements of federal and state law, and be appropriately credentialed and/or licensed to conduct the evaluation. If the parent declines to use the independent evaluators contracted by the district, the parent may retain another individual to conduct the evaluation at public expense if the evaluator meets the agency criteria. If the parent wishes to use an evaluator that does not meet the agency criteria, the parent may elect to fund the IEE at private expense and the results of the assessment will be considered by the IEP team. The parent may also elect to demonstrate, in writing, the unique circumstances that warrant the need to choose an assessor that does not meet the criteria of the district but should be provided at public expense. 20 USC § 1412 (a) (7), 1414 (A-C), 34 CFR 300.128, 300.220 56205 (a), 56320-333, 56380(a), CCR Title 5, 3021-3029

8. CONFIDENTIALITY (20 USC § 1412 (A) (8))

Assurance

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

Procedures

"Confidentiality" means the restriction of access to verbal and written communications, including clinical, medical and educational records, to appropriate parties under Section 99.3 of Title 45 of the code of Federal Regulations, Section 300.560 et seq. of Title 34 of the Code of Federal Regulations, Sections 827, 4514, 5328, and 10850 of the Welfare and Institutions Code, Section 2890 of Title 17 of the California Code of Regulations, and Sections 49060 through 49079 of the Education Code. The SOC SELPA and member Districts will ensure that all student records and identifiable information is stored in a secure manner to maintain confidentiality for all students receiving special education and/or related services.

9. PART C TO B, TRANSITION (20 USC § 1412 (A) (9))

Assurance

"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:

Procedures

The SOC SELPA and member Districts will develop procedures to ensure that IEP teams meet no later than the third birthday for any child that received services through

Part C of IDEA in order to allow for a smooth transition and determination of eligibility for special education and/or related services under Part B of IDEA.

For infants previously identified as candidates for special education services under Part C, the transition process to determine eligibility for Part B begins at 2.6 years when the Regional Center of Orange County discusses a transition plan with the family and makes the referral to the SELPA. The SELPA will review all relevant information in consultation with the family to develop an assessment plan. The evaluation is conducted and the results are reviewed to determine eligibility for Part B before the child's third birthday to ensure a smooth transition of services and prevent any delay (see Appendix C).

#### 10. PRIVATE SCHOOLS (20 USC § 1412 (A) (10))

##### Assurance

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

##### Procedures

The SOC SELPA policy ensures that the SOC SELPA locates, identifies, and evaluates all children who may be eligible for special education and related services. Child-find activities for parentally placed private school children are similar to those activities undertaken for pupils in public schools.

IDEA 2004 determined that the District where the private school is located is responsible for conducting child find activities for children enrolled by their parents in private schools. All Districts in Orange County have signed a written agreement that states that the District of residence of the private school student will be responsible for the evaluation and determination of eligibility for special education services.

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

#### 11. LOCAL COMPLIANCE ASSURANCES (20 USC § 1412 (A) (11))

##### Assurance

"It shall be the policy of the SOC SELPA 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 Individuals with Disabilities Education Act,

the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.” The policy is adopted by the SELPA as stated:

Procedures

The SOC SELPA follows State and Federal guidelines in the assessment, identification, and provision of services to students with disabilities.

12. INTERAGENCY AGREEMENTS (20 USC § 1412 (A) (12))

Assurance

“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 FAPE are provided, including the continuation of services during an interagency dispute resolution process.” The policy is adopted by the SELPA as stated:

Procedures

The SOC SELPA participates with the Orange County Department of Education and other agencies in the development and maintenance of Interagency Agreements to ensure that all eligible special education students receive appropriate services through designated agencies, as outlined in their Individualized Education Programs.

13. GOVERNANCE (20 USC § 1412 (A) (13))

Assurance

“It shall be the policy of the SOC SELPA and member LEAs 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:

Procedures

The purpose of the SOC SELPA is to provide quality special education and related services to all students eligible for services residing within the boundaries of either district. In adopting the Local Plan, the Saddleback Valley and Laguna Beach Unified School Districts agree to carry out the duties and responsibilities assigned within the plan. The Saddleback Valley Unified School District is designated as the Responsible Local Agency (RLA) and is, therefore, responsible for the receipt and administration of funds for SELPA use and the provision of administrative support and the coordination of the implementation of the Local Plan. The Saddleback Valley Unified School District's Board of Education and Superintendent shall serve as the Responsible Local Administrative Agency (RLA) for the SELPA with responsibilities including:

- The RLA is designated to perform such functions as receipt and allocation of regionalized services funds, and the provision of administrative support.
- The RLA shall be responsible for the employment, evaluation, and discipline of the SELPA staff unless otherwise determined through a Memorandum of Understanding.

It shall be the responsibility of the SELPA Governance Board Chairperson to evaluate the SELPA Director with input from the Governance Committee.

