



# Local Plan for Special Education

Approved March 26, 2018 by  
Yuba County SELPA Superintendents' Council

Dr. Francisco Reveles, Yuba County Superintendent of Schools

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California Montessori Project  
Camptonville Elementary School District  
Marysville Joint Unified School District  
Plumas Lake Elementary School District  
Wheatland Elementary School District  
Wheatland Union High School District  
Yuba County Office of Education

Approved by CDE May 17, 2018

The LEA Membership of the Yuba County SELPA include both in-county LEAs and one out-of-geographic LEA. Membership includes:

- California Montessori Project (out-of-geographic LEA)
- Camptonville Elementary School District
- Marysville Joint Unified School District
- Plumas Lake Elementary School District
- Wheatland Elementary School District
- Wheatland Union High School District
- Yuba County Office of Education

# YUBA COUNTY SELPA POLICIES AND PROCEDURES

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**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**LOCAL COMPLIANCE ASSURANCES**

**POLICY:**

The Yuba County SELPA has been formed by LEA members to assure access to special education and services for all individuals with exceptional needs.

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County 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.

This policy is designed to identify the combination of factors that will be monitored by the LEAs, SELPA, and the State to ensure that responsibilities are met and to assure the level of support is provided by the SELPA.

Reference:     E.C. 56205(a) (11)  
                  1412 (a) (11)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**LOCAL COMPLIANCE ASSURANCES**

**PROCEDURES:**

The Superintendents' Council is responsible for monitoring the approved plan to verify that each participating Local Education Agency (LEA) carries out the duties and responsibilities assigned to it within the plan. A combination of factors must be reviewed to determine the quality of a program or service or the degree to which an agency is compliant with the intentions of the law. As the State monitors LEAs and takes action to encourage and enforce compliance, it is incumbent upon SELPAs to precede State sanction with prevention and intervention activities. Through monitoring of the practices of LEAs, the SELPA can support LEA efforts, with targeted prevention activities and appropriate intervention, when necessary.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**OVER-IDENTIFICATION AND DISPROPORTIONALITY**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

Reference: E.C. 56205 (a) (21)  
20 USC 1412 (a) (24)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**OVER-IDENTIFICATION AND DISPROPORTIONALITY**

**PROCEDURES:**

Each Local Education Agency (LEA) member of the Yuba County SELPA shall, with SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation by race and ethnicity of students with disabilities. The SELPA shall provide the following assistance:

- Student trend data pertinent to the disproportionate calculation as reported to the California Department of Education (CDE) through the statewide reporting system.
- Provide up-to-date training and information provided to the SELPAs by CDE.
- Continue to apprise LEA members concerning fiscal changes and/or responsibilities related to the potential transfer of local assistance funds to reduce disproportionality under the Early Intervening requirement of IDEA.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**GOVERNANCE**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan.

The LEAs within the Yuba County SELPA join together to assure access to special education and services for all eligible individuals. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the Local Plan. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

Reference:     E.C. 56195.1  
                  E.C. 56205 (a) (12)  
                  E.C. 56205 (b) (6)  
                  20 USC 1412 (a)(13)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**GOVERNANCE**

**PROCEDURES:**

**Purpose**

The function of Yuba County SELPA is to assure provision of a continuum of special education programs, services, and supports to eligible individuals through coordinated efforts of local educational and community agencies.

The Yuba County Special Education Local Plan Area (SELPA) described herein is a joint county/district plan. Yuba County SELPA is composed of five local education agencies (LEAs), the Yuba County Office of Education, and out of geographic area charter LEAs.

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The function of Yuba County SELPA for out of geographic area charter LEAs is to assure provision of a full continuum of special education programs, services and supports to eligible individuals through coordinated efforts of local and regional educational and community agencies.

**Description of Governance**

There are two governance levels and two advisory units in Yuba County SELPA. The governance levels include Superintendents' Council and Operations Council. The advisory units include SELPA Finance Advisory Committee and Community Advisory Committee. All committees operate under the requirements of the Brown Act, providing a method by which members of the public may address questions or concerns to the governing body.

**Governance**

**Superintendents' Council**

The Superintendents' Council shall consist of the superintendent of each of the participating LEAs, each of whom shall provide a liaison function between the LEA governing board and the Council. LEA Superintendents exercise their authority and responsibilities in accordance with policies and procedures of their local governing boards and within the voting procedures of the Superintendents' Council.

The LEA governing boards agree that they shall participate in the operation of the SELPA for the purposes of ensuring provision of programs and services. The Superintendents' Council facilitates this responsibility. Each superintendent/executive director, or administrative designee, participates in the Council meetings as representatives of their district/LEA/Charter Consortium.

One representative from each LEA shall be appointed to represent the LEA on Superintendents' Council. LEAs considered as direct services districts are represented by the Yuba County Office of Education. There must be four out of the six LEAs present to make a quorum.

The Superintendents' Council, with direction from the LEA governing boards, shall act to:

1. Approve policy for the SELPA regionalized services and program specialists.
2. Approve budget for the SELPA regionalized services and program specialist.
3. Review the annual budget and service delivery plans.
4. Approve regulations and procedures for the operation of the SELPA.
5. Review and make recommendations to resolve conflicts referred from Operations Council.
6. Approve all Memorandums of Understanding and agreements.
7. Determine and provide direction on matters pertaining to SELPA/Regionalized Program personnel, Local Plan, program and service requirements, and allocation of special education funds.
8. Provide direction, consultation and technical assistance to the Local Education Agencies and the Superintendent of the Responsible Local Agency.
9. Provide a consistent forum to develop, review and approve policy.
10. Recommend to the Superintendent of the Responsible Local Agency a qualified candidate or candidates to be employed as the SELPA Director.

#### **Operations Council**

Operations Council will consist of one representative appointed by each Local Education Agency. Operations Council shall be a governing body advising to the SELPA Director and the Superintendents' Council. Operations Council members are responsible as individuals for the operation of Local Education Agency programs to ensure that all eligible children with disabilities receive appropriate services.

Operations Council, with direction from the LEA governing boards, shall act to:

1. Establish operational procedures and make decisions on any matters regarding implementation, administration and operation of special education programs in accordance with the Local Plan.
2. Meet as often as necessary during the year to implement the business of the Special Education Local Plan Area and to provide the necessary direction and guidance to the SELPA Director.
3. Develop rules, regulations and procedures to ensure effective management and content of special education programs and services.
4. Advise the SELPA Director and the Superintendents' Council regarding the status, accomplishments and needs of special education programs operated within the Local Education Agencies.
5. Provide technical advice and assistance to the Superintendents' Council and the SELPA Director.
6. Provide leadership and support through inter-district relationships, to implement the Local Plan, including any regionalized services/programs.
7. Act as liaison with parents, community resources, other Local Education Agencies, the SELPA Director, and the Superintendents' Council.
8. Gather, interpret, and report data regarding the implementation, administration and operation of the Local Plan.
9. Coordinate and facilitate the day to day participation of Local Education Agency special education personnel and utilize other available LEA resources to improve special

education services in accordance with the provisions of the Local Plan and decisions made by the Superintendents' Council.

10. Advise the SELPA Director of the annual program needs of the Local Plan Area to be considered in the development of the Annual Budget and Service Plans and recommend programs and supports to be considered for inclusion in the Regionalized Services Program budget.
11. Participate in the development of appropriate special education services which will ensure that when specified in the pupil's IEP, pupils with disabilities will have access to the same education programs as for non-disabled pupils; and programs and services will be equivalent to those of non-disabled pupils at the various age/grade levels.
12. Functions in accordance with the Local Plan.

### **SELPA Finance Advisory Committee**

The SELPA Finance Advisory Committee is a group that advises and provides formalized structure to develop and review regionalized special education programs and monitor federal, state, and local funds allocated for special education programs in addition to the associated costs across the SELPA in a strategic manner. The group is comprised of both business officials and program directors in order to provide a balanced perspective in making recommendations to the Superintendents' and Operations Councils. The SELPA Finance Advisory Committee will meet at least twice a year.

Responsibilities of the SELPA Finance Advisory Committee:

1. Generate program development recommendations for the following year.
2. Ensure standardization of between-district MOUs.
3. Achieve long range strategic planning.

In order to achieve these goals, the SELPA Finance Advisory Committee planning process will include:

1. Examining regional program budget information per the SELPA Allocation Plan, including all interim reports, special education staffing ratios, programs currently in place, growth patterns, cost-cutting strategies, bill-back calculation factors, current enrollment figures, etc.
2. Collecting data/information from all LEAs as appropriate.
3. Compiling data into a meaningful, standardized format.
4. Sharing information with decision-makers.

### **Community Advisory Committee**

The Community Advisory Committee (CAC) serves the Special Education Local Plan Area and the Superintendent of the RLA in an advisory capacity, in accordance with Education Code 56190-56194, by-laws, and procedures specified in the Yuba County Special Education Local Plan Area Community Advisory Committee Handbook.

The CAC may be composed of parents of individuals with exceptional needs enrolled in public or private schools, other parents of pupils enrolled in school, individuals with exceptional needs enrolled in special education programs, general education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons connected with the needs of individuals with exceptional needs. *California Ed Code 56192*

The majority of the CAC shall be composed of 51% parents of students enrolled in schools participating in the local plan, and at least 51% of such parents shall be parents of individuals with exceptional needs. *California Ed Code 56193*

The CAC shall:

1. Assist in parent education regarding special education laws and responsibilities.
2. Recruit parents and other volunteers who may contribute to the implementation of the Local Plan.
3. Encourage public involvement in the development and review of the local plan.
4. Act in support of individuals with exceptional needs.
5. Inform and advise Special Education Local Plan Area staff regarding community conditions, aspirations, and goals for children with disabilities.
6. Make recommendations for annual priorities to be addressed by the SELPA.
7. Assist in parent education and in recruiting parents/guardians, volunteers, and agencies who may contribute to the implementation of the Local Plan.
8. Encourage community awareness and involvement in the development and review of the Local Plan.
9. Support activities on behalf of children with disabilities.
10. Facilitate communication between schools, parents/guardians, and community.
11. Assist in parent awareness of the importance of regular school attendance.
12. Establish and review by-laws to govern committee operations, including a procedure designed to provide for a systematic rotation of the membership.
13. Communicate with the district Superintendents' Council/Operations Council representative about information to be shared with other parents/guardians.

No person may advocate for a child as a CAC representative or speak for the CAC without prior written approval of the membership.

Parents who are voting members will be nominated to the CAC through their LEA administration or through the CAC membership committee. Each applicant shall be approved by a LEA board of trustees. *California Ed. Code 56191*. Service terms will be for at least two years.

### **Governing Boards**

Per Ed Code 56205, each Board of Education is responsible for approving the participation of their LEA in the local plan for special education. The Governing Board of each Local Education Agency will have the responsibility to operate those programs which have been assigned to the Local Agency through the Annual Budget Plan developed for the Local Plan Area, maintain an awareness of the special education activities of the Local Plan through the Local Education Agency Superintendent and participate in the development and implementation of policy decisions as provided for in the Local Plan.

### **Responsibility of Local Governing Boards**

1. Carry out the duties and responsibilities assigned to each LEA.
2. Annually review and approve special education programs and services of the Local Education Agency.
3. Operate local programs consistent with state and federal law and regulations and policies and procedures approved for the Special Education Local Plan Area.

4. Designate the Superintendent of the LEA to participate in the development and adoption of policies related to the governance and operation of the Special Education Local Plan Area.
5. Develop and adopt policies for the operation of the Local Education Agency, which are consistent with those of the Special Education Local Plan Area, and which promote the concept to ensure access to appropriate programs and services for all children with disabilities.
6. Participate in the nomination, selection, and appointment of Local Agency representatives to the Community Advisory Committee.
7. Provide suitable housing for special educational programs maintained by the Local Education Agency.
8. Cooperate with the Superintendent of the RLA and the governing boards of participating Local Agencies to assure the availability of appropriate services to eligible individuals regardless of District of Residence.
9. Approve the state-required policies of the Local Plan developed for the Yuba County Special Education Local Plan Area prior to review by the State Department of Education.
10. Ensure LEA compliance with all elements of the Local Plan.

#### Governing Board Responsibilities for Policy Making

Suggestions leading to the development of policy statements and/or changes in existing policy may originate at any level within the governance structure of the Yuba County Special Education Local Plan Area or from the Community Advisory Committee in its capacity. Policy considerations are to be dealt with in accordance with the following procedure:

1. All suggestions and/or requests for policy development or change are to be directed to the Superintendents'/Operations Council, passing through any intermediate review steps, as dictated by the governance structure.
2. The Superintendents'/Operations Council will consider all such requests.
3. If the Superintendents'/Operations Council determines such a policy is desirable or needed, the Council will have a draft of such a policy written.
4. The SELPA Director will draft recommended policies in consultation with LEA representatives.
5. The Superintendents'/Operations Council will take action to approve or reject the proposed policy. A policy will be considered adopted when a majority of the Superintendents'/Operations Council has approved.

#### Changes in the Governance Structure

Any changes in the governance structure of the Yuba County Special Education Local Plan Area, including dividing the SELPA into more than one operating entity, changing the designation of and/or responsibilities of the Responsible Local Agency are subject to specific provisions of Education Code Sections 56140, 56195, et seq., 56195.7 et seq., and 56205 et seq.

1. Any local agency which is currently designated as a Local Education Agency (LEA) participating in the Yuba County Special Education Local Plan Area may elect to pursue an alternative option from those specified in Education Code (E.C.) Section 56195.1 by notifying the Superintendents'/Operations Council by March 1 prior to the date the alternative plan would become effective (E.C. 56195.3(b)). By February 1 of the year prior to any requested change, any participating governing board may petition to reconsider its participation in the Local Plan area in accordance with Education Code 56171 (b). Superintendents'/Operations Council shall be notified in writing. If the change results in additional Local Plans within the Yuba County area, assurance must be made that the plan is compatible with other local plans in the county. In addition, the State Director of Special Education will be notified after the application or

petition by a governing board is made. The change will become effective on July 1 of the year following the final approval by Superintendents'/Operations Council.

2. Any alternative plan of an LEA is subject to the approval of the Superintendents'/Operations Council which would have school districts as participating agencies in the alternative plan. (E.C. 56195.1)
3. Approval of a proposed alternative plan by the Superintendents'/Operations Council must be based on the capacity of the district(s) to ensure that special education programs and services are provided to all children with disabilities. (E.C. 56140 (b))
4. If an alternative plan is disapproved by the Superintendents'/Operations Council, the SELPA office shall return the plan with comments and recommendations to the district(s) within 45 days pursuant to Education Code 56140 (b). The district or districts participating in the alternative plan may appeal the decision to the Superintendent of Public Instruction. (E. C. 56140 (b) (2))
5. Any alternative plan to be submitted by a district or a group of districts currently participating in the Yuba County Local Plan must meet the standards established by the State Board of Education and not adversely affect the size and scope status of the current local plan.
6. Any changes in the designation of the Responsible Local Agency for the Yuba County Local Plan must conform to the above code provisions and the administrative provisions for approval as specified in the Local Plan.

Disagreements among the participating agencies of the Yuba County Local Plan which cannot be resolved within the standard operating procedures specified in the Local Plan will be referred to the Superintendents' Council for a decision. If the Council is unable to resolve the matter, a final decision will be made by the RLA Superintendent.

#### **Changes in LEA Membership**

Should a Local Education Agency consider terminating membership in the Yuba County SELPA, notification of such consideration must be submitted in writing to the SELPA by July 1<sup>st</sup> of the preceding year. When that Local Education Agency has decided to terminate membership in the SELPA, it shall submit a written notice to exit the SELPA by January 1<sup>st</sup> prior to the July 1<sup>st</sup> date of change.

#### **Responsible Local Agency/Administrative Unit**

The Responsible Local Agency (RLA) is the Yuba County Office of Education. The Yuba County Superintendent is the RLA Superintendent. The Yuba County Office of Education is the Administrative Unit (AU). 56205 (a) (12)

#### **Responsibilities of Superintendents**

The Yuba County SELPA is comprised of a Responsible Local Agency (RLA) Superintendent and Local Education Agency Superintendents (approved LEA members). Each superintendent has responsibilities as described below.

The County Superintendent of Schools of Yuba County shall be designated as the Superintendent of the Responsible Local Agency. The RLA Superintendent will serve as chairperson of the Superintendents' Council and will have the responsibility for the coordination and implementation of the Local Plan in accordance with approved policies and procedures.

#### Responsibilities of the Responsible Local Agency Superintendent:

1. Coordinate and schedule (with input from the Superintendents' Council and the Administrator of the Local Plan Area known as the "SELPA Director") the time, date and place for meetings of the Superintendents' Council and Operations Council.
2. Serve as the employer for personnel who have responsibilities throughout the Local Plan Area, such as the SELPA Director and classified employees of the SELPA. Employment of such personnel will be in accordance with personnel policies and practices of the Yuba County Office of Education and in coordination with any procedural employment policies approved by the Superintendents' Council.
3. Coordinate the job posting, interviews, hiring and compensation of the SELPA Director, together with the members of the Superintendents' Council. The SELPA Director serves at the pleasure of all district Superintendents and the Executive Director of the out-of-geographic area charter school.
4. Arrange for and coordinate the management evaluation of the SELPA Director with the members of the Superintendents' Council, including discipline and termination, if necessary, to insure that all district Superintendents and the Executive Director of the out-of-geographic area charter school have input into the evaluation process. The RLA Superintendent shall discuss employment issues regarding the SELPA Director with the Superintendents' Council.
5. Provide suitable office space for both certificated and classified employees of the SELPA.
6. Receive and maintain accountability for the use of Regionalized Service funds appropriated to the Special Education Local Plan Area.
7. Establish appropriate record keeping procedures to be followed by each Local Education Agency for purposes of maintaining accurate fiscal and accounting records in accordance with State and Federal requirements and submit required reports to the appropriate authorities.
8. Provide technical support of the statewide reporting system necessary to comply with the requirements of the California Department of Education.