- Upon recommendations of the Governance Committee, the RLA Board of Education is responsible for approving the annual service and budget plans. The development of the annual service and budget plans shall coincide with the RLA budget process.
- The RLA shall implement policies and procedures for special education programs and services provided in the SOC SELPA, according to the Local Plan and Governance Committee's direction. Such policies and procedures shall include, but not be limited to, all areas specified in applicable sections of the Education Code.

#### 14. PERSONNEL QUALIFICATIONS (20 USC § 1412 (A) (14))

##### Assurance

"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:

##### Procedures

The SOC SELPA shall take steps to ensure that there is an adequate supply of qualified and adequately prepared special education, general education, and related services personnel. Such steps shall include, but not be limited to, the following:

1. Widespread recruitment of teachers and support personnel;
2. Collaboration with surrounding colleges, in their teacher education programs, design, and supervision of student teachers/interns;
3. Ongoing staff development activities for special education administrators, teachers, and support staff;
4. Ongoing staff development activities for general education administrators, teachers, and support staff.; and
5. Effective evaluation of special education staff to ensure the utilization of research-based interventions and methodologies.

#### 15. PERFORMANCE GOALS AND INDICATORS (20 USC § 1412 (A) (15))

##### Assurance

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

##### Procedures

A review of the SELPA and/or District performance goals and indicators is made on at least an annual basis to determine priorities for program improvement. The SELPA and member LEAs provide required data and reports to CDE, as necessary.

16. PARTICIPATION IN ASSESSMENTS (20 USC § 1412 (A) (16))

Assurance

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

Procedure

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

Students with significant cognitive disabilities should participate in the state alternate assessment system, in accordance with state guidelines for the determination of appropriate assessment participation. Such determination is made by the student's IEP team.

17. SUPPLEMENTATION OF STATE, LOCAL AND FEDERAL FUNDS (20 USC § 1412 (A) (17))

Assurance

"It shall be the policy of the SOC SELPA 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:

Procedure:

Students with disabilities are first and foremost general education students, and thus their base funding is the same as any other student. Part B funds are used to supplement the base funding and provide those specialized supports and services outlined in a student's Individual Education Plan.

18. MAINTENANCE OF EFFORT (20 USC § 1412 (A) (18))

Assurance

"It shall be the policy of the SOC SELPA 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 law and regulations." The policy is adopted by the SELPA as stated:

Procedure:

Both member LEAs in the SOC SELPA shall continue to fund services and programming to support their Students with Disabilities to the same levels in past years. The Responsible Local Agency shall demonstrate this commitment to spend in the Subsequent Year Tracking Form (SYT) that is submitted to the California Department of Education in November of every year, their commitment to spending the same amount of state and local funding, referred to as the "Compliance standard."

19. PUBLIC PARTICIPATION (20 USC § 1412 (A) (19))

Assurance

"It shall be the policy of the SOC SELPA 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 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:

Procedure

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

20. SUSPENSION/EXPULSION (20 USC § 1412 (A) (22))

Assurance

"The SOC SELPA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the SELPA and member LEAs assure 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:

Procedures

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



The Special Education Division is organized into geographic regions for providing focused monitoring and technical assistance and for the purpose of maintaining a close relationship with the LEAs and the performance of their students with disabilities. A database of performance indicators is kept and analysis is made on an ongoing basis to provide assistance whenever performance indicators indicate a potential problem. In this mode, excessive suspension and expulsion rates will trigger action for CDE and SOC SELPA staff to work towards a resolution to the problem. Such an indicator may also target the LEA for an on-site review if a timely and satisfactory resolution has not been implemented.

21. ACCESS TO INSTRUCTIONAL MATERIALS (20 USC § 1412 (A) (23))

Assurance

“It shall be the policy of the SOC SELPA to provide instructional materials to students who are blind 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:

Procedure:

Students with disabilities will have access to the adopted curriculum and basic instructional materials in the core subject areas. Sufficient quantities of any specialized instructional materials required to support students with disabilities must also be accessible in those same core subject areas.

22. OVER IDENTIFICATION AND DISPROPORTIONALITY (20 USC § 1412 (A) (24))

Assurance

“It shall be the policy of the SOC SELPA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.” The policy is adopted by the SELPA as stated:

Procedure:

The SOC SELPA and member LEAs regularly provide training on assessment methodology, data governance, and root causes for equity issues. Data is gathered and monitored quarterly to engage personnel in conversations related to equity.

23. PROHIBITION ON MANDATORY MEDICINE (20 USC § 1412 (A) (25))

Assurance

“It shall be the policy of the SOC SELPA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substance 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:

Procedure:

An annual review of the federal policy regarding “Prohibition on Mandatory Medicine” is provided to key personnel involved in IEP meetings.