#### Responsibilities of the Superintendent of the Local Education Agency

1. Provide leadership within the Local Education Agency in support of the special education programs.
2. Represent the Local Education Agency as a member of the Superintendents' Council.
3. Act as a liaison between the governing board of the Local Education Agency and the Superintendents' Council.
4. Advise the Local Education Agency governing board of policies adopted by the Superintendents' Council and provide the governing board with copies of such policies.
5. Recommend the adoption of Local Education Agency special education policies to the governing board.
6. Annually recommend to the governing board the modifications of Local Education Agency special education programs which are necessary to meet the changing needs of the students, to be included in the required Annual Service and Budget Plans submitted to the SELPA.

**The SELPA Director** will coordinate the operation of all special education services of the SELPA pursuant to law and will administer those functions delegated to the SELPA pursuant to the Local Plan adopted by the Superintendents' Council. The SELPA Director serves under the direction of the Superintendents' Council and assumes responsibility for duties delegated by the Superintendents' Council in coordination with the Superintendent of the RLA.

Responsibilities of the SELPA Director - E.C. 56205 (D) (ii)

Under the direction of the Superintendents' Council, the SELPA Director shall be responsible to:

1. Support the development of regionalized programs.
2. Meet with the Superintendents' Council to keep them informed of the status of the special education programs as needed.
3. Establish a procedure for the regular distribution of the agenda and minutes of meetings of the Superintendents'/Operations Council, Finance Advisory Committee, and the Community Advisory Committee.
4. Serve as the Chairperson of Operations Council and assist members to implement each LEA's responsibility under the Local Plan.
5. Function as secretary to the CAC to assist in promoting community involvement and work closely with the Committee to develop recommendations to be presented to Superintendents'/Operations Council.
6. Coordinate with LEAs that run regionalized programs to prepare annual budget that is submitted to the Superintendents' Council, in the spring prior to the start of the school year.
7. Facilitate conversations regarding the status of special education programs and services within the SELPA for the Superintendents' Council and others, as appropriate.
8. Recommend employment of, assign, supervise, and evaluate SELPA staff employed by the RLA.
9. Provide assistance to SELPA staff to carry out their responsibility to ensure that all pupils have access to full educational opportunity.
10. Provide necessary procedures and data to the RLA to allocate federal and state funds to the LEAs within the SELPA.
11. Provide support to the LEAs of the SELPA in their operation of special education programs and services.
12. Monitor the appropriate use of federal, state and local funds allocated for special education programs.
13. Prepare program and fiscal reports required of the SELPA by the state and manage the data to comply with all state requirements that are submitted to the statewide reporting system.
14. Confer with the RLA Superintendent to schedule regular meetings of the Superintendents' Council. Schedule regular meetings for the Superintendents' Council, Finance Advisory, and Community Advisory Committee for policy and budget development, support, and information sharing.
15. Ensure the implementation of all federal, state and local responsibilities of the SELPA, including personnel development and procedural safeguards and other assurances.
16. Develop and recommend to Superintendents' Council, a plan for personnel development, including training for staff and parents.
17. Coordinate procedures to assist LEAs with NPS/NPA services, including responsibility for negotiating rates and executing Master Contracts on behalf of all LEAs in the SELPA.

18. Assist LEAs in mediation and due process hearings.
19. Recommend to Superintendents' Council, a plan for the sharing of Regionalized Service funds when Local Education Agencies are required to perform duties related to staff development, fiscal and accounting reports or other data gathering activities associated with required reporting activities.

#### Regionalized Services to Local Programs

Regionalized services shall include:

#### **Program Specialist Services** - E.C. 56368 (a)-(b)(5)

A Program Specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with disabilities and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of major disabling conditions.

A Program Specialist may do all the following:

1. Observe, consult with, and assist resource specialists, designated instruction and services instructors, and special class teachers.
2. Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.
3. Participate in each school's staff development, program development, and innovation of special methods and approaches.
4. Provide coordination, consultation and program development primarily in one specialized area or areas of his or her expertise.
5. Be responsible for assuring that pupils have full educational opportunity regardless of the district of residence.
6. Provide services as directed by the Superintendents'/Operations Council.
7. Personnel development for staff, parents/guardians, members of CAC, volunteers, and governing boards as appropriate. Such staff development programs will be coordinated with other staff development programs in the SELPA.
8. Evaluation responsibilities for ongoing comprehensive evaluations of special education programs as per the evaluation plan and requirements of the California Department of Education-Special Education Division (E.C. 56600, et seq.).
9. Curriculum development and support for special education programs and services in the SELPA.
10. Ongoing review of special education programs and procedures in the SELPA, and mechanisms for correcting any identified problems. Such review and procedures will be in accordance with any state level procedures, but may include local interventions starting at the most direct level of intervention, e.g., district support to the classroom teacher who needs it, or training and instruction in the identified problem area.

The allocation of funding for Program Specialists is determined by Operations Council and approved by Superintendents' Council annually. The determination is made in the following manner:

1. Prior to February 1 of each year, the Operations Council reviews the projected funding allocation for the upcoming year.
2. The Operations Council reviews the present services being provided and discusses any recommendations for modification of the present allocation.
3. The Operations Council develops a plan for the allocation of the program specialist funds. The plan is presented at the Joint Meeting of the Superintendents' Council and Operations Council in February.

#### Policy Statement

The Responsible Local Agency Superintendent shall employ a sufficient number of Program Specialists to meet the needs of the Yuba County Special Education Local Plan Area as supported by the regionalized service budget. Such personnel will be employed in accordance with the personnel and employment practices of the RLA and for purposes of supervision and evaluation be assigned to the SELPA Director and/or designee. Specific assignments of Program Specialists are subject to review by the Superintendents'/Operations Council.

Whenever possible, Program Specialists employed should have expertise in the area of learning disabilities and one of the following: physical disabilities, communication disabilities, severe disabilities, behavior, infant/preschool, autism, or career vocational development.

Yuba County Office of Education and particular LEAs offer regionalized services to SELPA LEA members. IEP teams may access these programs and services through the established, SELPA approved Level II referral procedures.

Regionalized services/programs may include those necessary for less frequently occurring needs, for example, more functional life-skills programs and programs for students with emotional-behavioral needs.



**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PUBLIC PARTICIPATION**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA, that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

Reference:     E.C. 56205 (a)  
                  20 USC §1412 (a)(20)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PUBLIC PARTICIPATION**

**PROCEDURE:**

The Yuba County SELPA provides multiple opportunities for public participation when developing and/or revising any policies and procedures. The SELPA adheres to the Brown Act (E.C. 54950) when providing notice to the public of such events. The general public, including individuals with disabilities and parents of children with disabilities, provide input during the Community Advisory Committee meetings throughout the school year. Their input is shared with members of the Yuba County SELPA Superintendents/Operations Council for their consideration and/or final approval.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**INTERAGENCY COORDINATION WITH OTHER AGENCIES**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA, that interagency agreements and other means for interagency coordination are in effect to ensure services required for free appropriate public education (FAPE) are provided, including the continuation of services during an interagency dispute resolution process.

Reference:     E.C. 56195.1 (e)  
                  E.C. 56195.7 (d-g)  
                  20 USC § 1412 (a)(12)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**INTERAGENCY COORDINATION WITH OTHER AGENCIES**

**PROCEDURES:**

The Local Education Agency (LEA) is responsible for obtaining all services and service providers needed as outlined in the Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP). The LEA shall monitor the statutory timelines to ensure services are provided without delay.

When another agency providing a related service fails to provide the service listed on the IEP/IFSP, the LEA is responsible and shall provide the service in accordance with an IEP/IFSP, unless otherwise provided by law, without a disruption in service, and at no cost to the parent/guardian.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**DISTRIBUTION OF SPECIAL EDUCATION FUNDS**

**POLICY:**

It shall be the policy that each Local Education Agency (LEA) member of the Yuba County SELPA is assured an equitable share of federal and state special education funds available to the SELPA to provide special education services to students residing within each LEA. Services may be provided through funds allocated to the district of residence, another school district or LEA, a county office, or another SELPA.

Reference:     20 USC § 1411 (e-f) (1-3)  
                  E. C. 56195.1

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**DISTRIBUTION OF SPECIAL EDUCATION FUNDS**

**PROCEDURES:**

All special education funding is dispersed per SELPA MOU. The SELPA Finance Committee provides every LEA member the opportunity to review current fiscal calculations and allocations to make informed recommendations to the Superintendents'/Operations Council.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PROVISION OF SPECIAL EDUCATION SERVICES IN CHARTER SCHOOLS**

**POLICY:**

This policy applies to school districts, county offices of education, and charter schools applying for membership with the Yuba County Special Education Local Plan Area (SELPA).

The purpose of this policy is to clarify the relationship between local education agencies, charter schools, member school agencies and to describe the procedures for applying for LEA status within the SELPA. This policy has the further purpose of assisting applicable charter schools and chartering districts that are members of the Yuba County SELPA with their individual and mutual responsibilities under the law. In addition, this policy has the purpose of assisting applicable charter schools and chartering agencies to meet the special education needs of all eligible students enrolled in applicable charter schools.

**Charter Schools**

Consistent with their IEPs, students attending charter schools are to be considered for special education services in a similar manner to students enrolled in other public schools in accordance with EC §47646. Charter schools within the SELPA shall comply with all requirements of applicable state and federal law regarding the provision of special education services. However, the charter school shall not discriminate against any pupil in its admission criteria on the basis of disability.

Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school. A member district reviewing the petition for the establishment or renewal of a charter school may not refuse to grant the petition solely because the charter school might enroll students with disabilities who reside in a SELPA other than the one in which the district is a member. EC §47647

Charter schools must delineate in writing the entity responsible for providing special education instruction and services. Based on the categorization of the individual charter school, the document must reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. The document must affirm that the district where the student resides, if different than the chartering entity, is not responsible for providing special education services to the students that are enrolled in the charter school. The sponsoring district is strongly advised to specify in the Memorandum of Understanding that the district will be indemnified for costs resulting from the provision of any services to student enrolled in the charter school. Prior to approval of a new charter school, or renewal of an existing charter school, the charter school petitioners(s) are required to consult with both the superintendent or designee of the chartering entity and the SELPA Director to ensure awareness of district and SELPA guidelines and timelines as they relate to special education. This provision shall also apply whenever changes are made to a charter school.

## Categories of Charter Schools

For the purposes of provision of special education services, a charter school shall be deemed either a public school within the chartering district or an LEA that receives funds and provides services independent of the chartering entity. In addition, a charter school that has been approved by the State Board of Education shall be deemed either a public school within the LEA to which the State Board of Education has delegated its supervisory and oversight responsibilities or a public school of the State Board of Education. All approved charter schools will be deemed public schools within a member district and will be treated in the same manner as any other public school of the member district until such time as the charter school obtains membership as an LEA of the SELPA.

### A. Public School within a School District or County Office of Education

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and related instruction and services in a manner that is consistent with all applicable provisions of state and federal law. The chartering entity will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students in the general education program.

The chartering entity will:

- Receive all applicable special education funds as specified in the Yuba County SELPA Allocation Plan. A charter school will not be eligible for special education funds in excess of the amount of state and federal funds to which they would be entitled if they were operating as an independent school district.
- Represent the needs of the charter school in the SELPA's governance structure.
- Be responsible for ensuring that all eligible students enrolled in the charter school receive special education and related instructional services in a manner consistent with applicable state and federal law.
- Be responsible for procuring and funding appropriate special education services wherever the student may reside. The chartering entity may contract for these services with public or private educational entities. When a student lives outside the boundaries of the chartering district, the district in which the child lives will have no responsibility to provide services or pay excess costs.

The chartering entity and the charter school may enter into agreements whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs. Where the chartering entity is a district, the charter school should be held fiscally responsible for a fair share of any excess cost, not funded by state or federal resources, which would have an impact on district general funds and which are due to the requirement to provide special education services throughout the district.

## B. Charter school as an LEA within the SELPA

A charter school may apply to become an LEA for the provision of special education services. The SELPA Superintendents'/Operations Council will determine whether the charter school has provided the requisite assurances and satisfied the criteria for LEA status established by the SELPA. The application for a charter school will be the same as for any other LEA wishing to be a member of the SELPA. EC §47645. Once granted LEA status, a charter school will participate in the same manner as other members in the governance of the SELPA.

### Applying for LEA Status with the SELPA

A school district, county office of education, or a charter school may apply to become a member of the SELPA for the provision of special education services. An applicant must request an application from the SELPA on or before January 1 of the school year preceding the school year in which the charter school or LEA anticipates operating as an LEA within the SELPA. The applicant must submit a completed application to the SELPA on or before March 1 of the school year preceding the school year in which the charter school or LEA anticipates operating as an LEA within the SELPA.

The SELPA Superintendents'/Operations Council will determine whether the applicant has provided the requisite assurances and satisfied the criteria for LEA status established by the SELPA. An application for a charter school will be the same as for any other LEA wishing to be a member of the SELPA. EC §47645. Once granted LEA status, the applicant will participate in the same manner as other members in the governance of the SELPA.

The applicant may be included as a member LEA of the SELPA if it is determined that the applicant has met the SELPA criteria, as well as meeting the requirements set forth in this policy of the Local Plan. These requirements include:

- Provide assurances that all individuals with exceptional needs (ages birth to 22) shall have access to appropriate special education programs and services.
- Provide evidence to establish that the charter school/LEA receives adequate revenue to provide a full continuum of special education programs and related services including, but not limited to, instruction, services, transportation, non-public school/agency placements, inter/intra SELPA placements, due process proceedings, complaints, and attorney fees.
- Provide assurances that each certificated employee is appropriately credentialed to serve in his/her assignment.
- Provide necessary staff as required to meet state and federal mandates.
- Follow all SELPA agreements, policies, and procedures.
- Utilize SELPA approved forms.
- Provide transportation as indicated on the student's IEP.
- Indemnify and hold harmless each of the member entities.
- Provide assurances that students will be instructed in a safe environment.
- Provide a copy of the charter school's original petition, as approved by its chartering entity, and any subsequently approved amendments to the petition (charter schools only).
- Provide assurances that they will comply with Section 504 and the Americans with Disabilities Act (ADA) and that the facilities used by the charter school/LEA do not

present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program.

- Provide assurances that they will follow all federal and state laws regarding discipline and change of placement of special education students.

Once deemed an LEA, the charter school district, county office of education, or charter school, like all other members of the SELPA, shall:

- Participate in governance of the SELPA in the same manner as other districts within the SELPA as specified in the SELPA Local Plan.
- Participate in and receive regionalized and administrative services in the same manner as other districts within the SELPA.
- Receive state and federal funding for special education in the same manner as other districts within the SELPA and as specified in the SELPA allocation plan. Any available funds will be dispersed to a new charter school or LEA member as specified within the SELPA allocation plan.
- Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction services, transportation, non-public school/agency placements, inter/intra SELPA placements, due process proceedings, complaints, and attorney fees.
- Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified student with disabilities.
- Place special education students in programs administered by other SELPA members only with the expressed consent of the receiving entity.

Special education apportionment must be used solely for the purposes of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state, and local funds apportioned to school districts, county offices of education and/or charter schools for the provision of services.

#### Recommended Administrative Guidelines for Charter School Policy

1. The Governing Board of each Yuba County SELPA member LEA shall not approve a petition for creation of a charter school unless the petition contains adequate assurances that the proposed school will comply with all provisions of federal and state law related to the rights of students with disabilities and their parents. (Individuals with Disabilities Act).
2. The Governing Board shall require that a petition include the means by which the charter school intends to serve students with disabilities. This will include a statement regarding the intent of the charter school to be deemed an LEA or a public school within a school district for the purpose of providing special education services. It is strongly advised that the petition should indemnify the sponsoring district for the cost of services to be provided to any students enrolled in the charter school.
3. A charter school may purchase special education services from the SELPA, county, or any other appropriate source in order to provide the full continuum of placement options to students with disabilities. While the county office of education and school districts within the SELPA offer services to all eligible students whose parents reside within the geographic boundaries of the SELPA, services to students whose parent reside outside the SELPA's geographic area shall be

individually negotiated. The county office of education, as well as districts within the SELPA, retain the right to bill for services provided to students attending charter schools whose parents reside outside the SELPA. Charter schools located outside of Yuba County serving students who reside within the SELPA may not access any programs or services without specific written agreement between the charter school and the entity providing the service. Such services are not limited to educational services but may include extra-curricular activities and programs.

4. The petition shall contain assurances that no student will be denied admission to the charter school based on a disability or lack of available services.
5. Prior to approving a charter school petition, the superintendent or designee of the chartering entity shall consult with the SELPA Director regarding the provision of special education services to students enrolled in the prospective charter school.
6. The charter petition, or accompanying Memorandum of Understanding, shall address the allocation of excess costs and/or the charter school's fair share of special education revenue or deficit on the district general fund.
7. The chartering entity (if the school is deemed a public school of the entity) or the charter school itself, if deemed an LEA, shall be responsible for ensuring that special education services are provided in accordance with the student's IEP.
8. Consistent with current practice within the SELPA, a charter school IEP team may place a student in a special education program provided by another educational entity (the COE or another district or SELPA) with the concurrence of the receiving entity. Upon such placement, the placing entity will be responsible for any supports and services needed by the student to benefit from the educational program, and such costs set forth in #3 above.
9. A district IEP team may place a student in a charter program only with the agreement between the educational entities (including chartering agency) and with parental consent.
10. Upon mutual agreement between a charter school and a school district within the SELPA, a district may elect to purchase services from a charter school in order to meet the needs as specified on the IEP of a student enrolled in a district program.
11. The chartering entity will be allocated special education funds that are generated by a charter school that is deemed a public school, in compliance with the Yuba County SELPA Allocation Plan and SELPA policies.
12. The chartering entity will represent the needs for charter schools that are deemed public schools in the SELPA governance structure as defined in the Local Plan. The charter school will receive SELPA and regionalized services in the same manner as other schools within the chartering entity.
13. Charter schools that are deemed an LEA will be allocated special education funds and services in accordance with the Yuba County SELPA Allocation Plan.

#### Procedures and Deadlines to Apply for LEA Member Status in the Yuba County SELPA

A school district, county office of education, or a charter school may submit a written request to become an LEA member in the Yuba County SELPA. The Yuba County SELPA will provide the applicant with the application, which the applicant will complete and return to the Yuba County SELPA. The Yuba County SELPA will review the application and decide to approve or disapprove the application. The Yuba County SELPA will not treat a request by a charter school to participate as an LEA in Yuba County differently from a similar request made by a school district or a county office of education. EC §47645 and 56203

The following deadlines apply for an applicant wishing to join the SELPA as an LEA the following school year. During the application process, an applicant charter school will continue to be deemed a public school of the chartering district.

Action	Deadline
The applicant will submit a written request for the application to join Yuba County SELPA as an LEA member	January 1
Yuba County SELPA will provide an application to the requesting applicant	February 1
The applicant will submit its completed application to Yuba County SELPA	March 1
The Yuba County SELPA administrator and/or staff will review the application and develop a written recommendation	30 days after receipt of application
The applicant and members of the Superintendents'/ Operations Council will receive copies of the written recommendation	10 days prior to item appearing on agenda
The Superintendents'/Operations Council will take action to approve or disapprove the applicant charter school as an LEA member	60 days after receipt of application

If approved, the applicant becomes an LEA member of Yuba County SELPA effective July 1 of the school year in which final approval was granted. Any available federal funds will be dispersed to a new LEA member in the same manner as other members of the SELPA, one year in arrears and calculated based on applicable special education counts.

If disapproved, the Yuba County SELPA administrator will provide the applicant with a written finding that delineates the reason(s) for disapproval.

Reference: 20 USC §1413 (a)(5)  
34 CFR 300.312  
EC §56145; 56207.5; 47605 (d)(1); 47646

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PROVISION OF SPECIAL EDUCATION SERVICES IN CHARTER SCHOOLS**

**PROCEDURE:**

**PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS VOLUNTARILY ENROLLED IN CHARTER SCHOOLS**

*Introduction*

This procedure applies to all charter schools that are authorized by a member LEA of Yuba County SELPA or granted LEA status in the Yuba County SELPA.

Students enrolled in charter schools are entitled to special education services provided in a like manner to students enrolled in other public schools. Charter schools within the SELPA shall comply with all applicable requirements of state and federal law regarding provision of special education services (Education Code section 56000 et seq., Individuals with Disabilities Education *Improvement* Act 20 U.S.C. Chapter 33). A charter school shall not discriminate against any pupil in its admission criteria on the basis of disability. Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school.

Charter schools should delineate in their petition or a memorandum of understanding (MOU) the entity responsible for providing special education instruction and services. This document should reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. This document should affirm, in writing, that the district where the student resides, if different than the chartering entity, is not responsible for providing special education services to students that are enrolled in the charter school.

*SELPA Involvement with Approval and Renewal of Charters*

Prior to approval or renewal of a charter, the superintendent or designee of the chartering entity should consult with the SELPA Administrator regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition presented should include assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the Local Plan. The petition must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services. In compliance with Education Code section 47605, each charter petition must contain a reasonably comprehensive description of the charter school's educational program. These descriptions should include descriptions of special education services, including the following:

- The specialized instruction and services available at the charter school;
- The procedures for ensuring that students are referred, assessed and served in a timely manner;
- Assurances that staff members providing special education services are appropriately credentialed;

- Assurances that the facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program;
- Assurances that disenrollment, suspension and expulsion policies and procedures must ensure that afford the protections of federal and state law are afforded to special education and 504 eligible students; and
- Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA and its member LEAs, regarding the provision of special education services in the charter school.

### *Categories of Charter Schools*

For the purposes of provision of special education services; charter schools shall be deemed either a public school within the chartering district or an LEA that receives funds and provides services independent of the chartering entity. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed an LEA following this policy and the Local Plan for Special Education (Local Plan).

#### A. Public School Within a School District or County Office

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law, no matter where the student may reside. The chartering entity will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students enrolled in other schools or programs administered by the chartering entity.

The chartering entity will:

- Receive all applicable special education funds. Funds will be allocated in the manner specified by the SELPA allocation plan;
- Represent the needs of the charter school in the SELPA governance structure;
- Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner, no matter where the child may live;
- Be responsible for procuring and funding appropriate special education services; and
- Provide necessary special education services or contract for these services with public or private educational agencies.

The chartering entity and the charter school may enter into business agreements or contracts whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs. When the chartering entity is a district, the charter school should be held fiscally responsible for a fair share of any encroachment on district general funds that is created by the

provision of special education services throughout the district<sup>1</sup>. The chartering entity may not condition granting a charter on a provision that the charter school must become an LEA.

B. Charter School as an LEA within the SELPA

A charter school that includes in its petition for establishment or renewal, or that otherwise provides verifiable written assurances that the charter school will participate as an LEA for the purposes of providing special education, may apply to become a member of the Yuba County SELPA, or another approved SELPA.

Charter schools that wish to become member LEAs in the Yuba County SELPA must submit their application must be made to the SELPA on or before January 1 of the school year proceeding the school year in which the charter school anticipates operating as a member LEA within the SELPA, unless Superintendents' Council approves an expedited process. If approved, the charter school LEA will become a member effective on July 1 of the school year in which final approval was granted. If disapproved, the SELPA administrator will provide the applicant with a written finding that delineates the reason(s) for disapproval.

Once granted membership within the SELPA, the LEA charter school will participate on an equal basis with other members in the governance of the SELPA. A charter school LEA will have equal voting power with non-charter LEAs as described in the governance section of the Local Plan.

The applicant charter school will be deemed a member LEA if the Council of Superintendents determines that the charter school has met all requirements to be included as a member LEA of the SELPA as specified in this policy and the Local Plan. These requirements include:

- Provide assurances that all enrolled individuals with exceptional needs have access to appropriate special education programs and services;
- Provide assurances that the LEA, through employment or contract, can provide the appropriately credentialed staff necessary to meet federal and state special education mandates;
- Provide assurance that the LEA will follow all applicable SELPA policies and procedures, including but not limited to;
- Identification, referral and placement (Part B, Section 1(A))
- Procedural safeguards (Part B, Section 1(B))
- Regionalized services, including excess costs (Part B, Section 1)
- Placement procedures and funding for students placed in Hospitals, Licensed Children's Institutions, Juvenile Court/Community School programs (Part B, Section 1 (E)(F)(G))
- Costs of programs and services, including transportation (Part B, Section 1 (H))
  - Use SELPA approved forms in an appropriate manner;
  - Attend SELPA sponsored in-service and trainings;
  - Place special education students in inter or intra- SELPA programs only with the expressed consent of the receiving entity and under the condition that the placing

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<sup>1</sup> EC 47646 requires that the chartering entity, if a district, charge the charter school *its* pro-rata share of district-wide encroachment. However, for consideration, the district may waive this charge. Specifics should be included in an MOU or business agreement.

- entity will be responsible for any excess costs attributable to the placement.
- Accept inter-intra SELPA placements only with agreement between the educational entities. Under such circumstances, the placing LEA will be responsible for any excess costs, including transportation, in accordance with the Local Plan; and
- Indemnify and hold harmless the SELPA and each of the member entities.

Once deemed a member LEA, the charter school, like other member LEAs shall:

- Fully participate in governance of the SELPA in the manner outlined in the Local Plan;
- Accept all responsibilities of an LEA in the implementation of the Local Plan;
- Fully comply with policies and procedures outlined in the Local Plan;
- Where applicable, contribute to, participate in, and receive the benefits of Regionalized Services;
- Receive state and federal funding for special education in accordance with the SELPA funding Allocation Plan;
- Receive any available federal funds one year in arrears and calculated based on applicable special education counts;
- Be responsible for all costs incurred in the provision of special education services, without regard for the location in which the student may reside. These costs may include, but are not limited to, instruction, services, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees;
- Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state and local funds apportioned to charter schools; and
- Return any special education apportionment not used solely for the purpose of providing special education instruction and/or services to identified students with disabilities. With the exception that charter schools may retain an agreed upon percentage for the purpose of establishing a restricted reserve account to meet unanticipated special education costs.

If the approval of a charter school requires a change in the SELPA allocation plan, such change shall be adopted pursuant to the policy making process outlined in the Local Plan. A request from a charter school to participate in the SELPA will be treated in the same manner as such a request from a school district.

Reference: E.C. 47646

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**SUPPLEMENTATION OF STATE/FEDERAL FUNDS/MAINTENANCE OF EFFORT**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to provide data assurances that funds received from Part B of the Individuals with Disabilities Education Act (IDEA) will be expended in accordance with the applicable provisions of IDEA and will be used to supplement and not to supplant state, local, and other federal funds.

Reference:     E.C. 56205 (a) (16)  
                  20 USC §1412 (a) (17)  
                  20 USC §1412 (a) (18)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**SUPPLEMENTATION OF STATE/FEDERAL FUNDS/MAINTENANCE OF EFFORT**

**PROCEDURES:**

Each Local Education Agency (LEA) member of the Yuba County SELPA shall assure Federal compliance through sound budget development and fiscal review. Each LEA shall provide the following documentation to the SELPA:

- Annual Service Plan
- Annual Budget Plan
- Annual Maintenance of Effort
- Plus any other additional fiscal or program information potentially required to meet the requirements of the policy.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**DATA**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to provide data or information to the California Department of Education that may be required by regulations.

Reference: E.C. 56195.7 (c) (4)  
20 USC § 1418

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**DATA**

**PROCEDURES:**

Each Local Education Agency (LEA) member of the Yuba County SELPA shall provide data or information to the California Department of Education that may be required by regulations.

All data is verified by the Yuba County SELPA prior to submission to the California Department of Education (CDE) via the statewide reporting system.

This data shall be collected and reported in a timely fashion to meet the required state deadlines.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PERFORMANCE GOALS & INDICATORS**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to comply with the requirements of the performance goals and indicators developed by the California Department of Education (CDE) and provide data as required by the CDE.

Reference:     E.C. 56205 (a) (14)  
                  20 USC § 1412 (a)(15)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PERFORMANCE GOALS & INDICATORS**

**PROCEDURES:**

Each Local Education Agency (LEA) member of the Yuba County SELPA shall provide data and/or information to the California Department of Education (CDE) required by regulations for purposes of the State Performance Plan (SPP). Current data reporting includes, but is not limited to, the following:

- Pupil count information through the state reporting software
- Desired Results Developmental Profile (DRDP)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PERSONNEL QUALIFICATIONS**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law and state law, including 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/guardian from filing a State complaint with the California Department of Education (CDE) about staff qualifications.

The qualifications for related services personnel and paraprofessionals shall meet the requirements set forth in federal regulation.

Reference:     E.C. 56205 (a) (13)  
                  20 USC § 1412 (a)(14)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PERSONNEL QUALIFICATIONS**

**PROCEDURES:**

The SELPA and the Local Education Agency (LEA) members shall take steps to ensure there are appropriately qualified and adequately prepared special 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 through the LEA and SELPA.

The qualifications for related services personnel and paraprofessionals shall include the following:

1. Be consistent with a state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or designated instruction and services, and related services.
2. Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with state law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to individuals with exceptional needs.
3. Local educational agencies shall take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to individuals with exceptional needs.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PART C - TRANSITION**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and family.

Reference:     E.C. 56205(a)(9)  
                  E.C. 56429  
                  17 CCR 52086  
                  17 CCR 52112  
                  17 CCR 52140  
                  20 USC 1412(a)(9)  
                  20 USC 1431

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PART C - TRANSITION**

**PROCEDURES:**

- A. Regional centers and LEAs shall develop and maintain local interagency agreements.
- B. Local interagency agreements shall include, but not be limited to, the following:
  - 1. The responsibilities of each LEA and regional center for meeting the terms of the agreement;
  - 2. Procedures for coordination of child find activities with local public agencies and regional centers to identify infants and toddlers who may be eligible for early intervention services;
  - 3. Specific procedures for coordination of referrals for evaluation and assessment;
  - 4. Procedures for the assignment of a service coordinator;
  - 5. Interagency procedures for identifying the responsibilities of the regional center and LEA for completing the evaluation and assessment and determining eligibility within the time requirements contained in Section 52086 of these regulations, when an infant or toddler may receive services from both the regional center and LEA;
  - 6. Procedures for the timely exchange of information between regional centers and LEAs;
  - 7. Mechanisms for ensuring the availability of contacts at regional centers and LEAs at all times during the year;
  - 8. Procedures for interagency IFSP development when infants and toddlers may be eligible for early intervention services from the regional center and the LEA or other state or local programs or services;
  - 9. Procedures to ensure the provision of services during periods of school vacations when services are required on the IFSP.
  - 10. Transition planning procedures which begin at least six months prior to a toddler's third birthday pursuant to Section 52112 of these regulations;
  - 11. Procedures for resolving disputes between regional centers and LEAs;
  - 12. Procedures for the training and assignment of surrogate parents; and
  - 13. Procedures for accepting transfers of infants or toddlers with existing IFSP.
- C. Local interagency agreements shall be dated and signed by representatives of the regional center and LEA.
- D. Interagency agreements shall be reviewed by both parties annually, revised as necessary, dated, and signed by both parties.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**EARLY EDUCATION PROGRAMS DESCRIPTION (BIRTH TO FIVE YEARS)**

**POLICY:**

It is the policy of the Yuba County Special Education Local Plan Area (SELPA) to provide early intervention services for infants and toddlers identified as eligible for special education services from birth to 36 months of age. The Yuba County SELPA provides the infant program services in accordance with the provision and guidelines of California's Early Start Program. The provider of these services will be Sutter County SELPA via an interagency agreement.

Reference: E.C. §56424-56432

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**EARLY EDUCATION PROGRAMS DESCRIPTION (BIRTH TO FIVE YEARS)**

**PROCEDURES:**

The Yuba County SELPA maintains an interagency agreement with the Sutter County SELPA to provide all Early Intervention Services for infants and toddlers identified as eligible for special education services from birth to 36 months of age.

The Yuba County SELPA provides administrative support to the Sutter County SELPA with intake and transition services.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PROHIBITION ON MANDATORY MEDICINE**

**POLICY:**

It shall be the policy of Local Education Agency (LEA) members of the Yuba County SELPA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

Reference: E.C. 56540.5, 56207.5,  
USC Title 20 §1400, § 1412 (a)(25)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PROHIBITION ON MANDATORY MEDICINE**

**PROCEDURES:**

Each Local Education Agency (LEA) member of the Yuba County SELPA shall prohibit school personnel from requiring a prescription for a substance covered by the Controlled Substances Act as a condition of a student attending school or receiving a special education assessment and/or services.

School personnel shall follow referral procedures as established throughout the SELPA and the LEA. Specific referral and assessment procedures are described in detail in SELPA policy and procedure documents.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**SUSPENSION/EXPULSION AND MANIFESTATION DETERMINATION**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to assure that data on suspension and expulsion rates will be provided in a manner prescribed by the California Department of Education (CDE). When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the Individualized Education Programs (IEPs) will be revised.

Reference:     E.C. 48915.5  
                  E.C. 56205 (a) (19)  
                  20 USC § 1412 (a) (22)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**SUSPENSION/EXPULSION AND MANIFESTATION DETERMINATION**

**PROCEDURES:**

The Yuba County SELPA LEA members will follow manifestation determination requirements according to both Education Code and Title 20 regulations, because all students have a right to a protected learning environment. With few exceptions, students with disabilities are subject to the same type of disciplinary procedures as their typical peers. However, it has been established that exclusion from school for more than 10 consecutive days amounts to a change in placement.

As a result, before a disciplinary action may be contemplated, a number of procedural safeguards are to be in place. A meeting to determine whether the behavior leading to disciplinary action was or was not a manifestation of the child's disability and to insure the Individualized Education Program (IEP) was implemented will be conducted at any time when removal of a student with a disability from an educational program beyond the 10th day is being considered or whenever commencing a removal that would constitute a change in placement.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**CONFIDENTIALITY**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA that the confidentiality of personally identifiable information and records maintained by the LEA relating to students with disabilities and their families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA).

Reference:     E.C. 56205 (a) (8)  
                  20 USC §1412 (a) (8)  
                  20 USC § 1417 (c)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**CONFIDENTIALITY**

**PROCEDURES:**

Each Local Education Agency (LEA) will develop local procedures to protect the identification, description, and security of student records, as well as timely access for authorized persons. These local procedures shall align with state and federal laws, which ensure parental rights to review, inspect, and copy student records, and shall protect the student and the student's family from invasion of privacy. Each LEA will develop local policies and procedures including, but not be limited to, the following:

1. Shall designate a certificated employee to serve as custodian of student records.
2. All special education student files shall have an access log requiring signature.
3. All special education student files shall be maintained in a locked secured location.
4. Notice to parents/guardians shall include:
  - access rights to records
  - fees for duplication
  - list of types and locations of information
  - amendment of records at parent's request
  - opportunity for hearing
  - consent for destruction of information
  - child's privacy rights

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**ACCESS TO INSTRUCTIONAL MATERIALS**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to provide, in a timely manner, instructional materials to blind students or other students with print disabilities according to the state adopted National Instructional Materials Accessibility Standard.

Reference: E.C. 56205 (a) (20)  
20 USC § 1412 (a)(23)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**ACCESS TO INSTRUCTIONAL MATERIALS**

**PROCEDURES:**

The Yuba County SELPA serves all pupils, ages 0-22, who are identified as individuals with exceptional needs, including those identified as having “low incidence disabilities.” It is the policy of this SELPA to follow all related federal and state laws related to low incidence disabilities.

“Low incidence disabilities” shall be defined as disabling conditions associated with: hearing impairments (deaf or hard of hearing), vision impairments (blind or visually impaired), and orthopedic impairments, or any combination thereof that adversely impact educational performance.

The Yuba County SELPA Local Education Agency (LEA) members will follow the guidelines as set forth under the SELPA Low Incidence Manual.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**READING LITERACY**

**POLICY:**

Recognizing reading proficiency is basic to the ongoing success in school and is essential for successful participation in society. It is the policy of each Local Education Agency (LEA) member in the Yuba County SELPA to incorporate the critical information presented in *The California Reading Initiative* into instructional practices as well as current state adopted ELA/ELD content standards.

Reference: State Board Requirement

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**READING LITERACY**

**PROCEDURES:**

Reading Instruction

In order to improve the educational results for students with special needs, LEA will insure early identification of students at risk of reading deficits. In addition, LEAs will provide appropriate evidence-based reading intervention for all students.

Staff Development Activities

To ensure students with disabilities achieve improved educational results, they will participate in the California Reading Initiative. To this end, the Local Education Agencies (LEAs) will include special education instructional personnel in staff development opportunities in the area of literacy, which includes the following:

- Scientifically evidence-based research in literacy and learning
- Information regarding state adopted standards and frameworks
- Strategies in differential instruction
- Strategies in state adopted standards

Alignment with State Adopted Standards

To endorse the alignment with state standards, each LEA member will include special education staff in the materials selection process, staff development in the core components of literacy instruction, frameworks, and any additional state or regional training based on new legislative requirements.

Access to the Required Core Curriculum

For the purpose of attaining higher standards in literacy, each LEA assures that students with special needs will have full access to all core curriculum and multiple tiered systems of supports.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**FULL EDUCATIONAL OPPORTUNITY**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA that all pupils with disabilities have access to the variety of educational programs and services available to nondisabled pupils, including nonacademic and extra-curricular services and activities.

Special education means specially designed instruction, at no cost to the parent/guardian, to meet the unique needs of individuals with exceptional needs, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education.

Supplementary aids and services means aids, services, and other support that are provided in general education classes or other education-related settings and in extracurricular and nonacademic settings to enable individuals with exceptional needs to be educated with nondisabled children to the maximum extent appropriate.

Reference:     E.C. 48926  
                  E.C. 56205 (a) (2)  
                  E.C. 56205 (c)  
                  E.C. 56345 (b) (3)  
                  E.C. 56368 (b) (5)  
                  20 USC § 1412 (a) (2)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**FULL EDUCATIONAL OPPORTUNITY**

**PROCEDURES:**

A full range of program options and services are provided by the Yuba County SELPA and its Local Education Agency (LEA) members. The appropriate services for a student are determined by the Individualized Education Program (IEP) team based on the student's instructional needs and not on the student's disability. Services options include:

- **General Education Classroom:** An instructional setting appropriate for inclusion and access to the core curriculum as based on the IEP decision.
- **Specialized Academic Instruction:** 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 curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.
- **Intensive Individual Instruction:** IEP Team determination that student requires additional support for all or part of the day to meet his or her IEP goals.
- **Related Services:** Refers to transportation and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, adapted physical education, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, social work services and school nurse services designed to enable an individual with exceptional needs to receive a Free Appropriate Public Education (FAPE) as described in the Individualized Education Program (IEP) of the child, counseling services including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children.
- **Related Services** does not include a medical device that is surgically implanted, including cochlear implants, the optimization of the functioning of a medical device, maintenance of that device, or the replacement of that device.

For students in out of geographic area charter school LEA, the administrative unit of the LEA and the SELPA administrative unit are responsible for providing access to special education programs. This obligation can be met by:

1. Hiring appropriately credentialed special education staff to provide services.
2. Contract with geographically contiguous SELPAs, county offices or districts to provide services.
3. Contract with non-public agency to provide personnel or services to appropriately implement IEPs.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**CHILDREN IN PRIVATE SCHOOLS**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to assure that students with disabilities, voluntarily enrolled by their parents in private school, shall receive special education and related services in accordance with local procedures. The required proportionate share of federal funds received will be allocated for the purpose of providing special education services to eligible students with disabilities voluntarily enrolled in private school by their parents/guardians.

Reference:     E.C. 56205 (a) (10)  
                  20 USC 1412 (a) (10)  
                  34 CFR 300.137

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**CHILDREN IN PRIVATE SCHOOLS**

**PROCEDURES:**

The identification, referral, assessment and eligibility criteria processes are the same for private school students as for public school students and will be provided by the student's LEA of service.

The LEA's offer of FAPE is made dependent upon a parent's decision to enroll in the local public school.

An individual Service Plan (SP) is an offer of service(s) made by the district of location where the private school resides.

The students enrolled in the private school programs by their parents are afforded the amount expended for the provision of those services by a local agency (LEA) equal to a proportionate amount of federal funds made available under federal law.

Annually, private school representatives and local education agency administrators meet to discuss provision of special education consultation and services to private school students. Information on the referral process is also shared.

Charter LEAs are not associated with a specific geographic area of service to private schools. Any questions concerning services will be referred to the school district or SELPA where the private school is located.

Reference: 56205(a)(10)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA to provide an education for all students, including those with disabilities. Each LEA recognizes that all individuals with disabilities have the right to receive a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school.

Reference:     E.C. 56205 (a) (1)  
                  20 USC 1412 (a) (1)  
                  34 CFR 300.34, 300.101, 300.320-300.325 Part B Regulations

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**

**PROCEDURES:**

Each Local Education Agency (LEA) shall provide, or arrange for provision of, special education instruction and services for individuals with exceptional needs in accordance with the federal Individuals with Disabilities Education Act (IDEA). Modifications and/or special services and aids shall also be provided as needed for students who are eligible for services under Section 504 of the federal Rehabilitation Act of 1973, the Americans with Disabilities Act and related federal regulations. Appropriate education is that combination of educational and related service(s) as determined on an Individualized Education Program (IEP) that meets the unique needs of each individual in order to benefit from his/her access to educational opportunities.

Out of geographic area charter LEAs provide FAPE through a continuum of site-based and contract services based on student needs as identified in IEPs. The out of geographic charter LEAs provide local coordination and monitoring of site-based and contract special education services. The SELPA in coordination with the out of geographic area LEAs identifies local and regional providers and assists with contract process.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member in the Yuba County SELPA that an IEP or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program.

Reference:     E.C. 56195.7 (a)  
                  E.C. 56195.8 (a) (3)  
                  E.C. 56205 (a) (4)  
                  E.C. 56301  
                  20 USC § 1412 (a) (4)  
                  34 CFR 300.321, 300.322

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

**PROCEDURES:**

The Yuba County SELPA provides a free appropriate public education (FAPE) in the least restrictive environment (LRE) to all students residing within the SELPA. LEAs provide 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 an IEP team. The IEP team is comprised of the child's parents/guardians, school staff, and other professionals with knowledge or expertise regarding the child. The IEP team shall consider the educational and nonacademic benefits of placing the student in a general education class and shall determine what support services would be needed in order to support this placement. All placement decisions should promote maximum interaction between students with disabilities and their non-disabled peers in a manner that is appropriate to the needs of both. Special education services shall be provided outside the general education classroom only when the IEP team determines that the student's individual needs cannot be appropriately met in the general education classroom.

Parents/guardians shall have the right to approve the student's placement in a special education program, and written parental consent shall be obtained before any such placement is made unless a due process hearing officer authorizes the placement. Once an IEP team has determined an appropriate placement with the parent/guardian approval, that placement remains in effect unless modified through the IEP process, mutual agreement, or a due process hearing officer order changes it. A review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PROCEDURAL SAFEGUARDS**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA that children with disabilities and their parents/guardians shall be provided with safeguards throughout the identification, evaluation, placement process, and the provision of a free appropriate public education (FAPE) to each child.

Reference:     E.C. 56205 (a) (6)  
                  E.C. 56195.7 (b)  
                  E.C. 56195.8 (a) (3)  
                  E.C. 56600  
                  20 USC Section 1412 (a) (6)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PROCEDURAL SAFEGUARDS**

**PROCEDURES:**

A. Written Notification of Procedural Safeguards

A copy of the procedural safeguards shall be given to the parents/guardians, at a minimum:

- Upon initial referral or parental request for assessment;
- Upon receipt of the first state complaint in a school year;
- Upon receipt of the first due process hearing request in a school year;
- When a decision is made to make a removal that constitutes a change of placement of an individual with exceptional needs because of a violation of a code of pupil conduct;
- Upon request by a parent.

The local education agencies of Yuba County SELPA shall ensure parents receive prior written notification and procedural safeguards.

B. Notice to Non-English Speaking Parents

The notice of procedural safeguards shall be available in the primary language of parents/guardians whose primary language is not English, unless to do so is clearly not feasible. The written notice shall be in language easily understood by the general public. Planning for the needs of non-English speaking parents shall include access to interpreters and translators, unless to do so is clearly not feasible.

Each LEA will develop a list of available interpreters and translators. LEAs are responsible for interpreter services.

C. Prior Written Notice

The Local Education Agency (LEA) shall send to parents/guardians of a student with a disability a prior written notice within a reasonable time before:

1. The LEA initially refers the student for assessment;
2. The LEA proposes to initiate or change the student's identification, evaluation, educational services, or the provision of a free appropriate public education (FAPE);
3. The LEA refuses to initiate or change the identification, evaluation or educational services of the student or the provision of a free appropriate public education (FAPE);
4. The student graduates from high school with a regular diploma.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PARTICIPATION IN STATE/DISTRICT-WIDE ASSESSMENTS**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA that students with disabilities are included in general state and district-wide assessment programs with appropriate accommodations, where necessary. For those children with disabilities who cannot participate, alternate assessment will be conducted in accordance with state guidelines.

Reference:     E.C. 56205 (a) (15)  
                  20 USC 1412 (a)(16)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**PARTICIPATION IN STATE/DISTRICT-WIDE ASSESSMENTS**

**PROCEDURES:**

Each Local Education Agency (LEA) member will be responsible for the inclusion of the students they serve in the state-wide assessment program, which extends to the preschool program. All needed accommodations and modifications will be documented through the Individualized Education Program (IEP) process and in line with the testing guidelines set forth by the State.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**CHILD FIND**

**POLICY:**

The Governing Boards of the Yuba County SELPA assure an ongoing effort to identify all individuals with disabilities including infants, children for whom English is not a primary language, students with low incidence disabilities, students attending private schools, highly mobile children, children that are homeless or wards of the State, and children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade.

Reference: E.C. 56205 (a) (3)  
E.C. 56301  
20 USC 1412 (a) (3)  
34 CFR 300.111

(Above codes refer to evaluation)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN (SELPA)**

**CHILD FIND**

**PROCEDURES:**

The Yuba County SELPA carries out a variety of activities to ensure that all individuals with disabilities residing within its jurisdiction are located, identified, and evaluated. These activities include maintaining an ongoing system of coordination, documentation and reporting with regard to child find and public awareness activities throughout the SELPA as required by statute. Child find activities extend to students ages 0-21 years. The Yuba County SELPA works closely with public agencies such as Alta California Regional Center, Head Start, California Children's Services, Yuba County Children's System of Care, Yuba County SELPA Community Advisory Committee, Family Resource Network and others as appropriate in the identification of individuals with disabilities. Information regarding services for children with disabilities is disseminated through local media on an annual basis and materials are also distributed to pediatricians, health care professionals, and other agencies within the SELPA.

Charter schools participating in Yuba County SELPA must agree to participate in activities which identify, locate and assess students with disabilities attending their schools. Charter schools identified as serving K-8 are responsible for serving students in that age range.

All LEAs, including charter school LEAs serving K-12, 9-12, or 6-12, must continue to offer FAPE to students between 19-21 years of age who are enrolled or eligible for special education program prior to age 19, who do not graduate with a diploma or completed his/her course of study. LEAs must continue to offer FAPE until the student graduates with a high school diploma or reaches the age of 22.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**EVALUATION/ASSESSMENT**

**POLICY:**

It shall be the policy of each Local Education Agency (LEA) member of the Yuba County SELPA that an evaluation/assessment and reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

Reference:     E.C. 56205 (a) (7)  
                  E.C. 56320-333  
                  E.C. 56380 (a)  
                  CCR Title 5, 3021-3029  
                  34 CFR 300.112  
                  20 USC §1412 (a) (7)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**EVALUATION/ASSESSMENT**

**PROCEDURE:**

Initial Evaluation for Special Education Services

Before the initial provision of special education and related services to a student with a disability, the Local Education Agency (LEA) shall conduct a full and individual initial evaluation of the student. Within 15 days of the referral of any student for special education and related services, the LEA shall develop a proposed evaluation plan, unless the parent/guardian agrees in writing to an extension. This 15-day period does not include days between the student's regular school session or term, or days of school vacation in excess of five school days from the date of receipt of the referral. If the referral is made within 10 days or less prior to the end of the student's regular school year, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year, or the student's regular school term. In the case of the student's school vacation in excess of five school days, the 15-day deadline shall recommence on the date the student's regular school days reconvene. The proposed evaluation plan shall meet all of the following requirements:

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;
5. Prior Written Notice Requirements shall be included with the IEP;
6. Prior to conducting an initial evaluation, the LEA shall provide the parent/guardian with a prior written notice.

Parent/Guardian Consent for Evaluations

Each LEA must first obtain informed parent/guardian consent before conducting (1) an initial evaluation to determine if the student is a student with a disability or (2) a reevaluation to determine if the student continues to be a student with a disability. 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 LEA shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services.

Informed parental consent means that the parent/guardian:

1. Has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication;
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).

It shall be the policy of each LEA member of the Yuba County SELPA that reasonable efforts must be made to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The LEA shall maintain a record of its attempts to obtain consent, including:

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.

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the LEA may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures.

For a student who is a ward of the State and not residing with his/her parent/guardian, the LEA may conduct an initial evaluation without obtaining informed consent if any of the following situations exist:

1. Despite reasonable efforts to do so, the LEA 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 LEA 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.

### Conduct of the Evaluation

The LEA 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.

The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by the LEA, county office of education, or SELPA.

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.

In conducting the evaluation, the LEA shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The LEA shall also use any information provided by the parent/guardian that may assist the LEA 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.

The LEA'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.

The LEA shall also ensure that assessments and other evaluation materials provide relevant information that directly assists persons in determining the student's educational needs which are:

1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis;
2. Provided and administered in the student's native language or other mode of communication and in the 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, vision, hearing, social and emotional status, general intelligence, academic performance, communicative

status, and motor abilities. The LEA 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.

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:

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 LEA in the same school year or leaves this LEA, the LEA shall coordinate with the student's prior or subsequent LEA as necessary and as expeditiously as possible to ensure prompt completion of full evaluations.

#### 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 child is a student with a disability and the student's 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.

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:

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;
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.

When making a determination of eligibility for special education and related services, the LEA 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 which include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills, and reading comprehension strategies. Additional factors include lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria.

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, terms, or days of school vacation in excess of five school days, from the date of the receipt of the parent's/guardian's consent for evaluation, unless the parent/guardian agrees, in writing, to an extension.

A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent or guardian.

#### Triennial Assessments

Each local education agency shall conduct a reassessment of each child with a disability if conditions warrant a reassessment, or if the child's parent or teacher requests a reassessment, but at least once every three years. The determination of whether a child requires a reassessment shall be made in accordance with federal laws.

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**LEAST RESTRICTIVE ENVIRONMENT**

**POLICY:**

It is the policy of each Local Education Agency (LEA) member of the Yuba County SELPA that to the maximum extent appropriate, children with disabilities are educated with nondisabled peers. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment occurs only when the type or severity of the disability of the child is such that education in general education classes, with the use of supplemental aids and services, cannot achieve academic progress for the demonstration of educational benefit.

Reference:     E.C. 56205 (a)  
                  E.C. 56031  
                  E.C. 56201  
                  E.C. 56206  
                  E.C. 56303  
                  State Board Policy (10/10/1986)  
                  20 USC 1412 (a) (5)

**YUBA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**LEAST RESTRICTIVE ENVIRONMENT**

**PROCEDURES:**

Each public agency shall ensure the following to address the least restrictive environment for individuals with exceptional needs:

- a. To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled.
- b. Special classes, separate schooling, or other removal of individuals with exceptional needs from the general educational environment occurs only if the nature or severity of the disability is such that education in the general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

When scarcity of population or other factors prevent an LEA from directly providing a required service for its pupils, the service may be provided by the county office, another school within the LEA of attendance, a school in a nearby LEA, or by a provider LEA by agreement.

For out of geographic charter LEAs, the local special education administrator will identify service needs. In coordination with Yuba County SELPA staff, special education service needs will be met through LEA or contracted services.